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2 STATE OF NEW YORK : COUNTY OF ULSTER  
3 TOWN OF MARLBOROUGH PLANNING BOARD  
4

X

In the Matter of

4

5

TWIN POND

6

7 Project No. 16-9013  
8 155 Mahoney Road, Milton  
9 Section 103.1; Block 1; Lot 1.3  
10

X

PUBLIC HEARING - SITE PLAN

11

Date: June 3, 2019

12

Time: 7:30 p.m.

13

Place: Town of Marlborough  
14 Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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BOARD MEMBERS: CHRIS BRAND, Chairman  
JOEL TRUNCALI  
BEN TRAPANI  
CINDY LANZETTA  
JOSEPH LOFARO  
MANNY CAUCHI  
STEVE CLARKE

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

MICHELLE L. CONERO  
PMB #276

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

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

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of  
7 Marlborough Planning Board, June 3, 2019.  
8 Regular meeting 7:30 p.m. Approval of  
9 stenographic minutes for 5/6. Twin Pond, public  
10 hearing, site plan; Buttermilk Spa Expansion,  
11 sketch, site plan; Royal Energy, sketch, site  
12 plan; Brooklyn Bottling, sketch, site plan. Next  
13 deadline: Friday, June 7th. Next scheduled  
14 meeting: Monday, June 17th.

15 CHAIRMAN BRAND: I'd like to have a  
16 motion for the approval of the stenographic  
17 minutes for 5/6, please.

18 MR. CLARKE: I'll so move.

19 MR. TRAPANI: I'll second.

20 CHAIRMAN BRAND: All those in favor?

21 MR. CLARKE: Aye.

22 MR. TRAPANI: Aye.

23 MS. LANZETTA: Aye.

24 MR. TRUNCALI: Aye.

25 MR. CAUCHI: Aye.

2 MR. LOFARO: Aye. Aye.

3 CHAIRMAN BRAND: Aye.

4 Any opposed?

5 (No response.)

6 CHAIRMAN BRAND: So carried.

7 I have for the record a certificate of  
8 attendance from the Board of Assessment Review  
9 training for Joel Truncali. It doesn't say how  
10 long.

11 Do you know how long you were there?

12 Two hours?

13 MR. TRUNCALI: Three hours.

14 CHAIRMAN BRAND: Three hours for the  
15 certificate. I'll give that to Jen to enter into  
16 the minutes.

17 First up on the agenda was Twin Pond, a  
18 public hearing. I'd like to have a motion to  
19 move the public hearing to the July 1st meeting.

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

21 CHAIRMAN BRAND: Is there a second?

22 MR. CLARKE: Second.

23 CHAIRMAN BRAND: Any discussion?

24 (No response.)

25 CHAIRMAN BRAND: All those in favor?

2 MR. CLARKE: Aye.

3 MR. TRAPANI: Aye.

4 MS. LANZETTA: Aye.

5 MR. TRUNCALI: Aye.

6 MR. CAUCHI: Aye.

7 MR. LOFARO: Aye.

8 CHAIRMAN BRAND: Aye.

9 Any opposed?

10 (No response.)

11 CHAIRMAN BRAND: So carried.

12

13 (Time noted: 7:33 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:

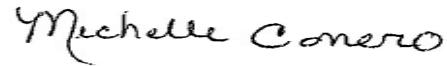
10 That hereinbefore set forth is a  
11 true record of the proceedings.

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 12th day of June 2019.

18

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MICHELLE CONERO

21

22

23

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

4 In the Matter of  
5

6 BUTTERMILK SPA EXPANSION  
7

8 Project No. 18-2012  
9 220 North Road, Milton  
10 Section 103.1; Block 2; Lot 13  
----- X

11 SKETCH - SITE PLAN  
12

13 Date: June 3, 2019  
14 Time: 7:33 p.m.  
15 Place: Town of Marlborough  
16 Town Hall  
17 21 Milton Turnpike  
18 Milton, NY 12547  
19

20 BOARD MEMBERS: CHRIS BRAND, Chairman  
21 JOEL TRUNCALI  
22 BEN TRAPANI  
23 CINDY LANZETTA  
24 JOSEPH LOFARO  
25 MANNY CAUCHI  
STEVE CLARKE  
26

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

31 APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH  
32 CJ HARTWELL-KELLY  
33 ----- X

34 MICHELLE L. CONERO  
35 PMB #276  
36

37 56 North Plank Road, Suite 1  
38 Newburgh, New York 12550  
39 (845)541-4163  
40

2 CHAIRMAN BRAND: First up,  
3 Buttermilk Spa Expansion, sketch, site plan.

4 MR. MEDENBACH: Good evening. We were  
5 here last in January. If you remember, this plan  
6 was originally approved in 2013. It's for an  
7 expansion of the existing spa, Buttermilk Falls.  
8 It included some parking and some lighting. It  
9 was a relatively large addition to the spa.

10 We put the improvements in for the  
11 parking, lighting, but did not do the addition  
12 for the spa.

13 Since the approval expired we reapplied  
14 in January to renew the site plan approval. We  
15 had a comment letter back then from your  
16 consultant, Patrick, and we have now responded to  
17 all of those issues. We're back before the Board  
18 hopefully to renew the site plan approval.

19 CHAIRMAN BRAND: Pat, do you want to  
20 run through your comments on this?

21 MR. HINES: Sure. We received the  
22 narrative report detailing the use and function  
23 of the facilities on the site. We're suggesting  
24 that be incorporated into any approval  
25 resolution.

2 The comment last time was the spa  
3 building was impacting the existing subsurface  
4 sanitary sewer disposal system. There's a  
5 modification to that. That will need approval  
6 from the Ulster County Health Department for that  
7 modification.

11 We're looking to show accessible  
12 parking at the spa location. It doesn't look  
13 like there's any accessible parking in that area  
14 immediately in the vicinity of the spa.

17 There's a sewer line, I believe a  
18 remnant either of the septic system or of some of  
19 the sewer lines that were put in that go to  
20 municipal sewer. Just show that to be removed.

24 MR. HINES: The one-bedroom house?

25 MR. MEDENBACH: -- on it's way down.

2 The smaller -- the cottage type building.

3 MR. HINES: Right in the spa area where  
4 the sewer line is going?

5 MR. MEDENBACH: That's still an active  
6 line from that cottage.

7 MR. HINES: This one is --

8 MR. MEDENBACH: There's another one  
9 that comes down that was capped.

10 MR. HINES: That's capped. The spa is  
11 going right over it where I'm talking.

12 MR. MEDENBACH: Oh, that.

13 MR. HINES: That needs to be shown to  
14 be removed.

15 MR. MEDENBACH: Okay. Got it. I  
16 wasn't sure which pipe you were talking about.

17 MR. HINES: Comments from the  
18 jurisdictional fire department haven't been  
19 received.

20 Jeff and I were just looking at the  
21 file and we need the short form E.A.F. filled out  
22 as well.

23 MR. MEDENBACH: I think we did that in  
24 January.

25 MR. HINES: I have a series of blanks.

2 MR. BATTISTONI: The one we had was  
3 signed but it was blank.

4 MR. MEDENBACH: Okay.

5 MR. HINES: It's signed by Robert  
6 Pollock.

7 MR. MEDENBACH: I thought I resubmitted  
8 a signed one. Maybe I didn't. That's not a  
9 problem.

10 MR. HINES: The amended site plan does  
11 require a public hearing. I'm not sure if we had  
12 one for this yet on the amended spa. I know it  
13 was here before. I don't think it ever reached  
14 that point.

15 MR. MEDENBACH: No.

16 MR. HINES: I think the Board could  
17 send it to County Planning. It has to go to  
18 public hearing at this point.

19 CHAIRMAN BRAND: Comments from the  
20 Board?

21 MS. LANZETTA: Yes. I just would  
22 suggest that before we send it up to County, if  
23 you could give us an inventory of the present  
24 existing lighting. Primarily they're going to be  
25 interested to see if you have full cutoff or LED,

2 or what type of lighting is in existence there.

3 MR. MEDENBACH: It's the same lighting  
4 that was previously approved by the County. We  
5 built it. It was part of the site plan that had  
6 approval. They built the parking, installed the  
7 lighting. That had gone to the County. I could  
8 resubmit the details but it was already approved  
9 and then constructed and completed, that's why we  
10 don't need to do it now. It had already been  
11 done.

12 MS. LANZETTA: I still --

13 MR. MEDENBACH: It is fully shielded.

14 MS. LANZETTA: The whole thing is just  
15 so you don't -- I'll guarantee you they'll send  
16 it back and say they want to see information on  
17 what the existing lighting is. If you don't want  
18 to hold up the review, if you could just provide  
19 us with that to send up, that would be very  
20 helpful.

21 CHAIRMAN BRAND: They said all existing  
22 lighting should be noted on there, even if it was  
23 pre-approved.

24 MR. MEDENBACH: I'm sorry?

25 CHAIRMAN BRAND: All existing lighting

2 should be noted even if it was pre-approved. We  
3 just met with members of the Ulster County  
4 Planning Board earlier.

5 MR. MEDENBACH: Right. We do show all  
6 the lighting on --

7 MR. HINES: The pictures are shown,  
8 it's just the detail of the light itself isn't.  
9 If you can provide that.

10 MR. MEDENBACH: The lamp detail --

11 MS. LANZETTA: Yes.

12 MR. MEDENBACH: -- with the  
13 photometrics probably?

14 MS. LANZETTA: Yes.

15 CHAIRMAN BRAND: Any other comments  
16 from the Board?

17 MR. MEDENBACH: We already have that,  
18 so it's not a problem.

19 CHAIRMAN BRAND: Any other comments  
20 from the Board?

21 (No response.)

22 CHAIRMAN BRAND: Jeffrey?

23 MR. BATTISTONI: My only comment is if  
24 we're going to make a referral to Ulster County  
25 Planning, I'd like to get the E.A.F. ahead of

2 time.

3 MR. MEDENBACH: Absolutely. I can get  
4 you that tomorrow.

5 MR. BATTISTONI: Good.

6 MS. FLYNN: I will need a copy also.

7 MR. HINES: Send it to Jen.

8 MS. FLYNN: A full packet of everything  
9 that needs to go to Ulster.10 MR. TRUNCALI: Pat, last time they were  
11 here there was some discrepancy in the plans that  
12 they provided, they were different than the  
13 original.14 MR. HINES: This new set of plans is  
15 consistent throughout.16 MR. CAUCHI: It's consistent from what  
17 they submitted before?18 MR. HINES: What's shown on the plans  
19 matches the details and the buildings and such.  
20 Last time Mr. Medenbach I don't think was  
21 involved.22 MR. MEDENBACH: What happened, they  
23 made some slight modifications to the building  
24 from what was previously approved and then they  
25 submitted the old site plan with the new

2 building. The old site plan didn't reflect the  
3 changes to the building.

4 MR. HINES: The building sizes were  
5 different. That's all been coordinated on the  
6 plan sheets.

7 MR. TRUNCALI: Okay.

8 MR. CAUCHI: Do we need to go to  
9 another public hearing?

10 MR. HINES: The building is different.

11 MR. CAUCHI: The building is different.

12 CHAIRMAN BRAND: This expansion of the  
13 spa is a significant change from what was there  
14 which would require the public hearing.

15 MR. HINES: You have time because you  
16 have the County Planning requirement.

17 CHAIRMAN BRAND: Do we want to wait  
18 until we hear back from the County to schedule  
19 the public hearing?

20 MR. HINES: No. I think you can  
21 schedule it.

22 MS. LANZETTA: I'll make a motion to  
23 schedule the public hearing. With the couple  
24 things that we asked for, we'll submit that to  
25 County.

2 CHAIRMAN BRAND: For the second meeting  
3 in July?

4 MS. FLYNN: It has to be the second  
5 meeting in July. The first one is not --

6 CHAIRMAN BRAND: July 15th. Do I have  
7 a motion to have a public hearing on July 15th?

8 MS. LANZETTA: I'll make that motion.

9 CHAIRMAN BRAND: Is there a second?

10 MR. CAUCHI: I'll second it.

11 CHAIRMAN BRAND: Any discussion?

12 (No response.)

13 CHAIRMAN BRAND: All those in favor?

14 MR. CLARKE: Aye.

15 MR. TRAPANI: Aye.

16 MS. LANZETTA: Aye.

17 MR. TRUNCALI: Aye.

18 MR. CAUCHI: Aye.

19 MR. LOFARO: Aye.

20 CHAIRMAN BRAND: Aye.

21 You need a submittal to the County.

22 We'll see you on the 15th.

23 MR. MEDENBACH: Thank you very much.

24 I'll have Cindy get everything over to  
25 you.

2 MS. FLYNN: Thank you.

3 (Time noted: 7:40 p.m.)

4

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

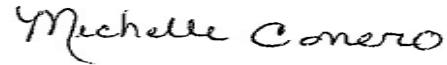
6

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 12th day of June 2019.

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MICHELLE CONERO

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

7                   ROYAL ENERGY PROP  
8

9                   Project No. 19-3002  
10                  1666 Route 9W, Milton  
11                  Section 103.3; Block 3; Lot 68  
12                  ----- X  
13

14                  SKETCH - SITE PLAN  
15

16                  Date: June 3, 2019  
17                  Time: 7:40 p.m.  
18                  Place: Town of Marlborough  
19                    Town Hall  
20                    21 Milton Turnpike  
21                    Milton, NY 12547  
22

23                  BOARD MEMBERS:    CHRIS BRAND, Chairman  
24                                    JOEL TRUNCALI  
25                                    BEN TRAPANI  
26                                    CINDY LANZETTA  
27                                    JOSEPH LOFARO  
28                                    MANNY CAUCHI  
29                                    STEVE CLARKE  
30

31                  ALSO PRESENT:    JEFFREY S. BATTISTONI, ESQ.  
32                                    PATRICK HINES  
33                                    VIRGINIA FLYNN  
34

35                  APPLICANT'S REPRESENTATIVE:   CHARLES BROWN  
36

37                  ----- X  
38                  MICHELLE L. CONERO  
39                                    PMB #276  
40                  56 North Plank Road, Suite 1  
41                                    Newburgh, New York 12550  
42                                    (845)541-4163  
43

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

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

6 Since our last presentation before the  
7 Board we widened out the fire lane all the way  
8 around the building to 26 feet and provided a 16  
9 foot offset from the fire lane to the building.  
10 I did research on this and that's the standard.  
11 The 15 foot offset matches the 50. We had the  
12 ability to do that. We're now at 37,000 square  
13 feet and change. Based upon the fire lane around  
14 the building and now the sides of the building,  
15 it doesn't have to be sprinklered as storage.

16 We're here to hopefully get the fire  
17 lane and the building size signed off on so we  
18 can proceed with the engineering.

19 The other thing is we're requesting a  
20 waiver on the curbs. The site is not curbed  
21 right now. Since we're only working on roughly  
22 half the site -- first of all, it would interfere  
23 with the current drainage on the existing areas  
24 to remain if we had to curb the whole site, and  
25 to curb a portion of the site doesn't really make

2 sense. The DOT, we've been in communication with  
3 them. They're allowing us a 30 foot wide  
4 driveway entrance. That's now shown on the  
5 plans. They're not requiring curbs. We can  
6 provide the comments.

7 Is an e-mail okay, Pat?

8 MR. HINES: From DOT?

9 MR. BROWN: Yes.

10 MR. HINES: Yes.

11 MR. BROWN: That's it.

12 MR. HINES: That's not a yes on the  
13 curbs. Curbs are up to the Planning Board. Yes  
14 to the DOT approval would be fine in an e-mail.

15 CHAIRMAN BRAND: You did receive DOT  
16 approval?

17 MR. HINES: He's going to send an  
18 e-mail from DOT.

19 CHAIRMAN BRAND: Pat, do you want to  
20 run through your comments?

21 MR. BROWN: We've been in discussion  
22 with them via e-mail and they okayed the 30 foot  
23 width and the radius. We forwarded the plan over  
24 to them. Again, they're not requiring curbs. We  
25 forwarded the plan over to them. Again, he's

2 doing everything via e-mail.

3 CHAIRMAN BRAND: Pat.

4 MR. HINES: My first comment is just  
5 that the information from the DOT should be  
6 provided. DOT does typically require commercial  
7 driveways to be curbed. If they are not, that's  
8 under their jurisdiction.

9 We're looking for additional design  
10 details for the stormwater. A couple of my  
11 comments are regarding that.

12 Comment number 3 is that the applicant  
13 is requesting a waiver from the Board's policy  
14 requiring concrete curbs on commercial sites.  
15 Curbs do control the traffic and drainage  
16 patterns and provide for a more aesthetic site  
17 plan. I'll leave that as a policy decision to  
18 the Board. We have required other commercial  
19 site plans to provide curbing on the site to  
20 control traffic, drainage, and it just makes for  
21 a more controlled site.

22 CHAIRMAN BRAND: There's no curbing  
23 there currently?

24 MR. BROWN: None.

25 MR. HINES: No.

2 CHAIRMAN BRAND: Riverview Drive?

3 MR. BROWN: None.

4 MR. HINES: No.

5 MR. TRUNCALI: Is that guardrail  
6 existing now?

7 MR. BROWN: Yes.

8 MR. HINES: Along 9W.

9 MR. BROWN: Along 9W, correct.

10 MR. HINES: Do you want to talk about  
11 the curbs or keep going?

12 CHAIRMAN BRAND: Keep going.

13 MR. HINES: Jurisdictional fire  
14 department comments should be received. I know  
15 they received copies of the plans.16 There's an existing encroachment, a  
17 concrete pad in the vicinity of the propane tanks  
18 to the rear. We're looking for the volume of  
19 that propane tank to be identified. I know  
20 they're existing but depending on the volume  
21 there's a certain distance from the property  
22 line.

23 MR. BROWN: They're 5,000 gallon tanks.

24 They are too close to the property line. I

25 discussed it with my client. He only needs two

2 of them. He will eliminate two and relocate the  
3 two. I think it's a 10 foot setback to the  
4 property line based upon the volume of the tank.  
5 Based upon the tank volumes, they're in the  
6 category of, I'm pretty sure it's 10 foot.

7 MR. HINES: They're going to move the  
8 tank --

9 MR. BROWN: Yes.

10 MR. HINES: -- and they're going to  
11 eliminate the encroachment?

12 MR. BROWN: Yes. The tanks you mean?

13 MR. HINES: The tanks are going to be  
14 moved but there's then a concrete pad encroaching  
15 the driveway.

16 MR. BROWN: The concrete pad and the  
17 driveway are being used by both my client and the  
18 Hepworths. We'll have to provide a cross use  
19 agreement.

20 MR. HINES: Easement.

21 MR. BROWN: Easement.

22 MR. HINES: I think we're looking for  
23 an easement.

24 MR. BROWN: Easement and agreement.

25 Yes.

2 MR. HINES: The septic system for the  
3 new structure. The new plans you sent us have  
4 three restrooms in the facility.

5 MR. BROWN: Correct.

6 MR. HINES: We just don't know where  
7 that -- there's nothing shown on the plan where  
8 that's going.

9 MR. BROWN: We're still trying to get  
10 the soil testing done. First it was the weather,  
11 now the machine is sitting there and they can't  
12 get it started. They're working on it right now.

13 MR. HINES: You've addressed the fire  
14 sprinkler system?

15 MR. BROWN: I'll provide that.

16 MR. HINES: We're looking for the  
17 drainage plan, site lighting.

18 A County Planning referral is required  
19 but we'll need the stormwater and the lighting,  
20 grading, those details.

21 The use of the proposed existing  
22 building, we're looking for details on that in a  
23 narrative report identifying the processing and  
24 the storage of material, the intensity of use,  
25 trucks, vehicle traffic, waste product, hours of

2 operation. I think the Board asked for a  
3 majority of that information earlier. There  
4 apparently is going to be or is processing of  
5 agricultural products on the site. They're  
6 looking for some detail on that.

7 MR. BROWN: Okay.

8 MR. HINES: And then we've got Jeff's  
9 comments on the encroachment. You're going to  
10 eliminate that, you said, by providing the  
11 easement.

12 MR. BROWN: We did get the survey data  
13 from the surveyor for the pipe inverts. I have  
14 that information also.

15 CHAIRMAN BRAND: Jeff, did that comment  
16 answer or address the letter that you sent out?

17 MR. BATTISTONI: I think so. In my  
18 letter I said the applicant has to get an  
19 easement for the encroachment -- it's the gravel  
20 driveway and the concrete pad that encroach on a  
21 neighbor's property -- for you to approve a site  
22 plan with an encroachment. If they get an  
23 easement from that property owner, that would be  
24 satisfactory.

25 CHAIRMAN BRAND: Questions or comments

2 from the Board?

3 MR. CLARKE: I have a question. On the  
4 northwest corner of this proposed building,  
5 what's the elevation from the ground up to the  
6 floor level of the building?7 MR. BROWN: It's about 6 to 8 feet  
8 difference.

9 MR. CLARKE: 6 feet from the ground up?

10 MR. BROWN: No. The ground is 6 feet  
11 higher. On the north -- oh, northwest?12 MR. HINES: The northwest. I think  
13 it's about 12 feet.14 MR. BROWN: Again we have a large  
15 machine out there. We're going to do not only  
16 the testing for the septic system but also dig  
17 the ground so that we can determine the final  
18 floor elevation of the building without getting  
19 into the rock. Over there it's -- there's a  
20 gully through there. I'd have to look.21 MR. CLARKE: It's going to require a  
22 substantial amount of fill to bring that up to  
23 grade.24 MR. BROWN: Yeah. Or a retaining wall.  
25 Essentially we can use the foundation wall as a

2 retaining wall. It will be designed as a  
3 retaining wall.

4 MR. CLARKE: This is going to be a  
5 bigger building than the existing building;  
6 correct?

7 MR. BROWN: I haven't calculated up the  
8 square footage of the buildings there. There's  
9 actually three warehouses plus two houses. We're  
10 larger but by how much I don't know right now off  
11 the top of my head.

12 MR. CLARKE: I know the site. I know  
13 as you go north on the site it pulls away from  
14 the existing building. You're going to be adding  
15 substantially more -- maybe 4, 5, 6 feet more in  
16 height from where you get out to where you're  
17 going to have your north wall.

18 MR. BROWN: Yeah. 9W is quite a bit  
19 higher at that point elevation wise. That's why  
20 the guardrail is there, because there's quite a  
21 bit of elevation there.

22 MR. HINES: I don't have the new  
23 grading plan but the previous grading plan I  
24 believe showed almost a 12 foot what would be a  
25 foundation/retaining wall on the west side of

2 that building.

3 MR. CLARKE: As you get higher do you  
4 happen to hit the wall?

5 MR. BROWN: Yes.

6 MR. CLARKE: That's my concern, the  
7 wall is built to be appropriate for the height.8 MR. BROWN: I design retaining walls  
9 all the time.10 CHAIRMAN BRAND: Questions or comments  
11 from the Board?12 MS. LANZETTA: Where is the proposed  
13 septic? Where are you looking at putting the  
14 proposed septic?15 MR. BROWN: That's going to be based  
16 upon the soil testing. It obviously would have  
17 to be downhill. We could pump it if we had to..  
18 Again, it's subject to testing. We're going to  
19 be testing all over the site. We have a very  
20 large machine out there and we're going to be  
21 testing for stormwater design, we're going to be  
22 testing for the septic design and we're going to  
23 be testing for any conditions that will affect  
24 the elevation of the building.

25 MR. HINES: I think the machine was

2 there when I drove by today.

3 MR. BROWN: They're working on it.

4 Yeah.

5 CHAIRMAN BRAND: I know in the past it  
6 has been the practice of the Board, we have  
7 required all the other parcels on 9W to include  
8 some curbing. What's the Board's opinion on the  
9 curbing at this site?

10 MR. CLARKE: I think you have to be  
11 consistent.

12 CHAIRMAN BRAND: I agree.

13 MR. LOFARO: I agree as well.

14 CHAIRMAN BRAND: I think we'd  
15 definitely like to see curbing at the entranceway  
16 onto the site.

17 MR. BROWN: The DOT entrance?

18 CHAIRMAN BRAND: Correct.

19 MR. BROWN: Okay. We're not going to  
20 have to curb the existing areas that are to  
21 remain; correct?

22 CHAIRMAN BRAND: Can you repeat that?

23 MR. BROWN: We're not going to be  
24 required to curb the existing portion of the  
25 buildings on the site or parking areas on the

2 site? The driveway will not be affected by the  
3 site plan.

4 CHAIRMAN BRAND: I think in my opinion  
5 just the DOT entrance from the highway. That  
6 will give definition to where the entrance really  
7 is.

8 MR. BROWN: Okay.

9 MR. LOFARO: I agree.

10 CHAIRMAN BRAND: Any other thoughts or  
11 comments?

12 MS. LANZETTA: We haven't received  
13 anything from the firehouse yet in regards to --

14 MR. HINES: We got one comment but they  
15 haven't seen -- they have the new plan but we  
16 haven't received back on this revised one.

17 MR. BROWN: They do have a copy?

18 MS. FLYNN: Al dropped a copy off to  
19 them last week.

20 MR. BROWN: Thank you.

21 MR. LANZETTA: You're welcome.

22 MS. LANZETTA: If we're requiring 26  
23 feet around the new building, is that required  
24 around the old building that's currently in use?

25 MR. HINES: No. It's not typically --

2 you don't have to revise existing buildings.

3 That is because this building is going to be  
4 higher than 30 feet. Fire lanes are only 20 feet  
5 until the building exceeds 30 feet in height and  
6 then they go to 26 feet.

7 MR. CLARKE: For a fire truck -- I know  
8 on the north side it gets fairly wet over there.  
9 The surface on this area is going to be good  
10 enough so the fire truck can get to all sides?

11 MR. BROWN: Yes. We have to design it  
12 for a 26,000 pound fire truck.

13 MR. HINES: 78.

14 MR. BROWN: 26 per axle. Something  
15 like that. Okay.

16 MR. HINES: That's now identified as  
17 being paved too. It shows kind of a gravel  
18 surface on the details but it's labeled as to be  
19 paved.

20 CHAIRMAN BRAND: You'll pave it?

21 MR. BROWN: We have a gravel way around  
22 that. It wasn't intended for fire trucks, it was  
23 for access. We were proposing gravel.

24 CHAIRMAN BRAND: Okay.

25 MR. TRUNCALI: Are these buildings

2 going to be refrigerated or dry storage?

3 MR. BROWN: Refrigerated for frozen  
4 foods.

5 MR. TRUNCALI: Freezer.

6 MR. CAUCHI: How does that work with  
7 the sprinkler system?

8 MR. HINES: It doesn't have to be  
9 sprinklered now that the size shrunk.

10 MR. BROWN: Plus the fire lane all the  
11 way around, you get a 75 percent increase in the  
12 area of the building before you have to  
13 sprinkler. Those two things worked in our favor.

14 CHAIRMAN BRAND: Anything else?

15 (No response.)

16 CHAIRMAN BRAND: So it sounds as though  
17 you have some work to do to come back to us  
18 before we submit to County, get back with DOT and  
19 the jurisdictional fire department.

20 MR. BROWN: Thank you.

21 MS. LANZETTA: I just want to -- before  
22 it goes to the County, even though you're not  
23 changing some of the existing lighting on the  
24 older building, they're going to be asking what  
25 kind of lighting is there right now. You need to

2 provide the type of lighting that is currently in  
3 existence so they have an idea.

4 CHAIRMAN BRAND: I think Pat's comment  
5 number 12 is really important as well. We asked  
6 for that a couple of times, the hours of  
7 operation and all that kind of stuff.

8 MR. BROWN: Okay. I'll put that in a  
9 narrative, Pat?

10 MR. HINES: Yes.

11 MR. BROWN: Thank you very much.

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13 (Time noted: 7:54 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:

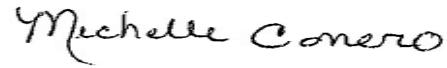
10 That hereinbefore set forth is a  
11 true record of the proceedings.

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 12th day of June 2019.

18

19



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MICHELLE CONERO

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25

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

In the Matter of

5 BROOKLYN BOTTLING

7 Project No. 19-3006  
9 Riverview Drive, Marlboro  
Section 109.1; Block 2; Lot 5.111

## **SKETCH - SITE PLAN**

10  
11 Date: June 3, 2019  
12 Time: 7:54 p.m.  
13 Place: Town of Marlborough  
14 Town Hall  
15 21 Milton Turnpike  
16 Milton, NY 12547

14                   BOARD MEMBERS:    CHRIS BRAND, Chairman  
15    JOEL TRUNCALI  
16    BEN TRAPANI  
17    CINDY LANZETTA  
18    JOSEPH LOFARO  
19    MANNY CAUCHI  
20    STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: PATTI BROOKS  
ANDREW WILLINGHAM

2 CHAIRMAN BRAND: Next up, Brooklyn  
3 Bottling.

4 MS. BROOKS: Good evening.

5 CHAIRMAN BRAND: Do you want to bring  
6 us up to speed?

7 MS. BROOKS: Sure. We had received the  
8 comments from the last Board meeting which had  
9 been substantially addressed.

10 We did receive the technical comments  
11 from McGoey, Hauser & Edsall for this particular  
12 application.

13 We have not received any comments in  
14 writing from the jurisdictional fire department.  
15 Have you, Pat?

16 MR. HINES: No.

17 MS. BROOKS: We've had offline  
18 conversations and a meeting with them. I guess  
19 we would just -- we'll request their comments in  
20 writing so that we can make sure we properly  
21 address them.

22 We have been supplied some water flow  
23 and pressure information but we're not exactly  
24 sure which location that information was gathered  
25 at. We need to do a little bit more

2 investigation as far as that goes, and then try  
3 to analyze what works best as far as extending  
4 the hydrant line on the westerly side of the  
5 building or trying to do a loop and finding out  
6 what the benefits could be if we do that. So we  
7 do need a little bit more information that we're  
8 continuing to gather on the water flow and  
9 pressures.

10 MR. TRUNCALI: Patti, I had spoken with  
11 Bob Troncillito and he was adamant about the loop  
12 and another hydrant in the back of the building.

13 MS. BROOKS: Yeah. Again, adamant  
14 about it. It all has to do with public safety,  
15 health and welfare. So what we need to do is  
16 analyze it from an engineering standpoint and  
17 find out what is the best protection system for  
18 the building. So if it can be achieved through  
19 another means, and it can be proven that it can  
20 be achieved through another means, in speaking  
21 with the water department supervisor, Mr. Muggeo,  
22 he didn't necessarily -- he didn't feel we had  
23 enough information yet to determine whether or  
24 not the loop was the best way to go. I think  
25 that's going to be an engineering decision, not

2 necessarily a personal decision. We have to do  
3 what's best for the water supply for the site.  
4 I do understand that the fire department at this  
5 point is saying that they want a loop, but we  
6 need to make sure that we have substantive  
7 engineering support to say that that is the best  
8 system for the site.

9 MR. WILLINGHAM: At first look, there's  
10 three hydrants on the site. The pressure is  
11 pretty good, 125 psi. I just got it today. It  
12 looks like there's good pressure in the fire  
13 flow.

14 The question is -- looping is always  
15 good for shut off and different things,  
16 maintenance, but it does not necessarily provide  
17 better fire flow. We just want to get all the  
18 data and figure out really what benefit that  
19 provides.

20 I know there is some shallow -- I'm  
21 hearing there's some shallow bedrock out there,  
22 so to try to put a water line in --

23 CHAIRMAN BRAND: Okay.

24 MS. BROOKS: That could be challenging.

25 As long as you're speaking why don't

2 you hit items 2 and 3.

3 MR. WILLINGHAM: So 2 and 3 are no  
4 problem. We'll provide more details on the  
5 planter, how it will be built. We're getting a  
6 landscape architect to do a typical planting  
7 plan. We'll make sure we protect the building.  
8 We'll take care of all that.

9 MR. HINES: It's a pretty unique  
10 design.

11 MR. WILLINGHAM: It's in the mangrove,  
12 so --

13 MR. HINES: What we're talking about  
14 there is for water quality they're putting, I  
15 think there's three large planters. I know they  
16 weren't labeled but you can kind of see on the  
17 plan where they are. The roof drains are going  
18 to come down into these large concrete planters.  
19 They're using almost the building wall on one  
20 side and then they'll come out. I didn't have  
21 any depth or length or width. They're going to  
22 have a planting medium in there that the  
23 stormwater is going to filter through. That's  
24 going to be the treatment method for water  
25 quality control. The existing detention ponds on

2 the site are huge. They were part of the  
3 original development. They function adequately  
4 for quantity control. They have implemented this  
5 kind of planter/vegetative landscaping feature  
6 that they're going to put against the building.

7 CHAIRMAN BRAND: What's the medium?

8 MR. WILLINGHAM: Soil. Basically it  
9 goes through the plant and the soil and filters  
10 out the bottom and goes out. It's right out of  
11 the DEC book.

12 CHAIRMAN BRAND: Do you want to go  
13 through the rest of your comments?

14 MR. HINES: Site lighting, similarly  
15 the County is going to look for that.

16 It does need to go to County Planning.

17 It will eventually need a public  
18 hearing as well.

19 MS. BROOKS: I just wanted to hand out  
20 -- I was looking for some input from the Planning  
21 Board. Right now the building is white. The  
22 question is we have two alternatives. Right now  
23 polar white -- I want to have these details when  
24 we send it to the Ulster County Planning Board.  
25 Obviously right now you can't see that building

2 from 9W, or I guess if you go down Riverview  
3 Drive and you look down you can see part of it.  
4 It's visible very infrequent times of the year.  
5 From a planning perspective, right now the  
6 building is polar white and it has some trim on  
7 it that is like the sage brushed tan, and then  
8 the little entry building when you first pull in,  
9 the guard shack or whatever we called it, is a  
10 sandstone. So the question is would the Board  
11 rather see it continue to be polar white so it  
12 has consistency or because it's such a large  
13 building would you rather see it colored like the  
14 sandstone which is a muted tone but would break  
15 the building up? I think that's a personal  
16 preference and the applicant doesn't care.

17 CHAIRMAN BRAND: You won't be  
18 repainting the portion that's there?

19 MS. BROOKS: Correct.

20 MR. CLARKE: The most visible part of  
21 it is the roof.

22 MS. BROOKS: The most visible part of  
23 it is the roof. It is going to be a metal roof.  
24 I just obtained some colors from them today as  
25 far as what the options are. I told them that it

2 needed to be a darker, nonreflective because that  
3 is -- we need to make sure there's no glare.

4 When you're coming down 9W, those are the issues  
5 that --

6 CHAIRMAN BRAND: Personally I think it  
7 should be the same so it doesn't look  
8 piecemealed.

9 MS. BROOKS: Consistency. Okay.

10 MS. LANZETTA: I would agree with that.

11 MR. LOFARO: It makes sense.

12 MR. CAUCHI: I would like to see it  
13 contrast so this way you see the new addition,  
14 something new. I like that sage brush tan  
15 personally.

16 CHAIRMAN BRAND: I think they are not  
17 going to paint the whole building that color.  
18 Half of it would be one color and half would be  
19 the other color.

20 MR. CAUCHI: The building over there is  
21 a two-tone building.

22 CHAIRMAN BRAND: It's two-tone but not  
23 two different colors for half of the building.

24 MS. BROOKS: Within my office we had  
25 this discussion and it was kind of split fifty/

2 fifty, which is why I said I'll bring it to the  
3 Board tonight. It is a very personal preference.

4 MS. LANZETTA: It's really not visible.

5 CHAIRMAN BRAND: I would go personally  
6 to keep it the same.

7 MS. LANZETTA: If it was making a  
8 difference aesthetically, you know, but the color  
9 is not going to be seen anyway because it's in  
10 the rear of the building.

11 MR. CAUCHI: Again that's my personal  
12 opinion. You might not see it from the road but  
13 if you go up, instead of a big wall we're going  
14 to see something that's got some geometry, that  
15 shows a different geometry to it. You've got a  
16 -- whatever. That's my personal preference.

17 MS. BROOKS: Since it's not visible  
18 from the road and the Board doesn't seem to have  
19 a strong leaning one way or the other, I'll leave  
20 that up to the applicant if that's okay.

21 CHAIRMAN BRAND: I'm okay with that.

22 MS. BROOKS: We did reach out to the  
23 builder today to provide the lighting plan for  
24 the new lamps because I know we do need to have  
25 that before we can send it up to Ulster County

2 Planning Board. We'll do the existing as well. I  
3 heard that earlier this evening, so I'll make  
4 sure I provide that as well.

5 I guess the question I do have this  
6 evening is we do want to get this up to the  
7 Ulster County Planning Board as quickly as  
8 possible so we can continue. We're hoping to  
9 have them review it at their July meeting. I'm  
10 trying to get everything together. Does the  
11 Board feel they have enough information this  
12 evening for a SEQRA determination? I know  
13 generally the Ulster County Planning Board  
14 prefers the SEQRA determination be made prior  
15 to --

16 MR. HINES: We usually do that after.

17 MS. LANZETTA: Patti is correct in that  
18 that is one way of making sure you ensure a  
19 complete application. We don't typically do that  
20 here in Marlborough.

21 The only thing that I would wonder is  
22 -- I know County will say of course to consult  
23 with your jurisdictional fire department but they  
24 don't comment on that typically.

25 MS. BROOKS: Correct.

2 MS. LANZETTA: If that's the only thing  
3 outstanding and you can provide the lighting  
4 details and any of the additional details that  
5 Pat asked for, I think it seems like we have  
6 everything together.

7 MR. HINES: I'm okay. I think the  
8 lighting is the only County issue that they would  
9 look at.

10 CHAIRMAN BRAND: We've sent many  
11 applications up without the SEQRA.

12 MS. BROOKS: Okay.

13 MS. LANZETTA: We don't typically do  
14 that. You're correct that the County would  
15 prefer if we did that.

16 MR. HINES: I know this Board likes to  
17 wait until after the public hearing comments are  
18 received prior to doing their SEQRA  
19 determination.

20 CHAIRMAN BRAND: I think we could send  
21 it to County as is.

22 MS. LANZETTA: I don't see why not.

23 CHAIRMAN BRAND: So let's do that.

24 MS. BROOKS: Send it to County without  
25 a SEQRA determination because you prefer to wait

2 for the public hearing comments?

3 MS. LANZETTA: Right.

4 CHAIRMAN BRAND: Then we'll schedule  
5 the public hearing for --

6 MS. FLYNN: July 15th.

7 CHAIRMAN BRAND: -- July 15th.

8 MS. FLYNN: Patti, are you going to  
9 give me packet?

10 MS. BROOKS: I will.

11 Part of the issue is that the IDA is  
12 also reviewing this application, and the IDA will  
13 not continue their review of the application  
14 without a SEQRA determination. That was our  
15 other issue with moving SEQRA along.

16 MS. LANZETTA: Part of the SEQRA would  
17 be the information from the jurisdictional fire  
18 department.

19 MS. BROOKS: Well we have already -- we  
20 understand that we need to satisfy the concerns  
21 of the jurisdictional fire department. At this  
22 point in time we're saying that we don't want to  
23 agree to a loop fire hydrant system until the  
24 engineering proves out that that is in  
25 the best interest of the project and the fire

2 department. It's longstanding understood that we  
3 need to meet the concerns of the jurisdictional  
4 fire department before final approval is granted  
5 on the project. Whether or not that is a SEQRA  
6 issue, we're obviously committing. The Board  
7 will make sure that we meet the concerns of the  
8 jurisdictional fire department. How we meet it I  
9 think right now is the only issue at hand,  
10 whether it's through a loop, whether it's through  
11 additional fire hydrants. Whatever that ends up  
12 being, the jurisdictional fire department  
13 comments will be addressed.

14 CHAIRMAN BRAND: Jeff?

15 MR. BATTISTONI: I'm not familiar  
16 enough with the Board's practice. It sounds like  
17 you want to hold the public hearing before you  
18 finish SEQRA. Is that what I heard you say  
19 before?

20 CHAIRMAN BRAND: Generally that's been  
21 the practice of the Board.

22 MR. BATTISTONI: I would suggest you  
23 stay with your practice.

24 MS. BROOKS: Is that because something  
25 additional could come up at the public hearing

2 that's environmental? If it does, obviously the  
3 SEQRA can be reopened.

5 MR. BATTISTONI: Let me back up. Was  
6 there any circulation required, do you know Pat,  
7 for the application?

8 MR. HINES: There is not. There were  
9 no other involved agencies.

10 MS. BROOKS: Just to be on the safe  
11 side, when I found out that the IDA wanted the  
12 SEQRA determination before they continued with  
13 their review process, I asked them should we have  
14 included you in a circulation because you don't  
15 really have an approval process on the project,  
16 just the financing portion of it. So just to be  
17 on the safe side I forwarded them the SEQRA and  
18 they responded back saying, as is typical of the  
19 agency, the agency hereby consents to the Town of  
20 Marlborough Planning Board acting as lead agency  
21 under the -- I do have a copy of that for the  
22 file as well. Again, I wanted to make sure that I  
23 covered all the bases even though we did not  
24 require a coordinated review.

25 CHAIRMAN BRAND: Jeff, at the July 1st

2 meeting would we be able to have a SEQRA  
3 determination resolution that we could reopen in  
4 light of the public hearing so that they can send  
5 it up to the County?

6 MR. BATTISTONI: We could do that if  
7 you want to accommodate the applicant.

8 CHAIRMAN BRAND: Board, does that sound  
9 reasonable?

10 MS. LANZETTA: I have no problem with  
11 that.

12 CHAIRMAN BRAND: Let's try to do that.  
13 We'll set up a resolution for the July 1st  
14 meeting and then that will give you time to  
15 submit to the County for that.

16 MS. BROOKS: When is the next IDA  
17 meeting?

18 MICHAEL: The first week -- well,  
19 because of the holiday, the second week in July.  
20 So it would be in time.

21 Just to add, we were hoping to have  
22 that sooner. That was the reason for the  
23 request.

24 CHAIRMAN BRAND: I think that's the  
25 best we can do.

2 MS. BROOKS: I appreciate that. I do  
3 understand.

4 CHAIRMAN BRAND: Okay. So let's move  
5 forward with that plan.

6 MR. HINES: The July 1st meeting is  
7 only for the SEQRA determination?

8 CHAIRMAN BRAND: Yes.

9 MR. HINES: I'm just wondering why you  
10 don't do it at the next meeting.

11 CHAIRMAN BRAND: Is that not the next  
12 meeting? Oh, no. I was thinking it was. My  
13 apologies.

14 MR. HINES: I'm okay if you want to do  
15 July 1st but we do have a meeting in between now  
16 and then.

17 MS. FLYNN: We do not have a meeting on  
18 the 17th.

19 CHAIRMAN BRAND: I was correct.

20 MS. BROOKS: Because you have no place  
21 to hold the meeting?

22 MS. FLYNN: Correct.

23 CHAIRMAN BRAND: On the agenda I was  
24 reading it says next scheduled meeting June 17th.

25 MS. FLYNN: That is the next scheduled

2 meeting but we can not have it because we don't  
3 have a room. The school has every room available  
4 and won't give one up.

5 MS. LANZETTA: Is there any reason we  
6 couldn't have it down at the train station?

7 MS. FLYNN: There's no tables and  
8 chairs that are set up for it.

9 MS. LANZETTA: We can set up a table  
10 and chairs. There's tables and chairs there.

11 CHAIRMAN BRAND: I think we'll just  
12 wait until July 1st.

13 MR. HINES: That's fine. Sorry. I  
14 didn't know we had a logistics issue.

15 CHAIRMAN BRAND: July 1st SEQRA and  
16 then July 15th the public hearing.

17 MS. BROOKS: Thank you very much.

18 CHAIRMAN BRAND: You're welcome.

19 Anything else from the Board before we  
20 adjourn?

21 (No response.)

22 CHAIRMAN BRAND: No. I'll take a  
23 motion to adjourn.

24 MR. CAUCHI: I'll make that motion to  
25 adjourn.

2 MR. LOFARO: I'll second.

3 CHAIRMAN BRAND: All those in favor?

4 MR. CLARKE: Aye.

5 MR. TRAPANI: Aye.

6 MS. LANZETTA: Aye.

7 MR. TRUNCALI: Aye.

8 MR. CAUCHI: Aye.

9 MR. LOFARO: Aye.

10 CHAIRMAN BRAND: Aye.

11

12 (Time noted: 8:12 p.m.)

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BROOKLYN BOTTLING

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

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I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby

certify:

10

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

12

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

16

IN WITNESS WHEREOF, I have hereunto

set my hand this 12th day of June 2019.

18

19

*Michele Conero*

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MICHELLE CONERO

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