

2 MR. TRUNCALI: I'd like to call the
3 meeting to order with the Pledge to our flag.

4 (Pledge of Allegiance.)

5 MR. TRUNCALI: "Agenda, Town of
6 Marlborough Planning Board, August 5, 2019.
7 Regular meeting 7:30 p.m. Approval of
8 stenographic minutes for 7/1. Garone's Mountain
9 Fresh Farm, public hearing, site plan; Buttermilk
10 Spa Expansion, preliminary, site plan. Next
11 deadline: Friday, August 9th. Next scheduled
12 meeting: Monday, August 19th."

13 "Legal notice, special use permit and
14 site plan approval. Please take notice a public
15 hearing will be held by the Marlborough Planning
16 Board pursuant to the Town of Marlborough Town
17 Codes 155-31 and 155-32 on Monday August 5, 2019
18 for the following application: Garone's Mountain
19 Fresh Farm LLC, at the Town Hall, 21 Milton
20 Turnpike, Milton, New York at 7:30 p.m. or as
21 soon thereafter as may be heard. The applicant
22 is asking for a commercial site plan approval and
23 special use permit for the storage of materials
24 and equipment related to a landscaping business
25 at an existing tree farm on lands located at

2 Baileys Gap Road, Section 95.4, Block 1, Lot
3 30.100. Any interested parties either for or
4 against this proposal will have an opportunity to
5 be heard at this time. Chris Brand, Chairman,
6 Marlborough Planning Board."

7 MS. BROOKS: We sent out fourteen
8 certified letters and received ten returned.

9 Again, this is a commercial site plan
10 of a 6.69 acre parcel of land located at Baileys
11 Gap Road. It's been utilized as an agricultural
12 tree farm with seasonal sales.

13 The Building Department supplied us
14 with a letter of determination that this is an
15 existing business with an existing site plan
16 continuing the same or similar use, and the
17 expansion of the use to the property as it
18 relates to the operations requires an updated
19 amended site plan.

20 MR. TRUNCALI: Okay. Pat, you had some
21 comments.

22 MR. HINES: We're awaiting County
23 Planning comments. I think they meet two days
24 from now.

25 MS. BROOKS: Wednesday night.

2 MR. HINES: We'll receive those in the
3 future.

4 It is a change of use. Four landscape
5 bins have been identified on the site which we
6 requested they show.

7 The site will operate as a contractor
8 yard along with the other uses.

9 We discussed last time the gravel
10 parking lot. I believe the applicant's
11 representative confirmed that the parking lot is
12 grown up vegetation within the existing gravel.
13 There's a substantial gravel parking lot under
14 that existing vegetation. They plan on using
15 that same gravel parking lot. We discussed that
16 last time. I don't know if the Board has any
17 other comments on that.

18 We requested information on the septic
19 system. That has been provided.

20 We want to identify the number of
21 vehicles for the landscaping business so the
22 Building Department has some idea of the scope
23 and magnitude of the project, is it three dump
24 trucks and a loader, just so it doesn't end up
25 -- whatever that is should be noted on the

2 plans.

3 MS. BROOKS: We limited the proposed
4 equipment parking to the four spaces that are
5 delineated on the plan as being 12 by 30. I
6 thought that was --

7 MR. HINES: If that's all, that's fine.

8 MS. BROOKS: -- sufficient. I mean the
9 majority of equipment will be at job sites
10 because it's not making any money if it's sitting
11 in the yard. They're not planning on having
12 equipment in the yard on a regular basis but
13 obviously sometimes it's there.

14 MR. TRUNCALI: Okay. Does anyone on the
15 Board have any questions, comments?

16 MS. LANZETTA: I'm just curious. It
17 says existing heli-pad. I'm just wondering about
18 the status of that, because under our Town Code I
19 don't believe this meets the requirements.

20 MS. BROOKS: We submitted the
21 information Mr. Battistoni had requested. With
22 our resubmission we said the heli-pad was
23 previously determined to be allowable for
24 personal use only. I did submit the
25 documentation. I do have copies of it here.

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MR. TRUNCALI: Saying that they were

not going to use it but they were going to leave
it for emergency use?

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MS. BROOKS: Right. The previous owner

had a personal helicopter and he did apply to the
Zoning Board of Appeals to be able to use it on a
commercial basis and that was denied. It was

after that that the regulations were changed in

the Town to require I believe 50 acres for a

heli-pad. This heli-pad was installed before

then. They don't use it. The signage on it is

not great anymore. Still the blacktop pad is

there but the H for the helicopter is pretty well

worn out. They're not planning on utilizing it

but they said they were not planning on removing

it because they would like to continue to make it

available for emergency services if it were ever

required. So the heli-pad use itself is not part

of this application. We have to show existing

conditions. If it would help matters I can call

it existing blacktop pad as opposed to heli-pad.

It was previously approved. We have

documentation for personal use it's approved.

MS. LANZETTA: The Zoning Board of

2 Appeals did approve it?

3 MS. BROOKS: For personal use only. He
4 wanted to have a commercial business. The owners
5 have no helicopter.6 MR. TRUNCALI: Should we have a note on
7 the map for emergency use only?

8 MS. BROOKS: Whatever --

9 MR. HINES: The gravel pad makes it
10 better because you're not approving the heli-pad.
11 If emergency services want to land --12 MS. BROOKS: I can change it to say
13 existing blacktop pad and remove the heli part.
14 I'm fine with that.15 MR. HINES: That way you're not
16 approving a use, if someone shows up and starts
17 landing a helicopter there.

18 MR. TRUNCALI: Anyone else?

19 (No response.)

20 MR. TRUNCALI: This is a public
21 hearing. If anyone in the audience has any
22 questions or comments, please state your name for
23 the Stenographer. Go ahead.24 MR. TYLER: Members of the Board, my
25 name is Ron Tyler. I and my wife occupy and own

2 the lands to the north of the applicant. We're
3 not against anyone using their land for the
4 highest and best use they can get from it. We
5 support strong relationships with our neighbors.
6 We of course aren't land use planning experts or
7 attorneys and we rely on and trust the Board's
8 ability to determine what the appropriate use for
9 lands are.

10 We would ask the Board in consideration
11 of this permit, if they issue the permit, that we
12 be considered as residential landowners abutting
13 what is now becoming a light industrial or a
14 semi-industrial property, and that any impact to
15 us in a residential area be mitigated by standard
16 means such as setbacks, noise abatement,
17 environmental assessments, things of this nature.

18 I hadn't thought about the heli-pad.
19 My wife's family has owned this property for 58
20 years. Since the heli-pad was mentioned, I know
21 there's an enormous amount of land greater than
22 what's in question here necessarily for a
23 heli-pad. Since it was brought up, we wouldn't
24 be too keen on an active heli-pad next door. Of
25 course that stands to reason.

15 MR. TRUNCALI: Thank you.

16 Is there anyone else?

17 (No response.)

18 MS. LANZETTA: I did receive an e-mail,
19 which the Board was copied on, from Mr. Garofalo.
20 He put it rather succinctly, his comments. I
21 would like to read them into the public record.

22 He requests the following be added to
23 the record: One, even if the parking spaces are
24 on gravel, the drawing should show the space and
25 dimensions.

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Two, no accessible spaces are shown.

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Three, accessible spaces should be

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paved and have a paved access route shown.

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Four, I believe one or more parking

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spaces are too close to the heli-pad and a

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helicopter approach is 15 degrees.

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Five, no drive aisle or driveway should

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pass through a heli-pad landing zone. Most

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vehicles have zero visibility above them, nor are

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most helicopters fitted to see through floors.

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Six, the site improvement may require

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State approval as modification of a private

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heliport. See attached.

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Seven, I believe it is appropriate,

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given the specific expertise regarding heli-pads,

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that the State or an independent professional

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consultant with specific expertise should be

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contacted. The Town's professionals do not have

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this expertise.

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Eight, the height of the building

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should be shown.

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I urge the Board exercise caution in

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approving this project and suggest consulting

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independent professional advice. Even though I'm

2 not an expert in this field, commonsense suggests
3 here. There were two attachments with more
4 information about heli-pads.

5 MR. TRUNCALI: If we do away with the
6 heli-pad thing, that answers most of that.

7 MS. BROOKS: Right. And we will show
8 the dimensions of the parking spaces, we will
9 show the location of the handicap spot within the
10 blacktopped area, because there is blacktop area,
11 and we will add the height. I believe that
12 covers all the rest of the items. That's fine.

13 MR. TRUNCALI: Is everybody good with
14 that?

15 MR. CLARKE: Taking away the heli-pad
16 just makes it so much simpler.

17 MS. BROOKS: Yes. Easily done.

18 MR. TRUNCALI: If there's nothing else,
19 I'll take a motion to close the public hearing.

20 MR. LOFARO: I'll so move.

21 MR. TRAPANI: I'll second.

22 MR. TRUNCALI: All in favor?

23 MR. CLARKE: Aye.

24 MR. TRAPANI: Aye.

25 MS. LANZETTA: Aye.

1 GARONE'S MOUNTAIN FRESH FARM 12

2 MR. LOFARO: Aye.

3 MR. TRUNCALI: Aye.

4 Any opposed?

5 (No response.)

6 MR. TRUNCALI: So carried.

7 So we're still waiting for the County
8 Planning Department. That's outstanding.

9 MS. BROOKS: Are we back on the agenda
10 for the 19th?

11 MS. FLYNN: The 19th.

12 MS. BROOKS: Thank you very much.

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14 (Time noted: 7:44 p.m.)

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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 16th day of August 2019.

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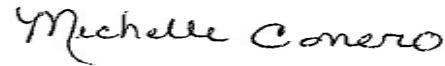
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MICHELLE CONERO

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MR. TRUNCALI: Next up is Buttermilk
Spa Expansion.

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Do you want to start with Pat's
comments?

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MR. HINES: I don't have any new and
outstanding comments other than we had some
comments at the public hearing. I know the Board
had some questions and some notes to be added to
the plans regarding clearing and limits of
clearing.

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We did just recently receive the County
Planning comments, which we didn't have last
time, which were regarding the septic system
which is being addressed with Ulster County.

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The accessible parking spaces we also
heard about at the public hearing.

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We didn't receive any new submittals.

The information from the public hearing has yet
to be addressed.

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The County comments did come in.

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MR. TRUNCALI: We don't have any new
maps with the changes on there?

24

MR. KENTOP: I'm sorry?

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MR. TRUNCALI: Do we have any new maps

2 with those changes?

3 MR. KENTOP: I submitted the changes.

4 MS. LANZETTA: You submitted new maps?

5 MR. KENTOP: Yes. The maps that you
6 have now represent the comments.

7 MR. TRUNCALI: We're not seeing any
8 maps here.

9 MR. HINES: The last we have is July
10 17th. I believe that was before the public
11 hearing.

12 MR. KENTOP: I hand delivered them
13 myself. It was probably the following day.

14 MR. HINES: So the public hearing would
15 have been on the 15th. These are the revised
16 ones.

17 MR. KENTOP: The meeting was the 15th.
18 I modified the drawings on the 16th and hand
19 delivered them.

20 MR. TRUNCALI: Let's see what we have.

21 MS. LANZETTA: These are new.

22 MR. KENTOP: Do you have the rendition
23 that says 7/30/19?

24 MR. HINES: We have a 7/16 revision.

25 MS. LANZETTA: 7/16, revised as per

2 Planning Board meeting of the 15th.

3 MR. HINES: That says June 15th. Maybe
4 that's the confusion. I think the meeting was
5 actually July 15th.

6 MR. TRUNCALI: It says 7/16.

7 MS. LANZETTA: No. This is even newer
8 than what we have.

9 MR. KENTOP: This included the comments
10 from the Ulster County Health Department.

11 MS. LANZETTA: We don't have this.

12 This is newer than what we have here.

13 MS. FLYNN: I don't have that.

14 MS. LANZETTA: We have the one that's
15 prior to this.

16 MS. FLYNN: I have May.

17 MR. CLARKE: This one was 7/17 that you
18 just gave us.

19 MR. HINES: Revision date of July 16th,
20 which was the day after our last meeting. I
21 think you have one that's even more updated. This
22 map does reflect -- it has a note spa expansion
23 shall not cause disturbance to existing
24 vegetation. It will respect the view scape from
25 the Hudson River. It has the accessible spot

2 depicted with signage. It looks like it may have
3 been the intent to address the comments. I'm just
4 opening it now. I think that is what the Board
5 was looking for, the vegetation comment and the
6 accessible parking.

7 We did receive the County comments.
8 With this submission and the County comments I
9 think the Board would be in a position to
10 authorize Jeff's office to prepare a neg dec and
11 approval for the next meeting if so desired.

12 MR. TRUNCALI: Does anyone on the Board
13 have any questions?

14 MR. CLARKE: Where is the handicap
15 parking?

16 MR. HINES: It's shown on the far -- I
17 can probably point it out. It's on the far left
18 of the parking area.

19 MR. TRUNCALI: Is everybody good?

20 MS. LANZETTA: Mm'hm'.

21 MR. LOFARO: Good.

22 MR. TRUNCALI: If everybody is good, I
23 guess we'll ask Counsel to prepare a neg dec.

24 MR. BATTISTONI: Okay. For the next
25 meeting.

2 MR. TRUNCALI: That should be it.

3 MR. KENTOP: When is the next meeting?

4 MS. FLYNN: August 19th. They're on
5 the agenda for August 19th.

6 MR. TRUNCALI: We forgot about the
7 approval of the stenographic minutes for 7/1.
8 Did everybody have a chance to look at those?

9 MS. LANZETTA: I'll make the motion to
10 approve those minutes.

11 MR. LOFARO: I'll second.

12 MR. TRUNCALI: All in favor?

13 MR. CLARKE: Aye.

14 MR. TRAPANI: Aye.

15 MS. LANZETTA: Aye.

16 MR. LOFARO: Aye.

17 MR. TRUNCALI: Aye.

18 Opposed?

19 (No response.)

20 MR. TRUNCALI: So carried.

21 Does anyone have any other business?

22 MS. LANZETTA: I want to point out that
23 we have an appendix F on access management. The
24 Town approved a referendum management plan, and
25 so now as we look at projects that are on Route

2 9W we need to take into account this access
3 management plan. It's something now that we have
4 to additionally factor in when we look at site
5 plans. The supervisor sent copies for
6 everybody's use.

7 MR. TRUNCALI: Everybody got a copy of
8 that.

9 Anything else?

10 (No response.)

11 MR. TRUNCALI: If not, I'll ask for a
12 motion to end the meeting.

13 MR. LOFARO: I'll make a motion to
14 close the meeting.

15 MR. TRUNCALI: A second?

16 MS. LANZETTA: I'll second that.

17 MR. TRUNCALI: All in favor?

18 MR. CLARKE: Aye.

19 MR. TRAPANI: Aye.

20 MS. LANZETTA: Aye.

21 MR. LOFARO: Aye.

22 MR. TRUNCALI: Aye.

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24 (Time noted: 7:53 p.m.)

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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 16th day of August 2019.

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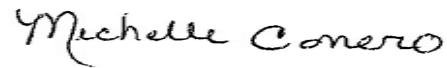
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MICHELLE CONERO