

1

1

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

In the Matter of

4

5

BAYSIDE MIXED USE

6

9

10 PUBLIC HEARING - SUBDIVISION & SITE PLAN

11

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

14

15 BOARD MEMBERS: CHRIS BRAND, Chairman
 JOEL TRUNCALI
16 BEN TRAPANI
 JOSEPH LOFARO
17 MANNY CAUCHI
 STEVE CLARKE

— 8 —

19 PATRICK HINES
VIRGINIA FLYNN

21 APPLICANT'S REPRESENTATIVE: JUSTIN DATES

22

22 MICHELLE J. CONERO

25 MICHELLE E. CONERO
RMB #276

24 56 North Plank Road Suite 270

Newburgh, New York 12550

25 (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, August 19, 2019.
8 Regular meeting 7:30 p.m. Approval of
9 stenographic minutes for 7/15. Bayside Mixed
10 Use, public hearing, subdivision, site plan;
11 Buttermilk Spa Expansion, final, site plan;
12 Top Seed Landscape, sketch, site plan;
13 Garone's Mountain Fresh Farm, preliminary,
14 site plan; Royal Energy, sketch, site plan;
15 Scott and Nicole Trapani, sketch, lot line;
16 Kris Noto, sketch, subdivision; Waheed,
17 re-approval, lot line. Next deadline:
18 Friday, August 23rd. Next scheduled meeting:
19 Tuesday, September 3rd upstairs.

20 CHAIRMAN BRAND: I'd like to have a
21 motion to approve the stenographic minutes for
22 7/15/19.

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

24 CHAIRMAN BRAND: Manny. Is there a
25 second?

2 MR. LOFARO: I'll second.

3 CHAIRMAN BRAND: Any discussion?

4 (No response.)

5 CHAIRMAN BRAND: All those in favor?

6 MR. CLARKE: Aye.

7 MR. TRAPANI: Aye.

8 MR. TRUNCALI: Aye.

9 MR. CAUCHI: Aye.

10 MR. LOFARO: Aye.

11 CHAIRMAN BRAND: Aye.

12 So approved.

13 First up, Bayside Mixed Use, public
14 hearing.

15 MR. TRUNCALI: Legal notice,
16 subdivision application. Please take notice a
17 public hearing will be held by the Marlborough
18 Planning Board pursuant to Chapter 134 of the
19 Marlborough Town Code on Monday, August 19, 2019
20 for the following application: Bayside Mixed Use
21 at the Town Hall, 21 Milton Turnpike, Milton, New
22 York at 7:30 p.m. or as soon thereafter as may be
23 heard. The applicant is seeking approval of a
24 three-lot subdivision application for lands
25 located at 18 Birdsall Avenue, Section 109.1,

2 Block 4, Lot 29. Any interested parties either
3 for or against this proposal will have an
4 opportunity to be heard at this time. Chris
5 Brand, Chairman, Town of Marlborough Planning
6 Board.

7 CHAIRMAN BRAND: Justin, do you have
8 the mailings?

9 MR. DATES: Yes.

10 CHAIRMAN BRAND: How many went out and
11 how many were returned?

12 MR. DATES: 106 went out, 72 were
13 returned and 27 were undeliverable.

14 CHAIRMAN BRAND: Just give them all to
15 Jen.

16 Can you give us an overview?

17 MR. DATES: I'm Justin Dates with Maser
18 Consulting. As mentioned, we're here for the
19 public hearing for the Bayside project. This is
20 to renew the subdivision application for the
21 project.

22 Again, it's a three-lot subdivision
23 north of the Marlboro Middle School. It has
24 frontage on 9W and Birdsall Avenue. The three
25 lots are broken down into -- the bulk of the site

2 will be used for 104 residential units on 20.8
3 acres. There's a parcel down along Route 9W,
4 about 2.3 acres for a 12,600 square foot
5 commercial piece. There will be a vacant lot of
6 about 1.2 acres on the south side of the site
7 here. There's a right-of-way area just under an
8 acre for a proposed Town road section.

9 The project itself has an active site
10 plan approval through the Board and no components
11 of the project have changed.

12 As I mentioned, this is a re-approval
13 of the subdivision component of the project.

14 CHAIRMAN BRAND: Thank you. This is a
15 public hearing. Any interested party who would
16 like to speak out for or against has an
17 opportunity to do so. Please just state your
18 name for the stenographer.

19 Mr. Garofalo, I know you are waiting
20 patiently.

21 MR. GAROFALO: James Garofalo. Up to
22 the mic?

23 CHAIRMAN BRAND: Certainly.

24 MR. GAROFALO: First I'd like to ask
25 for a procedural summary so that people can

2 understand what's happened before, what's
3 happening now and what the next steps are.
4 Certainly there were two -- at least I received
5 two mailings. I think it's important for the
6 Board to understand what those mailings were and
7 how many got returned on each. I don't know if
8 the numbers he gave you were for one mailing or
9 both mailings. I think the Board needs to
10 understand exactly what those were.

11 CHAIRMAN BRAND: You received two
12 mailings for this public hearing?

13 MR. GAROFALO: Yes.

14 CHAIRMAN BRAND: Do you own two
15 parcels?

16 MR. GAROFALO: No. Well, I own an
17 empty lot.

18 CHAIRMAN BRAND: That's why you got
19 two.

20 MR. GAROFALO: That's why I got two.
21 Okay. That certainly explains it.

22 The next thing is I'd like to say that
23 in the prior public hearing they were very good
24 at in the documentation responding to the
25 municipal and the agency comments, but I haven't

2 seen anything that actually has responded to the
3 public comments that have been in writing. I
4 would like to offer the public comments from the
5 prior public hearing into the record.

6 I hope the Board will allow me to come
7 in and talk after everyone else has talked
8 because I have a lot to say and I don't want to
9 repeat some of the things that other people have
10 to say. I would appreciate it if you could allow
11 me to speak at the end.

12 CHAIRMAN BRAND: Certainly, Mr.
13 Garofalo. It's always a pleasure.

14 Is there any other interested party to
15 speak for or against the Bayside public hearing?

16 If you could just state your name for
17 the record.

18 MS. MANNESE: Sheila Mannese. I'm just
19 interested in knowing, the last time this was up
20 there's a very historical building on this
21 property which to me is really essential for our
22 Town in regards to bringing people to our Town
23 and boosting the economy. History, you can't put
24 a dollar on it. If no one knows, it's the
25 Farmerette building that is structurally sound.

11 Being that it's back in front of the
12 Board, I don't know if it's possible, my
13 understanding is there was supposed to be some
14 kind of historical survey put in place. I'm not
15 sure where that's at. Does anyone know? No?

16 CHAIRMAN BRAND: No. Not your
17 historical survey. She's talking about one for
18 the Town that they're currently working on.

19 MS. MANNESE: Because it is I know sort
20 of on prime land. If you go through the entrance
21 and go straight back, it's like literally running
22 north and south. I mean I would ask the Board to
23 please think about this. It's very difficult to
24 have it moved. It would run into a lot of money.
25 We talked about that. They would be raising

2 money and grants and who knows. So if there was
3 a way to somehow cut this portion out so that you
4 could use it as an educational, a tourism
5 attraction, I think it would be a huge, huge
6 asset to our Town. Being the fact that we don't
7 know all the history of the Farmerette building.
8 My understanding was women came in and used the
9 barn -- they erected the barn so when the men
10 were away women would take over some of the
11 farming. You can see the pictures. This is
12 really a big piece of our history that I
13 continually see being destroyed, being taken down
14 and discarded, and I don't understand that
15 really, truly. So to put a dollar amount on it,
16 you can't. If there's any way that we can do
17 that, that's one I wanted to mention.

18 Two, I think that this site is going to
19 cause a lot of construction. I think where it
20 sits topography wise and what it's sitting on is
21 going to be a lot of work, and it's right next to
22 the middle school. You're going to be hearing
23 grinding, pounding, God knows what. You've got
24 the kids trying to learn and the teachers trying
25 to teach. I'm not against development, I just

2 think it's so close to the school it's not
3 conducive in a lot of ways, plus the fact what's
4 happening in our towns nearby, having it so close
5 to the school, another reason.

6 Third is the drainage. I think that --
7 I don't care what they put in place. I think
8 there's going to be a major problem with
9 drainage. The poor kids don't have a playground
10 as it stands. Go take a look at the middle
11 school, the track is a mess. I don't know what
12 you want to call it, a tennis court or whatever
13 it is there. The poor middle school kids don't
14 have really anything. I think the drainage is
15 going to be a mess. I think that it should be
16 really looked at a lot more all the way around,
17 the drainage, topography, what's going to happen.
18 The historical significance of that piece of
19 property I think outweighs a lot. I think it's
20 going to be a major addition to our Town and we
21 have to take this into consideration.

22 Thank you.

23 CHAIRMAN BRAND: Thank you.

24 Anyone else that would like to speak
25 for or against?

2 (No response.)

3 CHAIRMAN BRAND: Going once. Twice.

4 Mr. Garofalo, I see you're ready for
5 round two.

6 MR. GAROFALO: It's a longer round.

7 Dovetailing on what Sheila said, maybe you could
8 limit the noise that would be received inside the
9 school during school hours.10 There were a number of different items
11 that I had given the Board with this document
12 getting Bayside on track. I don't think many of
13 them were addressed.14 I want to talk about one to start out
15 which is kind of very dear to my heart. This is
16 a time when you see something you're supposed to
17 say something. We go beyond that. Once it's
18 said it should be checked out, and if it checks
19 out something should be done. One of the things
20 that I complained about was the trees that they
21 were putting along the south side of the road at
22 this curve. This is a 10 percent grade for a
23 good deal of this road. When the vehicles and
24 buses come down, with these trees I have a
25 concern whether or not that traffic light is

2 going to be blocked. I asked for them to either
3 look at that in particular or take the trees out,
4 which is a simpler thing.

5 You're going to be removing a stonewall
6 along this area and the Town wants to have
7 stonewalls. I think it's a very reasonable thing
8 to ask them to either put it somewhere on the
9 site, see if you can put it in one of the town
10 parks, or maybe replace some of these trees with
11 the stonewall. This is something that the Town
12 has indicated that they want to do. They want to
13 keep stonewalls because it adds to the aviance of
14 the Town.

15 Another thing that I talked about was
16 this intersection where the residential buildings
17 come into the public road, and the school has
18 access to the top of the public road. It seems
19 to me to be unrealistic to be asking small
20 development owners who have a couple of houses on
21 a private street to be putting in a cul-de-sac
22 when you have what's probably going to be
23 possibly the most busiest dead-end street in the
24 Town and you're not putting in a cul-de-sac.
25 This should have been looked at in terms of

2 putting in a cul-de-sac. Yes, the grades aren't
3 great here but they certainly have the land, and
4 I'm sure the school district wouldn't mind if
5 this got pushed out a little bit. How can you
6 tell these private developers that you have to
7 have a cul-de-sac and not say you need a
8 cul-de-sac here? This is going to be very busy.
9 There's going to be buses, there's going to be
10 cars. There should be a cul-de-sac there. The
11 fact that the plows might be able to turn around
12 there, that's nice but they can turn around
13 anywhere that you did this on a private driveway,
14 on another public road. This should be made into
15 a cul-de-sac.

16 One of the other things that I pointed
17 out and it was never responded to was this
18 building being over 10,000 square feet is subject
19 to special zoning requirements of distance to an
20 intersection and distance from school property.
21 They could reduce the size of the building and
22 not have to deal with that. I'd like an answer
23 as to whether or not this should be going before
24 the Zoning Board or not. I understand that an
25 instance like this came up before with Chestnut

2 Petroleum. It went to the Zoning Board like it
3 should, the Zoning Board said okay fine, we don't
4 have a problem with it, but they went through the
5 procedure. What I'm asking for is to take a look
6 at that regulation and decide does this have to
7 go before the Zoning Board, or optionally the
8 developer can say I'm going to reduce the size of
9 this building so that that is applicable.

10 I certainly brought up the question
11 about my neighbor the Lyons, and hoping that even
12 though you have decided that this is a civil
13 matter dealing with the water, that hopefully the
14 two parties can come together and reach some kind
15 of agreement.

16 CHAIRMAN BRAND: Just for
17 clarification, that was not our decision. That's
18 a civil matter. That was not this Board's
19 decision, that was a civil matter.

20 MR. GAROFALO: It was my understanding
21 that was the legal advice you got.

22 CHAIRMAN BRAND: It's not for this
23 Board apparently to make a determination. It was
24 not through the determination of this Board.

25 MR. GAROFALO: Right. Okay. Thank you

2 for clarifying that.

3 MR. HINES: Mr. Chairman, we're here
4 tonight for a subdivision public hearing. A lot
5 of the issues we're hearing were already
6 discussed and resolved during the site plan.
7 It's really the three-lot subdivision that is the
8 subject of this public hearing tonight.

9 MR. GAROFALO: What I'm saying is these
10 should have been resolved then and you should
11 think about re-opening it if it's not applicable
12 to this public hearing or holding it open until
13 you get answers on these questions, because the
14 questions from the public in the public hearing
15 back in March of 2018, I don't know if there's
16 any kind of record on any of those being
17 answered. I think you need to hold their feet to
18 the fire. I'm not saying you shouldn't
19 eventually approve this but I think on these
20 types of things you need to hold their feet to
21 the fire and say look, we need to know these
22 things. We need to know you're doing all this
23 landscaping, how much of this is native
24 landscaping than not. Show it on your plans.

25 CHAIRMAN BRAND: Were those comments

2 addressed from the public?

3 MR. DATES: Yes. Most of them through
4 our Findings Statement and our DEIS process. We
5 did go through a lot of the concerns on traffic,
6 screening and buffering, the zoning aspects of
7 the project. Those were all addressed within the
8 site plan portion of the project.

9 The drainage, we have a complete SWPPP
10 that was approved through the Board for the
11 project.

12 The Farmerette building, we did go
13 through the process with the State Historic
14 Preservation Office which allowed us to take down
15 that building subject to offering it for
16 donation, which is still out there by the
17 applicant. If someone wants it, it is available.

18 The cul-de-sac comment, we met with the
19 highway superintendent and we have a letter that
20 shows the design there is approved through his
21 office. We did make modifications to the
22 original driveway to allow for snow storage based
23 on that meeting. That's confirmed by the
24 superintendent.

25 The school and the noise concerns, we

2 have a memorandum of understanding with the
3 school about what we're giving them for parking
4 and access and their component in the
5 construction coordination and meetings when we're
6 looking to break ground on this.

7 CHAIRMAN BRAND: Mr. Garofalo, if I
8 could ask you to probably sum up in a few minutes
9 or less. Just kind of keep your comments to the
10 subdivision aspect of the project.

11 MR. GAROFALO: Certainly I think the
12 zoning and the subdivision, when you look at
13 that, that this building is too close to the
14 intersection based on the size of the building.
15 That's in your zoning regulations. As well as
16 the distance from the school. They haven't
17 reduced the size of the building. They've done
18 none of these things. I don't think they've
19 addressed any of these items that I have brought
20 up. That's why I'm bringing them up again. They
21 made no changes to the plans.

22 CHAIRMAN BRAND: Which building in
23 particular are you referring to?

24 MR. GAROFALO: The commercial building.
25 It's over 12,000 feet.

2 CHAIRMAN BRAND: Which one?

3 MR. GAROFALO: The commercial building
4 here. It's over 12,000 feet and there are
5 limitations when you get over 10,000 square feet.
6 Certainly I would ask that that be reviewed to
7 see whether or not they are in compliance.

8 Some of the things are in the FEIS.
9 Certainly I talked about traffic, I said there
10 wasn't a problem with the traffic. Yes, people
11 said they turn the trucks around here. You say
12 that you can do it here, you're saying you can do
13 it anywhere. I think the law -- the zoning
14 regulations were put together specifically to
15 have cul-de-sacs, not to avoid them, particularly
16 in a situation like this where you are going to
17 have a lot more traffic, not on one of these
18 private driveways where you only have a couple
19 houses. So will it work? Yes. Is this what the
20 Town really wants? I would say no, that's not
21 what the Town really wants. I don't think these
22 were really closely enough looked at.

23 I hope you will look at the prior
24 comments that were made at the public hearing and
25 my report that was made. I hope you will hold

2 this open until you have a chance to look at all
3 those documents and to see how they address them
4 and where they did not address them.

5 Thank you.

6 CHAIRMAN BRAND: Thank you, Mr.
7 Garofalo, as always.

8 Any other comments from the public?
9 Sheila.

10 MS. MANNESE: You mentioned about that
11 you went through the -- the name of the agency I
12 don't remember. In looking back when this was a
13 public hearing, I did look at it. There wasn't a
14 survey done to the Farmerette building. They
15 kind of did -- they dug up here, dug up there for
16 maybe an arrowhead. Something along that line.
17 I can't recollect. I do recall that it didn't
18 pertain to that building. I can go back and look
19 and see a little bit more about it. I did look
20 very thoroughly through the paperwork. I would
21 be glad to do that and I could bring it to the
22 Board. I know that that portion wasn't done.

23 CHAIRMAN BRAND: I think the extent of
24 their -- correct me if I'm wrong -- is that the
25 building at this point has not been granted State

2 Historic Preservation recognition?

3 MS. MANNESE: It should have been
4 flagged. It's one of the buildings that
5 definitely meets the requirements. Unfortunately
6 we're getting to that point in Marlborough to
7 maybe find these buildings that are in our Town,
8 the few that are left. We haven't done it yet.
9 Here's one we can do something about. I know a
10 fair amount about this building because I feel
11 that farming is one of our main industries here,
12 and the person that is involved in trying to get
13 our Town off the ground which is going to bring
14 people here and help our taxes, keep businesses
15 going. This is really important. I know that
16 there was something done and I can't remember
17 what it was, but that's one thing.

18 Second, when you're talking about the
19 school, I know the school will benefit with the
20 improvements of how they're going to layout the
21 road. In the meantime, as a taxpayer and with a
22 child in this school, those children are going to
23 pay the price for this improvement. To me, I'm
24 sorry but I want to say again about a good
25 education and their future. In the meantime the

2 school is going to benefit. The children that
3 are in there trying to learn might not get what
4 they need out of that.

5 Third is traffic. I'm sorry I didn't
6 bring this up before. I know they said this is
7 not going to impact, but come on. You go down
8 through Marlboro at 7:00, 7:30, you're dropping
9 the kids off at the middle school, you're backed
10 up in traffic. I didn't do the math. The last
11 time I did the math on all the apartments and all
12 that. Let's just say a husband and wife and one
13 child that's driving, just do the math. You're
14 going to put that on top of that and add it to a
15 very congested area already. That's only a
16 portion of Marlborough. If you think of the
17 other portion, and I brought this up the last
18 time, we're always piecemealing instead of
19 looking at the big picture, this is going to
20 happen over here, this might happen over here.
21 What are you going to do. So the next person that
22 comes to the table with a development, they're
23 going to be stuck. To me overall what's the big
24 picture? We want Marlborough to grow and we want
25 it to grow in a healthy way. You have to look at

2 all those scenarios, property on the riverfront,
3 across the street and what it's going to impact
4 on the highway.

5 Personally me, I don't want to see a
6 four-lane highway there. I don't think that's
7 good for a town. You go through New Paltz, you
8 go through Rhinebeck. We want the traffic to
9 slow down so they see this and they get to know
10 about the Town, not fly through it. I would
11 highly suggest really look at the traffic impact.

12 Lastly -- I'm sorry, I know Jim brought
13 it up and I have to dovetail on what he said now.
14 We have a committee here that's supposed to be
15 making our Town look more aesthetically pleasing
16 and reflect the character of our Town, again
17 trying to bring agri-tourism here. I find it
18 extremely important to make our corridor reflect
19 what we're about so when people go through they
20 get the feel of what Marlborough is. You've got
21 this stonewall there and it's going to be taken
22 down and just thrown to the side or put back up
23 like a really nice manicured thing. To me
24 fieldstone can be used again.

25 Thank you.

2 CHAIRMAN BRAND: Thank you.

3 Any other comments?

4 (No response.)

5 CHAIRMAN BRAND: No. Okay.

6 I'd like a motion to close the public
7 hearing.

8 MR. TRUNCALI: I'll make that motion.

9 CHAIRMAN BRAND: Is there a second?

10 MR. CAUCHI: I'll second it.

11 CHAIRMAN BRAND: All those in favor?

12 MR. CLARKE: I think the public hearing
13 should stay open just to look at those comments
14 again. That's me. I'll say nay.

15 CHAIRMAN BRAND: Okay. Ben?

16 MR. TRAPANI: I probably would have to
17 agree as much as I don't want to. I think I
18 would agree we should look at those comments.

19 CHAIRMAN BRAND: I would be in
20 agreement with that as well.

21 So the motion to close the public
22 hearing does not pass. I guess I'll take a
23 motion to hold the public hearing open until --
24 Jeffrey, can we do that until a date certain?
25 September 16th?

2 MR. BATTISTONI: You can certainly keep
3 the public hearing open. My thought is that this
4 site already has site plan approval. The
5 comments that I was hearing related to the site
6 plan approval. This is simply a renewal of the
7 subdivision approval. I'll just make those
8 comments to the Board.

9 CHAIRMAN BRAND: Sure. So there is a
10 motion to keep the public hearing open --

11 MR. HINES: The 16th would be a month
12 from now.

13 CHAIRMAN BRAND: -- until September
14 16th so that we have a chance to review those.

15 Are you making that motion, Ben?

16 MR. TRAPANI: I'll make that motion.

17 CHAIRMAN BRAND: Is there a second?

18 MR. CLARKE: I'll second.

19 CHAIRMAN BRAND: All those in favor?

20 MR. CLARKE: Aye.

21 MR. TRAPANI: Aye.

22 MR. TRUNCALI: Opposed.

23 MR. CAUCHI: Opposed.

24 MR. LOFARO: Opposed.

25 CHAIRMAN BRAND: Aye.

2 It's a split. You need four, though;
3 right?

4 MR. BATTISTONI: You would. Somebody
5 has to change their mind.

6 MR. TRUNCALI: I guess it's not going
7 to be a big deal to keep it open to the next
8 meeting.

9 MR. DATES: Mr. Chairman, is there a
10 particular comment that -- a question --

11 CHAIRMAN BRAND: I think some of the
12 issues that Mr. Garofalo brought up certainly.

13 MR. CLARKE: I think they should be
14 looked at one more time.

15 MR. DATES: I'm just curious. Those
16 are site plan components. The resolution items
17 for the site plan, which we have substantially
18 completed, won't play into this.

19 CHAIRMAN BRAND: I do agree without the
20 subdivision the site plan doesn't stand on its
21 own. You would need both pieces of the package
22 in order to move forward. We just want to make
23 sure we're doing it correctly.

24 The motion to keep the public hearing
25 open through September 16th does pass. We will

2 keep that.

3 Mr. Garofalo, if you have any written
4 comments you would like to submit.

5 Mr. Dates, if your company would like
6 to address some of those comments, in particular
7 the building size and perhaps the cul-de-sac.
8 Those two jump out to me.

9 MR. DATES: What was the second one?

10 CHAIRMAN BRAND: The building size and
11 the cul-de-sac were two of the things that jump
12 out to me.

13 MR. HINES: I think it would help if we
14 heard about the historic building. If you could
15 reiterate that. I know it's been done. If you
16 could provide the Board with a history of what's
17 occurred since the approvals. I know there was a
18 newspaper advertising and offering the building.
19 If you could complete the history of that, it
20 would be helpful to address the comments as well.

21 MR. DATES: I did outline the status of
22 both the prior resolution items in our original
23 submission for the subdivision. It is detailed.
24 I can provide that again.

25 CHAIRMAN BRAND: Maybe just give the

1

27

2 Board an opportunity to review some of those
3 sections.

4 MR. DATES: Okay.

5 CHAIRMAN BRAND: We'll see you on
6 September 16th.

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

8

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

10

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

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

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 3rd day of September 2019.

22

23

24

25

Michelle Conero

MICHELLE CONERO

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

9 ----- X

10 FINAL - SITE PLAN

11 Date: August 19, 2019
12 Time: 8:02 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

14

15 BOARD MEMBERS: CHRIS BRAND, Chairman
16 JOEL TRUNCALI
17 BEN TRAPANI
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

18

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

20

21 APPLICANT'S REPRESENTATIVE: THOMAS KENTOP

22

23 ----- X
MICHELLE L. CONERO
PMB #276
24 56 North Plank Road, Suite 1
Newburgh, New York 12550
25 (845)541-4163

2 CHAIRMAN BRAND: Next up, Buttermilk
3 Spa Expansion.

4 MR. KENTOP: Good evening.

5 CHAIRMAN BRAND: Good evening.

6 Pat, do you want to run through your
7 comments?

8 MR. HINES: We have no outstanding
9 comments. Our previous comments have been
10 addressed. They added the accessible parking
11 spaces, they addressed the County Planning
12 comments with some notes on the plans regarding
13 the preservation of vegetation, they updated the
14 lighting plan.

15 There is a requirement for an approval
16 for the changes in the subsurface sanitary sewer
17 disposal system. I know the approval that Jeff
18 did identifies the need for a permit for that.

19 The previous comments and the public
20 hearing comments have been addressed on the most
21 recent set of plans.

22 CHAIRMAN BRAND: It also addresses the
23 Ulster County Planning Board recommendations as
24 well?

25 MR. HINES: Correct.

2 CHAIRMAN BRAND: Any comments from the
3 Board?

4 (No response.)

5 CHAIRMAN BRAND: We have before us a
6 resolution on the application for 220 North Road
7 Realty, LLC for amendment of the special permit
8 site plan approval dated August 19, 2019 for the
9 Buttermilk Spa Expansion.

10 Jeff, did you want to run over anything
11 before Jen polls the Board?

12 MR. BATTISTONI: No. I would just say
13 that the conditions that are in the resolution
14 are the same as what Pat Hines just stated.

15 CHAIRMAN BRAND: Excellent. Thank you.

16 Jen, would you poll the Board?

17 MS. FLYNN: Chairman Brand?

18 CHAIRMAN BRAND: Yes.

19 MS. FLYNN: Member Truncali?

20 MR. TRUNCALI: Yes.

21 MS. FLYNN: Member Trapani?

22 MR. TRAPANI: Yes.

23 MS. FLYNN: Member Lanzetta?

24 CHAIRMAN BRAND: Absent.

25 MS. FLYNN: Member Lofaro?

1

BUTTERMILK SPA EXPANSION

31

2

MR. LOFARO: Yes.

3

MS. FLYNN: Member Clarke?

4

MR. CLARKE: Yes.

5

MS. FLYNN: Member Cauchi?

6

MR. CAUCHI: Yes.

7

CHAIRMAN BRAND: So carried. I believe

8

you're all set.

9

MR. KENTOP: Thank you very much.

10

11

(Time noted: 8:05 p.m.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

2

3

4

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

5

6

7 I, MICHELLE CONERO, a Notary Public
8 for and within the State of New York, do hereby
9 certify:

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 3rd day of September 2019.

18

19

20

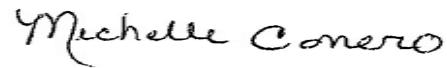
21

22

23

24

25



MICHELLE CONERO

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

In the Matter of

TOP SEED LANDSCAPE

Project No. 19-3008
1943 Route 9W, Milton
Section 103.1; Block 1; Lot 18

SKETCH - SITE PLAN

11 Date: August 19, 2019
12 Time: 8:05 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman
16 JOEL TRUNCALI
16 BEN TRAPANI
17 JOSEPH LOFARO
17 MANNY CAUCHI
17 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: LOUIS DUBOIS

2 CHAIRMAN BRAND: Next up, Top Seed
3 Landscape, sketch, site plan.

4 Pat, did you want to run through your
5 comments?

6 MR. HINES: We received a revised
7 submission after the last meeting.

8 Just a couple of clean-up items. The
9 survey sheet conflicts with the engineer's sheet
10 and the drainage layout. It's a clean-up item.
11 The engineer's sheet has revised the drainage to
12 allow all the work to be performed on the subject
13 parcel rather than impacting the adjoining
14 parcel.

15 Just a note that the lot is substandard
16 for lot width, lot area and depth. It does meet
17 the ordinance for a front yard, side yard, rear
18 yard. Your code allows pre-existing lots that
19 were in existence at the time of the code to
20 continue to be able to be developed, so no ZBA
21 issue exists there. They do meet all the bulk
22 table requirements for yard setback.

23 Since the last meeting we received a
24 septic system permit from the Ulster County
25 Health Department, as well as a letter from DOT

2 identifying that upon application for a permit, a
3 permit would most likely be issued for this
4 parcel and that they would issue an individual
5 driveway permit. That letter is in the file.

6 They've provided a lighting cut sheet
7 showing the wall pack mounted lights. They just
8 don't show where on the building they will be, so
9 we're suggesting those locations be shown on the
10 building as well.

11 There's a dumpster enclosure shown on
12 the plan. There are no details. The detail of
13 that should be provided.

14 The pavement section and parking lot
15 striping, accessible striping and signage details
16 need to be added.

17 It does need to go to County Planning.
18 I believe it has sufficient information at this
19 time to go to County Planning for that referral.

20 It does need a public hearing. If the
21 Board so desires, that can be scheduled as well.

22 There's a schematic landscape plan.
23 The source of that plan as well as details for
24 the plantings can be added between now and the
25 public hearing.

2 CHAIRMAN BRAND: Jeff, do you have
3 anything to add?

4 MR. BATTISTONI: I have no comments.

5 CHAIRMAN BRAND: Jen, you did send this
6 to the County?

7 MS. FLYNN: Yes.

8 CHAIRMAN BRAND: We can schedule them
9 to return for the public hearing?

10 MR. HINES: I guess that 16th meeting
11 would be the earliest.

12 CHAIRMAN BRAND: September 16th. Okay.
13 So we'll go ahead and schedule that for September
14 16th. We'll hear back from County Planning, that
15 should be enough time.

16 We'll see you on the 16th. Thank you.

17 MR. DUBOIS: Thank you.

18

19 (Time noted: 8:08 p.m.)

20

21

22

23

24

25

2

3

4

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

5

6

7 I, MICHELLE CONERO, a Notary Public
8 for and within the State of New York, do hereby
9 certify:

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 3rd day of September 2019.

18

19

20

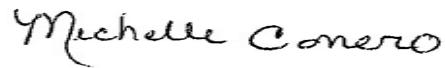
21

22

23

24

25



MICHELLE CONERO

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

In the Matter of

5 GARONE'S MOUNTAIN FRESH FARM

7 Project No. 19-3009
8 17 Baileys Gap Road, Highland
Section 95.4; Block 1; Lot 30.100

PRELIMINARY - SITE PLAN

11 Date: August 19, 2019
12 Time: 8:08 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman
 JOEL TRUNCALI
16 BEN TRAPANI
 JOSEPH LOFARO
17 MANNY CAUCHI
 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

2

CHAIRMAN BRAND: Next up, Garone's

3

Mountain Fresh Farm, preliminary, site plan

4

MS. BROOKS: We do have revised maps.

5

Based on the comments that we received at the

6

last meeting, there were a couple of minor

7

changes that were requested.

8

We're waiting for the Ulster County

9

Planning Board comments. There were no other

10

items based on Pat's comment letter of today.

11

We had the public hearing earlier this

12

month, and of course we did not have the Ulster

13

County Planning Board comments at that point in

14

time so we're moving forward to this month. The

15

County Planning Board comments have been received

16

with no County impact.

17

We had received some comments at the

18

public hearing regarding the heli-pad, so as

19

requested, as the applicant is not planning on

20

using that at all as a heli-pad, that's going to

21

change to existing blacktop area.

22

We have dimensioned the parking spaces

23

and the aisle width as requested, shown the

24

location of the proposed handicap spot within the

25

blacktop area, and shown the height of the

2 agricultural building. We also revised the
3 proposed use to contractor yard as had been cited
4 in Pat's comments last month -- earlier this
5 month I guess it was.

6 CHAIRMAN BRAND: Pat, do you want to
7 run through your comments?

8 MR. HINES: Those are all of our
9 comments. Our previous comments have been
10 addressed. I got an e-mail version of this
11 earlier and took a look at it. Each of the
12 comments that Ms. Brooks just addressed are
13 acceptable to our office.

14 CHAIRMAN BRAND: Comments from the
15 Board?

16 MR. CLARKE: I think everything from
17 the public hearing was satisfied. Nothing
18 further.

19 CHAIRMAN BRAND: Anything else from the
20 Board?

21 (No response.)

22 MR. HINES: The Board could then
23 authorize the preparation of the approval
24 resolution.

25 CHAIRMAN BRAND: For the September 16th

2 meeting?

3 MS. BROOKS: I thought we were getting
4 the resolution for tonight's meeting.5 CHAIRMAN BRAND: I don't have a
6 resolution.7 MR. HINES: There's a September 3rd
8 meeting.

9 CHAIRMAN BRAND: Possibly.

10 Will that be a significant issue for
11 the applicant?12 MS. BROOKS: Obviously he's in
13 operation at this point in time. We applied for
14 the site plan to make sure that we were in
15 compliance as per the building inspector's
16 recommendation. If it's acceptable --17 MR. HINES: I think there's been
18 positive activity towards getting approval. I
19 think the code enforcement officer will
20 understand.21 It was referred to this Board from the
22 code enforcement officer. I think there was
23 progress made toward the approval. I don't think
24 it will be an issue with the code enforcement
25 officer.

2

3

MS. BROOKS: We want to show we're

making diligent effort towards compliance.

4

5

6

7

CHAIRMAN BRAND: So we can go ahead and
schedule September 16th for the resolution of
approval. We'll go ahead and do that for
September the 16th.

8

MS. BROOKS: Okay. Thank you.

9

CHAIRMAN BRAND: Thank you.

10

11

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

12

13

14

15

16

17

18

19

20

21

22

23

24

25

2

3

4

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

5

6

7 I, MICHELLE CONERO, a Notary Public
8 for and within the State of New York, do hereby
9 certify:

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 3rd day of September 2019.

18

19

20

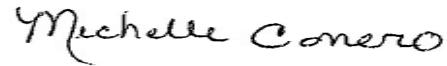
21

22

23

24

25



MICHELLE CONERO

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

In the Matter of

ROYAL ENERGY

Project No. 19-3002
166 Route 9W, Milton
Section 103.3; Block 3; Lot 68

SKETCH - SITE PLAN

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

15 BOARD MEMBERS: CHRIS BRAND, Chairman
16 JOEL TRUNCALI
16 BEN TRAPANI
17 JOSEPH LOFARO
17 MANNY CAUCHI
17 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

MICHELLE L. CONERO
PMB #276

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

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

4 MS. BROOKS: I know the Board has been
5 reviewing this for some time, and I want to thank
6 Charlie for his assistance in helping us move
7 this project forward.

8 Everybody has seen the proposed site
9 plan.

10 We do have septic approval on the site.

11 We have prepared a lighting plan which
12 is required to send up to the Ulster County
13 Planning Board.

14 They are currently working on the
15 building elevation drawings for the entire site
16 and showing how the buildings will all work with
17 one another.

18 Everybody I know is familiar with the
19 site. We know we still have some more work to
20 do. We have Pat's comments.

21 I was e-mailing today with Fire Chief
22 Kneeter. I know it's not a public hearing
23 tonight but I hope we can have a little bit of
24 dialogue with the fire chief to make sure that
25 we're meeting whatever criteria he would like.

2 Again, I know Pat has his comments.

3 CHAIRMAN BRAND: Pat, do you want to
4 run through your comments?

5 MR. HINES: The plans have been
6 redesigned. It's now a 72,000 square foot
7 building. Additional portions of the existing
8 structures are proposed to be taken down to allow
9 for that additional square footage. Previously
10 there was some of the building center to the
11 north that was going to remain. That's been
12 depicted to be taken down now. It's a 72,000
13 square foot cold storage warehouse as currently
14 proposed.

15 There was previously an issue with the
16 concrete pad to the rear of the structure
17 regarding the propane tanks. That was addressed
18 in Jeff's letter of May 31st. That is going to
19 be removed under the current plan to remove that
20 encroachment.

21 We're looking for lot building coverage
22 to be added to the bulk table.

23 The project is in the RAG Zone with a
24 BC Overlay. The Town Board approved the BC
25 Overlay, I believe it was a smaller size

2 building, in the 60,000 square foot range,
3 65,000. I'm suggesting that the applicant submit
4 it back to the Town Board to make sure with that
5 BC Overlay. Again, they haven't approved it, they
6 only referred it back to you. Just to keep them
7 apprised of the size of the building change.

8 The Planning Board previously
9 identified it wanted curbing at the site access
10 drive. DOT has stated they are not going to
11 require curbing, so we have a bit of a catch 22
12 to resolve there. The Board was pretty
13 definitive last time that curbing at the access
14 drive with the amount of trucks and vehicles
15 coming in and out would be a positive feature. I
16 think moving forward we'll have to work with DOT
17 and the applicant to determine how that's going
18 to work out. DOT has the ultimate decision
19 within that right-of-way. I think if they find
20 out the Board doesn't want that they may --

21 CHAIRMAN BRAND: The reason for DOT was
22 drainage?

23 MS. BROOKS: Yes. That's what I wanted
24 to interject. In speaking with the engineer who
25 is working on the project right now, he said that

2 he also agrees that curbing may be required in
3 order to properly -- DOT was concerned that if
4 they put curbing in it would channelize the
5 draining in a way that would not be positive. I
6 think ultimately that's going to be resolved
7 between the applicant's engineer and DOT to make
8 sure that the best site conditions for stormwater
9 can be achieved. I hear the engineers and DOT.
10 They're going to work it out. Whatever works
11 best for the site I think is what will occur.

12 MR. HINES: This is a concept plan.
13 We're looking for site development.

14 Some septic system testing has been
15 performed at a new location. That's shown
16 schematically. We have some schematic details of
17 that from the applicant's engineer I believe.

18 We don't have site development details.
19 Those will have to be further fleshed out.
20 Drainage, sanitary sewer, the grading plan, that
21 information, the DOT access drive.

22 Comments from the jurisdictional fire
23 department and code enforcement should be
24 received regarding access. There is a 26 foot
25 wide fire access lane proposed along the

2 frontage. I believe it might have to extend the
3 entire length of the building as part of the
4 building code. Those comments from the fire
5 department and code enforcement should be
6 received to determine that fire access meets the
7 New York State Fire Code.

8 CHAIRMAN BRAND: They received new sets
9 of these plans?

10 MR. KNEETER: Yes.

11 MS. BROOKS: Yes.

12 MR. HINES: Accessible parking spaces
13 should be addressed on the site, both in location
14 and in detail.

15 Any proposed signage should be added.

16 There is no landscaping currently
17 proposed, so the Board may wish to discuss with
18 the applicant the landscaping plan. It does sit
19 down in elevation from 9W. You probably see the
20 roof line from 9W based on the -- it depends what
21 the finished floor elevations are, which we don't
22 have yet.

23 We're suggesting a note be added to the
24 plans that the building be staked out prior to
25 construction because it is at or near the setback

2 lines that were granted by the ZBA. There was
3 ZBA relief on this for several of the bulk
4 requirements. Just so that there's no issue in
5 the future when the building -- it's right there
6 at the setback line. We're suggesting a note be
7 added to the plans requiring a survey stakeout
8 prior to construction.

9 Conceptually we're okay with the
10 project moving forward with the detailed design.

11 CHAIRMAN BRAND: Comments from the
12 Board?

13 (No response.)

14 CHAIRMAN BRAND: Did you have anything
15 else?

16 This has to be resubmitted to the Town
17 and we'll send it up to County.

18 MR. HINES: I think it's good to keep
19 the Town Board apprised. We struggled with the
20 BC Overlay Zone and the learning curve associated
21 with it. If we can keep that information flowing
22 back and forth it will be helpful.

23 CHAIRMAN BRAND: Keep the Town Board
24 apprised of that.

25 MS. BROOKS: Go back to the Town Board.

2 Again, as part of the conceptual review we want
3 to make sure that we're cognizant of whatever the
4 fire chief's issues are so we are incorporating
5 that into the development plan at the same time.

6 MR. KNEETER: We're good with that.

7 MS. BROOKS: Whether you want to meet
8 offline or discuss, I'm game either way.

9 MR. KNEETER: I would rather meet
10 offline at this point. A little more
11 information. It's significantly changed from
12 what previously it was.

13 MR. HINES: It's a different plan.

14 MR. KNEETER: We have questions.

15 CHAIRMAN BRAND: Does this building
16 require a sprinkler?

17 MS. BROOKS: At this point in time they
18 are trying to construct the building with the
19 fire separation walls interiorly so that they do
20 not need a sprinkler system because they are not
21 planning on bringing the water line down at this
22 point in time. It's more of a timing issue.

23 CHAIRMAN BRAND: Is the water line
24 there?

25 MS. BROOKS: No. They need to extend

2 the water line. Because of the process they
3 would need to go through, the approvals, to
4 extend it, they're interested in constructing the
5 building faster than it's going to take to be
6 able to extend that water. I think ultimately
7 their goal would be to extend water down this far
8 but it's not part of the site plan approval at
9 this point in time because of the timing factor.

10 CHAIRMAN BRAND: So we'll put you on
11 the schedule and -- try to get some of these
12 things resolved and put you on the schedule.

13 MS. BROOKS: I mean my hope had been to
14 -- if we have the engineering details that are
15 required -- if you're not planning on meeting the
16 first week in September, I would like to try to
17 move this forward with the Ulster County Planning
18 Board. Is there any reason not to send it up to
19 them at this point in time for their comments?

20 CHAIRMAN BRAND: They are definitely
21 going to want landscape plans.

22 MS. BROOKS: Absolutely. I know I
23 would have to get everything to Jen that's
24 outstanding in item 6, the site development
25 details, the sewer, the stormwater, the grading

2 plan, the lighting plan, erosion control,
3 landscaping plan. I'm trying to think of timing
4 here. We're expecting to have all of that by this
5 Friday which would have been the deadline for the
6 first September meeting. The Ulster County
7 Planning Board meets the first Wednesday of
8 September, which I believe they're still planning
9 on meeting. In the interest of trying to move
10 this forward, my hope was that if I get a full
11 package to Jen that is submittable, and I guess
12 if I send it to Pat to make it complete --

13 MR. HINES: Give me a copy, too. If
14 we're going to do that I need a copy, too.

15 CHAIRMAN BRAND: Say that again, Pat.

16 MR. HINES: If the Board is going to do
17 that, Jen and I should both get a copy.

18 MS. BROOKS: Both get a copy so he can
19 say it is a complete application to send to the
20 Ulster County Planning Board. Believe me, I
21 don't want to send it to the Ulster County
22 Planning Board unless it's complete.

23 CHAIRMAN BRAND: I don't think the
24 Board has a problem with that as long as Pat and
25 Jen make sure everything is complete. We can go

2 ahead and do that.

3 We'll see you again on the 16th if
4 everything --

5 MS. BROOKS: The 16th or the 14th?

6 CHAIRMAN BRAND: 16th.

7 MS. BROOKS: Okay.

8 (Time noted: 8:21 p.m.)

9

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

11

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

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

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

21 IN WITNESS WHEREOF, I have hereunto
22 set my hand this 3rd day of September 2019.

23

24

25

Michele Conero

MICHELLE CONERO

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

In the Matter of

5 SCOTT & NICOLE TRAPANI

SKETCH - LOT LINE

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

15 BOARD MEMBERS: CHRIS BRAND, Chairman
16 JOEL TRUNCALI
16 JOSEPH LOFARO
17 MANNY CAUCHI
17 STEVE CLARKE

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

20

21 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

22

23 MICHELLE L. CONERO

PMB #276

24 56 North Plank Road, Suite 1

Newburgh, New York 12550

25 (845) 541-4163

2 CHAIRMAN BRAND: Next up, Scott &
3 Nicole Trapani, sketch, lot line.

4 Just for the record, Board Member
5 Trapani is recusing himself.

6 Pat, do you want to run through your
7 comments?

8 MR. HINES: This is pretty quick. This
9 project was before you three or four years ago to
10 create this lot. The project involves the
11 transfer of 2.6 plus or minus acres of property
12 from a large tax lot, 2.1 to 28.21. 2.1 is a
13 large farm parcel. 28.2 I believe has a house
14 under construction right now. They have the
15 house site in the location where they want it and
16 the applicant's father/son team wants to provide
17 a little more acreage for the single-family
18 residence off the farm.

19 This meets your lot line change
20 streamlined regulation that was adopted about
21 eighteen months ago.

22 We take no exception to granting the
23 proposed lot line change.

24 CHAIRMAN BRAND: Any comments from the
25 Board?

2 (No response.)

3 CHAIRMAN BRAND: You have before you a
4 resolution of approval by the Town of Marlborough
5 Planning Board for a lot line revision
6 application of Scott and Nicole Trapani and Ben
7 Trapani III Living Trust and Susan Trapani Living
8 Trust.

9 Jen, would you poll the Board?

10 MS. FLYNN: Chairman Brand?

11 CHAIRMAN BRAND: Yes.

12 MS. FLYNN: Member Lanzetta?

13 CHAIRMAN BRAND: Absent.

14 MS. FLYNN: Member Truncali?

15 MR. TRUNCALI: Yes.

16 MS. FLYNN: Member Trapani?

17 CHAIRMAN BRAND: He's recused.

18 MS. FLYNN: Member Lofaro?

19 MR. LOFARO: Yes.

20 MS. FLYNN: Member Clarke?

21 MR. CLARKE: Yes.

22 MS. FLYNN: Member Cauchi?

23 MR. CAUCHI: Yes.

24 CHAIRMAN BRAND: So carried.

25 MS. BROOKS: If I could possibly get a

2 copy of that resolution. Are there any
3 conditions on it? I haven't seen it. Just in
4 case there is anything. If there are no
5 conditions it doesn't matter. I'd like to be
6 able to address them.

7 MR. BATTISTONI: Just payment of fees.

8 MS. BROOKS: Thank you very much.

9

10 (Time noted: 8:24 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

2

3

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

5

6

7 I, MICHELLE CONERO, a Notary Public
8 for and within the State of New York, do hereby
9 certify:

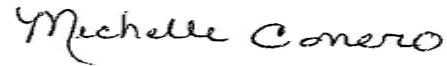
10 That hereinbefore set forth is a
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 3rd day of September 2019.

18

19



20

MICHELLE CONERO

21

22

23

24

25

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

In the Matter of

KRIS NOTO

Project No. 19-3007
194 Highland Avenue, Marlboro
Section 108.12; Block 8; Lot 24

SKETCH – SUBDIVISION

11 Date: August 19, 2019
12 Time: 8:24 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman
16 JOEL TRUNCALI
16 BEN TRAPANI
17 JOSEPH LOFARO
17 MANNY CAUCHI
17 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: CHARLES BROWN

2 CHAIRMAN BRAND: Next up, Noto,
3 subdivision.

4 MR. BROWN: Charlie Brown. We're here
5 for the Noto subdivision. We just got Health
6 Department approval on the 6th.

7 Pat's got a bunch of comments. They
8 all look relatively minor.

9 We respectfully request to be put on
10 for a public hearing on the 16th.

11 CHAIRMAN BRAND: How many lots is this
12 subdivision?

13 MR. BROWN: Two.

14 CHAIRMAN BRAND: Pat, do you want to
15 run through your comments?

16 MR. HINES: The first comment is I
17 previously questioned the existence of the water
18 line that's along the property frontage. I did
19 receive from the town clerk's office a 12
20 December 2017 outside user agreement which
21 provides water for the parent parcel and the
22 subdivided parcels, so that issue is addressed.
23 There is available potable water to the parcel.

24 A couple of comments. I do note when
25 the water line was installed along Highland

2 Avenue, portions of it are located outside of the
3 Town road right-of-way. We're suggesting that an
4 easement be provided to the Town in order to
5 allow access to that water main.

6 Septic system approval from Ulster
7 County is outstanding. I heard Charlie just say
8 he has that, so that's good.

9 CHAIRMAN BRAND: Could I ask a
10 question? An outside user agreement?

11 MR. HINES: Yes. As opposed to a water
12 main extension. It's a private agreement between
13 the Town -- actually between the water district
14 and the private property owner. It's a fairly
15 streamlined way of providing water to areas
16 outside of the district. It basically provides
17 that service by contract. I may be speaking out
18 of turn. Maybe Jeff can explain that a little
19 better. It allows, the property is outside the
20 district, to be served. There's a contract
21 between the Town and the parent parcel that
22 details how it's going to happen, who is going to
23 pay for the improvements and who is going to pay
24 long term for the operation and maintenance.

25 CHAIRMAN BRAND: Thank you.

2 MR. HINES: The retaining wall has been
3 eliminated. The Town questioned the proximity of
4 the retaining wall to the previously proposed
5 septic system. That area has been graded out so
6 no retaining wall is needed.

7 Number 4 is just a spelling error.
8 It's supposed to say gravel.

9 CHAIRMAN BRAND: That's probably my
10 favorite comment thus far.

11 MR. HINES: We don't comment on
12 spelling errors. That one was pretty tough.

13 The drainage swale along the property
14 line, the applicant's representative has
15 identified that the swale has been cleaned up.
16 We heard a lot about this swale and the fill on
17 the site when the Marlborough on the Hudson
18 project was before us, which is located just
19 south of this. Between now and when the Board
20 establishes the public hearing I will have
21 someone from my office confirm the status of that
22 so we can address that.

23 The parking plan requires four parking
24 spaces. We need those to be identified. I
25 believe there is a garage.

2 MR. BROWN: A two-car garage underneath
3 and additional spaces.

4 MR. HINES: If that can be labeled on
5 the plan.

6 We talked about the easement for the
7 water main.

8 The driveway is graded out to the
9 maximum driveway slope of 14 percent. We need a
10 note on the plans that that be built to that
11 percentage, and probably recommend asphalt as
12 part of the building permit or CO.

13 We want a note similar to the note on
14 lot 1. I think there's a gravel parking area in
15 front of where this structure is proposed. We're
16 just trying to prevent anyone's front yard from
17 becoming a parking area.

18 There's proposed landscaping that's
19 been added to the plans. We're looking for
20 species and details on how that planting is going
21 to be undertaken. That will probably also be a
22 condition of a CO, that those four trees be
23 planted.

24 I believe this has sufficient
25 information to schedule a public hearing as well.

2 CHAIRMAN BRAND: Any comments from the
3 Board?

4 MR. CLARKE: On lot 1 I see the
5 existing septic field, the reserve field. On lot
6 2 I don't know where they're at.

7 MR. HINES: It's depicted on -- if
8 you're looking at the building from the road --
9 the right side.

10 MR. BROWN: The heavy line, the
11 laterals.

12 MR. CLARKE: The black line?

13 MR. HINES: Those black lines. The
14 reserve is here. This is the system. Six
15 laterals.

16 MR. CLARKE: Over here it's identified.
17 Okay.

18 CHAIRMAN BRAND: Anything else from the
19 Board?

20 (No response.)

21 CHAIRMAN BRAND: Go ahead and schedule
22 the public hearing for the September 16th
23 meeting?

24 MR. BROWN: Please.

25 CHAIRMAN BRAND: Just get the mailing

2 to Jen.

3 MR. BROWN: Yes.

4 CHAIRMAN BRAND: Thank you. See you on
5 September 16th.

6 MR. BROWN: Thank you.

7 (Time noted: 8:30 p.m.)

8

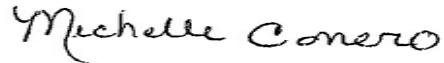
9 C E R T I F I C A T I O N

10

11 I, MICHELLE CONERO, a Notary Public
12 for and within the State of New York, do hereby
13 certify:14 That hereinbefore set forth is a
15 true record of the proceedings.16 I further certify that I am not
17 related to any of the parties to this proceeding by
18 blood or by marriage and that I am in no way
19 interested in the outcome of this matter.20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 3rd day of September 2019.

22

23



24

MICHELLE CONERO

25

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

In the Matter of

WAHEED

Project No. 16-9010
144 Reservoir Road, Marlboro
Section 108.2; Block 1; Lots 22 & 23

RE-APPROVAL - LOT LINE

11 Date: August 19, 2019
12 Time: 8:30 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman
 JOEL TRUNCALI
16 BEN TRAPANI
 JOSEPH LOFARO
17 MANNY CAUCHI
 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: MOHAMMAD WAHEED

MICHELLE L. CONERO
BMR #276

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

2 CHAIRMAN BRAND: Finally, Mr. Waheed.

3 MR. HINES: The third time is a charm I
4 hope. Mr. Waheed is back before us with a map
5 that's been approved on two previous occasions
6 and not filed due to circumstances I believe
7 beyond Mr. Waheed's control. He's back before us
8 now.

9 The trailer that was an issue during
10 the first approval has been removed. There is a
11 letter in the file from the code enforcement
12 officer.

13 Basically we're re-approving a lot
14 consolidation. It certainly meets the
15 requirements of the streamlined lot line
16 approval. We're re-approving a map that's been
17 approved twice before. It's ready to be filed.

18 CHAIRMAN BRAND: Any comments?

19 (No response.)

20 CHAIRMAN BRAND: Jen, we have a
21 re-approval from the Town of Marlborough Planning
22 Board for a lot line consolidation for Mohammad
23 Waheed. Jen, could you poll the Board?

24 MS. FLYNN: Chairman Brand?

25 CHAIRMAN BRAND: Yes.

2 MS. FLYNN: Member Lanzetta?

3 CHAIRMAN BRAND: Absent.

4 MS. FLYNN: Member Truncali?

5 MR. TRUNCALI: Yes.

6 MS. FLYNN: Member Trapani?

7 MR. TRAPANI: Yes.

8 MS. FLYNN: Member Lofaro?

9 MR. LOFARO: Yes.

10 MS. FLYNN: Member Clarke?

11 MR. CLARKE: Yes.

12 MS. FLYNN: Member Cauchi?

13 MR. CAUCHI: Yes.

14 CHAIRMAN BRAND: You're all set, Mr.

15 Waheed. I'll have the maps for you as soon as we
16 adjourn.

17 Anything else before the Board to
18 consider before we adjourn?

19 (No response.)

20 CHAIRMAN BRAND: Motion to adjourn.

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

22 CHAIRMAN BRAND: Is there a second?

23 MR. TRUNCALI: Second.

24 CHAIRMAN BRAND: All those in favor?

25 MR. CLARKE: Aye.

2 MR. TRAPANI: Aye.

3 MR. TRUNCALI: Aye.

4 MR. CAUCHI: Aye.

5 MR. LOFARO: Aye.

6 CHAIRMAN BRAND: Aye.

7 (Time noted: 8:33 p.m.)

8

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

10

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

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

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

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 3rd day of September 2019.

22

23



24

MICHELLE CONERO

25