

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
8

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

13 PRELIMINARY - SITE PLAN
14

15 Date: November 18, 2019
16 Time: 7:30 p.m.
17 Place: Town of Marlborough
18 Town Hall
19 21 Milton Turnpike
20 Milton, NY 12547

21 BOARD MEMBERS: CHRIS BRAND, Chairman
22 BEN TRAPANI
23 CINDY LANZETTA
24 JOSEPH LOFARO
25 MANNY CAUCHI
26 STEVE CLARKE
27

28 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
29 PATRICK HINES
30 KATHI NATLAND
31

32 APPLICANT'S REPRESENTATIVE: PATTI BROOKS
33

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

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

5 (Pledge of Allegiance.)

6 CHAIRMAN BRAND: Agenda, Town of
7 Marlborough Planning Board, November 18, 2019.
8 Regular meeting, 7:30 p.m. Approval of
9 stenographic minutes for 10/21/19. Royal Energy,
10 preliminary, site plan; Brooklyn Bottling,
11 revised plans, site plan. Next deadline: Friday,
12 November 22nd. Next scheduled meeting: Monday,
13 December 7th.

14 I'd like to have a motion for the
15 approval of the stenographic minutes for 10/11,
16 please.

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

18 CHAIRMAN BRAND: Is there a second?

19 MR. TRAPANI: I'll second.

20 CHAIRMAN BRAND: Any discussion?

21 (No response.)

22 CHAIRMAN BRAND: All those in favor?

23 MR. CLARKE: Aye.

24 MR. TRAPANI: Aye.

25 MS. LANZETTA: Aye.

2 MR. CAUCHI: Aye.

3 MR. LOFARO: Aye.

4 CHAIRMAN BRAND: Aye.

5 Any opposed?

6 (No response.)

7 CHAIRMAN BRAND: So carried.

8 First up, Royal Energy, preliminary,
9 site plan.10 Pat, did you want to run through your
11 comments perhaps first?12 MR. HINES: Sure. Our first comment is
13 they've addressed our previous comments regarding
14 the stormwater pollution prevention plan. We had
15 made a comment regarding the potential for the
16 retaining wall underdrain to possibly impact the
17 level of water in the permanent pool or pond.
18 They've addressed that by specifying a clay liner
19 at the bottom of the pond in order to prevent
20 that from leaking out through that drain.21 Health Department approval for the
22 septic system was received.23 The parking space detail has been
24 provided on the plans and complies with the
25 Town's requirements.

20 I'll work with Jeff's office on the
21 resolution.

22 CHAIRMAN BRAND: Thank you.

23 Patti, do you have anything?

24 MS. BROOKS: Yeah. I just wanted to --
25 in addition to the photographs that we had, and

2 this was a little bit too big to try to e-mail
3 but I just wanted to highlight where we did take
4 the photographs from. One photograph was taken
5 from Woodcrest Lane. Of course we have the Town
6 of Marlborough highway garage complex here. The
7 second photo was taken from the highway garage
8 parking lot, and basically the viewshed is the
9 greenhouses. The third photo point was here. It
10 was good that we were able to take them leaf off
11 because then it was able to show the actual
12 conditions.

13 One of the situations that we have here
14 is the highway, as you can see by the topography,
15 is significantly higher than the roadway which
16 has the building kind of recessed down and does
17 not make it as visible to the road as it could
18 otherwise be depending on the topography.

19 Heading in the southerly direction from
20 this driveway was the one photograph that we took
21 in a southerly direction. So those are where the
22 photo points were.

23 This photo kind of shows where
24 everything is in relationship to the other
25 structures. You've got the old Hepworth coolers.

2 On this side of the road, up on top of the hill
3 of course is Stepping Stones.

4 CHAIRMAN BRAND: Are those buildings
5 significantly taller than the buildings that are
6 there now height wise?

7 MS. BROOKS: Height wise, the existing
8 building and this building will be the same
9 height.

10 MR. CLARKE: Are they going to look
11 essentially the same?

12 MS. BROOKS: Similar. The two
13 buildings?

14 MR. CLARKE: Yes.

15 MS. BROOKS: They're going to re-side
16 that one.

17 MR. CLARKE: The same materials on the
18 outside?

19 MS. BROOKS: Yes. They're going to
20 re-side this building at the same time.

21 CHAIRMAN BRAND: Comments or questions
22 from the Board?

23 MS. LANZETTA: I appreciate you doing
24 the photographs. They are important to the
25 review of the project. I had asked for photo

2 simulations.

3 MS. BROOKS: Right. I guess I just
4 want to say that it's difficult to represent
5 applicants and have there not be consistency in
6 what is requested and timeliness. So we've been
7 before this Board for several months. I've been
8 representing him and I know he was here for a
9 good time before then. It wasn't until the
10 October meeting that the photo simulations were
11 actually requested. It's difficult to put
12 something like that together that quickly.
13 Again, consistency is very helpful because then I
14 know what to expect for an applicant. If that's
15 something the Board is going to start requesting
16 from here on forward, I totally understand and
17 respect that. I think it's very difficult to ask
18 an applicant at the eleventh hour to submit
19 something that previously had not been requested.
20 I do appreciate that you sent the ones yesterday
21 from 2017 for Kevin. To the best of my
22 knowledge, that's the only photo simulation
23 that's ever been requested by the Board before or
24 since. So again, it's not something that this
25 Board consistently requests. If you're going to

2 require it in the future, I totally understand
3 and respect that. To put something together that
4 quickly was extremely difficult. The applicant
5 -- after you sent me that e-mail yesterday I
6 e-mailed the applicant right away and said you
7 can please reach out to the person at the bottom
8 of the e-mail and see if you can find somebody
9 with a photo simulation. Within the last
10 twenty-four hours they have come up with a photo
11 simulation. I don't know --

12 CHAIRMAN BRAND: Just to clarify, we've
13 asked for that of other applicants. The cell
14 phone tower did a photo simulation. I believe
15 there were photo simulations for -- I'm
16 forgetting the applicant, but the view across the
17 river.

18 MS. BROOKS: Maybe the solar.

19 MS. LANZETTA: Yes.

20 MS. BROOKS: But again, just giving us
21 a little bit of time to get something done. We
22 tried very hard to give the Board as much
23 information and we could not having the photo
24 simulation, and then today the applicant was able
25 to provide these.

2 MS. LANZETTA: This to me doesn't look
3 like an adequate photo simulation. The point
4 that I would like to make is, first of all,
5 Ulster County Planning is encouraging planning
6 boards to ask for this. They explained that it's
7 not onerous for the applicants to put something
8 like this together. In fact, it's to the point
9 nowadays where a high school student could almost
10 put something like this together. It gives us a
11 more accurate representation of what it's going
12 to look like as opposed to the architectural
13 drawing which was very, in a sense, abstract. I
14 mean it shows the building and it doesn't show it
15 within the setting.

16 The reason we had asked for this
17 particular building, as we did for Kedem, is that
18 this is along a very highly traveled corridor,
19 the Route 9W corridor, and it's a large project.

20 There was some kind of fall through
21 with the architectural drawings. We never got
22 those until late.

23 MS. BROOKS: They were sent in August.
24 I have proof that I sent them because I resent
25 the same e-mail.

2 MS. LANZETTA: I'm not saying you
3 didn't. I'm just saying there was some kind of
4 fall through and the Planning Board never saw
5 those. By the time we looked at the
6 architectural drawings and realized that we
7 really -- at least I can say that I didn't get a
8 sense of what it was going to look like from the
9 road. That's why I requested that. I thought
10 that having a couple weeks to put it together
11 would be sufficient.

12 I think the fact that we're going to be
13 leaving the vegetation and the fact that it's
14 sitting low -- I know we didn't ask for that from
15 Brooklyn Bottling because it was clear this was
16 not going to be visible from 9W.

17 Myself, I'm thinking at this point I
18 wouldn't want to hold up the project for that
19 photo simulation, but I do believe that as a
20 Board, with those kinds of understandings that
21 the public is going to be -- that these projects
22 are going to be very visible to the public, that
23 this is something that we're going to want to
24 request on a regular basis.

25 MS. BROOKS: I appreciate that.

2 CHAIRMAN BRAND: Anything else from the
3 Board?

4 MR. LOFARO: I have a question about
5 the signage. Right now the sign is kind of
6 leaning up against the post, or whatever, for a
7 long time. What's the long-term plan for
8 signage?

9 MS. BROOKS: That sign is coming down.
10 They're not putting that sign back up. The
11 signage at this point in time is only on the
12 building. If they propose any additional
13 signing, my understanding is we need to come back
14 to this Board for a revised site plan. The
15 documents we've presented to date, the signage
16 will only be on the building.

17 CHAIRMAN BRAND: Jeff, maybe now is a
18 good time for you to jump in. I know that was
19 one of the conditions for the resolution included
20 some language on signage. All signs associated
21 with the improvements. It's a letter from you on
22 page 7.

23 MR. BATTISTONI: Bear with me for one
24 second. That's correct. That's in the
25 resolution. Any signage that would be proposed

2 would have to comply with 155-28.

3 CHAIRMAN BRAND: Would that require
4 them to come back? If it's within the code they
5 can just put it up?

6 MR. BATTISTONI: I frankly don't know.

7 I know that in some towns a sign permit is
8 required. It can be issued by a zoning
9 administrator without review by a planning board.
10 I don't know what Marlborough's code says about
11 that. I could check.

12 CHAIRMAN BRAND: Okay.

13 MS. LANZETTA: I would think that they
14 would be able to put up a sign as long as they
15 complied with the Town code.

16 MR. BATTISTONI: That was generally my
17 understanding in most towns.

18 MR. LOFARO: They still have to apply
19 for a permit?

20 MS. LANZETTA: Sure. The building
21 inspector would have to inspect it.

22 CHAIRMAN BRAND: You have before you
23 the SEQRA negative declaration and notice of
24 non-significance for the application of Royal
25 Energy Properties, LLC for the site plan approval

2 from the Town of Marlborough Planning Board.

3 Kathi, would you poll the Board,
4 please?

5 MS. NATLAND: Chairman Brand?

6 CHAIRMAN BRAND: Yes.

7 MS. NATLAND: Member Truncali, he's not
8 here.

9 Member Trapani?

10 MR. TRAPANI: Yes.

11 MS. NATLAND: Member Lanzetta?

12 MS. LANZETTA: Yes.

13 MS. NATLAND: Member Lofaro?

14 MR. LOFARO: Yes.

15 MS. NATLAND: Member Cauchi?

16 MR. CAUCHI: Yes.

17 MS. NATLAND: Member Clarke?

18 MR. CLARKE: Yes.

19 CHAIRMAN BRAND: You also have,
20 prepared by the town attorney, the resolution on
21 the application for Royal Energy Properties, LLC
22 for site plan approval.

23 Are there any other conditions that you
24 want to highlight before we go to the vote, Jeff?

25 MR. BATTISTONI: The only thing I would

2 say is that the first condition is for the
3 business corridor overlay district. So this
4 obviously goes back to the Town Board for that
5 process.

6 CHAIRMAN BRAND: Right. It states that
7 if they say no, that the whole thing is done.

8 MR. BATTISTONI: Is void. Correct.

9 CHAIRMAN BRAND: I think that was all I
10 had.

11 Kathi, would you poll the Board?

12 MS. NATLAND: Chairman Brand?

13 CHAIRMAN BRAND: Yes.

14 MS. NATLAND: Member Trapani?

15 MR. TRAPANI: Yes.

16 MS. NATLAND: Member Lanzetta?

17 MS. LANZETTA: Yes.

18 MS. NATLAND: Member Lofaro?

19 MR. LOFARO: Yes.

20 MS. NATLAND: Member Clarke?

21 MR. CLARKE: Yes.

22 MS. NATLAND: Member Cauchi?

23 MR. CAUCHI: Yes.

24 CHAIRMAN BRAND: So moved.

25 MS. BROOKS: Thank you very much.

2 (Time noted: 7:42 p.m.)

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 22nd day of November 2019.

18

19

20

21

22

23

24

25

Michelle Conero

MICHELLE CONERO

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

In the Matter of

BROOKLYN BOTTLING

Project No. 19-3006
9 Riverview Drive, Marlboro
Section 108.3; Block 2; Lots 38.1 & 39

REVISED PLANS - SITE PLAN

11 Date: November 18, 2019
12 Time: 7:42 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

18 ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
19 PATRICK HINES
KATHI NATLAND

21 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

2 CHAIRMAN BRAND: Next up we have before
3 you Brooklyn Bottling Company.

4 Just to be clear, Pat did e-mail me and
5 asked me if we thought this was something that
6 needed the Board's review. I thought that the
7 changes should be reviewed by the Board, so
8 that's why we're here tonight. We got you on the
9 agenda for this evening.

10 Pat, did you want to run through your
11 comments?

12 MR. HINES: As the Chairman just said,
13 I got an e-mail from the engineer for the project
14 identifying some changes. They worked on the
15 architecturals, finished some elevations and
16 realized there were some doors that were going to
17 be placed on the exterior.

18 They took a look at the drainage and
19 also wanted to do a more positive drainage away
20 from the building. That resulted in changes to
21 the plan as well as some changes to the paving
22 around the building to allow for some more access
23 on the northeast side. It was a little tight
24 there. They're going to pave some additional
25 area there, and they're compensating by removing

2 some paving on the west side so it doesn't affect
3 the drainage.

4 They are going to put an additional
5 series of drainage pipes all along the building
6 to positively convey the drainage that was sheet
7 flowing away from the building previously into a
8 closed pipe system, and then it goes over to the
9 large detention pond that was built during the
10 original construction.

11 The first comment I have, they want to
12 change the planters. They had stormwater planters
13 for water quality that the roof leaders are going
14 to discharge to. They act as a filter. There
15 was a planting bed with plants that are suitable
16 to growing in kind of wet areas. They have them
17 made out of concrete utilizing the building
18 foundation as the one wall and then a new wall
19 about three feet out. They want to separate that
20 now and build them out of railroad ties, pull
21 them away from the building wall. I commented
22 that I didn't think it was a good idea to put
23 that against the building foundation in the first
24 place. They're going to pull those out. They
25 want to change those from poured concrete to a

2 pressure treated landscape tie planter. So
3 that's a change, allowing them to pull it away
4 from the wall of the building by one foot. It
5 will be the same -- their sizes changed a little
6 bit and the geometry of them with the building,
7 but they do have the same area of those. That's
8 going to be -- that was a major change to the
9 stormwater.

10 We talked about adding around the
11 perimeter of the building a pipe system to drain
12 the building.

13 CHAIRMAN BRAND: Could I ask about
14 that? My own home, the gutters have a lot of
15 water. This is a giant building. With a
16 significant rainfall is that going to be able to
17 hold the water?

18 MR. HINES: They're set up to allow
19 that to overflow. It allows six inches or one
20 foot of ponding in the planter and anything
21 excess flows out. It's the smaller, more
22 frequent storm events that get treated. The
23 larger storm events will bypass the planter
24 through a catch basin. They are designed to
25 allow those bigger storms to flow. You do these

2 designs based on a 90 percentile storm. 90
3 percent of our storms here are 1.2 inches or
4 less, and the storms that exceed that are allowed
5 to pass through.

6 CHAIRMAN BRAND: Thank you.

7 MR. HINES: Continuing on. Identify
8 the parking lot pavement that we talked about.
9 They are putting a compensating area, switching
10 that pavement from east to west, and it does give
11 wider room around that northeast corner on what
12 would be the river side of the building.

13 They have added the fire service lines
14 to the building located within the existing
15 structure. The jurisdictional fire department
16 and the applicant have discussed that. We do
17 have a letter from the fire district accepting
18 that arrangement.

19 I asked that they add a hydrant detail.
20 They're moving the hydrant based on that pavement
21 they added. We're looking for a hydrant detail
22 to be added along with that water service line.

23 I think the changes are relatively
24 minor. They're more that they have done some
25 detailed design of the building, figured out the

2 loading dock.

3 There's an area of pavement that is in
4 relatively poor condition right along their
5 loading dock. They've identified that as being
6 taken out. They're going to take it out, put new
7 subbase and paving in there as well. That wasn't
8 proposed previously. I think when they did the
9 detailed design for the loading dock somebody
10 looked at it and said we're building a new
11 loading dock, we might as well clean up the
12 pavement area.13 The plans do show all the changes I
14 addressed. Unless the Board has any questions --
15 CHAIRMAN BRAND: Any questions from the
16 Board?17 MS. BROOKS: We did bring the final
18 plans tonight with the addition of the hydrant
19 installation detail and the water main fire
20 service line on the plans. They have been signed
21 by the owner.22 CHAIRMAN BRAND: Jeff, did you have
23 anything to add?24 MR. BATTISTONI: I don't know what the
25 Board has done in the past with something like

2 this. Do you want a written resolution to
3 approve the modified plans? Are you willing to
4 make a verbal motion tonight and have that stand
5 to be supplemented later on by that written
6 resolution?

7 CHAIRMAN BRAND: I think, due to the
8 minor changes involved, a verbal vote would be
9 okay.

10 Is everybody good with that.

11 MS. BROOKS: Also in the previous
12 resolution that was written, you did write in
13 there to the extent that the site plan must be
14 updated to show any system components, no
15 building permit shall be issued for work
16 identified in the site plan until the engineer
17 for the Planning Board has approved such updated
18 site plan. We actually went that one step
19 further and had it not only approved by the
20 engineer but also hopefully reaffirmed the
21 conditional approval by the Planning Board this
22 evening.

23 MR. BATTISTONI: Good.

24 MS. BROOKS: I think we're still within
25 that purview.

2 CHAIRMAN BRAND: I will entertain a
3 motion to approve the modifications as indicated
4 on the plans.

5 MS. LANZETTA: And approved by our town
6 engineer.

7 CHAIRMAN BRAND: And approved by the
8 town engineer. Is there a second?

9 MR. CAUCHI: I'll second.

10 CHAIRMAN BRAND: Manny. Any
11 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. CAUCHI: Aye.

18 MR. LOFARO: Aye.

19 CHAIRMAN BRAND: Aye.

20 Any opposed?

21 (No response.)

22 CHAIRMAN BRAND: So moved.

23 MS. BROOKS: Thank you very much.

24 MR. BONFORTE: Thank you.

25 Pat, do I bring these over to you? Mr.

2 Hines?

3 MR. HINES: I need to take a look at
4 them.5 MS. BROOKS: He needs to look at the
6 hydrant detail.7 CHAIRMAN BRAND: Anything else before
8 we adjourn?

9 (No response.)

10 CHAIRMAN BRAND: I'd like a motion to
11 adjourn.

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

13 MR. LOFARO: Second.

14 CHAIRMAN BRAND: All those in favor?

15 MR. CLARKE: Aye.

16 MR. TRAPANI: Aye.

17 MS. LANZETTA: Aye.

18 MR. CAUCHI: Aye.

19 MR. LOFARO: Aye.

20 CHAIRMAN BRAND: Aye.

21

22 (Time noted: 7:48 p.m.)

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:

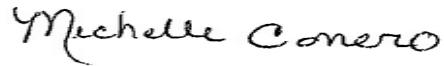
10 That hereinbefore set forth is a
11 true record of the proceedings.

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 22nd day of November 2019.

18

19



20

MICHELLE CONERO

21

22

23

24

25