

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

In the Matter of

4

5 JOHN WEED/WEED ORCHARDS

7 Project No. 20-4001  
Penny Lane  
Section 102.4; Block 4; Lots 33.100 & 1.311

8

10 SKETCH - LOT LINE

11 Date: January 21, 2020  
12 Time: 7:30 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

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

21 APPLICANT'S REPRESENTATIVE: SUSAN DEMSKY

23 MICHELLE L. CONEBO

25 MICHELLE L. C. PMB #276

24 56 North Plank Road, Suite 1  
FILE #270

30 North Main Road, Saugerties  
Newburgh, New York 12550

25 (845) 541-4163

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, January 21, 2020.  
8 Regular meeting 7:30 p.m. Approval of  
9 stenographic minutes for 12/16. On the agenda  
10 tonight is John Weed/Weed Orchards, sketch, lot  
11 line, on Penny Lane; Chestnut Petroleum, SWPPP,  
12 site plan, 1417 9W; Greiner BSD Realty, sketch,  
13 subdivision/lot line, 96 Idlewild Road, Marlboro;  
14 discussion without the lawyer, engineer and  
15 stenographer, Frank Dwyer, 203 Ridge Road,  
16 discussion on Airbnb. The next deadline is  
17 Friday, January 24th. The next scheduled meeting  
18 is Monday, February 3rd of 2020.

19 Can I have a motion to approve the  
20 stenographic minutes for 12/16, please?

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

22 MS. LANZETTA: I didn't see them. Were  
23 they sent out?

24 MS. FLYNN: Yes.

25 MS. LANZETTA: I'm sorry. I looked for

2 them tonight and I missed them.

3 CHAIRMAN BRAND: Is there a second?

4 Any other discussion?

5 MR. TRAPANI: I'll second.

6 CHAIRMAN BRAND: All those in favor?

7 MR. TRAPANI: Aye.

8 MS. LANZETTA: Aye.

9 MR. CAUCHI: Aye.

10 MR. LOFARO: Aye.

11 CHAIRMAN BRAND: Aye.

12 MR. GAROFALO: I'll abstain. I wasn't  
13 there.

14 CHAIRMAN BRAND: Okay. First up, John  
15 Weed/Weed Orchard, sketch, lot line.

16 MS. DEMSKI: The applicant, John Weed,  
17 proposes to convey 3.53 acres from the mobile  
18 home lot to the farm. His daughter is purchasing  
19 that mobile home lot and he wants to put more  
20 acreage with the farm.

21 CHAIRMAN BRAND: Pat, did you want to  
22 zip through your comments?

23 MR. HINES: Sure. This does qualify  
24 for the streamlined lot line provisions in your  
25 Ordinance.

2 My first comment just identifies what  
3 Sue said, it's 3.53 acres transferring between  
4 two lots.

5 It cleans up an existing access issue.  
6 The current lot is landlocked. This will give it  
7 access to the Penny Lane extension which is a  
8 paper street from a prior subdivision filed back  
9 in 2003. It will now have fee access to a public  
10 road or a street shown on a subdivision map which  
11 it doesn't currently have.

12 We're just looking for the location of  
13 the septic system. The well is shown but we want  
14 to make sure the septic system remains with the  
15 residential use on the lot.

16 There's a well shown serving the lot  
17 but then there's what also looks like a water  
18 valve depicted near there. We're just wondering  
19 what that was or if there's some kind of a cross  
20 section between them.

21 MS. DEMSKI: That's servicing the  
22 mobile home lot but may in the future service the  
23 farm.

24 MR. HINES: It's just a termination of  
25 the well line there?

2 MS. DEMSKI: Yeah.

3 MR. HINES: So there's no encroachment.

4 We did suggest, when we took a look at  
5 the resolution, a note on the map stating that  
6 this will not cause any encroachments or  
7 violations of the Public Health Law. So that  
8 will be a note we need on the map.

9 That's all we had. It does meet your  
10 streamlined. It doesn't need a public hearing.

11 I know Jeff has prepared a resolution.

12 CHAIRMAN BRAND: Comments, questions  
13 from the Board?

14 MR. GAROFALO: I have some.

15 CHAIRMAN BRAND: Please.

16 MR. GAROFALO: On the smaller map, the  
17 extension that goes out to Penny Lane, it looks  
18 like that was part of lot 1. I'm not sure, based  
19 on how this is striped, which that actually  
20 belonged to.

21 MR. HINES: That is the case. The  
22 striping just didn't follow through on that  
23 little piece there.

24 MR. GAROFALO: Which lot is it part of?

25 MR. HINES: It's part of the large farm

2 lot, tax lot 1.311. The cross hatching didn't  
3 extend through it.

4 MR. GAROFALO: Okay. The second  
5 question is with regard to the cul-de-sac, does  
6 that become a lot line change also? Does that  
7 become public property or does that stay as  
8 private property?

9 MR. HINES: The cul-de-sac is existing.  
10 Whoever owns it now continues to own it. I  
11 believe it's part of the parent lot, the large  
12 lot, which is lands of John R. Weed. It just  
13 stays that way. It was part of the -- it was an  
14 old subdivision and it's just remnant land from  
15 it.

16 MR. GAROFALO: Do they need a  
17 right-of-way to go through that?

18 MR. HINES: No. It's existing there.  
19 No.

20 MR. GAROFALO: The proposed one I'm  
21 talking about.

22 MR. HINES: No, because it's shown on  
23 that subdivision map. It's a road shown on the  
24 subdivision map. They would have access. It  
25 depends on, I guess, how the deeds were written

2 in the past. In other words, future subdivision  
3 of the Weed Orchard would normally have rights to  
4 access that road.

5 MR. GAROFALO: Okay. And the existing  
6 cul-de-sac, is that owned by the two properties?  
7 Again, is that a paper road that the Town owns?

8 MR. HINES: It's owned by the  
9 properties.

10 MR. GAROFALO: It's owned by the  
11 properties?

12 MR. HINES: It's not a Town road at  
13 this point. It wouldn't be a Town road until it  
14 was constructed and dedicated.

15 MR. GAROFALO: Okay. The only other  
16 comment that I have is I think for the Board to  
17 look at the bulk items, it would be good if in  
18 the future, not for this project but in the  
19 future, if the bulk table requirements show the  
20 requirements and then next to them show what's  
21 actually there so that the Board can see those  
22 numbers, what's being proposed, not just the  
23 requirements. We can look in the book and find  
24 the requirements, but to find what exactly is the  
25 frontage, what is the setbacks. That I think

2 should be part of the bulk table. I'm not going  
3 to ask for that here. Certainly there's a note  
4 saying it meets all of those requirements. I  
5 think in the future we should be asking that the  
6 existing and certainly the proposed be shown in  
7 that table.

8 MS. LANZETTA: I know we get that from  
9 some of our surveyors and engineers. I don't  
10 know if -- does that have anything to do with the  
11 fact that this is a small subdivision? It just  
12 happened that way?

13 MR. HINES: We do get that from -- the  
14 majority of the people that do submit to us show  
15 the building envelop as well as the existing and  
16 proposed setbacks.

17 MR. GAROFALO: I think it's very  
18 helpful to you and to the Board to be able to see  
19 that.

20 MS. LANZETTA: When we get to Greiner  
21 you'll see that.

22 MR. GAROFALO: I did see that.

23 CHAIRMAN BRAND: Anything else?

24 MR. GAROFALO: That's it for me.

25 CHAIRMAN BRAND: Jeff, did you have

2 anything?

3 MR. BATTISTONI: I guess just a  
4 question for Pat. Number 3 on your letter,  
5 should that be added as a condition to the  
6 resolution?

7 MR. HINES: Yes. That be depicted on  
8 the final map.

9 MR. BATTISTONI: I had prepared a  
10 proposed resolution. Number 3 from his letter  
11 should just be added as an additional condition.

12 MR. HINES: That was to show the septic  
13 system.

14 MS. LANZETTA: That meets the necessary  
15 sanitary --

16 MR. HINES: Yes. That note is in the  
17 resolution. There's a note requiring a note be  
18 added to the map.

19 MR. GAROFALO: That would mean it has  
20 to be on that lot?

21 MR. HINES: Yes. What we had suggested  
22 in the resolution was, and I don't have it in  
23 front of me to read but I did provide some  
24 verbiage that there be a note added to the lot  
25 line maps that the lot doesn't create any zoning

2 issues or doesn't transfer anything unknown to  
3 the survey. It doesn't create a septic system  
4 separation issue or such. I know Jeff corrected  
5 some of the verbiage that I had.

6 CHAIRMAN BRAND: We'll just add number  
7 4 to reflect Pat's number 3, if that makes sense.

8 MR. BATTISTONI: Yes, that makes sense.

9 CHAIRMAN BRAND: All right. That being  
10 said; Jen, would you poll the Board for the  
11 resolution on the application of John R. Weed and  
12 Weed Orchards, LLC.

13 MS. FLYNN: Before I do that, the last  
14 revision date of the map would be?

15 MS. DEMSKI: Well, there will be a  
16 revision date once we add the septic and the  
17 note.

18 MS. FLYNN: Do you know what date that  
19 would be so we can put it in the resolution or --

20 MS. DEMSKI: Our office is up at a  
21 conference, so it will be next week. I don't  
22 know exactly what day.

23 MS. FLYNN: I'll write it in.

24 MS. DEMSKI: Probably Monday I would  
25 say.

2 MS. FLYNN: Chairman Brand?

3 CHAIRMAN BRAND: Yes.

4 MS. FLYNN: Member Lanzetta?

5 MS. LANZETTA: 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 CHAIRMAN BRAND: Absent.

12 MS. FLYNN: Member Cauchi?

13 MR. CAUCHI: Yes.

14 MS. FLYNN: Member Garofalo?

15 MR. GAROFALO: Yes.

16 CHAIRMAN BRAND: So moved. Thank you.

17 MS. DEMSKI: Thank you very much.

18

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

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JOHN WEED/WEED ORCHARDS

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

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

10

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

12

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

16

IN WITNESS WHEREOF, I have hereunto

set my hand this 3rd day of February 2020.

18

19

*Michele Conero*

20

— MICHELLE CONERO —

21

22

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

In the Matter of

## CHESTNUT PETROLEUM

Project No. 15-8001

1417 Route 9W

Section 109.1; Block 4; Lot 14

## SWPPP - SITE PLAN

11 Date: January 21, 2020  
12 Time: 7:40 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

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

21 APPLICANT'S REPRESENTATIVE: PETER SETARO, SCOTT PARKER

22 ----- X  
23                   MICHELLE L. CONERO  
24                   PMB #276  
25                   56 North Plank Road, Suite 1  
                  Newburgh, New York 12550  
26                   (845) 511-1168

2 CHAIRMAN BRAND: Next up, Chestnut  
3 Petroleum, SWPPP, site plan.

4 MR. SETARO: Good evening. I'm Pete  
5 Setaro, I'm with CPL. We're the engineers for  
6 the project. Scott Parker is here with CPD, the  
7 applicant for the site.

8 MR. PARKER: Hi. Long time no see.

9 MR. SETARO: Would you like me to go  
10 through some of the amendments that we're  
11 proposing?

12 CHAIRMAN BRAND: Yes.

13 MR. SETARO: Okay. So as you know from  
14 driving by the site, there's a lot of activity  
15 there. As we've gotten into the project there  
16 are a couple things that have come up that we'd  
17 like to propose to the Board to make some changes  
18 to.

19 The biggest one is that the applicant  
20 has decided to not propose any improvements --  
21 widening improvements on 9W. It previously  
22 included a turn lane and then an acceleration  
23 lane. They've agreed to go with a right turn in  
24 and a right turn out of the site.

25 MR. PARKER: If you're interested in

2 any of the details of why or how that happened,  
3 I'd be happy to explain.

4 CHAIRMAN BRAND: I think we know the  
5 answer. It's cost.

6 Just to stop you there, New York State  
7 DOT, have they reviewed these new changes?

8 MR. SETARO: Yes.

9 CHAIRMAN BRAND: We've gotten approval  
10 from DOT for these changes?

11 MR. PARKER: We actually had a pre-con  
12 meeting this morning.

13 MR. SETARO: We'll provide that. I  
14 know that was one of Pat's -- I think Tom Harvey,  
15 in his letter -- I think he provided an e-mail.  
16 I'll have to see if we have something better.

17 MR. PARKER: We have a copy of the  
18 permit.

19 MR. SETARO: We actually have a copy of  
20 the highway permit. We'll submit that as part of  
21 our next documentation. DOT is okay with that.

22 The next one. If you recall, as far as  
23 our sewage, we used to have a subsurface sewage  
24 disposal system up on the hill behind the site.  
25 Since the Town has now installed a low-pressure

2 sewer system in front of our site, we're  
3 proposing to tie into that. We have submitted  
4 those plans to Brinnier & Larios and the Water  
5 and Sewer Department. We've had several meetings  
6 with them and we will be getting -- I did get an  
7 e-mail from Dennis Larios that basically said  
8 that, you know, the sewer plans were okay. He  
9 had one minor comment on the water. We'll have  
10 to go and get something from either Dennis or the  
11 water and sewer superintendent for the Board's  
12 files.

13 Number 3, as part of the DOT work we  
14 had some minor changes to the proposed stormwater  
15 system that were going north. The existing  
16 12-inch Town water main is very close to the  
17 existing storm line that's out there today. When  
18 we met with the Water Department we did some test  
19 pits to verify where the location of the water  
20 main is. They had asked if we could just move  
21 our storm drain line horizontally so we could  
22 provide between two and three feet of horizontal  
23 separation between the water main and our storm  
24 pipe. Currently there are spots where the  
25 existing storm pipe is right next to the existing

2 water main. So we said yeah, that's something  
3 that we can do. That was part of the updated  
4 plans that were submitted to the Department of  
5 Transportation.

6 We have proposed a couple of changes to  
7 the stormwater pollution prevention plan. Due to  
8 some fairly significant rock cuts on the southern  
9 part of the site, we had -- we had a  
10 bio-retention filter that went all the way around  
11 the back of the site. We had a little bit extra.  
12 We had proposed taking off about 50 feet of that  
13 to the area to the south. That's something that  
14 I'm sure Pat is going to comment on.

15 We also proposed a substitution on the  
16 water quality treatment device that we had  
17 previously had on the plans. We're now proposing  
18 a hydrodynamic separator with also some catch  
19 basin filters that would be installed on the  
20 three catch basins that are on the site. Pat had  
21 some comments on that. Again, I'll let him  
22 review those.

23 We previously had, in the back of the  
24 site, a soil and nail retaining wall on the top  
25 of the rock cut. Once the contractor got into

2 the work it didn't seem like that was going to be  
3 the best option for us, so we went with a precast  
4 block retaining wall. That was designed by -- I  
5 believe we got that through Redi-Rock, I believe.

6 MR. PARKER: Yes.

7 MR. SETARO: So that was a change.

8 I'm going to let Scott talk about some  
9 of the building-mounted signs that have been  
10 updated to reflect the current Chestnut and also  
11 Dunkin Donuts. I believe that also includes the  
12 pylon sign. Right?

13 MR. PARKER: That's right.

14 MR. SETARO: Do you want to just chat a  
15 little bit about the sign?

16 MR. PARKER: The signage. Since we  
17 went through the first plan, Dunkin's brand has  
18 changed a little bit and so has ours. The square  
19 footage I believe is all the same, it's just a  
20 change in the look of it. Dunkin Donuts is no  
21 longer Dunkin Donuts, it's just Dunkin now.  
22 Again, the signs are all in the same place,  
23 they're just different names. Our brand, our  
24 Chestnut market brand is going to be used now.  
25 Previously we had a Mobil mart brand.

2 MR. SETARO: That's about it.

3 CHAIRMAN BRAND: Pat, why don't you run  
4 through your comments first.

5 MR. HINES: We're looking for the DOT  
6 permit. I did see the e-mail with the concept  
7 approval. We're looking for the status of that  
8 review. That's been one of the ongoing issues  
9 with the project for awhile.

10 Sheet 1 that you gave us, sheet 1 of  
11 12, the new plans, has a DOT sign table. It  
12 refers to by JMC, John Meyers Consulting. That  
13 is not transposed on any of the plan sheets. The  
14 signage isn't depicted. Previously we had a plan  
15 from JMC that depicted all of those improvements  
16 within the roadway and showed where the signage  
17 is going to go.

18 MR. PARKER: I don't think we included  
19 their plans.

20 MR. HINES: It must exist because DOT  
21 would've requested it. If the Board can get that  
22 as well.

23 MR. SETARO: We can include the JMC  
24 plans.

25 MR. HINES: We did note that the plans

2 removed the previously proposed subsurface  
3 sanitary sewer disposal system. The Board is  
4 looking for a sign off from the Town's Sewer  
5 Department consultant, Brinnier & Larios, on  
6 those improvements. We're not going to re-review  
7 them. If they're doing that, let them do that  
8 and we'll look for the sign off.

9 There is an existing three-quarter inch  
10 water main or service lateral to the rear parcel  
11 that was proposed to be relocated.

12 MR. PARKER: That's been relocated.  
13 It's coming off of Mount Rose now.

14 MR. HINES: That's shown on the plans.  
15 Let's show that as an item that's done.

16 MR. SETARO: Relocation.

17 MR. HINES: On the plans it still says  
18 it's going to be relocated. That can either be  
19 removed and just put a note has been relocated.

20 MR. SETARO: Okay.

21 MR. HINES: The Town is a regulated  
22 MS-4. Previously the approvals requested a  
23 maintenance agreement be filed with the Town for  
24 the stormwater improvements. Again, during the  
25 public hearings the stormwater was an issue for

2 the adjoining landowners and downstream  
3 landowners. I don't know if that's been  
4 accomplished yet.

5 MR. PARKER: It's not a problem. Do  
6 you have a template that you can --

7 MR. HINES: I can provide that.

8 MR. SETARO: If you could e-mail that  
9 to me, Pat.

10 MR. PARKER: We have no issue with  
11 that.

12 MR. HINES: The previous plans that  
13 were approved by the Board had a sidewalk along  
14 9W. It doesn't appear that these plans have a  
15 sidewalk. There's a note regarding an easement  
16 now.

17 MR. PARKER: So without widening the  
18 road -- previously we were going to have to give  
19 up property or have some kind of easement with  
20 the DOT to allow that sidewalk. Now we no longer  
21 need that easement. Because we're not widening  
22 the road, the sidewalk would actually end up in  
23 the DOT right-of-way. What we're asking, and I  
24 understand this has been done on other projects,  
25 is a condition of our approval that if on either

2 -- if this comes along that we need the sidewalk  
3 -- currently it's a sidewalk to nowhere. It's  
4 going to deteriorate and by the time it's needed  
5 it would need to be redone. I understand that  
6 maybe it was the hardware store or something  
7 previously had gotten a condition of approval  
8 that the sidewalk would go in. We have no  
9 problem with that being a condition of our  
10 approval.

11 MR. HINES: I don't know if the Board  
12 is going to concur with that. This is kind of  
13 closer to the hamlet.

14 MR. PARKER: As soon as somebody brings  
15 the sidewalk close we'll build it.

16 MR. HINES: I guess someone has to be  
17 first. It's the excuse we hear all the time,  
18 there's no sidewalk there, but --

19 CHAIRMAN BRAND: You're literally 100  
20 feet away from the next sidewalk that's going to  
21 be installed.

22 MR. PARKER: When is that happening?

23 CHAIRMAN BRAND: Whenever the Bayside  
24 project goes through. They have all their  
25 approvals with sidewalks to the end of Purdy.

2 MR. PARKER: I just -- I don't see the  
3 point of building something that's just going to  
4 deteriorate and need to be replaced by the time  
5 it's being used. If you're telling me that  
6 there's something that's going to happen in the  
7 near future, that this will be --

8 CHAIRMAN BRAND: It's been approved. I  
9 think as far as foot traffic goes, obviously  
10 Dunkin Donuts would be a bigger draw for foot  
11 traffic than the hardware store would be. You're  
12 not carrying lumber out but you could go get some  
13 doughnuts.

14 MR. HINES: It almost might encourage  
15 the kids at the school to walk there.

16 MS. LANZETTA: You're a lot closer  
17 there.

18 MR. PARKER: I mean our sidewalks --  
19 pedestrian access to the site from the south we  
20 have no problem with. It's just the sidewalk  
21 across the entire front of the property. I don't  
22 know where people are going but --

23 CHAIRMAN BRAND: I think just the fact  
24 that they're walking there from the hamlet to get  
25 to it, or from wherever. That was something that

2 we were pretty particular about.

3 MR. GAROFALO: It was included in the  
4 Safe Routes To Schools, that that was part of the  
5 section that they wanted to have a sidewalk.

6 MR. PARKER: It's just extra concrete  
7 to us. I didn't -- to put a sidewalk to nowhere  
8 that's going to deteriorate is not something we  
9 thought was a good idea. If you're saying it's  
10 not going to be to nowhere for very long --

11 CHAIRMAN BRAND: That's the plan.

12 MR. PARKER: No problem.

13 MR. GAROFALO: I certainly have some  
14 concern, having seen a number of sidewalks where  
15 telephone poles are in the middle of the  
16 sidewalk, where they reroute it. If you go down  
17 Route 9W you see where the sidewalk near the  
18 Mansion in Newburgh is. There's the gas station.  
19 Basically they put the sidewalks in and they  
20 didn't even meet. I think we want to see a plan  
21 for the sidewalk so that other people, when they  
22 come by, you know, will know how to connect into  
23 it.

24 MR. PARKER: Is there a specification  
25 that the Town has for sidewalks?

2 MR. SETARO: That would be a DOT spec.

3 MR. PARKER: You guys don't have  
4 anything special, like stamped concrete and that  
5 kind of stuff?

6 MR. HINES: Just regular concrete.

7 MR. SETARO: Whatever the DOT requires.

8 MR. PARKER: No special light poles or  
9 anything?

10 MS. LANZETTA: No.

11 CHAIRMAN BRAND: Not yet.

12 MR. HINES: Are you proposing light  
13 poles?

14 MR. PARKER: No.

15 MR. HINES: You said it.

16 MR. PARKER: I'm just counting in my  
17 mind.

18 MR. GAROFALO: At the Mansion they  
19 wanted the sidewalk to be going around the  
20 telephone pole. When you get somebody walking at  
21 night, they're going to walk right into the  
22 telephone pole. It's something you can't see.

23 MR. HINES: The retaining wall, as you  
24 said, has been revised. I don't know -- Tom is  
25 in the room now, but I don't know if there was a

2 certification as to the as built. That was a  
3 rather large significant change to the retaining  
4 wall. We're looking for the -- I don't know if  
5 Tom has a stamped plan that that was built per  
6 the design specifications.

7 MR. SETARO: We have plans. We have  
8 stamped plans. I don't think it's been  
9 certified.

10 MR. HINES: That's required. Typically  
11 anything over four feet high is required. I'm  
12 going to defer to Tom on that. That's something  
13 before your CO that should be provided to make  
14 sure --

15 MR. PARKER: We'll do something.

16 MR. HINES: -- that that's constructed  
17 properly.

18 There are a couple locations where  
19 there's some headers that say Route 9W curb cut  
20 that are kind of random on the plan. Just clean  
21 those up.

22 During the SWPPP design the petroleum  
23 products and the fact that this is a DEC  
24 stormwater hotspot by definition under the  
25 regulations, that proprietary product that you

2 had there was actually a filter for the petroleum  
3 products, not so much -- now you're proposing a  
4 hydrodynamic separator that's more to remove the  
5 sediment and does minimal removal of the hotspot  
6 issues on the site. I know you're proposing some  
7 inserts in the catch basins but I don't believe  
8 those are DEC approved for that use.

9 MR. SETARO: We're going to have our --  
10 we'll have one of our engineers who is like  
11 versed in that, he had been checking into that.  
12 Let me follow up on that. He thought that they  
13 would be --

14 MR. HINES: It needs an NJCAT approval  
15 for DEC. It's actually a New Jersey approval  
16 that DEC adopted, that form.

17 MR. PARKER: Obviously if we can't get  
18 there we'll have --

19 MR. HINES: The former product was  
20 approved for use.

21 MR. SETARO: I understand.

22 MR. HINES: It was actually designed to  
23 do what you were proposing it to do.

24 MR. SETARO: Right.

25 MR. PARKER: It's more about the

2 installation of that thing. It's pretty enormous  
3 and this rock has put a big damper on it.

4 MR. HINES: You moved a lot of rock.

5 MR. PARKER: You have no idea.

6 MR. HINES: We did review the rest of  
7 the SWPPP and we take no exception to the  
8 modification to the bio-filter that you had in  
9 the back. It was oversized originally. It still  
10 meets the water quality requirements for that  
11 portion of the site.

12 And then we're suggesting the Planning  
13 Board review the new signage on the site that was  
14 proposed, which you had just mentioned. There  
15 are changes to that.

16 That's the extent of our comments on  
17 the revised plans.

18 CHAIRMAN BRAND: Comments from the  
19 Board?

20 MR. GAROFALO: I have a bunch of  
21 comments. With regard to the back where there  
22 was going to be a septic area, you had on the  
23 previous plan, I guess it was a path so if you  
24 had a lawn mower you could get up there and mow  
25 it or something. What exactly are you going to

2

be doing with that back part?

3

MR. PARKER: It's seeded right now.

4

It's grass.

5

MR. GAROFALO: You're going to maintain that path to go back there?

7

MR. PARKER: The path will be up there.

8

I think that the neighbors would rather us let it grow back up if that's -- unless somebody has a problem with it.

11

12

MR. GAROFALO: Is there going to be a fence on the top?

13

14

15

16

MR. PARKER: There is already. We had it in the original plan. I can't remember the height of it. 4.6. Whatever it is. It's already been installed.

17

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19

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21

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25

CHAIRMAN BRAND: Just so you know, if somebody does have a problem with it, and it would be the neighbor behind you, she's reached out several times to you and to Mr. Germal. She was requesting, which we didn't think of at the time, that some type of buffer be planted there. Some type of tree to shield her from the lights and the sound and everything. Unfortunately at the time we weren't -- we had already made the

2 approvals. Since we're doing a re-approval, I  
3 think that's something I'd like to see up at the  
4 top there.

5 MR. PARKER: Do we have what exactly  
6 you're looking for?

7 CHAIRMAN BRAND: Just some type of tree  
8 buffer.

9 MR. HINES: Evergreens. Previously the  
10 septic system being back there --

11 MR. PARKER: What property are we  
12 talking about?

13 CHAIRMAN BRAND: Directly behind you.

14 MR. HINES: Above the wall.

15 MR. PARKER: Is that the one that was  
16 mad because she didn't know the project was  
17 happening?

18 CHAIRMAN BRAND: Apparently her well  
19 was damaged and --

20 MR. PARKER: That's it.

21 CHAIRMAN BRAND: That's the information  
22 I received.

23 MR. PARKER: Yeah.

24 CHAIRMAN BRAND: I think that being  
25 neighborly with planting some trees and some

2 buffer, vegetation would go a long way as opposed  
3 to just grass. As Pat said, previously you  
4 weren't able to do that because of the subsurface  
5 sanitary system. Since that's no longer in play,  
6 I don't see any reason not to go ahead and do  
7 that.

8 MS. LANZETTA: Don't you think large  
9 shrubs would be better than trees because  
10 trees --

11 MR. HINES: They put them too close to  
12 that wall. It's a pretty high wall.

13 CHAIRMAN BRAND: Arborvitae type of  
14 things that grow up. Something like that.

15 MR. SETARO: The deer like them.

16 MS. LANZETTA: That's rock there.

17 MR. LOFARO: She's looking to shield  
18 the light. Something has to be adequate to  
19 shield --

20 MR. HINES: Maybe rather than put them  
21 back by the wall, put them back where your limits  
22 of grading were.

23 CHAIRMAN BRAND: Somewhere between your  
24 property line and there. I personally would like  
25 to see that.

2 MR. HINES: You could take advantage of  
3 the elevation. The further you put them back,  
4 the better.

5 CHAIRMAN BRAND: Further back would be  
6 better. The closer to her property the better I  
7 think.

8 MS. LANZETTA: You can get some pretty  
9 tall shrubs.

10 MR. LOFARO: And full.

11 MR. GAROFALO: If you can find native  
12 species, so much the better.

13 MR. PARKER: There's a bunch of native  
14 species out there. Can't we just let them grow?

15 MR. GAROFALO: I have a couple of other  
16 comments. There are some details on the plans,  
17 an accessible ramp detail, a crosswalk detail. I  
18 don't see where on the plans those appear. If  
19 you could take a look and identify -- I don't  
20 even know if you're going to have a crosswalk  
21 now. Take a look and see, A, if you need them;  
22 B, locate them wherever they're supposed to be on  
23 the plan.

24 MR. SETARO: Sometimes they are just  
25 like our standard like details and they just get

2 put on every job. Okay, that's fine.

3 MR. GAROFALO: I'd like to give you  
4 this. New York State has a dynamic sign for the  
5 accessible locations, both for the signs and the  
6 pavement markings. If you could change those on  
7 the plan to reflect that, both in the signs and  
8 the pavement markings.

9 MR. SETARO: All right. Is this for us  
10 or do you need that back?

11 MR. GAROFALO: You can keep that.  
12 There's no indication on the plan what  
13 size the parking spaces are going to be. You  
14 should have that. That was a problem before. I  
15 did not see that on the plan. If you could put  
16 that on the plan, that would be appreciated.

17 This site is probably going to be the  
18 poster child for bicycle parking. You have  
19 bicycle racks identified on the plan. I think  
20 most people who ride bicycles prefer to have  
21 their bicycles locked, the frame locked as  
22 opposed to the wheels. I think it would be nice  
23 to see some kind of a detail. If you want to  
24 make them orange for Dunkin Donuts or whatever.

25 MR. PARKER: What do you like? What

2 kind?

3 MR. GAROFALO: Just something to show  
4 -- I don't want to say a certain brand or  
5 whatever, but --6 MR. PARKER: Or equivalent. You can  
7 say the brand.8 MR. GAROFALO: There's a whole series  
9 of different ones. I think you can look. I can  
10 give you an item showing some of the things that  
11 are good and some of the things that are bad.  
12 Basically something you're locking the frame to  
13 as opposed to the old standard ones where you  
14 just kind of put it in and lock the wheel to it.

15 MR. PARKER: No problem.

16 MR. CAUCHI: There's no designation  
17 here for a bicycle rack.

18 MR. PARKER: There is.

19 MR. GAROFALO: Over there.

20 MR. HINES: Right there.

21 MR. SETARO: We have one on the side.

22 MR. GAROFALO: Which I think is great.  
23 I mean that's what I said, you're going to be the  
24 poster child. It would be nice if we could point  
25 everybody and say they did it right. Consider

2 the fact that there are going to be times when  
3 there's going to be nobody there at all, so you  
4 want to be able to -- the people to move through  
5 there also probably. Think about what is it  
6 going to look like and how do you want it to look  
7 to match what you're doing with your building.  
8 You'll be the poster child, this is the way to do  
9 it or this is the way not to do it. I certainly  
10 would like that.

11 MR. PARKER: That's a lot of pressure.

12 MR. SETARO: It is a lot of pressure.

13 MR. GAROFALO: These guys did it right,  
14 the right way.

15 The signs. Just like the bulk table,  
16 with the signs I think it would be nice if you  
17 had this is what they're going to be and this is  
18 what the regulations say so we can quickly see  
19 that you match what is required. You basically  
20 kept the height and everything the same. I don't  
21 know if you changed the size of the lettering or  
22 anything. I think that kind of table for this  
23 kind of sophistication I think would be nice to  
24 see so that the Board can clearly see okay, these  
25 guys are exactly meeting the new -- you're

2 meeting the new code.

3 MR. PARKER: That code wasn't around  
4 when we first started. I guess we'll have to do  
5 a comparison. I think on our last approval there  
6 wasn't a code. Maybe I'm wrong.

7 CHAIRMAN BRAND: It had just been  
8 passed prior to your approval. Adopted.

9 MR. PARKER: Nothing has changed in  
10 size. If we met this then, we meet it now.

11 MR. GAROFALO: In terms of the size,  
12 the height and the letter size.

13 MR. PARKER: But our application was in  
14 before that code also. I don't know. I don't  
15 know if we've ever done that analysis.

16 MR. GAROFALO: Okay. It might be good  
17 to just take a look at that and make sure you're  
18 okay.

19 MR. PARKER: With all these trees and  
20 sidewalks I might just put in the turning lane  
21 again.

22 MR. TRAPANI: I wish you would do that.  
23 If this came up before that you only had a right-  
24 hand turn, I wouldn't have voted on it. I  
25 wouldn't have voted on it. Do you know how many

2 accidents are going to be down there now? People  
3 are going to go up to the drug store, turn  
4 around, they're going to go -- what's that little  
5 road passed them?

6 CHAIRMAN BRAND: Mount Zion.

7 MR. TRAPANI: At that point they're  
8 going to turn around. The traffic is going to be  
9 just crazy now. I'm sorry. I was in favor of it  
10 but right turn in, right turn out.

11 MR. LOFARO: I agree with you. I like  
12 the extra lane that was going to be there. I  
13 think that's going to cause problems.

14 CHAIRMAN BRAND: Pat, we talked about  
15 this previously. Just to refresh everybody's  
16 memory, the approval that was granted for them  
17 was contingent upon DOT approval of their access?

18 MR. HINES: Yes. It specifically  
19 stated that any modification would require them  
20 to return. This was a significant difference in  
21 what was approved.

22 CHAIRMAN BRAND: Can you repeat that?

23 MR. HINES: Your original resolution of  
24 approval, they did not have DOT approval for --  
25 what they were proposing was a non-standard

2 design. I guess they were pretty confident they  
3 were going to get it through DOT, as well as JMC  
4 Engineers. That didn't happen. The DOT would  
5 not allow that to happen. They were going with a  
6 conventional turning lane which I think wasn't  
7 cost effective.

8 MR. PARKER: When we went for approvals  
9 we had gone to that conventional.

10 MR. HINES: That had been in between  
11 when you approved it. Your approvals had, I  
12 think you called it a seagull turning lane or  
13 something is how you referenced it. They would  
14 have needed to come back anyway, even if they  
15 changed it to the conventional left-turn lane,  
16 deceleration/acceleration lane that the DOT was  
17 proposing. I think there was 500 feet beyond  
18 improvements required.

19 MR. PARKER: It was past Mount Rose.

20 MR. HINES: They would have had to come  
21 back anyway.

22 MR. CAUCHI: You only can get into this  
23 place by traveling south?

24 MR. HINES: It's only a southbound in  
25 and out.

2 MR. CAUCHI: If you're traveling north  
3 you can't get in there.

4 MR. HINES: They're going to build one  
5 up north of here. I don't know how many Dunkin  
6 Donuts --

7 MR. PARKER: There's already one on the  
8 other side.

9 MR. HINES: In Highland.

10 Some of it is a convenience type. If  
11 people can't get in and out of these places  
12 they'll go to the next one.

13 MR. LOFARO: That's why there's one on  
14 each side of the road.

15 MR. GAROFALO: I can't see it here now  
16 but I think in your bulk table there was -- it  
17 asked you somewhere about a variance.

18 MR. HINES: They did get a variance.

19 MR. PARKER: Lot size.

20 MR. LOFARO: Lot size.

21 MR. HINES: The lot is under 2 acres.

22 CHAIRMAN BRAND: I'm not sure if you  
23 answered my question. Our old approval was based  
24 on a DOT approval, not specific to the seagull.  
25 Our new approval would be based -- to approve

2 these proposed changes we'd have to re-approve  
3 based on these right-turn lane type things?

4 MR. HINES: Yes. Hopefully they'll be  
5 providing us with a DOT permit that DOT has  
6 issued for the right in/right out only. There  
7 has to be another set of plans we don't have I'm  
8 sure.

9 MR. SETARO: We'll supply them.

10 MR. PARKER: The JMC plans you don't  
11 have.

12 MR. GAROFALO: Should the plans say the  
13 variance was required and approved?

14 MR. SETARO: Yes, it should. Yes. It  
15 does say here variance required. That should be  
16 changed.

17 MR. GAROFALO: Thank you.

18 MR. CAUCHI: DOT said no to turning  
19 in --

20 MR. HINES: No. I think the DOT  
21 ultimately they said no to the original proposal  
22 of this "seagull" turn that didn't meet their  
23 manual of uniformed traffic control devices. The  
24 applicant, after they received this Board's  
25 approval, and you can correct me if I'm wrong,

2 worked with the DOT and came back with a  
3 conventional road widening left-turn lane,  
4 acceleration/deceleration lanes that --

5 MR. PARKER: I think that was in the  
6 approved plan. That's been a long time since we  
7 got to that point.

8 MR. HINES: I'm not sure of the timing  
9 there. Your approval did say any change to the  
10 approval would require a resubmission back to  
11 this Board. So when DOT approved it, either they  
12 determined there was a roadway widening and  
13 possibly some land dedications that were  
14 required.

15 MR. PARKER: There's a Central Hudson  
16 forced gas main on the other side of the road, so  
17 we can't go that way.

18 MR. HINES: The Tuxedo/Poughkeepsie  
19 line runs on the other side of the road.

20 MR. SETARO: That pole line too was on  
21 the other side of the road.

22 MR. HINES: It became a financial issue  
23 for the applicant.

24 MR. PARKER: Not even. I mean we would  
25 have to -- the way they pushed us down the road,

2 we'd have to regrade all of Mount Rose, maybe  
3 move the water services. It's not --

4 MR. CAUCHI: It's ridiculous.

5 MR. PARKER: Yeah.

6 MR. GAROFALO: It's not like there  
7 aren't gas stations on the other side of the road  
8 which allow both right turn in and right turn  
9 out. There's two gas stations on the east side  
10 of the road already. Actually, this will be the  
11 first -- this is the first one on the west side.

12 MR. PARKER: Until you get to Newburgh.  
13 There's one in Highland and one in Newburgh.

14 MR. GAROFALO: Certainly people will  
15 break the law and make left turns but ideally  
16 most of the people will commute and will  
17 understand in the morning when I'm going south I  
18 go in and get my gas, not when I'm coming home  
19 kind of a thing. Maybe some people --

20 MR. LOFARO: I think it's more of the  
21 people who want to go there and have to pass it  
22 will turn around in CVS and come back. I think  
23 that's going to create more of a problem with  
24 traffic going back because they missed it or  
25 because they can only get in one way. It's

2 already a problem at the bottom of the hill where  
3 my driveway is where all that stuff connects  
4 together. It's only going to add way more  
5 traffic.

6 CHAIRMAN BRAND: Jeff, just out of  
7 curiosity, do these proposed changes require  
8 another public hearing or is that just something  
9 the Board can approve?

10 MR. BATTISTONI: I don't know the  
11 answer to that. I have your Code Section 155-31  
12 which is site plan review. There's a subdivision  
13 B(4) that says, "Approval of revised plan.  
14 Revisions of such plans shall be subject to the  
15 same approval requirements as a new application  
16 except to the extent those requirements are  
17 waived or reduced by the Planning Board." So it  
18 seems you have discretion on that.

19 CHAIRMAN BRAND: Do we think that these  
20 changes require another public hearing? Are they  
21 substantial enough?

22 MR. TRAPANI: What's it going to do if  
23 you have another public hearing? Just to let the  
24 public know. I mean they've gone this far now  
25 with this here and we can't shut it down. We

2 have to do what we have to do.

3 MR. SETARO: We're going to go ahead  
4 and add some plantings up behind the site and --

5 MR. LOFARO: That doesn't help the  
6 traffic.

7 MR. SETARO: No, no, no. I understand  
8 that.

9 Other than that, the changes on the  
10 site -- on the site per se are fairly minor  
11 except for the highway widening.

12 CHAIRMAN BRAND: Personally I don't  
13 really see the need. If the majority of us think  
14 it should be, I wouldn't have a problem holding  
15 another public hearing.

16 MS. LANZETTA: I suspect we'll get the  
17 same people in that we had the first time around  
18 and we'll hear the same concerns. There were  
19 traffic concerns. I don't know if it's  
20 significant enough to be able to say that after  
21 they've invested this much money into the site,  
22 that they're so significant that we could decline  
23 the approval.

24 MR. LOFARO: I don't think we would be  
25 looking at declining the approval. The

2 modification has to be made to where everybody is  
3 happy. If you have a public hearing and  
4 everybody comes back in and the same people are  
5 complaining about the same reasons as before --  
6 everybody was okay with the change and now the  
7 change is going back -- those people are going to  
8 have the same problem. I don't think anybody  
9 wants to cancel the project but I think they want  
10 to be able to get in and out safely and they  
11 don't want to create other problems a half a mile  
12 or a quarter mile down the road.

13 MS. LANZETTA: How can they do that?

14 MR. LOFARO: I don't have the answer.

15 MR. CAUCHI: What kind of signage are  
16 we going to have to tell the people they can't  
17 make this left-hand turn?

18 MR. PARKER: A little arrow with a line  
19 through it.

20 MR. HINES: That's one of my comments,  
21 to show us that signage plan.

22 MR. GAROFALO: Maybe before we make the  
23 decision we should see what the plans are. What  
24 they are actually --

25 MR. PARKER: It's a no turn sign. It's

2 your standard --

3 MR. SETARO: No turn sign. The circle  
4 with --5 MR. HINES: They're not placed on the  
6 plan.7 CHAIRMAN BRAND: It will be on the  
8 other side of the street or on the opposite side?9 MR. PARKER: Opposite side. That's  
10 usually where they put them.11 MR. HINES: They're going to be on both  
12 sides.13 MR. LOFARO: I don't think it's those  
14 people. I think it's the people who know the  
15 area, who know I want to go to Dunkin, if I  
16 travel here and I turn around and come back up I  
17 can go to Dunkin. I don't think it's the average  
18 person that just comes through every now and  
19 then. It's the people who live here who want to  
20 go there.21 CHAIRMAN BRAND: That will be the new  
22 U-turn.23 MR. TRAPANI: 5:00 in the morning when  
24 nobody is going the other way.

25 MR. LOFARO: We have enough problems

2 with the school busses there. The school bus  
3 can't pick the kids up on the highway anymore,  
4 they have to come into the driveway. There's too  
5 much traffic and there's been a few accidents  
6 with the bus right in that same spot. I think it  
7 creates a bigger issue.

8 CHAIRMAN BRAND: Maybe we'll wait to  
9 see the revised plans that they come back with  
10 and we'll make the decision when they come back  
11 as to whether or not we'll require a public  
12 hearing.

13 MS. LANZETTA: I don't think there's  
14 any revised plans.

15 MR. PARKER: We'll have to shut down  
16 construction if that's the case. If we have to  
17 wait another month, we can't keep going the way  
18 we're going. If there's a chance that somebody  
19 is going to want to modify something at this  
20 point --

21 CHAIRMAN BRAND: We want to see the  
22 sidewalks, the plantings. I mean that stuff has  
23 to be --

24 MR. SETARO: That stuff --

25 MR. PARKER: We're going to give you

2 what you want.

3 MR. SETARO: Yeah. Those are simple.

4 MR. CAUCHI: You can't ask for more  
5 than that.

6 CHAIRMAN BRAND: I can ask to see it on  
7 the plans for sure.

8 MR. PARKER: Sure you can. If we come  
9 back in two weeks or a month --

10 CHAIRMAN BRAND: I don't want to stop  
11 construction in the meantime. We're not saying  
12 stop construction.

13 MR. PARKER: If we come back in a  
14 couple weeks and you say okay, we're going to  
15 have a public hearing now, I can't keep going. I  
16 mean we're looking to open this thing in a month.  
17 I can't wait a month to find out.

18 MR. HINES: I think you proceeded along  
19 at your own course as well. This has been under  
20 construction for a long time without coming back  
21 to the Board with the changes.

22 MR. PARKER: We've been dealing with  
23 DOT on the drainage design. Now we finally have  
24 it. That's why we're here.

25 CHAIRMAN BRAND: Here's what I'll say.

2 Please tell me if you disagree. I think I'd like  
3 to see these plans. I'm not saying you have to  
4 stop construction. I'd like to see the plan, and  
5 then the Board will make a determination at that  
6 time. It will be up to you whether or not you  
7 want to proceed. We're not saying to stop  
8 construction at this point. We just want to see  
9 the plans and make sure what we're approving is  
10 actually on the plans. I don't think that's an  
11 unreasonable request.

12 MR. PARKER: No, it's not. Again, if I  
13 spend more money and then come in here in two  
14 weeks and find out that we're now going to have a  
15 public hearing and we have to stop construction  
16 anyway, I'm just trying to weigh it. Okay.

17 MR. SETARO: We have a deadline,  
18 though, of next -- the 24th, which is this  
19 Friday. I mean is that like a strict -- the next  
20 meeting is what?

21 CHAIRMAN BRAND: The 18th. The  
22 following meeting is the 18th after the 3rd.

23 MR. HINES: I think realistically we're  
24 shooting for the 18th.

25 MS. LANZETTA: I think what I'm hearing

2 is that those incidentals are all -- have all  
3 been worked out as far as if there's agreement on  
4 all those incidentals. The thing that's  
5 bothering people right now is the new DOT  
6 approval and --

7 MR. HINES: The traffic pattern.

8 MS. LANZETTA: Yeah. So I think there  
9 has to be some consensus from this Board if they  
10 can live with that and let it play out and see  
11 what happens, knowing that perhaps there won't be  
12 a heck of lot that we can do until additional  
13 either DOT work is done or additional site plans  
14 come up in the future or not. It's like I think  
15 we have to have -- they don't have a choice at  
16 this point. Financially they don't -- they don't  
17 believe that they have a choice financially.

18 MR. HINES: The right in/right out is  
19 the safest traffic movement, save for illegal  
20 movements that people try to do.

21 CHAIRMAN BRAND: That's an enforcement  
22 issue.

23 MR. HINES: It's an enforcement issue.  
24 If the State Police or the Marlborough Police sit  
25 out there and do some enforcement at 5 in the

2 morning, word will get out don't make that turn.

3 MR. GAROFALO: This is a major commuter  
4 route. People will know that they have to do it  
5 in the morning or in the afternoon depending on  
6 which way they're going. Gas is not something  
7 that you easily can plan ahead for. Again, as I  
8 said, there's gas stations on both sides of the  
9 road. I certainly have seen enough locations  
10 where they have right turn in/right turn out. No  
11 matter how you do it, there will always be some  
12 people --

13 MR. HINES: Like you said, at 4:00 in  
14 the morning when no one is around.

15 MR. GAROFALO: -- who will make an  
16 illegal turn. I think we have to design -- look  
17 at the design and decide is this okay for this  
18 site.

19 MS. LANZETTA: I think DOT has looked  
20 at that design and determined that it's okay. If  
21 we go against what DOT is saying, we better have  
22 a real good idea as to why we have to do that,  
23 because then we open up the Town to possible  
24 legal ramifications.

25 MR. HINES: It is DOT's road and it is

2 their jurisdiction.

3 CHAIRMAN BRAND: I have no issue with  
4 the turn. I would like to see the plans to make  
5 sure everything we said is on the plans before we  
6 go ahead and vote for it. That's all I'm saying.

7 MR. SETARO: We might be able to get  
8 this together by Friday because a lot of these  
9 things are little. I'm going to shoot to get it  
10 done on Friday and then submit it.

11 Do you need a full twelve sets again?  
12 That's fine, we can provide the twelve sets, I  
13 just --

14 CHAIRMAN BRAND: Jen, what do we  
15 normally ask for?

16 MS. FLYNN: We usually ask for twelve  
17 but we can work with ten.

18 MR. SETARO: Ten, twelve. We'll do the  
19 twelve.

20 MS. FLYNN: There's ten here.

21 MR. SETARO: That's fine. That's fine.  
22 We'll stick with that. We're going to try for --  
23 is it Friday at noontime or is there --

24 MS. FLYNN: Friday before 4. 4 in the  
25 afternoon is when the office closes. The next

2 deadline is February 7th.

3 MR. SETARO: Okay.

4 MR. PARKER: I'm not going to have to  
5 bring a suit again next time, do I?

6 CHAIRMAN BRAND: It's all good.

7 MR. PARKER: A lawyer.

8 CHAIRMAN BRAND: Bring who you'd like.

9 We've got ours.

10 Thank you very much, guys.

11 MR. PARKER: Thank you.

12

13 (Time noted: 8:20 p.m.)

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CHESTNUT PETROLEUM

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

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

certify:

10

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

12

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

16

IN WITNESS WHEREOF, I have hereunto

set my hand this 3rd day of February 2020.

18

19

*Michele Conero*

20

— MICHELLE CONERO —

21

22

23

24

25

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

7                   GREINER BSD REALTY NY, LLC  
8

9                   Project No. 19-3013  
10                  96 Idlewild Road, Marlboro  
11                  Section 108.3; Block 1; Lots 21.113 & 18.12  
12

13                  ----- X  
14

15                  SKETCH - SUBDIVISION/LOT LINE

16                  Date:    January 21, 2020  
17                  Time:    8:20 p.m.  
18                  Place:   Town of Marlborough  
19                  Town Hall  
20                  21 Milton Turnpike  
21                  Milton, NY 12547  
22

23                  BOARD MEMBERS:    CHRIS BRAND, Chairman  
24                  JAMES GAROFALO  
25                  BEN TRAPANI  
26                  CINDY LANZETTA  
27                  JOSEPH LOFARO  
28                  MANNY CAUCHI  
29

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

34                  APPLICANT'S REPRESENTATIVE:   DARRIN SCALZO  
35

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

2 CHAIRMAN BRAND: Next up, Greiner BSD  
3 Realty, sketch, subdivision/lot line, 96 Idlewild  
4 Road, Marlboro.

5 MR. SCALZO: Darrin Scalzo representing  
6 the Greiner BSD Realty New York, LLC subdivision/  
7 lot line change.

8 If I could just roll through what I  
9 rolled through in the initial meeting. I know  
10 you have a new Board Member here. He probably  
11 wouldn't mind hearing the whole story.

12 CHAIRMAN BRAND: He heard it the first  
13 time.

14 MR. SCALZO: Perhaps I just like to  
15 talk.

16 MR. GAROFALO: I want to hear it again.

17 MR. SCALZO: I'll be brief, or quicker.

18 It's a proposed lot line change and now  
19 a three-lot subdivision of approximately 88 acres  
20 of land.

21 I'm going to put it in order. We  
22 currently have two parcels, 30 plus acres on tax  
23 parcel 21.113 and approximately 58 acres on tax  
24 parcel 18.12. Both parcels are located on the  
25 southerly side of Idlewild Road. The 30-acre

2 parcel has road frontage at multiple locations on  
3 Idlewild and contains a cold storage building at  
4 the corner of Idlewild and Berma. The 58-acre  
5 parcel has road frontage on Berma Road, and it  
6 also includes the Pioneer Water warehouse.

7 The applicant is seeking to create a  
8 standalone lot for the warehouse. To accomplish  
9 this we need to combine the lot line change and a  
10 subdivision of tax lot 21.113.

11 The lot line change portion will allow  
12 for sliding around the warehouse into tax lot  
13 18.12, and then the three-lot subdivision of tax  
14 lot 21.113 is as follows: We're going to create  
15 a 22 plus acre lot on the west side of the  
16 warehouse which includes the Ridge Preservation  
17 area and the wells; a 4.57 acre lot which is the  
18 old water bottling warehouse which also has its  
19 own independent well and septic system currently;  
20 then an 8.5 acre lot which includes the cold  
21 storage building at the corner of Idlewild and  
22 Berma.

23 The parent parcel is in the RAG-1 Zone  
24 District with westerly portions of the lot being  
25 in, as I mentioned, the Ridge Line Protection

2 area.

3                   This is where it gets really  
4 interesting. Back in 2001 a site plan was  
5 approved for Pioneer Springs which included the  
6 10,000 square foot water bottling plant and  
7 access out to Idlewild Road. At the time both  
8 lots were owned by the same parties. The intent  
9 was to combine the two for a total of nearly 92  
10 acres. I don't know the details of that. The  
11 intention to combine those just never happened.  
12 Since then a minor subdivision has taken some of  
13 the acreage out of the bigger lot.

14                   On March 20th -- and this is where it  
15 gets real interesting. On March 20th of 2019 the  
16 Greiners entered into an agreement to convey tax  
17 lot 18.12 to BSD Realty NY, LLC. They also  
18 entered into an access right-of-way easement  
19 agreement for ingress and egress over a portion  
20 of tax lot 21.113 to get to the warehouse from  
21 Idlewild Road. They also entered into a  
22 memorandum of contract to subdivide out that  
23 portion of lot 18.12 including the warehouse,  
24 approximately 4.5 acres, and access to the  
25 warehouse. The memorandum also included language

2 to convey the remaining 56 acres of tax lot 18.12  
3 back to the Greiners. All of these references  
4 are filed in the Ulster County Clerks Office as  
5 legal documents.

6 I'm going to summarize to say they came  
7 to an agreement before they brought me on board,  
8 so I'm walking in backwards to this, trying to  
9 accommodate all of the agreements that are now  
10 filed with the County.

11 MR. HINES: Private agreements, not  
12 anything to do with the Town.

13 MR. SCALZO: You're correct. You're  
14 absolutely correct. I wanted to give you the  
15 backstory of how we arrived at where we arrived.

16 There are no proposed improvements  
17 included in this application.

18 The warehouse has been cleared of all  
19 of the bottling equipment and is currently being  
20 utilized for agricultural storage. If you'd like  
21 to see a few photos of what's in there, I can  
22 pass those around for you. I'm not sure if you  
23 know what it is. The Hepworths are utilizing  
24 that area now. It's amazing what's in there. I  
25 was in there the week between Christmas and New

2 Years.

3 MR. HINES: That explains things.

4 MR. SCALZO: It's really -- it's  
5 amazing to see.6 There's a small office attached to the  
7 warehouse which is currently being used by BSD.  
8 It's just for office stuff.9 The warehouse is served by an  
10 individual well and septic.11 To date this is our third appearance  
12 due to mostly lot geometry. If you recall, the  
13 first submission we had a jug handle which went  
14 around the warehouse to connect the east and west  
15 portions and the 30-acre parcel. Wisely the  
16 Board asked us to consider other alternatives.  
17 Tonight I have such an unusually shaped lot.18 Our second submission included a  
19 simpler layout and increased the new lot count  
20 from two to three. It was actually discovered  
21 during the meeting that we may not meet the  
22 criteria required for New York State Subdivision  
23 Law 280-A, which would have meant utilizing the  
24 access which is on the further north portion of  
25 the lot. With this presentation we've now

2 shifted the lot lines through the center of the  
3 existing driveway coming off Idlewild Road. We  
4 meet the criteria for 280-A, more than 25 feet on  
5 both of the accesses.

6 We can prepare an agreement for the lot  
7 access and maintenance of the driveway and  
8 utilities which are reflected in general  
9 subdivision notes 4 and 7 on the plans.

10 Any use of the warehouse for other than  
11 storage of agricultural items will be subject to  
12 a site plan review, which will be required to  
13 appear before the Board before on its own, which  
14 is also reflected in note number 9 under the  
15 general subdivision notes.

16 Note number 8 clearly indicates that  
17 the previous use granted under the 2001 site plan  
18 no longer meets the criteria for drawing water  
19 and that approval is no longer valid.

20 Gael Appler had no comments on this.  
21 I saw in Pat Hines' comments -- I should have  
22 given this to Jen Before, which I can, that it  
23 was just Gael's comments that he had no comments.

24 Thank you for listening. That's where  
25 I am here. I think I've covered just about

2 everything that we've discussed in previous  
3 meetings.

4 CHAIRMAN BRAND: Take it away, Pat.

5 MR. HINES: I think Darrin did a fine  
6 job.

7 CHAIRMAN BRAND: Me, too.

8 MR. HINES: I concur that the  
9 subdivision has been revised to eliminate the  
10 280-A issue which we discussed last time.

11 Common driveway access and maintenance  
12 agreements, while they may exist privately  
13 between the two owners, must be reviewed by Ron  
14 and in the file.

15 The highway superintendent's comments,  
16 apparently this has been going on so long the  
17 previous superintendent commented on it.

18 Roadway dedication parcels are now  
19 depicted along the property frontages that front  
20 on Town roads and will need Jeff's approval as  
21 well.

22 Note 8 does state that the water use  
23 taking permit that was granted in 2001 is  
24 eliminated upon filing of this map.

25 Note 9 also states, as Mr. Scalzo said

2 previously, that the existing structure, any  
3 other use than the agricultural use currently  
4 utilized will require a review and approval by  
5 the Planning Board.

6 Cross utilities access and maintenance  
7 agreements also appear to be required as there  
8 are power lines, catch basins and such which  
9 cross the property line. I think those can be  
10 addressed in agreements.

11 This does require a public hearing.

12 I think the lot geometry issues have  
13 been worked out to, at least, my office's  
14 satisfaction. The Planning Board certainly can  
15 schedule that public hearing.

16 CHAIRMAN BRAND: Can I ask quickly,  
17 there's a note number 8 -- your number 5 about  
18 note number 8 regarding the elimination. I  
19 remember last time there was discussion about the  
20 elevated water tanks and where they're getting  
21 the water from. They're just going to use a  
22 hose?

23 MR. HINES: There is no more water  
24 line. When they file this map that use is  
25 eliminated.

2 CHAIRMAN BRAND: I just wanted to  
3 double check.

4 Any other questions or comments from  
5 the Board?

6 MS. LANZETTA: Yes. I had asked this  
7 before and I didn't see anything reflected for  
8 the Kalfa and Schlagler lots here. I don't see  
9 any access to the road, how -- I don't know if  
10 they're utilizing this portion here somehow,  
11 these two lots.

12 MR. SCALZO: I didn't show the actual  
13 way the driveway swings up into each residence.

14 MS. LANZETTA: So they're using this  
15 gravel road right now?

16 MR. SCALZO: Absolutely. It's a  
17 driveway.

18 MS. LANZETTA: That should all be  
19 reflected so we understand how many lots are  
20 going to be on -- this would be three lots on a  
21 driveway?

22 MR. SCALZO: No.

23 MR. HINES: Lot 2 is not utilizing  
24 that.

25 MR. SCALZO: Thank you. Because of the

2 new lot geometry, we're no longer contemplating  
3 using that area, which is why I didn't show -- I  
4 understand you had asked specifically for me to  
5 show the driveway. I did show -- there is more  
6 driveway shown than there was in previous  
7 submissions. Because we abandoned the idea  
8 completely of utilizing that 50-foot strip, I  
9 only showed those because it's not going to be  
10 affected by the subdivision now.

11 MS. LANZETTA: So you're saying this  
12 will never be used to access going out here?

13 MR. SCALZO: No. Only by the residents  
14 that are there now.

15 MR. HINES: Do they have existing  
16 easements?

17 MR. SCALZO: Actually, I'd have to look  
18 at that. I'm not sure. I'll clarify.

19 MS. LANZETTA: This whole thing is  
20 very --

21 MR. HINES: What rights now of formerly  
22 Kalfa and Schlagler --

23 MR. SCALZO: Verify the rights of  
24 Schlagler and Kalfa.

25 MR. HINES: If you can provide us with

2 a copy of those easements.

3 MR. SCALZO: I do have the deeds  
4 probably with me. I can submit them at a later  
5 time.

6 MS. LANZETTA: I'm just concerned about  
7 them saying that they have access to the road  
8 that you've got the utility easements and what  
9 not in here. That could possibly impact their  
10 ability to access right here. Right?

11 MR. SCALZO: I apologize. Can you  
12 repeat that?

13 MR. HINES: Because of the utility  
14 pole?

15 MS. LANZETTA: Because of the  
16 utilities.

17 MR. HINES: The intent here is they're  
18 going to access off the existing road. If they  
19 do construct something different, they would have  
20 to --

21 MR. SCALZO: Utilize the existing --  
22 the intent now is for --

23 MR. HINES: A shared driveway.

24 MR. SCALZO: -- a shared driveway for  
25 lots 1, 2 and access into lot 3. There would be

2 no need to widen the driveway.

3 MS. LANZETTA: You're saying that the  
4 access would be -- all three of them would be  
5 using this right here?

6 MR. SCALZO: Correct.

7 MS. LANZETTA: Okay. So that will be  
8 noted.

9 MR. SCALZO: Yes. What's important to  
10 note, thank you for pointing that out, lot 3,  
11 which is the big lot that actually has primary  
12 access on Berma Road, the access that they are  
13 asking for into -- off Idlewild is a convenience  
14 thing. They have access off Berma. So it's  
15 really just -- it's already a road.

16 MS. LANZETTA: This lot already has  
17 access elsewhere?

18 CHAIRMAN BRAND: The other one.

19 MR. SCALZO: You have to flip your page  
20 over. Back behind the warehouse.

21 MS. LANZETTA: Lot 3?

22 MR. SCALZO: Yes.

23 MS. LANZETTA: I'm concerned about lot  
24 2, though. There is still a lot of property  
25 there. If they ever wanted to subdivide all of

2 that, everybody is going to be utilizing this  
3 road to access this lot.

4 MR. HINES: They're going to have to do  
5 something very different if they subdivide that.

6 MR. SCALZO: Absolutely. You can  
7 almost do anything anywhere, however that would  
8 be a particularly challenging engineering  
9 endeavor to try to get in there. Plus the Ridge  
10 Line Protection area is in there as well.

11 MR. HINES: You wouldn't have 50-foot  
12 to build a Town road. They could get one house  
13 in there right now.

14 MR. SCALZO: Perhaps.

15 MS. LANZETTA: I don't see the  
16 topography so I didn't understand that it was  
17 that challenged. Okay.

18 MR. GAROFALO: The first thing I'd like  
19 to say is the bulk requirements, that table I  
20 think is very nice because you see what's  
21 required, you see what's being provided. You can  
22 actually go to the map and see that's where  
23 you're measuring your rear line. I like that  
24 very much.

25 The one question that I do have is on

2 the bottom where it says maximum development  
3 coverage 20 percent and you're saying that you  
4 have greater than 20 percent, I'm not sure if  
5 that's something that is under the Planning Board  
6 or the ZBA.

7 MR. SCALZO: It is not greater than 20  
8 percent. The caret is facing the wrong  
9 direction. Thank you.

10 MR. GAROFALO: Okay. The other two  
11 things I have, I don't know -- this kind of a lot  
12 line revision -- if we need to look at questions  
13 like does it meet the parking requirements and is  
14 the driveway too wide where it meets the public  
15 road and should be narrowed. Are those questions  
16 that are pertinent that we need to look at or are  
17 we restricted?

18 MR. HINES: It's an existing condition.  
19 That's why I deferred to the highway  
20 superintendent. It's an agricultural use now.  
21 They're eliminating the former trucking use that  
22 was there. It's a much less intense use than  
23 what was there previously. Previously there were  
24 tractor trailers full of water coming in and out  
25 of there fairly regularly. That use is

2 eliminated by filing that map.

3 MR. GAROFALO: It's not the greatest  
4 configuration right at the road where you have  
5 not only a huge curb cut but you actually have  
6 two driveways kind of coming together. That's  
7 not necessarily the best situation.

8 MR. SCALZO: I'm not going to disagree  
9 with you. As it lays out now, for proposed lot 2  
10 there's 34.65 feet on the road, and for proposed  
11 lot 1 there is 53.2. So I mean typically you  
12 look for 25. I do exceed those.

13 MR. GAROFALO: Ideally put it with the  
14 best sight distances. Obviously that's what you  
15 want to do in a case like this where you have  
16 that kind of a curb, to have them both come out  
17 at the best place.

18 I don't know if we need to look at  
19 parking and accessible parking, whether they have  
20 to meet those kind of criteria.

21 MS. LANZETTA: We haven't really --  
22 we're not doing a site plan.

23 MR. SCALZO: A site plan would be  
24 subject to a different presentation here.

25 MR. GAROFALO: Okay. I'm just trying

2 to clarify.

3 MS. LANZETTA: Because it's still being  
4 used for the thing that it basically was approved  
5 to be used for before.

6 MR. GAROFALO: Okay. Thank you.

7 MR. SCALZO: Thank you.

8 CHAIRMAN BRAND: So I think making  
9 those quick additions to your map, we can  
10 schedule a public hearing for the 18th.

11 MR. SCALZO: Why was I under the  
12 impression that you only did the public hearings  
13 on the first meeting of the month?

14 MS. LANZETTA: We typically used to.

15 CHAIRMAN BRAND: We did but my  
16 secretary informed me that all public hearings  
17 are going to be on the 18th.

18 MS. FLYNN: We don't have enough time  
19 to do the legal notices for the 3rd. That's why  
20 it's the 18th. And that's a Tuesday.

21 MR. SCALZO: That is absolutely  
22 perfect. I think that's much better. I was  
23 going to have to really scramble to try to make  
24 that.

25 CHAIRMAN BRAND: Does that mean we'll

2 be up here on the 18th as well?

3 MS. FLYNN: Probably.

4 CHAIRMAN BRAND: I don't foresee this  
5 bringing out a ton of people. I think we'll be  
6 all right.

7 MR. SCALZO: If I may, I did do some  
8 research. With the NJNL property's public  
9 hearing, I think you only had comments from two  
10 members of the public. That's contiguous.

11 CHAIRMAN BRAND: We'll go ahead and do  
12 it.

13 MR. SCALZO: So we're going to schedule  
14 it for the 18th of February?

15 CHAIRMAN BRAND: Yes.

16 MR. SCALZO: Very good. Thank you very  
17 much.

18 CHAIRMAN BRAND: Anything else from the  
19 Board before we head to our discussion without  
20 the lawyer, engineer and stenographer?

21 MR. GAROFALO: Yes.

22 CHAIRMAN BRAND: Mr. Garofalo.

23 MR. GAROFALO: I would like to suggest  
24 that maybe we should have, at future meetings,  
25 maybe a five-minute workshop before the end of

2 the meeting just so we can discuss various  
3 aspects on the record, such as do we want to have  
4 some kind of visual simulation along properties  
5 that are proposed on Route 9W. Basically any  
6 topic like that, have a very short five-minute  
7 workshop to discuss those on the record as part  
8 of our meeting and put it on the agenda. There  
9 may be cases where we don't have anything to talk  
10 about. Just something short. If we have to move  
11 it to the next meeting, then we move it to the  
12 next meeting.

13 MR. CAUCHI: The Route 9 corridor?

14 MR. GAROFALO: That's an example that I  
15 gave to -- we would have say the next meeting, a  
16 five-minute discussion on whether or not for site  
17 plan we would want to have some kind of visual  
18 representation of a proposed building.

19 MR. CAUCHI: Like a rendering?

20 MR. GAROFALO: Like a rendering or a  
21 photo analysis.

22 MR. CAUCHI: Is that what --

23 MS. LANZETTA: I think the Board  
24 actually passed that. The Town Board.

25 Al, the Town Board passed that?

2 MR. LANZETTA: We're going to codify it  
3 with a bunch of other codes soon. We're probably  
4 going to meet with Jeff in the coming weeks.

5 CHAIRMAN BRAND: All the new proposals  
6 on the 9W corridor will require a visual  
7 simulation?

8 MR. LANZETTA: Yes. That's what was  
9 suggested.

10 MR. HINES: One of the reasons it  
11 probably should be during the applicant portion  
12 of the meeting is because the applicants may be  
13 gone and then you're discussing their project.  
14 The other thing is when the stenographer is doing  
15 the stenographer thing, that gets billed to a  
16 project.

17 MR. CAUCHI: I agree. As we go we  
18 should streamline that out.

19 CHAIRMAN BRAND: You can feel free to  
20 bring up anything at any time, obviously. I kind  
21 of agree with -- I hadn't thought of that, that  
22 the stenographer was included and the applicant  
23 won't be there to hear what we discuss. We can  
24 talk about it next time if there's something that  
25 comes up. I like the idea of having it in front

2 of the applicant as well, having the discussion.

3 MR. CAUCHI: Absolutely.

4 MR. GAROFALO: Okay.

5 MS. LANZETTA: That's the purpose of  
6 our discussion.

7 CHAIRMAN BRAND: Right.

8 MS. LANZETTA: We bring up our  
9 questions and we ask for what we want from the  
10 applicant when they're before us. I don't see  
11 why we can't maybe put together a list and have  
12 workshop meetings where we don't have the  
13 stenographer and discuss issues maybe from time  
14 to time. Not on a real regular basis but kind of  
15 put something together and say I think it's time  
16 for us to sit down, we've been running into these  
17 issues again and again, let's sit down and talk  
18 about this, and maybe we can give something to  
19 the Town Board at the end of those discussions.

20 CHAIRMAN BRAND: Particularly if the  
21 meeting is cancelled for no new activity, we can  
22 meet anyway as well.

23 MS. LANZETTA: That's a real good time.

24 MR. GAROFALO: I would have thought  
25 that would be the time you wouldn't want to meet.

2 CHAIRMAN BRAND: All right. Let's move  
3 along then.

4 (Time noted: 8:40 p.m.)

5

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

7

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

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

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

17 IN WITNESS WHEREOF, I have hereunto  
18 set my hand this 3rd day of February 2020.

19

20

*Michele Conero*

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---

MICHELLE CONERO

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