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

In the Matter of

5 GRIFFIN, BUD, REALTY, NY

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

PUBLIC HEARING  
SUBDIVISION/LOT LINE CHANGE

11 Date: February 18, 2020  
12 Time: 7:30 p.m.  
13 Place: Town of Marlborough  
14 Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

21 APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

22

MECHTILDE L. GOMBERG

ELLE L. C  
BMB #276

56 North Plank Road, Suite 1  
Newburgh, New York 12550  
(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, revised  
7 2/14/20 for the Town of Marlborough Planning  
8 Board, February 18, 2020. Regular meeting, 7:30  
9 p.m. Approval of stenographic minutes for 1/21.  
10 On the agenda this evening, Greiner BSD Realty,  
11 96 Idlewild Road, a public hearing for a  
12 subdivision/lot line; Smith Subdivision, First  
13 Street, Milton, extension for a subdivision;  
14 Young, David and Susan, 50 Millhouse Road,  
15 Marlboro, sketch, subdivision; Chestnut  
16 Petroleum, SWPPP, site plan. The meeting  
17 obviously is held upstairs. The next deadline is  
18 Friday, February 21st. The next scheduled  
19 meeting is Monday, March 2, 2020.

20 I'd like to have a motion to approve  
21 the stenographic minutes for 1/2.

22 MR. CAUCHI: I'll make that motion to  
23 approve the stenographic minutes for 1/21.

24 CHAIRMAN BRAND: Is there a second?

25 MR. GAROFALO: I'll second.

2 CHAIRMAN BRAND: Any discussion?

3 (No response.)

4 CHAIRMAN BRAND: All those in favor?

5 MR. TRAPANI: Aye.

6 MR. GAROFALO: Aye.

7 MR. CAUCHI: Aye.

8 MR. LOFARO: Aye.

9 CHAIRMAN BRAND: Aye.

10 Any opposed?

11 (No response.)

12 CHAIRMAN BRAND: So moved.

13 Before we begin, I would just like to  
14 read into the record that I do have some  
15 professional training hours completed by Member  
16 James Garofalo. He took the one-hour Aging In  
17 Place course, he took the two-hour Planning Board  
18 Overview, and he took the one-hour Public  
19 Meetings and Hearings. He has documentation for  
20 all of those courses.

21 First up, Greiner BSD Realty, public  
22 hearing, subdivision/lot line.

23 "Legal notice, subdivision application.  
24 Please take notice a public hearing will be held  
25 by the Marlborough Planning Board pursuant to the

2 State Environmental Quality Review Act, SEQRA,  
3 and Town of Marlborough Town Code Section 134-9  
4 on Tuesday, February 18, 2020 for the following  
5 application: Greiner BSD Realty NY, at the Town  
6 Hall, 21 Milton Turnpike, Milton, New York at  
7 7:30 p.m. or as soon thereafter as may be heard.  
8 The applicant is seeking approval of a four-lot  
9 subdivision application for lands located at 96  
10 Idlewild Road, Section 108.3; Block 1, Lots  
11 21.113 and 18.12. Any interested parties either  
12 for or against this proposal will have an  
13 opportunity to be heard at this time. Chris  
14 Brand, Chairman, Town of Marlborough Planning  
15 Board."

16 So the ball is in your court first.  
17 The mailings. I know we just talked about them.

18 MR. SCALZO: Mr. Chairman, I have 24  
19 out, 19 back. I will hand these off to Jen.

20 CHAIRMAN BRAND: Thank you.

21 Since this is a public hearing, if you  
22 want to go over very quickly what it is you're  
23 doing. I'm not sure if anyone is here for the  
24 public hearing.

25 Is anyone here for the public hearing?

2 (No response.)

3 CHAIRMAN BRAND: All right. I guess we  
4 can go ahead and skip that.5 Pat, did you want to run through your  
6 comments?7 MR. HINES: Sure. A lot of them are  
8 addressed in Jeff's resolution.9 There's a common driveway access and  
10 maintenance agreement that's required.11 Three of the lots share the existing  
12 access road off of Idlewild Road into the lots,  
13 as well as there's some cross utilities that need  
14 to be addressed through easements as well.15 CHAIRMAN BRAND: Just to interrupt. We  
16 received that today?

17 MR. SCALZO: You did not.

18 MR. HINES: Those are going to be  
19 subject to -- usually that's a condition of  
20 approval.21 MR. SCALZO: The information I provided  
22 was just what had been requested for proof of the  
23 Schlager and --

24 MR. HINES: Which is my comment 3.

25 MR. SCALZO: -- Kalfa lots.

2 MR. HINES: There are a couple roadway  
3 dedication parcels. Similarly, those will need  
4 to be approved. There will be need for offers of  
5 dedication for those as well, reviewed by Jeff's  
6 office.

7 My comment 3 has to do with there were  
8 comments from the Planning Board regarding the  
9 rights of Kalfa and -- however Darrin just said  
10 that word.

11 MR. SCALZO: Schlager.

12 MR. HINES: Those easements. They've  
13 been provided to Jeff's office, and there are  
14 actual filed instruments giving those folks  
15 rights of access. I'll let Jeff speak to that.

16 There's a metes and bounds missing. It  
17 may just be a projection of that line. It just  
18 needs to be on the filed map.

19 And then the highway superintendent  
20 sign off on the access drive. I believe we did  
21 receive something.

22 MR. SCALZO: Yes. At the last meeting  
23 I gave the correspondence from Gael Appler to  
24 Jen.

25 MR. HINES: With that, our comments are

2 addressed with the exception of those which are  
3 post-approval conditions.

4 CHAIRMAN BRAND: Jeff.

5 MR. BATTISTONI: I did review the deeds  
6 for Kalfa and Schlager. There is access for both  
7 of those parcels to this right-of-way.

8 There is a roadway maintenance  
9 agreement, so I'm satisfied with that. That  
10 doesn't need to be a condition of the resolution,  
11 and it's not a condition in the resolution I  
12 submitted to you.

13 Other than that, I have a neg dec  
14 resolution ready and an approval resolution. I  
15 built into it the comments from Pat's letter.

16 CHAIRMAN BRAND: Great. Anything from  
17 the Board at this time?

18 MR. LOFARO: No.

19 MR. GAROFALO: No.

20 MR. CAUCHI: No.

21 MR. TRAPANI: No.

22 CHAIRMAN BRAND: No. So I would like a  
23 motion to close the public hearing.

24 MR. TRAPANI: I'll make that motion to  
25 close the public hearing.

2 MR. GAROFALO: I'll second.

3 CHAIRMAN BRAND: All those in favor?

4 MR. TRAPANI: Aye.

5 MR. GAROFALO: Aye.

6 MR. CAUCHI: Aye.

7 MR. LOFARO: Aye.

8 CHAIRMAN BRAND: Aye.

9 Jeff had prepared for us and we have  
10 the shortened EAF form, part 2 impact assessment  
11 that basically says there is no impact or a small  
12 impact. He's already completed the SEQRA  
13 negative declaration and notice of determination  
14 of non-significance for the application of the  
15 Estate of Ernest B. Greiner and BSD Realty NY,  
16 LLC for a four-lot subdivision.

17 Jen, would you poll the Board.

18 MS. FLYNN: Chairman Brand?

19 CHAIRMAN BRAND: Yes.

20 MS. FLYNN: Member Lanzetta?

21 CHAIRMAN BRAND: Absent.

22 MS. FLYNN: Member Trapani?

23 MR. TRAPANI: Yes.

24 MS. FLYNN: Member Lofaro?

25 MR. LOFARO: Yes.

2 MS. FLYNN: Member Clarke?

3 CHAIRMAN BRAND: Absent.

4 MS. FLYNN: Member Cauchi?

5 MR. CAUCHI: Yes.

6 MS. FLYNN: Member Garofalo?

7 MR. GAROFALO: Yes.

8 CHAIRMAN BRAND: You also have before  
9 you the resolution of approval by the Town of  
10 Marlborough Planning Board for the application of  
11 the Estate of Ernest B. Greiner and BSD Realty  
12 NY, LLC for the four-lot subdivision.13 Jen, would you poll the Board again,  
14 please.

15 MS. FLYNN: Chairman Brand?

16 CHAIRMAN BRAND: Yes.

17 MS. FLYNN: Member Lanzetta?

18 CHAIRMAN BRAND: Absent.

19 MS. FLYNN: Member Trapani?

20 MR. TRAPANI: Yes.

21 MS. FLYNN: Member Lofaro?

22 MR. LOFARO: Yes.

23 MS. FLYNN: Member Clarke?

24 CHAIRMAN BRAND: Absent.

25 MS. FLYNN: Member Cauchi?

2 MR. CAUCHI: Yes.

3 MS. FLYNN: Member Garofalo?

4 MR. GAROFALO: Yes.

5 CHAIRMAN BRAND: We also have, in  
6 accordance with this, recreation findings for the  
7 Town of Marlborough Planning Board. Whereas the  
8 Planning Board has reviewed a subdivision known  
9 as Greiner BSD Realty with respect to real  
10 property located at 96 Idlewild Road, Marlboro in  
11 the Town of Marlborough; Chairman Brand offered  
12 the following resolution which was seconded by  
13 Member Cauchi. Thank you. It is hereby resolved  
14 that the Planning Board make the following  
15 findings pursuant to Section 277 of the Town Law.  
16 Based on present and anticipated future need for  
17 park and recreational opportunities in the Town  
18 of Marlborough and to which the future population  
19 of the subdivision will contribute, parkland  
20 should be created as a condition of approval of  
21 this subdivision. However, suitable park of  
22 adequate size to meet the above requirement can  
23 not be properly located within the proposed  
24 project site. Accordingly, it is appropriate  
25 that in lieu of providing parkland, the project

2 sponsor render the Town payment of a recreation  
3 fee to be determined in accordance with the  
4 prevailing schedule established for that purpose  
5 by the Town of Marlborough. This approved  
6 subdivision known as Greiner BSD Realty resulted  
7 in three lots for a total of \$6,000 in recreation  
8 fees, present parcel excluded. Whereupon the  
9 following vote was taken:

10 Jen, would you poll the Board.

11 MS. FLYNN: Member Cauchi?

12 MR. CAUCHI: Yes.

13 MS. FLYNN: Member Clarke?

14 CHAIRMAN BRAND: Absent.

15 MS. FLYNN: Member Trapani?

16 MR. TRAPANI: Yes.

17 MS. FLYNN: Member Lanzetta?

18 CHAIRMAN BRAND: Absent.

19 MS. FLYNN: Member Lofaro?

20 MR. LOFARO: Yes.

21 MS. FLYNN: Member Garofalo?

22 MR. GAROFALO: Yes.

23 MS. FLYNN: Chairman Brand?

24 CHAIRMAN BRAND: Yes.

25 I believe you're all set, sir.

2 MR. SCALZO: Thank you very much.

3 Will I need to appear before the Board  
4 again or is it just submission to the engineer?

5 MR. HINES: Just the sign off.

6 CHAIRMAN BRAND: I'll review the map,  
7 sign them and you're on your merry way.

8 MR. SCALZO: Thank you very much.

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

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

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

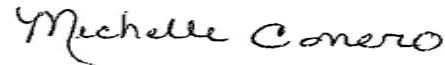
9 That hereinbefore set forth is a  
10 true record of the proceedings.

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

15 IN WITNESS WHEREOF, I have hereunto  
16 set my hand this 26th day of February 2020.

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MICHELLE CONERO

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

In the Matter of

5 SMITH SUBDIVISION

7 Project No. 17-1017  
First Street, Milton  
Section 103.1; Block 4; Lot 47.130

## 10 EXTENSION - SUBDIVISION

11 Date: February 18, 2020  
12 Time: 7:40 p.m.  
13 Place: Town of Marlborough  
14 Town Hall  
21 Milton Turnpike  
Milton, NY 12547

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

21 APPLICANT'S REPRESENTATIVE: DOUG SMITH

2 CHAIRMAN BRAND: Next up, Smith  
3 Subdivision, extension, First Street in Milton.

4 Pat, do you have anything for this?

5 MR. HINES: I don't. We looked at the  
6 timeframes and the conditions of approval. Most  
7 of the conditions of approval have been  
8 addressed.

9 I think we're waiting for Health  
10 Department, is the only outstanding --

11 MR. SMITH: Ross is going to get that.  
12 I've given Jen the rec fees, the performance  
13 bond. All the improvements are complete. We're  
14 just pretty much waiting on Dan Rusk to finish it  
15 up and file the maps.

16 CHAIRMAN BRAND: What is the extension  
17 you are seeking?

18 MR. HINES: It's a 90-day.

19 CHAIRMAN BRAND: 90-day. And that  
20 would be dated to the approval date?

21 MR. HINES: Yes. It's their second  
22 one.

23 CHAIRMAN BRAND: Right. You look like  
24 you're questioning it.

25 MR. BATTISTONI: It is their second 90-

2 day extension, yes.

3 CHAIRMAN BRAND: Do they have another  
4 90 after that?

5 MR. SMITH: That's not necessary. I'm  
6 just pretty much waiting on Dan Rusk to file the  
7 maps.

8 MR. BATTISTONI: There isn't a limit.

9 CHAIRMAN BRAND: No limit. Just for my  
10 own knowledge.

11 Can I have a motion to approve -- I'm  
12 sorry, Mr. Garofalo.

13 MR. GAROFALO: Can I comment?

14 I think it would be a good idea,  
15 because there was some ambiguity in some of the  
16 letters about the date, that it's made clear to  
17 the applicants exactly when the first date  
18 starts. I'm not sure if the application for the  
19 extension has to be in before that date or we  
20 have to vote before that date. I think it should  
21 be made clear exactly what the process is to the  
22 applicants in the future so that they know  
23 they've got to get this in in a certain time. If  
24 an extension is ever going to be denied, the  
25 chances are it's going to be denied because they

2 didn't file it on time. I think it would behoove  
3 us to make sure that the applicants know when  
4 that date is so that when they make the  
5 application they can refer to the specific date  
6 and the specific extension. Is it the first  
7 extension, the second extension. That it be made  
8 clear in their letter. I think that would also  
9 help our legal counsel because he's not going to  
10 have to go look it up, it will be right there  
11 because we've told him this is what it is. It  
12 will be in the record. They have to get a piece  
13 of paper telling them when the clock starts. I  
14 think --

15 CHAIRMAN BRAND: That's the first  
16 approval. Generally as long as their request is  
17 in before that expiration date, then we honor  
18 that as the extension.

19 MR. SMITH: If I may. It was clear  
20 when the expirations and dates were. It was just  
21 a matter -- this was a last-minute request  
22 because Dan Rusk just didn't have the time to  
23 physically go do the paperwork and file the maps  
24 before this date. I think it was yesterday.

25 MR. GAROFALO: I'm not complaining

2 about yours.

3 MR. SMITH: We were clear. The  
4 Planning Board made it clear what the dates were,  
5 what the 90-day period was. It was very clear.  
6 This request was last minute just because Dan  
7 Rusk wasn't going to have the time to physically  
8 get them filed before yesterday.

9 CHAIRMAN BRAND: That was the purpose  
10 of my comment as well. Just so you know the 90  
11 days would go from when the last 90 days  
12 extended. Jen has all of those dates.

13 MR. GAROFALO: Thank you.

14 CHAIRMAN BRAND: That being said, can I  
15 have a motion to grant the Smith Subdivision a  
16 90-day extension?

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

18 CHAIRMAN BRAND: Member Lofaro.

19 MR. CAUCHI: I'll second it.

20 CHAIRMAN BRAND: A second. Any further  
21 discussion?

22 (No response.)

23 CHAIRMAN BRAND: All those in favor?

24 MR. TRAPANI: Aye.

25 MR. GAROFALO: Aye.

2 MR. CAUCHI: Aye.

3 MR. LOFARO: Aye.

4 CHAIRMAN BRAND: Aye.

5 Any opposed?

6 (No response.)

7 CHAIRMAN BRAND: So moved.

8 MR. SMITH: Thank you, everybody.

9 MR. BATTISTONI: Chair, you just took a  
10 motion. There's a resolution in the file. Was  
11 the motion to pass the resolution?

12 CHAIRMAN BRAND: I apologize. I looked  
13 over that. I do have that.

14 MR. BATTISTONI: I'll slide it up to.

15 CHAIRMAN BRAND: We do have an  
16 application of Douglas Smith for a five-lot  
17 subdivision. The resolution is to grant  
18 extension of the conditionally approved plat by  
19 the Town of Marlborough Planning Board. It does  
20 include all the dates.

21 Jen, would you poll the Board.

22 MS. FLYNN: Chairman Brand?

23 CHAIRMAN BRAND: Yes.

24 MS. FLYNN: Member Lanzetta?

25 CHAIRMAN BRAND: Absent.

1 SMITH SUBDIVISION 20

2 MS. FLYNN: Mr. Garofalo?

3 MR. GAROFALO: Yes.

4 MS. FLYNN: Mr. Trapani?

5 MR. TRAPANI: Yes.

6 MS. FLYNN: Mr. Lofaro?

7 MR. LOFARO: Yes.

8 MS. FLYNN: Mr. Clarke?

9 CHAIRMAN BRAND: Absent.

10 MS. FLYNN: Mr. Cauchi?

11 MR. CAUCHI: Yes.

12 CHAIRMAN BRAND: Now we are official.

13 Thank you, Jeff.

14 MR. SMITH: Thank you.

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16 (Time noted: 7:45 p.m.)

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

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

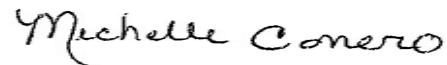
10 That hereinbefore set forth is a  
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 26th day of February 2020.

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21 MICHELLE CONERO

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

In the Matter of

4

5 DAVID & SUSAN YOUNG

7 Project No. 20-4002  
50 Millhouse Road, Marlboro  
Section 108.4; Block 5; Lot 20.21

8

## SKETCH - SUBDIVISION

11

12 Date: February 18, 2020  
12 Time: 7:45 p.m.  
13 Place: Town of Marlborough  
13 Town Hall  
13 21 Milton Turnpike  
14 Milton, NY 12547

15

19 PATRICK HINES  
VIRGINIA FLYNN

21 APPLICANT'S REPRESENTATIVE: JAI SAMUELSON

22

22 MICHÈLE L. CONNERS

23

MICHELLE L. CONERO  
PMB #276

24

56 North Plank Road, Suite 1

Newburgh, New York 12550

25

(845)541-4163

2 CHAIRMAN BRAND: Next up, Young, David  
3 and Susan, for the sketch of a subdivision for 50  
4 Millhouse Road, Marlboro.

5 How are you tonight?

6 MR. SAMUELSON: I'm good. How are you?

7 CHAIRMAN BRAND: I'm well. Thank you.

8 MR. SAMUELSON: For the record, Jay  
9 Samuelson, Engineering Properties.

10 We have, I'll call it another unique  
11 application. There are two current residential  
12 dwellings, one here in the Town of Newburgh, one  
13 here in the Town of Marlborough, all owned by one  
14 family.

15 CHAIRMAN BRAND: That diagonal line?

16 MR. SAMUELSON: This is the county/town  
17 line that runs diagonal through the two pieces of  
18 property.

19 We're proposing to create four  
20 residential dwelling lots by the time we're done.

21 We have made the application to the  
22 Town of Newburgh, appeared there last week, two  
23 weeks ago. We had a brief discussion with them.

24 So we have an existing dwelling here.  
25 We're proposing a new lot to the east of that

2 with a completely -- wholly the lot would be  
3 within the Town of Marlborough. This existing  
4 dwelling would retain this piece here in the Town  
5 of Newburgh. This existing dwelling would  
6 maintain its existing driveway that comes out to  
7 Milton Turnpike through -- not Milton Turnpike,  
8 Millhouse Road through Marlboro. We would have a  
9 fourth lot here. We do have it labeled not as a  
10 building lot on this map, but based upon Pat's  
11 comments we will pursue getting an approved  
12 building septic and well location. To make  
13 things simpler, we will locate that building, and  
14 lot, and house, and everything within the Town of  
15 Marlborough so we can just stick with the Ulster  
16 County Health Department rather than trying to  
17 get two septic systems approved, one in Ulster, one in  
18 Newburgh. We will revise the plan to show a  
19 house and septic within the Town of Marlborough  
20 for this lot.

21 At this time it's just a conceptual  
22 subdivision. It's our first initial application  
23 to show you what we're planning.

24 MR. CAUCHI: What would you do, pay  
25 taxes to both counties?

2 MR. SAMUELSON: That's currently what  
3 happens now. Currently there's a tax lot here, a  
4 tax lot here and a tax lot there. There are  
5 three tax lots now. This is one tax lot.

6 MR. HINES: One deed.

7 MR. SAMUELSON: This is one deed. This  
8 is a separate deed.

9 MR. GAROFALO: Marlboro is to the  
10 north?

11 MR. SAMUELSON: Marlboro is to the  
12 north of the page, yes.

13 Like I said, there's an existing  
14 dwelling here in Newburgh. It gains its access  
15 from Millhouse, through a driveway that cuts  
16 through the piece in Marlboro.

17 This house here is completely within  
18 Marlboro. They're looking to retain part of the  
19 piece in the back just for their own privacy. No  
20 intentions to build on it. I don't think it's  
21 actually buildable anyway. That's just for them  
22 to maintain some privacy and seclusion.

23 CHAIRMAN BRAND: Do you want to run  
24 through your comments, Pat?

25 MR. HINES: Sure. I provided you a

2 copy of the Town of Newburgh comments. They are  
3 different because there are different regulations  
4 and procedures in both municipalities and  
5 counties.

6 Our first comment just says exactly  
7 that, it's the town line for both municipalities,  
8 as well as the county line running through there.

9 All the proposed driveways are in the  
10 Town of Marlborough, or enter the streets in the  
11 Town of Marlborough. The highway superintendent  
12 in Marlborough should weigh in on those.

13 Jay talked about lot 4. It was labeled  
14 as not a building lot. It's less than 5 acres in  
15 size. By definition it would become a building  
16 lot, so a well and septic, a house location and  
17 driveway and such needs to be shown on there.

18 The Town of Newburgh did have a brief  
19 discussion regarding lead agency for the project.

20 Jay just eluded to the fact that the  
21 house on lot 4 is going to be located in the Town  
22 of Marlborough. More of the structures are now  
23 located in the Town of Marlborough. I'll leave  
24 that up to the Board to discuss. I didn't know  
25 where the house location was going to fall. It

2 was kind of a fifty/fifty split there before.  
3 With what I heard tonight, the house may be in  
4 Marlborough, it would make more sense that  
5 Marlborough be the lead agency with Newburgh an  
6 involved agency.

7 We're recommending that the parcels  
8 expanding municipal lines be connected with some  
9 form of recorded instrument. It's the very issue  
10 you said, how do you pay taxes in both  
11 municipalities and counties. If you don't pay in  
12 one they will tax foreclose on a portion of your  
13 lot which then may create an issue for access.

14 MR. SAMUELSON: Especially for lot 3.  
15 I agree.

16 MR. HINES: There needs to be some kind  
17 of filed instrument that the lots are together  
18 and forever. I don't know how you're going to  
19 run a county tax foreclosure issue if it does  
20 occur.

21 MR. SAMUELSON: I have talked to the  
22 applicant's attorney and they're looking into it  
23 and will try to come up with something.

24 MR. HINES: They're going to have tax  
25 sections, blocks and lots in both municipalities

2 and both counties. I've seen it done before  
3 where people did such a thing because they had  
4 wetlands across a town line and subdivided it  
5 off. Now you get a swamp parcel in the back.  
6 That's not the case here. We just want to make  
7 sure we can somehow tie these together in  
8 perpetuity.

9 The septic for lot 1 needs to go to  
10 Ulster County.

11 It appears now lot 4 will also go to  
12 Ulster County for their septic approvals.

13 The EAF identifies the project as in an  
14 archeologically cultural sensitive area.  
15 Obviously it's in close proximity to the Gomez  
16 Millhouse, which is why the lead agency  
17 coordination comes up, because that makes it a  
18 Type 1 action, within 200 feet of that national  
19 historic registry site. We will be reviewing  
20 this as a Type 1 action which requires  
21 coordinated review. If you decide that you're  
22 going to exercise your lead agency tonight. I'm  
23 not saying that Newburgh won't also.

24 Lot 3 has a similar comment,  
25 insufficient lot width. We need to show it's not

2 a building area where it isn't sufficient.

13 Just for your use, there are similar  
14 but not exactly the same comments I gave to the  
15 Town of Newburgh. The comments I prepared for  
16 them as well as for your use.

22 MR. SAMUELSON: There are no new  
23 improvements in Newburgh. It would be my  
24 preference that you guys are lead agency.

25 MR. HINES: I didn't have that

2 information until five minutes ago.

3 MR. SAMUELSON: That's fine.

4 CHAIRMAN BRAND: Jeff.

5 MR. BATTISTONI: I was going to  
6 recommend to you that you declare your intent to  
7 be lead for those reasons. The driveways are all  
8 in Marlborough as well. You would declare your  
9 intent to be lead agency. You circulate a notice  
10 to the Town of Newburgh. If the Town Planning  
11 Board of Newburgh wanted to challenge you on it,  
12 they could. I don't know that they would.

13 MR. HINES: I know their consultant.

14 Not only that, because it's a Type 1  
15 action it has to get circulated to DEC by  
16 default, and also Parks, Recreation and Historic  
17 Preservation. Ulster County Health Department as  
18 well. So there will be -- I'll do the notice,  
19 once you decide that, to help Jen with the  
20 circulation.

21 CHAIRMAN BRAND: Does the Board feel as  
22 though we should declare ourselves lead agency  
23 for this application based on what was discussed?

24 MR. CAUCHI: I think so.

25 CHAIRMAN BRAND: I'd like to have a

2 motion to declare the Marlborough Planning Board  
3 as the lead agency.

4 MR. HINES: Your intent.

5 CHAIRMAN BRAND: My intent.

6 MR. GAROFALO: I'll make that motion.

7 CHAIRMAN BRAND: Is there a second?

8 MR. TRAPANI: I'll second.

9 CHAIRMAN BRAND: All those in favor?

10 MR. TRAPANI: Aye.

11 MR. GAROFALO: Aye.

12 MR. CAUCHI: Aye.

13 MR. LOFARO: Aye.

14 CHAIRMAN BRAND: Aye.

15 Any opposed?

16 (No response.)

17 MR. HINES: If within 30 days of  
18 mailing that notice no one objects, you become  
19 it. Or they can weigh in and say they're okay  
20 with it.

21 CHAIRMAN BRAND: I would think we do  
22 want the Ulster County Planning Board to look it  
23 over.

24 MR. HINES: It is a unique situation.

25 You always have the ability, which is what I had

2 in my comment.

3 CHAIRMAN BRAND: I would think we  
4 definitely would want to do that, see their  
5 comments, due to the proximity and the situation.  
6 This is the first that I've ever --

7 MR. HINES: That's really the role of  
8 County Planning, to look at intermunicipal  
9 issues. You can't come up with one better where  
10 two towns and county lines come together as an  
11 intermunicipal issue.

12 CHAIRMAN BRAND: Any other comments  
13 from the Board?

14 (No response.)

15 MR. SAMUELSON: Before you circulate  
16 I'd like to revise that to show the house in  
17 Marlborough and circulate that plan. I can get  
18 you that by later this week.

19 MR. HINES: Whenever. It's in your  
20 court then. I'm okay with it.

21 MS. FLYNN: Do you want to get back to  
22 me to send to Ulster County?

23 MR. SAMUELSON: I will get you whatever  
24 number of copies you need. Yes.

25 CHAIRMAN BRAND: Okay. Thank you.

2 MR. SAMUELSON: Thank you.

3 (Time noted: 7:50 p.m.)

4

5

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

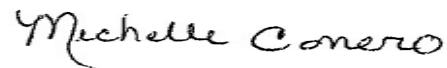
7

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 26th day of February 2020.

19

20

21



22

---

MICHELLE CONERO

23

24

25

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, Marlboro  
Section 109.1; Block 4; Lot 14

## SWPPP - SITE PLAN

Date: February 18, 2020  
Time: 7:50 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman  
BEN TRAPANI  
JOSEPH LOFARO  
MANNY CAUCHI  
JAMES GAROFALO

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

APPLICANT'S REPRESENTATIVE: THOMAS HARVEY PAUL JON

MICHELLE L. CONERO  
PMB #276

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

2

CHAIRMAN BRAND: Next up, Chestnut

3

Petroleum, SWPPP, site plan.

4

MR. HARVEY: Good evening. My name is Tom Harvey, I'm with CPL. I'm the civil engineer to the project. This is Paul John.

7

I've got plans. There haven't been any

8 big changes but I can go over it if you'd like.

9

CHAIRMAN BRAND: Yes.

10

MR. HARVEY: Based on the comments we had, we prepared a response letter on how we were going to address those comments. There weren't too many things. Mainly cleaning up the parking flow or the drive flow inside the site so it corresponds with the highway flow, one way in coming south, one way out going south.

17

We also adjusted the plantings to provide a mix of trees in the back there, in case something died they didn't all die.

20

Beyond that, we're expecting to receive the approval for the water and sewer as soon as they issue a letter for us. I guess the water department was going to issue that letter.

24

I don't think there are any other

25 significant comments to address.

2 CHAIRMAN BRAND: Did you clarify the  
3 sidewalk issue?

4 MR. HARVEY: We're showing the proposed  
5 sidewalk all the way across the front of the  
6 expanse of the site.

7 CHAIRMAN BRAND: The actual site?

8 MR. HARVEY: Yes.

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

11 MR. HINES: Our first comment is the  
12 detail regarding the modification to the  
13 stormwater pollution prevention plan. They had  
14 originally identified a proprietary product  
15 called a Jellyfish which is a filter product.  
16 They ran into the rock issue that I think  
17 everyone is aware of having driven by the site.  
18 That would have required extra blasting and  
19 additional rock removal in the vicinity of the  
20 Town's water main and some other infrastructure  
21 there. They've provided a different proprietary  
22 product which is a swirl concentrator product.  
23 It is listed on New Jersey's approved list which  
24 New York adopts as their approved list.

25 In addition to that, they're going to

2 place stormwater filters, the filtering product,  
3 from, of all things, of New Pig Corporation. It  
4 is a nationally known manufacturer of proprietary  
5 oil and spill management products. So they're  
6 going to put those in there.

7 We're suggesting the stormwater  
8 facilities maintenance agreement be executed  
9 which protects the Town as a regulated MS-4 and  
10 ensures that there's periodic inspection and  
11 maintenance of those facilities. Those documents  
12 will be filled out and filed with the Ulster  
13 County Clerk's office which become enforceable  
14 for the Town and allow for inspections and annual  
15 reports.

16 We did receive Ulster County Planning's  
17 comments. One regarding the lighting, which was  
18 a comment we heard previously on the site, and  
19 that lighting was adjusted pursuant to that  
20 comment. They have not changed the lighting on  
21 the site since your previous approval and  
22 previous review of the plans. That addresses  
23 that County comment.

24 As well, the County commented on, as  
25 the applicant's representative just said, there

2 was two-way parking arrows throughout the site  
3 which were a remnant of the two-way parking. Now  
4 it's right in and right out only southbound.

5 MR. HARVEY: All the interior parking,  
6 except where you're exiting the drive-thru which  
7 comes east, is all pointing south.

8 MR. HINES: Which will assist the  
9 people in knowing that it is a right in/right out  
10 only.

11 The retaining wall comment I have is  
12 more for the building department. They did  
13 change the retaining wall. Previously there was  
14 a combination of segmented block and a soil nail  
15 system where they would drill in and grout kind  
16 of rods in to hold the material. They did do  
17 geo-tech work, but when they exposed the actual  
18 work in that area the rock was higher up in  
19 elevation.

20 MR. HARVEY: It varied. It was higher  
21 up.

22 MR. HINES: They were able to modify  
23 that. We're suggesting the building inspector be  
24 given an as-built certification from the designer  
25 of that.

21 CHAIRMAN BRAND: That's creating a  
22 buffer all across the back?

23 MR. HARVEY: All the way behind the  
24 building.

25 MR. HINES: Again, it takes a little

2 while for a buffer to fill in. Smaller trees do  
3 better than bigger trees. They often don't do as  
4 well. Eventually it will be a thick buffer.  
5 When the septic was there there was going to be  
6 nothing.

7 CHAIRMAN BRAND: Correct.

8 MR. HINES: The removal of the septic  
9 gave them the ability to do some planting back  
10 there.

11 CHAIRMAN BRAND: Jeff, did you have  
12 anything on this?

13 MR. BATTISTONI: I'll mention a few  
14 things. You have an amended resolution of  
15 conditional approval in front of you. It states  
16 that the old resolution continues except as  
17 amended by this one.

18 You are waiving a public hearing.

19 You're not conducting any further  
20 environmental review, which says so here in the  
21 resolution, and that's okay.

22 You've already issued a neg dec, and  
23 these changes are not viewed as creating any  
24 larger impacts as to what was approved before.

25 You are technically overriding the

2 recommendations by the Ulster County Planning  
3 Board, so you will need a majority plus one vote  
4 in order to do that. So you have five people  
5 here tonight. All five have to vote in favor in  
6 order for this to pass.

7 Those are my comments.

8 CHAIRMAN BRAND: What specifically,  
9 other than the lighting -- I know the only other  
10 question --

11 MR. HINES: That's the one.

12 MR. BATTISTONI: It's the lighting.

13 You had addressed that previously. I think they  
14 made that comment previously and you overrode it  
15 then. It is still in their letter.

16 CHAIRMAN BRAND: The new one also  
17 indicates that recommendation is -- under  
18 required modifications it was recommended that  
19 the applicant and Town consider an angled  
20 approach to the canopy. Obviously the canopy is  
21 already built.

22 MR. BATTISTONI: It's already been  
23 built.

24 CHAIRMAN BRAND: That would be  
25 considered something to override as well?

2 MR. BATTISTONI: I think so. As a  
3 matter of fact, my resolution doesn't say that.  
4 We may want to add that at the end, that the  
5 canopy has already been built and you don't want  
6 to require the applicant to change it.

7 MR. HINES: It was built under the  
8 original site plan approval.

9 CHAIRMAN BRAND: You're comfortable  
10 with the traffic movement the way --

11 MR. HINES: Right in/right out. It was  
12 just the directional arrow that changed.

13 CHAIRMAN BRAND: I mean they wanted it  
14 angled. You're satisfied that --

15 MR. HINES: We looked at that. We  
16 looked at the traffic coming in and out  
17 previously.

18 MR. HARVEY: Also to add to that, there  
19 are lanes on either side of the island -- on  
20 either side of the pump canopy. There's a good  
21 chance they'll be entering that from either the  
22 front or the back. That allows to keep  
23 everything moving to the south.

24 MR. HINES: You want them to do that.  
25 Keep those pumps running.

2 MR. HARVEY: If you angled it that way  
3 you wouldn't be able to do that.

4 CHAIRMAN BRAND: Comments or questions  
5 from the Board?

6 MR. GAROFALO: I have some comments.

7 CHAIRMAN BRAND: Please.

8 MR. GAROFALO: On drawing 1 of 12,  
9 thank you for putting in some additional  
10 information on the data table. You indicate two  
11 areas where the proposed did not meet the  
12 required and that there was a variance granted.  
13 However, on the rear it says there's a  
14 requirement of 75 feet and you're proposing 47  
15 feet. It's not indicating that a variance was  
16 granted. I'm concerned about what's going on  
17 there with the fact that the existing is 104 and  
18 now it's saying you're going to go less than the  
19 required distance.

20 MR. HINES: That's not the case. The  
21 rear yard is way back.

22 MR. GAROFALO: Okay. There may be an  
23 error in the --

24 MR. HARVEY: We can fix that. That's  
25 surprising to me.

2 MR. HINES: It's significant because  
3 the septic system and the wall and all that is in  
4 between.

5 MR. HARVEY: There's probably over 100  
6 feet back there.

7 MR. HINES: There is at least.

8 MR. GAROFALO: Okay. The height  
9 limitation bar, which is shown on 12, is shown at  
10 10 feet high. I believe that part of the reason  
11 for that height limitation bar is, because on the  
12 other side you have the awning that's sticking  
13 out, so vehicles know that they can't go under  
14 because they'll hit the awning. Unfortunately  
15 the limitation bar is at 10 feet and the awning  
16 is 9 feet 4 inches, which means you could easily  
17 pass underneath that bar and still hit your  
18 awning. So I think that that needs to be  
19 adjusted.

20 MR. HINES: There was a piece hanging  
21 down from that, wasn't there?

22 MR. GAROFALO: Yes. That's what's at  
23 10 feet. That's being shown as being at 10 feet  
24 and it should be lower than that. Ideally -- I  
25 mean the way it's drawn you could drive around

2 that. I don't think that's really a good idea.  
3 I think it would have been better off actually  
4 covering more of that so that someone couldn't  
5 just drive around it, which is what normally  
6 happens. You put a speed bump and people drive  
7 around it.

8 CHAIRMAN BRAND: What's the height of  
9 the canopy?

10 MR. GAROFALO: 9 feet something.

11 MR. JON: If I may help in that regard.  
12 The way Dunkin Donuts has the window, there will  
13 be an awning over it. So it's one piece that is  
14 covered. The window sticks out and it's covered.  
15 There is no separate awning.

16 MR. HINES: You're not driving over  
17 anything.

18 MR. JON: You won't be driving or  
19 hitting anything.

20 MR. HARVEY: You won't be driving under  
21 anything.

22 MR. GAROFALO: It's not really clear  
23 from the drawing that there's a curb there, that  
24 they're not driving under that awning.

25 The Town, in their highway design for

2 Route 9W, looked specifically at the idea of  
3 making connections between properties. In their  
4 document they specifically look at this property  
5 making a connection to the north, although I  
6 think it's perfectly valid to make one to the  
7 south. You don't have to show those connections  
8 now but I think there should be an easement in  
9 there for the future, that if these properties  
10 are developed differently, that you could make  
11 those connections. If you don't have any kind of  
12 an easement there, the next person will come in  
13 and they can't make the connection because  
14 there's no easement. I think there should be an  
15 easement in both directions. The fact of the  
16 matter is they have two more parking spaces than  
17 they need. Certainly that would be one of the  
18 things you would look at. An easement to the  
19 south, if they really need the parking spaces  
20 then you're not going to force them to have that  
21 connection. Certainly to the north, which is  
22 specifically in the Town plan, I think there  
23 should be an easement put there so that a future  
24 connection could be made when this other property  
25 is developed. We don't know when it may be

2 developed. It may be thirty, fifty years.

3 CHAIRMAN BRAND: Isn't that the road  
4 there?

5 MR. HINES: It's a very steep grade.

6 MR. GAROFALO: We don't know how this  
7 is going to be developed. I think it's a very  
8 good idea to put that in just in case.

9 CHAIRMAN BRAND: Am I mistaken in  
10 thinking the Dunkin Donuts property goes right to  
11 the street?

12 MR. GAROFALO: No.

13 MR. HINES: It doesn't. There's 150  
14 some feet.

15 CHAIRMAN BRAND: Is that a significant  
16 buildable space?

17 MR. HINES: I don't know. I don't know  
18 how this easement works because it doesn't get  
19 you anywhere. I understand if the two parties  
20 cooperate, I'm with fine with that. Otherwise  
21 they would need an easement across the entire  
22 parcel to get anywhere.

23 MR. GAROFALO: We don't know how this  
24 other parcel is going to --

25 MR. HINES: I understand what you're

2 saying.

3 MR. GAROFALO: When they get developed,  
4 even if it's fifty years from now, if there's an  
5 easement which says --

6 MR. HINES: An easement where?

7 MR. GAROFALO: An easement --

8 MR. HINES: You don't know where the  
9 easement is going to be. As you just said, we  
10 don't know how the parcel is going to develop.

11 MR. GAROFALO: Well the easement is  
12 going to be here. It's obviously not --

13 MR. HINES: It would have to go out to  
14 a public street in order to be a functional  
15 easement. They wouldn't have a right. Their  
16 right would stop at someone else's parking lot.

17 MR. GAROFALO: You'd have cross  
18 easements into the different parking lots so that  
19 you could go from one --

20 MR. HINES: You would have to get an  
21 easement across the whole parcel.

22 MR. GAROFALO: You make an easement  
23 here so the people here can go this --

24 MR. HINES: I know what you're saying.  
25 The easement would have to go across the entire

2 parcel to a public street. You're giving a  
3 neighboring property a right to traverse someone  
4 else's property to where?

5 CHAIRMAN BRAND: If the next parcel was  
6 developed and they proposed --

7 MR. HINES: If they got along together  
8 and proposed something and each parcel thought it  
9 was a good idea, it could be done. To put a  
10 legal encumbrance on a property that you don't  
11 own --

12 MR. TRAPANI: You don't own.

13 MR. HINES: You may not want to own.  
14 I'll let Jeff speak. You need to get them from  
15 wherever you want to put this proposed easement  
16 out to a public street in order for that easement  
17 to function, because otherwise they could block  
18 off the whole rest of the parking lot. You'll  
19 have a 20-foot wide easement to nowhere.

20 CHAIRMAN BRAND: And to the south.

21 MR. GAROFALO: It would have to be done  
22 with agreement from both parties.

23 MR. HINES: We don't have both parties  
24 here, though.

25 MR. GAROFALO: But in the future there

2 would be no reason for this party to agree to any  
3 kind of connection.

4 MR. HINES: There may be if it  
5 increases their business. There's always reasons  
6 to do it. I think it might make sense to them in  
7 the future. I worry about putting a perpetual  
8 easement on a plan that may or may not function  
9 and that may or may not get them to where they  
10 can use it.

11 MR. GAROFALO: Okay. Next, on 3 of 12  
12 you've moved the bicycle parking. I understand  
13 why you moved the bicycle parking with that  
14 piping that's going to go there. It probably is  
15 a good idea.

16 MR. HARVEY: The sewer pump station is  
17 going to be there.

18 MR. GAROFALO: It is a good idea to  
19 move the bicycle parking. What I think was  
20 misunderstood was when I asked for bicycles to be  
21 able to be locked to it, I did not intend for  
22 there to be a locking mechanism on the bicycle  
23 parking. I intended the people with bicycles  
24 would come with their own lock and would lock up  
25 to it.

2

MR. HARVEY: Okay.

3

MR. GAROFALO: The only time that you have the locks actually on the bicycle parking is when you have a system like in New York City where they physically rent the bicycles and you pay to get it unlocked. That's when you have that kind of system. I'm not looking for locks to be on it. Certainly the Wave isn't the best one because it's only got one point of contact with the bicycle and therefore it's more likely for it to tip over. It's better to have two points of contact with the bicycle than one. I think that's something for the Board to think about in the future. My idea was not that there would be a lock on the rack but that the people will bring their own locks to lock up the bicycle, which is the normal thing that occurs.

19

20

21

I wasn't sure whether you intended to have that on grass or if that was going to be a paved area.

22

23

MR. HARVEY: Our intention right now is that would be a grass area.

24

25

MR. GAROFALO: Okay. On drawing 4 of 12 you've put the crosswalk in. What I wasn't

2 sure of was at the end near the building, whether  
3 there was going to be a ramp here or whether that  
4 was going to be flush.

5 MR. HARVEY: It's going to be flush.

6 We detailed that on the grading plan with spot  
7 grades to show that. Now the whole front parking  
8 is all flush. That's how we got bollards there.  
9 That's CBD's new standard, the whole sidewalk in  
10 front of the building will have a flush  
11 transition. People won't be tripping over the  
12 curb cut.

13 MR. GAROFALO: So the part next to the  
14 accessible ramp is going to be --

15 MR. HARVEY: I don't know if you can  
16 see that dashed line there. That represents a  
17 dropped curb. It will be a flush transition  
18 there.

19 MR. GAROFALO: Okay. On 6-12 you show  
20 what looks like the access to the back part,  
21 which I'm not sure you're going to need to get up  
22 there or not. I'm not sure what you're going to  
23 be planting up there. Before it was going to be  
24 -- you were probably going to have it grassed  
25 because of the septic system. I was wondering

2 whether or not you wanted to have the curb there  
3 or not so that if you're going to bring up a  
4 mower or something you don't have to go over the  
5 curb. Whether you would want to not have that  
6 curbed.

7 MR. HARVEY: I do believe we show a  
8 curb stopping right by the welcome sign. There  
9 is a place where there is no curb.

10 MR. GAROFALO: Where you have the --  
11 MR. HARVEY: Right by the W in the  
12 "Welcome Back."

13 MR. GAROFALO: Where you have it going  
14 up --

15 MR. HARVEY: Right. It doesn't show  
16 any curb from there up until the curb starts at  
17 the bottom of the rock, right past the bike rack.  
18 Where there's a double line, there's a curb.  
19 Where there's a single line, there isn't.

20 MR. GAROFALO: I want to thank you for  
21 making those changes with regard to the  
22 accessible parking.

23 On drawing number 2 you put in the sign  
24 table. Two of the signs, the do not enter and  
25 the stop sign, you show at a height of 114.

2 You're showing the maximum regulation at 60. I  
3 don't think that the 114 is bad because the  
4 uniform traffic control devices, even though it  
5 doesn't apply to your site, suggests keeping  
6 those signs high so the people don't hit their  
7 head on them. What I am concerned about is what  
8 our regulations actually say, if they're actually  
9 saying they should be at 60 inches. That is  
10 something that I'm concerned about within the  
11 sign regulation table.

12 MR. HARVEY: When we identified those  
13 as directional, my understanding was directional  
14 signs didn't need to meet those regulations.

15 MR. GAROFALO: Right. They're  
16 noncommercial signs. I think there's a footnote  
17 in one of the tables -- in one of the zoning  
18 tables that may refer to something that may not  
19 even be in the tables. What I'm concerned with  
20 here is that you're showing that the maximum  
21 should be 60 and I'm questioning whether or not  
22 that's actually true. I'd like to have that  
23 clarified, whether that actually is 60 or not 60.  
24 I don't have any problem -- I don't actually have  
25 a problem with the sign being at 114, but I'm

2 concerned whether or not our regulation is saying  
3 it's actually 60.

4 MR. HARVEY: Perhaps for all those  
5 directionals it would make more sense if we did  
6 the NA instead of the 60 when we're talking about  
7 directional heights. Would that make it more  
8 clear?

9 MR. GAROFALO: I think that would make  
10 it more clear. I don't know if that's actually  
11 the case, because I think they specifically have  
12 a note on noncommercial signs. Maybe you should  
13 take a look at that and see what the regulations  
14 actually refer to.

15 The stop sign on 8-4 -- 8-12, I'm  
16 sorry, shows a stop sign being embedded with a  
17 footing of concrete and a galvanized post. Being  
18 a traffic person, I hate to see signs like this  
19 because I know if somebody hits that they're  
20 probably going to damage their car, even at a low  
21 speed. I certainly prefer to see what's used on  
22 normal streets, which is a post that's connected  
23 to another post, so that they can just be knocked  
24 over without any damage, and it's easy to put up.  
25 I am a little concerned about the design of that

2 sign. I think you might be better off not doing  
3 that because when somebody hits that they're  
4 going to hurt their car, and you're probably  
5 going to have a harder time putting that sign  
6 back up if they actually knock it over, which  
7 would not be an easy thing to do.

8 MR. HARVEY: I don't see us having any  
9 objection to changing out that detail.

10 MR. GAROFALO: That's it. Thank you.

11 CHAIRMAN BRAND: Jeff, did you have  
12 anything to add?

13 MR. BATTISTONI: I would like to add a  
14 sentence to the resolution that I prepared. If  
15 you flip to the last page, the only full  
16 paragraph there begins "The Ulster County  
17 Planning Board recommended." Right at the end of  
18 that, if we can add the following words, "The  
19 canopy has already been built pursuant to the  
20 original approval, so the Board does not want to  
21 require a change to the approach."

22 CHAIRMAN BRAND: A change to the  
23 approach.

24 MR. BATTISTONI: Right. The Ulster  
25 County Planning Board had recommended an angled

2 approach. You're saying you're not going to  
3 require that.

4 CHAIRMAN BRAND: Okay.

5 MR. GAROFALO: What's the distance from  
6 the parking, in facing the building, back to  
7 where cars would be parked? What is that  
8 distance that was -- it was made to be two-way.  
9 Something that looks like it's going to be  
10 two-way, people are going to drive it that way.  
11 Certainly you need distance to back up. I guess  
12 what I'm getting at is is there an opportunity  
13 here, if that's going to be one way, for you to  
14 move it a little further away from the building  
15 and maybe actually get you some room to do  
16 something in front of the building?

17 CHAIRMAN BRAND: What are you referring  
18 to? Moving what?

19 MR. GAROFALO: In other words --

20 MR. HARVEY: The canopy or the  
21 building?

22 MR. GAROFALO: In other words, here  
23 this is supposed to be two-way. You're going to  
24 have the cars coming in and pulling in to your  
25 pumps.

2

MR. HARVEY: The canopy pumps. Yup.

3

MR. GAROFALO: Is there enough room here in terms of their backing up -- being able to back up, that if this were one-way, that you could move this another foot away from the building and maybe get yourself a little bit more room on your --

9

MR. HARVEY: I think that the amount you'd need to back up, I think it was around 24 feet. I can confirm that. I don't think you could get away with much less than that and still be able to make your turn backing out without running into cars parked at the pump. That's a typical number for backing out of a spot.

16

MR. HINES: The dual drive-thru lanes

were 24.

18

MR. HARVEY: Right. We didn't change any of that. I think you need all of that to back up, especially with the size truck I have, a Tundra.

22

MR. HINES: I have a Suburban.

23

MR. GAROFALO: If I don't ask the question, I don't get the answer.

25

MR. HARVEY: Understood.

2 MR. GAROFALO: Thank you.

3 CHAIRMAN BRAND: Anything else from the  
4 Board?

5 MR. TRAPANI: This was all -- we had  
6 passed this --

7 CHAIRMAN BRAND: Correct.

8 MR. TRAPANI: -- quite a long time ago;  
9 right?

10 CHAIRMAN BRAND: Correct.

11 MR. TRAPANI: I think maybe the next  
12 time something should be done, that it's not  
13 passed without having to come back and change  
14 fifty different things. Myself and one other  
15 person, with the coming in one way and going out  
16 the other way, I would not have approved it.  
17 There's one other person that's not here, he felt  
18 the same way when I talked to him. The reason is  
19 if you're coming from Marlboro, what are they  
20 going to do? Turn around in his driveway? Go up  
21 to CVS and turn around? You have a truck coming  
22 up that's delivering that's got to go in there.  
23 Where are they going to go and turn around? They  
24 have to go up and turn around and come back down.  
25 It's approved now, and I would never say no now.

2 It should have been -- something should have been  
3 done before we approved both ways to get in  
4 there.

5 CHAIRMAN BRAND: I think the approval  
6 said based on DOT's approval, but --

7 MR. HINES: Any changes by DOT would  
8 have to come back.

9 CHAIRMAN BRAND: Right.

10 MR. HINES: We had commented many, many  
11 times on that access.

12 MR. LOFARO: I think we were sold on  
13 the extra lane and all that stuff. I think  
14 that's what made it okay.

15 MR. GAROFALO: I think ultimately you  
16 have to leave that decision to the Department of  
17 Transportation since it's their road and their  
18 responsibility to make sure that there is a safe  
19 access. I agree with you, I would much rather  
20 have nice roundabouts on either side where people  
21 can do left turns, where people can do U-turns. I  
22 would love to have that. That's not happening. I  
23 think DOT has to make that ultimate decision.

24 MR. TRAPANI: I would have voted no and  
25 somebody else would have voted no. I'm just

2 voicing my opinion so it can go down on the  
3 record. I wish them all the luck in the world.  
4 I'm not against you, that's for sure. Who comes  
5 from Marlboro? You come from Milton. I come  
6 from Milton.

7 CHAIRMAN BRAND: I come from Marlboro.

8 MR. TRAPANI: I don't want to see you  
9 making a left-hand turn there.

10 MR. HINES: On your way home you may  
11 want to stop. I think local traffic kind of  
12 figures that out. If that turn is difficult,  
13 they just don't make it. Although you will get  
14 offbeat people making right turns, left turns in  
15 there.

16 MR. LOFARO: Whoever is making left  
17 turns right before CVS is doing 55 instead of 40.  
18 It's just a tricky spot. Our concern is those  
19 people making that turn, they're going to create  
20 a traffic issue over time. It has nothing to do  
21 with right at the Mobil because it's already 300  
22 yards past.

23 CHAIRMAN BRAND: That stretch is the  
24 most dangerous stretch on 9W.

25 MR. LOFARO: We just added a hazard to

2 it is what the problem is. That's all.

3 MR. GAROFALO: Ultimately you will have  
4 people who will do things against the law,  
5 speeding and looking at their cell phones and  
6 other things. Other than designing the laws to  
7 prevent these kinds of things --

8 CHAIRMAN BRAND: It's an enforcement  
9 issue.

10 MR. GAROFALO: -- it becomes an  
11 enforcement issue.

12 I have to agree with DOT and the  
13 applicant on their both making this decision.  
14 It's certainly hard on the applicant because he  
15 knows he's going to lose some business because  
16 there will be people who are just going to drive  
17 by it. I can understand this is a decision that,  
18 you know, they had to make together. I have to  
19 respect the DOT, having worked with them for  
20 thirty years in this region, that there aren't  
21 always perfect solutions to the issues.

22 MR. CAUCHI: It is a problem because  
23 we're trying to promote this corridor here.  
24 You're going to have other business coming in  
25 this corridor and, you know, there has to be a

2 solution.

3 MR. HINES: There was a solution in the  
4 plan you originally approved, but it was  
5 extremely costly with issues regarding -- I think  
6 you ran into the issues with Central Hudson and  
7 their Tuxedo to Poughkeepsie gas main that was  
8 going to need to be constructed nearby. I think  
9 it's a 700 psi gas main running along the front  
10 of the Rusk property there.

11 MR. HARVEY: There were easement  
12 issues.

13 MR. LOFARO: What happens in the  
14 future? Now the Town is going to widen that  
15 road? Twenty years down the road they want to  
16 widen that road?

17 MR. HINES: The Town is never going to.  
18 DOT may.

19 MR. LOFARO: DOT is going to widen that  
20 road. Now that expense comes to everybody else  
21 other than the applicant who should have did it  
22 in the beginning. That's just --

23 MR. HINES: I don't know if you would  
24 have seen the project with the cost to this one  
25 project to improve the whole hamlet. That's why

2 DOT is looking at the entire hamlet and the  
3 entire corridor. It's more of a way to get this  
4 done so that it's not piecemealed.

5 MR. GAROFALO: The fact is DOT is even  
6 unwilling to narrow the road where it needs to be  
7 narrowed because they can't afford to do that.  
8 That's why we're just going to get a paving job.

9 MR. TRAPANI: Too bad Youngs went out  
10 of business -- didn't go out of business a little  
11 earlier. They could have put it up there. You  
12 have a light there and everything right in  
13 Milton. Right across from Stewart's.

14 MR. HINES: Is Youngs closed?

15 CHAIRMAN BRAND: I don't think they  
16 want to go through this again.

17 MR. TRAPANI: That would have been the  
18 perfect place. We would have had Stewart's and  
19 Dunkin Donuts.

20 CHAIRMAN BRAND: Anything else from the  
21 Board?

22 (No response.)

23 CHAIRMAN BRAND: Jen, would you poll  
24 the Board on the amended resolution of  
25 conditional approval for the application of

2 Chestnut Petroleum Distributors, Incorporated for  
3 the special permit site plan approval from the  
4 Planning Board of the Town of Marlborough.

5 MS. FLYNN: Chairman Brand?

6 CHAIRMAN BRAND: Yes.

7 MS. FLYNN: Member Garofalo?

8 MR. GAROFALO: Yes.

9 MS. FLYNN: Member Trapani?

10 MR. TRAPANI: Yes.

11 MS. FLYNN: Member Lanzetta?

12 CHAIRMAN BRAND: Absent.

13 MS. FLYNN: Member Lofaro?

14 MR. LOFARO: Yes.

15 MS. FLYNN: Member Cauchi?

16 MR. CAUCHI: Yes.

17 MS. FLYNN: Member Clarke?

18 CHAIRMAN BRAND: Absent.

19 So moved.

20 MR. HARVEY: Thank you.

21 MR. JON: Thank you.

22 MR. HINES: You'll get us a set of  
23 plans with the changes that were discussed  
24 tonight and we'll authorize the Chairman to sign  
25 them.

2 MR. HARVEY: I'll look at the sign code  
3 with regard to the heights and how to represent  
4 that. I may have to call with questions on that  
5 if I can't make it clear on here. We'll do the  
6 break-away sign detail. Was there anything other  
7 than that?

8 MR. GAROFALO: You're going to look at  
9 the --

10 CHAIRMAN BRAND: Bulk table.

11 MR. GAROFALO: -- bulk table, that one  
12 setback in the rear which is probably not  
13 correct.

14 MR. HINES: I'm going to wait for  
15 Michelle's minutes. We'll itemize those.

16 MR. HARVEY: What about the bicycle  
17 parking?

18 MR. HINES: You're going to go with a  
19 generic bicycle rack other than the E-bike rack I  
20 think you proposed.

21 CHAIRMAN BRAND: Clarify on drawing  
22 number 2, the table with the sign height at 60  
23 inches. The stop sign you mentioned. That was  
24 it.

25 MR. HARVEY: Okay. We'll address any

2 conditions that require plan revisions as well.

3 CHAIRMAN BRAND: Thank you.

4 MR. LOFARO: When do you plan on  
5 serving doughnuts?

6 MR. JON: The end of March, beginning  
7 of April. Something like that.

8 CHAIRMAN BRAND: That's it for the  
9 agenda. Anything before we close?

10 (No response.)

11 CHAIRMAN BRAND: I'd like to have a  
12 motion to close.

13 MR. CAUCHI: I'll make the motion to  
14 close.

15 MR. GAROFALO: Second.

16 CHAIRMAN BRAND: All those in favor?

17 MR. TRAPANI: Aye.

18 MR. GAROFALO: Aye.

19 MR. CAUCHI: Aye.

20 MR. LOFARO: Aye.

21 CHAIRMAN BRAND: Aye.

22

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

24

25

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## 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.

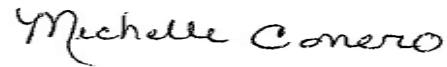
12                  I further certify that I am not  
13                  related to any of the parties to this proceeding by  
14                  blood or by marriage and that I am in no way  
15                  interested in the outcome of this matter.

16                  IN WITNESS WHEREOF, I have hereunto  
17                  set my hand this 26th day of February 2020.

18

19

20



21

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MICHELLE CONERO

22

23

24

25