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MEETING HELD REMOTELY VIA ZOOM

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

X

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In the Matter of

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POND VIEW

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Project No. 20-4009
19 Sunrise Drive, Milton
9 Section 102.4; Block 2; Lots 32.813 & 30.4

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X

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PUBLIC HEARING - LOT LINE

12

Date: October 19, 2020
13 Time: 7:30 p.m.

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BOARD MEMBERS: CHRIS BRAND, Chairman
ROBERT TRONCILLITO
16 CINDY LANZETTA
JOSEPH LOFARO
17 MANNY CAUCHI
JAMES GAROFALO
18 STEVE CLARKE

19

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

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----- X
MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

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2 CHAIRMAN BRAND: It is 7:30, so I would
3 like to call the meeting to order. I'll read the
4 agenda for this evening. Agenda, Town of
5 Marlborough Planning Board, October 19, 2020.
6 Regular meeting 7:30 p.m. Approval of
7 stenographic minutes for 9/21.

8 On the agenda tonight we have Pond View
9 at 19 Sunrise Drive in Milton, a public hearing
10 for their lot line. We have Twin Ponds at 2007
11 Route 9W, Milton for a preliminary site plan. HSC
12 Milton, LLC/Dollar General on Route 9W, Milton, a
13 sketch of a site plan/lot line. And Alden and
14 Carol Link at 36 Green Tree Lane, Milton for a
15 sketch of a subdivision.

16 We also have a discussion without the
17 lawyer, engineer, stenographer for Sean Stewart
18 and Sandra Russo.

19 Our next deadline is Friday,
20 October 23rd. The next scheduled meeting is
21 Monday, November 2nd.

22 Can I have a motion for the approval
23 of the stenographic minutes for September 21st,
24 please?

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

2 CHAIRMAN BRAND: Cindy. Is there a
3 second?

4 MR. CAUCHI: I'll second that.

5 CHAIRMAN BRAND: Any discussion?
6 (No response.)

7 CHAIRMAN BRAND: Are any opposed to the
8 approval of the 9/21 stenographic minutes?

9 (No response.)

10 CHAIRMAN BRAND: So carried.

11 All right. Up first we have --

12 MR. GAROFALO: Mr. Chairman, can I ask
13 for a slight change on the agenda?

14 CHAIRMAN BRAND: Sure, Mr. Garofalo.

15 MR. GAROFALO: I'd like to have a
16 minute or two at the end to add some additional
17 changes to the application and checklist, and I
18 would hope that we could keep that in the agenda
19 at the end of the meeting so that if we have
20 time, we can continually go over that.

21 CHAIRMAN BRAND: It will be there.

22 MR. GAROFALO: Thank you.

23 CHAIRMAN BRAND: You're welcome.

24 First up we have Pond View, 19 Sunrise
25 Drive, Milton, the public hearing for the lot

2 line.

3 I'd like a motion to reopen the public
4 hearing, please.

5 MR. CLARKE: I'll make that motion.

6 MR. LOFARO: I'll second.

7 CHAIRMAN BRAND: Any discussion?

8 (No response.)

9 CHAIRMAN BRAND: All right. This is a
10 public hearing.

11 Maybe Pat, did you want to go first?

12 MR. HINES: Our only outstanding issue
13 is the access road. I know that Jeff has been
14 working with the applicant's attorney on that.
15 Otherwise, I think our other previous comments
16 have been addressed during the process.

17 CHAIRMAN BRAND: Okay. Jeff, did you
18 want to brief us on the agreement?

19 MR. BATTISTONI: Yes. This is Jeff
20 Battistoni. I've been working with Todd Kelson
21 who is the attorney for Nick Gallela. He
22 submitted a draft agreement to me and I got him
23 some information. We worked together to revise
24 the agreement. It's in acceptable form to me.
25 That just happened today. I do think it was

2 e-mailed to the Planning Board Members so they
3 can see it.

4 I will say that the application -- the
5 current application really involves two prior
6 subdivisions. One was a four-lot subdivision on
7 Sunrise Drive, and then the other was a three-lot
8 subdivision on Ridge Road. That's where that
9 lot 8-A came from that accesses Sunset Drive. So
10 I laid all of that out in the introductory
11 paragraphs of or this agreement, just to make
12 that clear.

13 CHAIRMAN BRAND: Perfect. Thank you.

14 This is a public hearing. If anyone
15 from the public would like to interject, either
16 for or against, or have a question about the lot
17 line change being proposed at 19 Sunrise Drive in
18 Milton, you now can have an opportunity to do so.
19 Just turn on your mic and be heard.

20 (No response.)

21 CHAIRMAN BRAND: Going once. Going
22 twice. Three times.

23 (No response.)

24 CHAIRMAN BRAND: Anything from the
25 Board on this one?

2 MS. LANZETTA: I just have a question
3 about the process. I did get the e-mail, Jeff,
4 and it does look like a good document. I'm just
5 wondering, do they need to have the neighbors
6 sign onto that before we okay that lot line
7 change or is that a condition that we put on?

8 MR. BATTISTONI: This is Jeff
9 Battistoni. I could see it being a condition. I
10 think the condition would be very specific, that
11 the agreement would have to be signed in full
12 before the Chairman would sign the plat.

13 MS. LANZETTA: Thank you.

14 CHAIRMAN BRAND: Anything else from the
15 Board?

16 MR. GAROFALO: Did they get notified of
17 the public hearing? Was there a notice given out
18 to all the owners there?

19 MR. HINES: Yes. At the original public
20 hearing those notices were all sent out. This is
21 a continuation of.

22 CHAIRMAN BRAND: Right. Which is why we
23 left it open.

24 MR. CLARKE: My concern is that there
25 might be some people that don't sign that. I

2 would kind of like -- I would like to wait until
3 I see the signatures rather than make it
4 conditional.

5 MR. BATTISTONI: This is Jeff
6 Battistoni. If that's what the Board would like
7 to do, that's also fine.

8 CHAIRMAN BRAND: Is there a difference
9 in those two or is it kind of six dozen of one --
10 six of one, half dozen of another? Those
11 euphemisms are hard for me.

12 MR. BATTISTONI: I think you got that
13 euphemism right. It could go either way. If you
14 did make it a condition of approval, you are not
15 going to sign that subdivision plat until you see
16 the fully signed agreement. If the agreement
17 never gets signed, then you're not signing the
18 plat.

19 MR. GAROFALO: I think the difference,
20 though, is if you leave the public hearing open
21 until they actually sign it, they will have an
22 opportunity to come in and say, hey, I'm never
23 going to sign this, or I may sign this later or
24 whatever, but they would have an opportunity to
25 come and speak to us regarding what they don't

2 like about the agreement. I'm of the mind of
3 leaving it open until they come back with a
4 signed agreement. If the Board wants to make it
5 a condition, that's fine with me, too.

6 MR. LOFARO: It sounds like a condition
7 would make it messy, though, because if you make
8 it a condition and only half of them come back
9 with an okay, then what do we do? It just
10 doesn't pass.

11 MR. GAROFALO: And we won't know why.

12 MR. LOFARO: It sounds like you should
13 just leave it open until that point.

14 MS. LANZETTA: I would agree, too,
15 because I'm just thinking if you are the only
16 person on that road that has some issues with
17 signing onto that and all of your neighbors, you
18 know, are going along with it, there might be
19 undue pressure on you to sign, and you wouldn't
20 have anybody to go to to raise your concerns.

21 CHAIRMAN BRAND: I have no problem. All
22 valid points for sure.

23 MR. HINES: So the problem with that,
24 and I'll defer to Jeff, is that to leave a public
25 hearing open you have to leave it to a defined

2 date or you have to re-notify.

3 MS. LANZETTA: Well, we would have a --
4 we wouldn't have any action on this until the
5 next meeting, anyway. We don't have our
6 resolution prepared. If we could leave it open
7 until the next meeting and then say that he
8 should have -- try to get the signatures in the
9 meantime, would that be sufficient?

10 MR. HINES: Yeah. If he can get them
11 that quick.

12 MS. FLYNN: I know he's trying to join
13 right now and it's not coming through.

14 CHAIRMAN BRAND: What's not coming
15 through? He's not coming through or --

16 MS. FLYNN: Yeah. It just keeps going
17 like joining, joining, and it won't let him in.

18 CHAIRMAN BRAND: Okay. So are we in
19 relative agreement that we want to adjourn the
20 public meeting until Monday, November the 2nd,
21 with the hope that Mr. Gallela will have those
22 signatures completed by that date?

23 MR. HINES: And you'd also have your
24 resolution prepared potentially.

25 CHAIRMAN BRAND: Correct.

2 MR. CAUCHI: That sounds like a good
3 idea.

4 MR. LOFARO: Sounds good.

5 CHAIRMAN BRAND: So I'd like to have
6 that motion made, that we adjourn the public
7 hearing until Monday, November the 2nd, with the
8 hope that Mr. Gallela has those signatures
9 completed, and Jeff will have a resolution
10 prepared for us.

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

12 MR. LOFARO: I'll second.

13 CHAIRMAN BRAND: Any discussion?
14 (No response.)

15 CHAIRMAN BRAND: Any opposed?
16 (No response.)

17 CHAIRMAN BRAND: So carried.
18 We will keep the public hearing open
19 until the 2nd.

20 Is Mr. Gallela on yet, Jen?

21 MS. FLYNN: No. It's still just sitting
22 there.

23 CHAIRMAN BRAND: Let's let him know
24 what just happened. I can try and call him again.
25 I will let him know about that.

2 Okay. Good enough.

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

4

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

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8 I, MICHELLE CONERO, a Notary Public

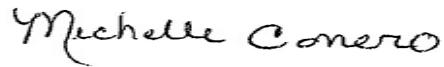
9 for and within the State of New York, do hereby

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 1st day of November 2020.

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MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

- - - - - In the Matter of X

TWIN POND

Project No. 16-9013
2007 Route 9W, Milton
Section 103.1; Block 1; Lot 3

- - - - - X

PRELIMINARY - SITE PLAN

Date: October 19, 2020
Time: 7:40 p.m.

BOARD MEMBERS: CHRIS BRAND, Chairman
ROBERT TRONCILLITO
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

- - - - - MICHELLE L. CONERO X

3 Francis Street
Newburgh, New York 12550
(845)541-4163

2 CHAIRMAN BRAND: Moving on. Twin
3 Pond, preliminary site plan, 2007 Route 9W.

4 Is the applicant's representative
5 here? That's Patti Brooks I'm assuming. Right?

6 MS. BROOKS: Yes.

7 CHAIRMAN BRAND: Excellent. Do you have
8 anything you want to say before we get started
9 with Pat?

10 MS. BROOKS: Sure. It's been quite some
11 time since we were before the Board. It was
12 actually July of last year. We were having
13 difficulty getting commitment from Central
14 Hudson. They've had a lot of changes in their
15 real estate department, so we had -- I had
16 planned on making a submission in June of this
17 year, and then Dane wanted to hold off and try
18 one more time with Central Hudson. We were
19 unsuccessful.

20 We're going to move forward at this
21 point in time with the final approval because,
22 again, the Board has been very patient with the
23 applicant and he doesn't want to drag it on any
24 longer. We've removed the Central Hudson
25 purchase from this for the time being. If he's

2 able to work something out with him, we can come
3 back for the lot line revision at another time.

4 I had received Pat's comments and, of
5 course, I had drafted a response that never got
6 submitted to the Planning Board. I did submit
7 that today. I apologize. When I received Pat's
8 comments, I realized that the previous comments
9 had not been submitted. I don't know whether Pat
10 even had the opportunity to look at them today.
11 If you want to go through his comments, we can
12 discuss them.

13 CHAIRMAN BRAND: Thanks.

14 Pat.

15 MR. HINES: I did get the opportunity
16 and I have them here. The first comment was that
17 our previous comments should be addressed. I did
18 receive Patti's response dated back in June.

19 The DOT question had been hanging out
20 there, but Patti did provide us with an e-mail
21 from John Riley from DOT stating that the work
22 that had been done on the site -- they did some
23 work with the drainage without the DOT approval.
24 We've had some meetings out there and there's an
25 indication now that DOT has found those

2 improvements acceptable and does not want the
3 curbing and such that's depicted on the plans.

4 There is an easement or an area shown
5 for sidewalks in the DOT right-of-way which the
6 Board has been requiring. That area has been
7 preserved within the right-of-way.

8 The fire department did weigh in. We
9 have a letter from the fire department, or an
10 e-mail from the fire department stating they have
11 no issues with the site.

12 We just talked about Central Hudson.
13 There were easements and such in favor of
14 crossing the -- there was even a potential lot
15 line change at one point transferring. Central
16 Hudson uniquely owns that parcel behind the
17 existing building in fee ownership. It's not an
18 easement area, but Central Hudson owns it. I
19 think that's been some of the delay.

20 The Planning Board had previously
21 requested screening. We talked a lot about the
22 screening on the site. There's been a height
23 limit imposed on the height of the pallets that
24 can be placed behind the fencing that has been
25 proposed.

2 A lot of that was the status of our
3 comments. This project has been around so long. I
4 don't know what the public hearing status of this
5 was and whether or not that was open. I don't
6 recall having a public hearing on it.

7 MS. BROOKS: We did have a public
8 hearing on July 1, 2019. There was no public
9 comment at that point. I do not have a note that
10 we closed the public hearing.

11 MR. HINES: I didn't recall that and I
12 couldn't find anything in my file.

13 MS. BROOKS: We opened it, but I don't
14 see that it was ever closed.

15 CHAIRMAN BRAND: We have to go back to
16 the minutes of that particular meeting. I don't
17 recall keeping it open for any reason.

18 MR. HINES: If no one commented, we
19 typically wouldn't keep it open.

20 MS. BROOKS: I apologize. I generally
21 write down that it was closed. It was absolutely
22 July 1st of '19.

23 MS. FLYNN: July 3rd.

24 CHAIRMAN BRAND: 2019, Jen?

25 MS. FLYNN: Yeah. July 3, 2019.

2 CHAIRMAN BRAND: Do you have the
3 minutes there?

4 MS. FLYNN: Yeah. It's a public
5 hearing.

6 CHAIRMAN BRAND: While Jen is looking
7 for that, comments, questions from the Board?

8 MR. GAROFALO: I have some comments.
9 The row of trucks on the northern end, it looks
10 like, with those trailers there, you would not be
11 able to access the rear part of the parcel where
12 the dumpster is. I think you need to have a
13 pathway cleared to that gate that leads to the
14 dumpster, otherwise these guys are going to come
15 in and they won't be able to pick up the garbage.

16 MS. BROOKS: The box trailer is shown
17 there because that is the maximum number of box
18 trailers that can fit in the dock. It's not
19 always there. When he needs to have through
20 traffic through there, that box trailer is not
21 put there.

22 MS. LANZETTA: I don't want to second
23 guess the fire chief, but if there was an
24 emergency and they had to get back there for any
25 fire or anything, if that box trailer is there,

2 that would be a problem.

3 MS. BROOKS: Well, although Central
4 Hudson owns that property, there is a blacktop
5 driveway that does extend around the entire
6 building. There is fire department access back
7 there.

8 MS. FLYNN: So the public hearing was
9 closed, and it is July 1, 2019.

10 CHAIRMAN BRAND: Thank you, Jen.

11 MS. FLYNN: You're welcome.

12 MR. GAROFALO: The other thing that I
13 would like to have clarified is the front gate. A
14 tractor trailer coming up to that front gate, if
15 that's closed because they're coming early, it is
16 going to be sticking out -- it might be sticking
17 out into Route 9W. The same with a fire truck. If
18 it's after hours and they come, is that fire
19 truck going to be sticking out into Route 9W?
20 I'm a little concerned about where that gate is.

21 MS. BROOKS: I've never seen that gate
22 closed, and I don't know that he's actually
23 utilizing it anymore. I can check that with the
24 applicant and see if he just wants to totally
25 remove it.

2 MR. GAROFALO: I can understand for
3 security why you might want to have that, but I
4 see that as a potential problem for trucks.

8 MS. BROOKS: They are striped and in
9 place in the field if you want to go take a look
10 at them.

11 MR. GAROFALO: Are they large enough?
12 That's my question.

13 MS. BROOKS: I believe that they're 10
14 by 20. I'm looking at the sketch right now. I
15 think he made them longer than 20 feet, which is
16 why it's making them look narrower. I think they
17 are 10 wide, but I think he made them longer than
18 the 20 feet. I'll check on that and make sure
19 that they are the standard size as per Town code.

20 MR. GAROFALO: Okay. One of the other
21 questions is the fence line seems to go on and
22 off the property. I'm not sure who owns that
23 fence and what kind of agreement there is. Is
24 that fence where it should be or is it not where
25 it should be?

2 MS. BROOKS: That is an old fence. I
3 don't know who actually originally constructed
4 it. That is a -- it's missing on the plan. I
5 noticed it after the prints were run. Where it
6 says, "Existing fence to be replaced with slatted
7 chain-link fence," right now it's ending at the
8 gate at the northeast corner of the dock. That
9 fence actually needs to continue along the entire
10 frontage down to meet up with the privacy fence
11 that's there now. So that chain-link fence has to
12 be put on the applicant's property, and it's got
13 to be the slatted chain link going all the way
14 down.

15 MR. GAROFALO: Okay. So you're going to
16 make that change?

17 MS. BROOKS: Yes.

18 MR. GAROFALO: With regard to on the
19 far back -- on the far west side of the property,
20 there's a notation that there's some debris on
21 the property along the property line. I don't
22 know if somebody has been dumping there or
23 whatever. I think you want to have that cleaned
24 up, because that may cause a problem down the
25 line if the property is ever transferred, that

2 you want to get a clean -- some kind of record
3 showing that that property is clean.

4 MS. BROOKS: Yeah. I don't really think
5 that that's a site plan issue. I definitely will
6 raise the concern with the applicant. I don't
7 even know if that is still there. That was
8 located back in 2016 when we did the original
9 survey. We really haven't been back to that part
10 of the property since then. It could be that it's
11 already been cleaned up. I'll mention it to the
12 landowner, that he might want to follow up on it.

13 MR. GAROFALO: And with respect to the
14 accessible parking, is there a ramp or is that
15 going to all be at grade?

16 MS. BROOKS: That's all at grade.

17 MR. GAROFALO: Okay. Thank you.

18 CHAIRMAN BRAND: Thank you.

19 Anything else from the Board?

20 MS. LANZETTA: I'd just like to say
21 that the front work that's been done on Route 9W
22 looks very nice.

23 CHAIRMAN BRAND: Agreed.

24 MS. BROOKS: The other thing I do want
25 to add that is new to the site plan, or a site

2 plan change is you had mentioned earlier about
3 the pallet height on the open dock. The applicant
4 is actually planning on putting a roof structure
5 over that. That will also minimize the visual
6 impact. He's now going to cover that. We added
7 on this plan a proposed roofed pallet storage.
8 The interior height of that will not exceed the
9 15 feet, which was the maximum pallet storage
10 height.

11 CHAIRMAN BRAND: Jeff, in your opinion
12 do the changes from the original public hearing
13 require or necessitate an additional public
14 hearing?

15 MR. BATTISTONI: No.

16 CHAIRMAN BRAND: Okay. Anything else
17 from the Board?

18 MR. GAROFALO: I have another question.
19 With regard to the height of the pallets, the
20 roof is going to be low enough so that they won't
21 be able to stack them higher?

22 MS. BROOKS: Correct. The interior of
23 the roof structure will not be higher than 15
24 feet. If it's going to be a peaked roof, the
25 peak will be taller than the 15 feet, but the

2 interior will be at the 15 feet, not --

3 MR. GAROFALO: Which is the height that
4 you'd be stacking the pallets?

5 MS. BROOKS: I don't even know that
6 he -- I don't think he'd be able to stack them
7 right up to the top of the roof.

8 MR. GAROFALO: I'm just thinking
9 whether or not there should be some labeling
10 there to specify so that five years down the road
11 the workers don't stack higher because they're
12 not going to look at the plan. If there's a
13 sign there saying, you know, you can't stack
14 more than 15 feet, I think that would be a
15 safer thing.

16 MS. BROOKS: Well, they won't be able
17 to because that's how tall the roof structure is.
18 They won't be able to stack them any taller than
19 the interior clearance is.

20 MR. GAROFALO: Okay.

21 CHAIRMAN BRAND: Anything else from the
22 Board?

23 (No response.)

24 CHAIRMAN BRAND: No. So Pat, I guess
25 I'll defer to you on this one. Where are we

2 with this one now? They're just going to
3 resubmit?

4 MR. HINES: It sounds like there's a
5 couple of changes on the plans and they can
6 resubmit. I think it's probably at a point now
7 where we can ask Jeff to maybe make an approval
8 resolution moving forward so that when the plan
9 changes are acceptable, you'll have a resolution
10 also ready to review.

11 The project has been here a long time.
12 It was referred from the code enforcement office,
13 so it's been cleaned up. As it's been going
14 through the process, some of the improvements
15 were done without approval. I think generally the
16 site is much cleaner, and DOT certainly thinks it
17 drains much better than it did.

18 CHAIRMAN BRAND: Excellent. Is the
19 Board comfortable with that?

20 MR. CLARKE: Yes.

21 MR. TRAPANI: Yes.

22 MS. LANZETTA: Yes.

23 MR. GAROFALO: Yes.

24 MR. CAUCHI: Yes.

25 MR. LOFARO: Yes.

2 MR. TRONCILLITO: Yes.

3 CHAIRMAN BRAND: So let's go ahead
4 and do that. We will plan to see you again
5 November 2nd, Patti. Jeff will work on the
6 resolution.7 MS. BROOKS: Very good. I will be
8 there. Thank you very much.

9 CHAIRMAN BRAND: All right. Thank you.

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11 (Time noted: 7:53 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:

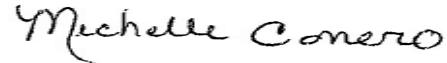
9 That hereinbefore set forth is a
10 true record of the proceedings.

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 1st day of November 2020.

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MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

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- - - - - In the Matter of X

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HSC MILTON, LLC/DOLLAR GENERAL

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Project No. 20-4013
Route 9W, Milton
Section 103.1; Block 2; Lot 74

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- - - - - X

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SKETCH - SITE PLAN/LOT LINE

12

Date: October 19, 2020
Time: 7:53 p.m.

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BOARD MEMBERS: CHRIS BRAND, Chairman
ROBERT TRONCILLITO
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO
STEVE CLARKE

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

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APPLICANT'S REPRESENTATIVE: CARYN MLODZIANOWSKI
MARISSA WEISS

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- - - - - X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

2 CHAIRMAN BRAND: Next up, HSC Milton,
3 LLC/Dollar General on Route 9W.

4 MS. MLODZIANOWSKI: Good evening. I'm
5 Caryn Mlodzianowski from Bohler Engineering
6 representing HSC Milton, LLC. On the line as
7 well this evening is Marissa Weiss from
8 Jacobowitz & Gubits, the project attorney
9 representing HSC Milton as well.

10 We were here two weeks ago to introduce
11 this project to the Board for a proposed Dollar
12 General site plan review on Route 9W, along with
13 a lot line adjustment between us and the adjacent
14 parcel to the south. We had a quick turnaround to
15 be here tonight. We submitted revised paperwork
16 to clean things up and make sure that the
17 proposed lot line adjustment was documented on
18 all of our applications, forms, and the EAF as
19 well.

20 We also updated the zoning statistics
21 table on our plan to include both of the lots
22 involved in the lot line adjustment in existing
23 and proposed conditions. Actually, our proposed
24 lot line adjustment would remove two existing
25 non-conformances on the adjacent parcel to the

2 south, the parcel that the Dollar General is not
3 proposed on.

4 We also went ahead and modified the
5 parking on the site plan so that none of the
6 parking would be impacted by the truck parking
7 while it's there for deliveries. We've adjusted
8 that.

9 We've added a bike rack to the plan in
10 front of the store, as requested, as well.

11 We're hopeful to keep the forward
12 momentum going this evening and, hopefully,
13 circulate for SEQRA to continue to gather
14 comments from all the involved agencies as we
15 continue to progress the plans.

16 CHAIRMAN BRAND: Great. Thank you.

17 Pat, did you want to run through your
18 comments for this one?

19 MR. HINES: Yes. I concur with what
20 the applicant's representative just said. But as
21 far as the lot line change goes, I need a
22 separate plan that can be filed with the County.
23 Currently the lot to the south, the entire lot
24 isn't depicted anywhere on the survey. We need a
25 survey sheet that shows the parcel that's

2 proposed for the Dollar General as well as the
3 adjoining lot in its entirety. We keep having
4 just that portion of the lot that's changing, so
5 we need that plan done.

6 The deficiencies in the application
7 form have been addressed, including the updated
8 EAF which was submitted.

9 We do concur that we're at a point
10 where we can declare our intent for lead agency.
11 Again, the lot line portion of the project, if it
12 was here alone, would be a Type 2 action and
13 would not need that. Because we have a site plan
14 here, we'll need to become lead agency as DOT is
15 an involved agency in the project.

16 The applicant's representative
17 mentioned the dumpster location. It has been
18 moved back on the site so that the loading dock
19 now has enough area to park the tractor trailer
20 truck. I did note that they're using a very large
21 WB-67 tractor trailer truck, which is about the
22 largest one that you would see. So they left
23 room for that.

24 We will be looking for future
25 submissions of the stormwater pollution

2 prevention plan, additional site development
3 details, paving, drainage. All the engineering
4 details on the plan need to be added.

5 As a sketch plan, I believe it has the
6 sufficient information for lead agency.

7 We were discussing previously, and I
8 don't know if we got a definitive answer of
9 curbing on the site. Typically this Board
10 requires curbing. It would require some
11 additional drainage structures to control the
12 drainage on the site. I note that they did
13 provide some curbing along the Route 9W frontage,
14 but the rest of the site continues not to be
15 curbed. Along the building is curbed, but the
16 rest of the site is not.

17 There's a notation of a lighting plan
18 by others, so we'll need to see that lighting
19 plan. It will need to go to County planning, and
20 they will look for that.

21 We'll need additional site development
22 details as the project moves forward.

23 CHAIRMAN BRAND: I think the Board has
24 typically been in agreement that we prefer to
25 have the curbing and the sidewalks on all of

2 these types of businesses in this stretch.

3 That's definitely something that I'd like to see,
4 unless DOT says otherwise.

5 MR. HINES: That's another thing
6 lacking here is the sidewalk. I didn't know if
7 this was in a portion of Milton -- you know, you
8 have been requiring sidewalks along this area.

9 CHAIRMAN BRAND: Yeah. Jeff, did you
10 have anything on this one?

11 MR. BATTISTONI: My only question is
12 for Pat. I don't recall whether -- you had said
13 this would be an Unlisted action in your last
14 comment letter. Is that correct?

15 MR. HINES: It would be an Unlisted
16 action.

17 MR. BATTISTONI: Okay. Good. So if
18 the Board is going to make a motion tonight, it
19 would declare this to be an Unlisted action, or
20 it would classify it as an Unlisted action and
21 declare its intent to serve as lead agency, and
22 it would authorize circulation.

23 CHAIRMAN BRAND: Anything from the
24 Board?

25 MR. TRONCILLITO: Chris, Bobby. I've

2 got a question on the Board's request for
3 sidewalks when all the other projects up and down
4 9W didn't do anything. I mean you've got one that
5 never did any landscaping. Why are we asking
6 these people to put sidewalks in when nobody else
7 has done that? I just -- I'd like some
8 information, being new on the Board, to
9 understand everything.

10 CHAIRMAN BRAND: I think the intent is
11 for all of them to do it either now, if possible,
12 or in the future if the conditions don't warrant
13 it at the time.

14 MR. CLARKE: Bobby, I think what we've
15 asked for is them to reserve, on their site
16 plans, a place for a sidewalk. There's no sense
17 putting unconnected sidewalks in, but every one
18 of these site plans has a reserve spot for a
19 sidewalk to go in. That's what we're asking for
20 now, not necessarily the sidewalk itself.

21 CHAIRMAN BRAND: Well, we did ask for
22 the sidewalk itself, for example, at the Dunkin
23 Donuts in Milton. If we don't have anyone put
24 them in, we're never going to have any. I think
25 if you have an applicant and you're putting in

2 the curbing and you're doing all that work, it's
3 really not that cost prohibitive to throw the
4 sidewalk in as well.

5 MS. LANZETTA: You have to remember,
6 too, that since some of those other projects have
7 come before the Board, the Town Board has
8 accepted and adopted the plan -- the Route 9W
9 transportation plan which includes asking for
10 sidewalks, you know, along this corridor. The
11 Board has made it clear that this is something
12 that they would like to see. It behooves the
13 Planning Board to follow through with the
14 intentions of that study.

15 MR. GAROFALO: As did the Safe Routes
16 to School plan wanted to have sidewalks leading
17 up to the school, especially in that area.

18 CHAIRMAN BRAND: I think that the two
19 that we allowed to just -- what's the word I'm
20 looking for -- reserve the space, it was just
21 because of the considerable road frontage that
22 they had there.

23 MR. HINES: The hardware store was an
24 example of that. They had 1,500 or 1,600 feet of
25 road frontage.

2 CHAIRMAN BRAND: And Young's Motors as
3 well with that whole giant parcel to Young
4 Avenue.

5 Did that answer your question, Bobby?

6 MR. TRONCILLITO: Yeah, sort of.

7 I have one question for Caryn. Have
8 you gotten back with your people on the theory of
9 possibly putting a sprinkler system in that
10 building?

11 MS. MLODZIANOWSKI: Those discussions
12 are still underway. I know the request was made,
13 you know, could the building be larger. Based on
14 the size of this tenant, and their program, and
15 all the stores they have across the country, the
16 size of the building would not change. But
17 that's a question we've asked.

18 MR. TRONCILLITO: Okay. Thank you.

19 MS. MLODZIANOWSKI: Thank you.

20 CHAIRMAN BRAND: Other questions from
21 the Board?

22 MR. GAROFALO: Yes. First I'd like to
23 thank you for some of the improvements that you
24 have put in. You made it clear about the
25 accessible access and you got the right symbols.

2 All those things are good.

3 I still would like to see the sight
4 distances on the plan.

5 With regard to the bicycle rack, what I
6 had asked for was to have a rack with two points
7 of contact for the bicycle. What you would get,
8 as it's laid out, is you would have a bicycle
9 rack for one bicycle, because they're not going
10 to put the bicycles in perpendicularly because
11 then there's only one point of contact. It's
12 better than what was put in at Chestnut
13 Petroleum, but I'd still like to see two points
14 of contact. Like an upside down U, in that kind
15 of configuration, where the bicycle has two
16 places to lean against and not one. If you think
17 about it, you hold your palm down and you put out
18 your index finger and you try to balance a pencil
19 on it. It's not so easy. If you put two fingers
20 out and you put that pencil on it, it's not going
21 anywhere. It's the same type of thing with a
22 bicycle, that if it has one point of contact,
23 it's not going to be that stable for the bicycle.
24 Some of these people spend a lot of money on
25 their bicycles.

2 MS. MLODZIANOWSKI: Okay. We'll look at
3 that.

4 CHAIRMAN BRAND: Anything else from the
5 Board on this?

6 MS. LANZETTA: I just was wondering if
7 the ethics code disclosure has been filed with
8 this application?

9 MS. MLODZIANOWSKI: We did.

10 MS. LANZETTA: You did?

11 CHAIRMAN BRAND: She said yes. I don't
12 know that I have it, though.

13 MS. LANZETTA: I haven't seen it. I
14 know in your response you said you had a letter
15 of agent, but I didn't see any response to the
16 ethics disclosure.

17 MS. MLODZIANOWSKI: Okay. We'll double
18 check.

19 MS. WEISS: Marissa Weiss of Jacobowitz
20 & Gubits, attorney for the applicant. I believe
21 I've seen one. We'll make sure that's corrected.
22 We'll make sure the Board gets one as well.

23 MS. LANZETTA: Thank you.

24 CHAIRMAN BRAND: Thank you. Anything
25 else from the Board?

2 (No response.)

3 CHAIRMAN BRAND: So I guess at this
4 point I would like a motion for the Town of
5 Marlborough Planning Board to declare its intent
6 to act as the lead agency and circulate to the
7 involved agencies for this unlisted action.

8 MR. TRONCILLITO: I'll make the motion.

9 CHAIRMAN BRAND: Bobby makes the
10 motion. Is there a second?

11 MS. LANZETTA: I'll second it.

12 CHAIRMAN BRAND: Cindy. Any discussion
13 on that?

14 (No response.)

15 CHAIRMAN BRAND: Any opposed to that
16 motion?

17 (No response.)

18 CHAIRMAN BRAND: So carried.

19 MS. LANZETTA: Can there be a recusal?

20 CHAIRMAN BRAND: Yes. I believe Manny
21 is supposed to recuse himself from this.

22 Correct, Manny.

23 MR. CAUCHI: Yes. I'm not speaking.

24 Yes, I did that at the first meeting and I'll do
25 it for this one.

2 CHAIRMAN BRAND: Manny recused himself
3 for that vote.

4 Thank you, Cindy, for reminding me.

5 CHAIRMAN BRAND: I would defer to Jeff,
6 or maybe Manny can state right now that he will
7 recuse himself from all actions on this so we are
8 clear on that.

9 MR. CAUCHI: I can say it every time.

10 That doesn't matter to me. I could do that.

11 CHAIRMAN BRAND: Jeff, can he make a
12 blanket recusal like that? Is Jeff here still?

13 MR. LOFARO: I don't see Jeff.

14 CHAIRMAN BRAND: Okay. We'll continue
15 to do that until we get a ruling.

16 MS. FLYNN: He's right there now. He's
17 coming on. He's on mute.

18 CHAIRMAN BRAND: I think that's all set
19 then for this. Right?

20 MR. HINES: Yes. That's the only
21 action we can take tonight.

22 I will work on a notice of intent for
23 lead agency and get the appropriate number of
24 copies from the applicant's representative.

25 CHAIRMAN BRAND: Excellent. Thank you,

2 Pat.

3 Thank you, Marissa and Caryn.

4 MS. MLODZIANOWSKI: Thank you.

5 MS. WEISS: Thank you.

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

7

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

9

10

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

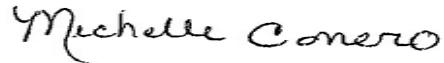
14 That hereinbefore set forth is a
15 true record of the proceedings.

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

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 1st day of November 2020.

22

23



24

MICHELLE CONERO

25

2

MEETING HELD REMOTELY VIA ZOOM

3

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

----- X

5 In the Matter of

6

ALDEN & CAROL LINK

7

Project No. 20-4014
8 36 Green Tree Lane, Milton
Section 102.4; Block 2; Lot 15.113

9

10 ----- X

11

SKETCH - SUBDIVISION

12

Date: October 19, 2020
13 Time: 8:05 p.m.

14

15

BOARD MEMBERS: CHRIS BRAND, Chairman
ROBERT TRONCILLITO
CINDY LANZETTA
16 JOSEPH LOFARO
MANNY CAUCHI
17 JAMES GAROFALO
STEVE CLARKE

18

19

20

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

21

22

APPLICANT'S REPRESENTATIVE: ALDEN LINK, CAROL LINK,
SPENCER HALL

23

24

25

----- X
MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

2 CHAIRMAN BRAND: Next on the agenda we
3 have Alden and Carol Link for a sketch of a
4 subdivision at 36 Green Tree Lane in Milton.

5 Mr. Link, good evening, and Ms. Link
6 perhaps. Can you turn your mic on there?

7 Jen, can you turn his mic on, actually?
8 There you go. Perfect. Mr.

9 Link, good evening.

10 MR. LINK: Yes, sir. Good evening.

11 CHAIRMAN BRAND: How about a brief
12 description of what it is you have proposed or
13 what you're trying to do here?

14 MR. LINK: I built this subdivision
15 over the last twenty years or so. One of the
16 requirements was to have a 50-foot right-of-way
17 to the back of the property, which was not mine.
18 Eventually, in order to get the road dedicated, I
19 had to buy 2 acres from the Cannosas so the
20 50-foot right-of-way would not be lost.

21 Therefore, I have this 2-acre property connected
22 to the road by the 50-foot right-of-way.

23 One of the neighbor's brothers wants to
24 buy the 2 acres. That's where we stand. I would
25 like to subdivide the 2 acres that I bought. The

2 plans show that it's parcel A.

3 CHAIRMAN BRAND: Okay. Thank you.

4 Pat, do you want to run through your
5 comments? I think he may have answered your
6 first one.

7 MR. HINES: He did. How are you,
8 Mr. Link?

9 MR. LINK: Good.

10 MR. HINES: I remember him being here
11 before us twenty years ago or so for the
12 subdivision.

13 MS. LINK: It was twenty-five.

14 MR. HINES: I was here then as well.
15 Good to see you.

16 So that was our first comment, is why
17 this is happening now. I didn't have a complete
18 recollection of why, but that certainly makes a
19 lot of sense, that the provisions for adjoining
20 the adjoining lots, and now you are the owner of
21 that.

22 Right now the topography is only shown
23 on a portion of the 2-acre lot. The Planning
24 Board would have to waive the requirement for
25 topography on the balance of the parcel. Right

2 now they've shown it on the portion that is
3 subject to the subdivision and the new lot, but
4 not the entire parcel. The Board may want to
5 consider that waiver. Or if they want to
6 require -- the subdivision checklist identifies
7 Federal wetlands on the site.

8 CHAIRMAN BRAND: I'm sorry, Pat. What
9 would be the benefit to waiving it or not waiving
10 it for us?

11 MR. HINES: Well, it would require the
12 Links to go and survey, I believe it's their
13 house where they're not proposing any
14 development. So they'd be surveying the balance
15 of the parcel. I think it's 4 acres or so that
16 contains their residence and their gardens and
17 such. The planimetrics are there but the topo is
18 not. It shows the house, it shows, I believe, the
19 pool, the garden areas. The rest of the lot is
20 fairly heavily wooded that they don't utilize.
21 It's a requirement in your checklist unless you
22 waive it.

23 CHAIRMAN BRAND: Is there any objection
24 to waiving the 2-foot contour?

25 MS. LANZETTA: I have no objection.

2 MR. CLARKE: What is the topography on
3 the site? Is it fairly steep or is it fairly
4 flat?

5 MR. LINK: It's fairly flat. There is a
6 slope so that the drainage is good, but there --
7 it definitely is not steep.

8 MR. CLARKE: Then I have no objection.

9 MR. GAROFALO: I have no objection.

10 MR. LOFARO: I have no objection.

11 CHAIRMAN BRAND: All right. Manny?

12 MR. HINES: That will address that
13 concern. The checklist did have some Federal
14 wetlands identified, but none are depicted on the
15 map.

16 We should have the applicant's
17 representative take a look at the soils mapping
18 and the vegetation out there to make sure there
19 aren't any.

20 The main concern I have with the sketch
21 plan is that there are two water courses. I seem
22 to remember this. There may be a pipe running
23 across the 2-acre parcel. There's drainage on the
24 rear of the parcel and then drainage down the
25 spur which would contain the driveway of the new

2 lot. I think that there might be a pipe linking
3 those two.

4 MR. LINK: The pipe runs under the
5 road.

6 MR. HINES: Right.

7 MR. LINK: That's the extent of the
8 pipe. The pipe originally was planned to be an
9 18-inch pipe and then -- I can't remember his --
10 Rocky, whoever was the road supervisor at the
11 time, wanted a 42-inch pipe. So there's a
12 42-inch pipe that runs under the road. There is a
13 curtain drain behind the lot adjacent to the
14 driveway -- between the two lots adjacent to the
15 driveway to the west of the lot, I believe. Or
16 maybe it's to the south. I'm getting confused on
17 the direction.

18 MR. HINES: If the Board will look at
19 the map there, the rear parcel shows a stream, a
20 water course in blue, and it kind of disappears.
21 During this process I will go out and take a look
22 just to see where that goes. I vaguely recall an
23 issue with a pipe there. I do know that there's a
24 large pipe in the roadway there. I just want to
25 make sure that that wasn't piped through.

2 The grading for the proposed driveway.

3 We're going to need to show that proposed

4 driveway taking into account the topography where

5 that ditch is along the access. I want to see

6 that driveway depicted, and the grading for it,

7 to show that that will work in there. That's

8 something for your design professional to show

9 us.

10 There's grading for a swale.

11 They have approval for the septic system through

12 the County already. The survey plan does not show

13 it, but the approved septic system plan shows a

14 relocation of the swale across the lot. Just in

15 a graphical form. We want to show that grading on

16 the plan that has the topography on it. That's

17 something also your designer can do.

18 The other issue is the checklist

19 identifies to show existing structures within 200

20 feet. Actually, my comment says 2.200, but it's

21 supposed to say 200. I must have did that when I

22 dictated. It helps with the public hearing if the

23 locations of the adjoining houses can all be

24 shown. It is a requirement. I wouldn't recommend

25 you waive that. I think they can do that off the

2 aerials and plot those on the survey so that we
3 know where the houses and driveways are for the
4 adjoining parcels when we have the public
5 hearing.

6 Those are our comments on the sketch
7 plan that was submitted.

8 MR. LINK: Well, his brother has got
9 one of the adjacent properties, so he's probably
10 not going to object.

11 MR. HINES: Yes, but there are some in
12 the rear and there are a couple in between the
13 two poles. There's quite a few houses.

14 MR. LINK: There are. There are. There
15 are. Okay.

16 MR. HINES: Mr. Link, your consultants
17 and -- I believe, actually, my office sent it to
18 you as well, the comments.

19 MR. LINK: Yes.

20 MR. HINES: We did have an e-mail for
21 you as well, so we sent you our comments. Did you
22 get them?

23 MR. LINK: I don't believe so.

24 MS. LINK: I shut my phone off.

25 MR. LINK: Just now?

2 MR. HINES: No. My office would have
3 done it earlier. If not, I'll follow up with
4 that. They did say they had your e-mail, so I
5 said go ahead and send them.

6 CHAIRMAN BRAND: Any other questions or
7 comments from the Board?

8 MR. GAROFALO: I have some comments. I
9 wanted to make sure that there is 25 feet from
10 the center line of the road. It's supposed to be
11 a 50-foot right-of-way for the -- what's the name
12 of that road -- Green Tree Lane. I think our
13 regulations call for 25 feet from the center line
14 to make sure that it's -- we have 25 feet at
15 those two points.

16 The other thing is to check on the
17 sight distance. As long as they are looking at
18 the driveway, I'm talking about the new driveway,
19 I don't care about the old one because that's in
20 a cul-de-sac. That's not going to have a real
21 problem as far as sight distance. I would hate to
22 approve a lot that doesn't have adequate sight
23 distance.

24 MR. LINK: Well, it's between two
25 driveways. Obviously it has sight distance. It's

2 a straight road there. But okay. Okay. We can
3 show them.

4 MR. HINES: Back to the 25 feet. It's
5 25 feet to the center line of the road on roads
6 by use. That road was a modern -- I'll call it a
7 modern subdivision. It is a 50-foot
8 right-of-way. We typically don't require any
9 dedications based on where the road landed
10 because the Town has ownership of that 50-foot
11 strip.

12 MR. LINK: Yes.

13 MR. GAROFALO: Okay. My last comment is
14 on the location map you have the Town Hall.
15 That's the former Town Hall. Maybe you can change
16 that to DPW just so anybody looking at that
17 doesn't get confused. Just say former Town Hall
18 on the location map.

19 MR. LINK: Oh. Oh, okay.

20 MS. LINK: What does he mean?

21 MR. LINK: Okay.

22 MR. GAROFALO: It's a simple thing.

23 MR. HINES: I think your consultant
24 used like a Google Earth map and it had a remnant
25 label.

2 MR. LINK: I don't know if he's
3 listening. Spencer Hall is supposed to be on
4 this call.

5 MR. HALL: I'm on it.

6 MR. LINK: Are you taking notes,
7 Spencer?

8 MR. HALL: Yes, I am.

9 MR. LINK: Very good. Okay.

10 CHAIRMAN BRAND: Anything else from the
11 Board?

12 MR. HINES: Spencer, while I have you,
13 did you get my comments as well? I know my
14 office was looking for an e-mail contact for
15 you.

16 MR. HALL: No, I didn't. Do you want
17 my e-mail?

18 MR. HINES: Sure. I don't know if you
19 want to put it on Zoom or you want to call my
20 office in the morning.

21 MR. HALL: I'll call you.

22 MR. HINES: Okay, great.

23 MS. FLYNN: I don't have it, either,
24 Spencer.

25 MR. HALL: I'll give it to you now.

2 Maybe it will draw up some business.

3 MR. HINES: All right. There you go.

4 MR. HALL: Hall, H-A-L-L, Surveying,
5 S-U-R-V-E-Y-I-N-G, all one word, @opt, like
6 Oscar, Peter, Thomas, online.net.

7 MR. HINES: Got it. Thank you, Spencer.

8 MR. HALL: You're welcome.

9 CHAIRMAN BRAND: Anything else on this?

10 MR. HALL: Do I have to formally
11 request a waiver of the topo on the remainder of
12 the lot?

13 MR. HINES: I think you got it.

14 CHAIRMAN BRAND: We're giving it to
15 you.

16 MR. HALL: Okay, good. We'll clean
17 these things up and we'll see you on November 2nd
18 then.

19 MR. HINES: Well, if you have that
20 submission done, yes.

21 CHAIRMAN BRAND: Yes, if he's got
22 everything in.

23 MR. HINES: The ball is in their court
24 right now.

25 CHAIRMAN BRAND: Right. For sure.

2 Great. Thank you, Mr. Link. Thank you, Mr.
3 Hall.

4 MR. HALL: Thank you very much.

5 MR. LINK: Thank you to the Board.

6 CHAIRMAN BRAND: You're welcome. Have
7 a good night.

8 The remaining items are discussions
9 without the lawyer, engineer and stenographer.

10

11 (Time noted: 8:18 p.m.)

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

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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 1st day of November 2020.

18

19

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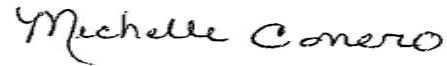
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MICHELLE CONERO