

2 CHAIRMAN BRAND: It is 7:30. I would
3 like to call the meeting to order. Agenda, Town
4 of Marlborough Planning Board, December 21, 2020.
5 Regular meeting 7:30 p.m. On the agenda this
6 evening we have HSC Milton, LLC for a sketch of
7 their site plan/lot line on Route 9W, Milton.
8 Later we do have a discussion without the lawyer,
9 engineer or stenographer for the Town discussion
10 with the Town Board and a review of the site plan
11 checklist. The next deadline is Friday,
12 December 24th.

13 Is that the right date, Jen?

14 MS. FLYNN: Yes. Yes, because we can't
15 have it Friday, it's Christmas. It's Thursday.
16 Thursday, the 24th.

17 CHAIRMAN BRAND: Okay. Thursday,
18 December 24th. The next scheduled meeting would
19 be Monday, January 4, 2021. We have some time.

20 First up on the agenda is HSC -- before
21 we begin, I'm sorry, I do have some training I'd
22 like to enter into the public record. Member
23 Lanzetta and I both attended the New York State
24 Division of State Division of Local Government
25 Services subdivision review. Mrs. Lanzetta

2 accrued one hour of time and I accrued two hours
3 of time.

4 MS. LANZETTA: I should have two hours.

5 CHAIRMAN BRAND: Your certificate said
6 one for some reason.

7 MS. LANZETTA: I know why. I'll have
8 to take it up with them because I had a hard time
9 connecting and it probably looks like -- I'll
10 take it up with them.

11 CHAIRMAN BRAND: Okay. It was two
12 hours. I'm sure you were there two hours. I
13 don't think it's going to matter. I think you're
14 over the four, anyway.

15 MS. FLYNN: I put you down for two,
16 Cindy.

17 MS. LANZETTA: Thank you.

18 CHAIRMAN BRAND: I also attended the
19 New York State Division of State Division of
20 Local Government Services floodplain regulations
21 on December 15th, and that was also two hours.
22 So the training is out of the way.

23 First up --

24 MR. CAUCHI: I attended a training as
25 well. I sent you the e-mail, Jen. Did you get

2 that?

3 MS. FLYNN: I don't remember. I'm
4 sorry. I've been out of the office for awhile.5 MR. CAUCHI: That's okay. I'll resend
6 it to you.7 MS. FLYNN: Can you put it into the
8 minutes so that it's read?9 CHAIRMAN BRAND: Do you know which it
10 was, Manny?11 MR. CAUCHI: It was -- no, not off --
12 hold on a second.13 CHAIRMAN BRAND: Why don't you look for
14 it.15 First up on the agenda is HSC Milton,
16 LLC for the Dollar General on Route 9W, Milton.17 As a reminder, Board Member Cauchi has
18 recused himself for all of these discussions.19 So Pat, I'd like to start with you,
20 please. Would you review your comments.21 MR. HINES: Sure. We received a
22 resubmission including the stormwater pollution
23 prevention plan. We were able to review it.24 Our first comment has to do with the
25 status of DOT's approval for the access drive and

2 utilities. We did circulate lead agency out to
3 DOT and they did comment back that they were
4 looking for a traffic study as well as copies of
5 the drainage report. They also requested the
6 applicant fill out their Perm 33 and some other
7 information. So we're looking for the status of
8 that.

9 The review of the septic system by the
10 Health Department is required.

11 I did note in the stormwater pollution
12 prevention plan there was a geo-technical report
13 because they're using infiltration practices for
14 their stormwater pollution prevention. The perc
15 tests were 300 minutes per inch. That's not an
16 acceptable perc rate for a septic system, so I'm
17 waiting for the applicant's representative to
18 weigh in on that.

19 I would call to the Board's attention
20 there's only curbing proposed around the building
21 itself and along the 9W portion of the parking
22 lot. That has to do with the stormwater being
23 allowed to sheet flow off the site into that
24 northerly part of the site that contains the
25 stormwater. Normally the Board requires curbing

2 throughout the site, but they designed their
3 stormwater to sheet flow off the parking lot into
4 there. It's kind of the preferred DEC method
5 rather than putting it into pipes to allow it to
6 flow across. It hits the vegetation before it
7 hits the sediment forebay there.

8 CHAIRMAN BRAND: We saw that with one
9 of our previous submissions; right?

10 MR. HINES: Yes. Yup. Yup. It goes a
11 little against our commercial site plan design
12 guidelines but it fits in with the DEC's
13 stormwater design guidelines.

14 The stormwater management plan
15 identifies that infiltration will be utilized as
16 a treatment method in the infiltration basin they
17 designed. The design manual requires additional
18 infiltration testing. They only did two
19 infiltration tests to identify the rate the water
20 will come out of the pond through the soil. The
21 stormwater design guidelines require one every
22 200 square feet of area of the basin. So more
23 information on that.

24 The discharge from the stormwater plan
25 is to a DOT culvert system. We're looking for

2 the capacity of that culvert system and the
3 discharge location to be analyzed, along with the
4 report, to make sure that the water that does
5 discharge from the stormwater management facility
6 can be conveyed safely to a natural water course.

7 We have a comment on the size of the
8 septic system. The building is 9,100 square feet
9 and that would equate to approximately 110
10 gallons per day of flow. So the system appears
11 to be undersized, but there's no sizing
12 information on that. That will be reviewed by
13 the Health Department. We're looking for that
14 detail on the plan.

15 Another comment on the stormwater
16 infiltration basin regarding the depth of the
17 water that was modeled in it. The landscaping
18 plan that's been provided now depicts a proposed
19 irrigation system. We're requesting that they
20 contact the Water Department to determine any
21 details of that, cross connections and such that
22 will need to be in place in order to protect the
23 Town's water system when it's used for irrigation
24 as well.

25 The Planning Board had previously

2 discussed the need for fire suppression in the
3 building. It doesn't need it by building code,
4 but I know the Board had requested the applicant
5 possibly putting in a fire sprinkler system in
6 the building. We haven't heard back on that.

7 Again, the sidewalks along the
8 frontage. I believe at the last meeting we
9 discussed that the Board was going to request the
10 sidewalks be constructed at this time, saying
11 that there's provisions for it in the future. I
12 think the Board was looking for that to be added
13 to the plans and constructed now.

14 I just want to check on the status of
15 the Ulster County Planning review. I don't know
16 if we sent it yet because we were waiting for
17 those lighting, landscaping and stormwater
18 pollution prevention plans. So that will have to
19 be sent up to the County.

20 CHAIRMAN BRAND: Thanks, Pat.

21 Jeff, do you have anything on this one?

22 MR. BATTISTONI: The only thing I'll
23 say is I think we do need to make that County
24 referral. Once we have the complete plans, we'll
25 do that.

2 MR. HINES: Also, the time has lapsed
3 for lead agency. We did hear back from both the
4 DEC and the DOT as involved agencies in this.
5 The other agencies did not respond. You can
6 declare you are going to make yourself lead
7 agency this evening as well.

8 CHAIRMAN BRAND: Anything from the
9 Board?

10 MR. CLARKE: I've got a couple of
11 comments. I'm not sure if this is a real problem
12 or not, but getting irrigation water from a Town,
13 that water is going to have a certain chlorine
14 level. I don't know how that's going to impact
15 the plants that you're irrigating. I don't know
16 that it's a problem, but it's a potential
17 problem.

18 You know, looking on the maps, I still
19 think the entrance -- they would be better off
20 with an entrance on the north side of the
21 building, because that's where most of the
22 parking is going to be, rather than on the west
23 side next to 9W. It's not a provision that we
24 can enforce, it's just a suggestion.

25 CHAIRMAN BRAND: Thanks, Steve.

2 Anything else from the Board?

3 MR. GAROFALO: I have a few things.

4 One, I'd like to thank them for taking a look at
5 the bicycle racks. I would appreciate if you
6 would take a look at the distance between those.
7 It looks like it's a little tight. I'd rather
8 see one less rack and there be enough room than
9 to have four and not really be enough room in
10 between them. The distance of six feet is a
11 little short, but they can certainly protrude
12 into that ten-foot walkway that's in front of the
13 building.

14 I'd like to thank them for the general
15 note number 23 regarding the MUTCD, because there
16 have been some problems with signage not being
17 appropriate, and their attention to the ADA
18 regulations.

19 On the demo plan, the limit of the work
20 overlaps with the trailers that are parked at the
21 north end. I was wondering if those trailers
22 were going to be moved off of the property.

23 On the parking lot where the truck is
24 parking, you've moved that so it doesn't
25 interfere with the parking. I was wondering if

2 you want to have a situation where you have a
3 truck parked and have access to the dumpster,
4 whether you want to move the dumpster so that the
5 trucks can pull directly into it even when there
6 is a trailer parked in the trailer area. So you
7 may want to take a look at that. I don't think
8 that's a big issue if you're going to have
9 those -- not going to have those trailers parked
10 there overnight when they're going to be picking
11 up the dumpster, but that's something you should
12 think about, if that's really what you want to
13 do.

14 I'd like to also make note on Plan
15 C-301, that they're correcting the lot width and
16 side yard setback for lot 2. That's a very good
17 thing in changing the lot lines.

18 CHAIRMAN BRAND: Pat, can I just jump
19 in on that one, also? I know that we previously
20 asked them for the depiction of both lots. Is
21 what they provided sufficient at this point, in
22 your opinion?

23 MR. HINES: I've asked that numerous
24 times. It appears that what we're going to get
25 is that plan. I did request on several occasions

2 the depiction of both lots. I'm not sure that
3 the County is going to file that map depicting a
4 partial lot.

5 CHAIRMAN BRAND: Okay. Sorry,
6 Mr. Garofalo. Continue.

7 MR. GAROFALO: That's okay. It looks
8 like the setbacks of the tree and the sign are
9 far enough away from the road, but in general I'd
10 like to see those distances. I don't think we
11 need them here. Just so the Board, the applicant
12 and their professionals know that that's
13 something that they have to pay attention to,
14 because we don't want trees or signs blocking the
15 sight distances.

16 The irrigation system, which kind of
17 wraps around to the front of the building, I'm
18 concerned with that in the sense that one of the
19 things that we're supposed to look at in the
20 Route 9W corridor is potential connections
21 between adjacent lots. I think that this is an
22 area where in the future there might be a
23 potential connection to the adjoining lot through
24 the parking lot. I'm wondering if the design of
25 the irrigation system should take that into

2 account. You may run into a situation where
3 you're going to have to rip up your entire
4 irrigation system if that were to occur in the
5 future. So I'm not sure about the details of the
6 irrigation system, but that's something that you
7 should take a look at because it's something that
8 we're certainly supposed to consider. This looks
9 like it's well aligned to extend that parking lot
10 sometime in the future. I would hate to have to
11 see them rip up the irrigation system in order
12 for that to be done if they want to do that.

13 On the lighting, the iso graph, it
14 would be nice if there was a property line as
15 well as showing the building and the parking lot,
16 because I think one of the things we're concerned
17 about is what is the lighting level at the
18 property line. So it would be nice if, when they
19 submit that, you could see at least where the
20 property line is on that plan. To me, that's
21 more important than looking at those nice photos
22 because I can't really see from those
23 photographic illustrations how the lighting is.
24 I mean it's a nice extra thing, but I'd rather
25 look at what the actual numbers are and see them

2 on the plan. I think that would be helpful, not
3 only to us, but for the County to be able to say
4 okay, you're 0.3 at the property line in this
5 area and you're whatever at the other parts of
6 the property line.

7 I certainly would like to see the DOT
8 correspondence, and I'm not sure if this is going
9 to need a full-blown traffic study because it may
10 not be generating enough traffic. They certainly
11 should take a look at the amount of traffic
12 they're actually going to be generating from this
13 site. They may be able to talk to DOT as far as
14 what exactly they want in their traffic study.
15 Thank you.

16 CHAIRMAN BRAND: Thank you,
17 Mr. Garofalo.

18 Anything else from the Board?

19 MR. TRONCILLITO: I'd just like to make
20 my -- get on my horse for what my main theme is
21 here. I sure would like them to seriously
22 consider putting in a sprinkler system. I mean
23 after going and being involved with the one in
24 Marlboro, the automatic alarms that would go on
25 there. If any of you have ever been in their

2 storage room in the back, a sprinkler system
3 would be most warranted. That protects the
4 building plus it protects the firefighters going
5 through the darn building. That's my biggest
6 concern out of the whole project. I'd love to
7 see it built. I'd love to see a sprinkler system
8 in that building.

9 CHAIRMAN BRAND: Thank you,
10 Mr. Troncillito.

11 Ms. Lanzetta?

12 MS. LANZETTA: I just would recommend
13 that the applicant take a look again at the
14 Route 9W corridor traffic studies that the Town
15 just completed, because the County -- when it
16 goes up to County, the County is going to be
17 referring to those. There's a lot of good
18 information on the rates of traffic and safety
19 issues. I think you'll get a good sense of what,
20 at least, the County and probably the State, what
21 their concerns are going to be.

22 I'll put a plug in, too. I was hoping
23 there would be more Town Board Members in
24 attendance so that they could see how we're
25 conducting our business. I do see Al there. I

2 know I put this bug in his ear already. It's
3 something that we can't work on, but if the Town
4 Board could be communicating with DOT, because
5 one of the recommendations in our Route 9W study
6 is to reduce the rate of speed through that
7 corridor in Milton. Especially if we're going to
8 start adding additional businesses in this
9 corridor, we really need to do it through a
10 two-pronged approach, you know, making the
11 improvements on the corridor itself but also
12 reducing the speed. Thank you.

13 CHAIRMAN BRAND: Joe, do you have
14 anything for this?

15 MR. LOFARO: Well, I agree with Jim on
16 the possible egress on the north end in the
17 future. It just seems if we're considering 9W
18 and more access or less access points, maybe that
19 is a really strong consideration that they should
20 look at.

21 As well as what Bob said about the fire
22 suppression system. I understand we're under the
23 square footage that is required. It just seems
24 like it's really important for the safety of
25 everybody. I don't know what we can do about

2 that, but that's just my opinion.

3 CHAIRMAN BRAND: My own point of view
4 -- Caryn, we'll get to you, obviously, to address
5 some of these issues. I'm curious as to why,
6 despite asking several times, we haven't seen a
7 depiction of both maps as requested.

8 I would also echo Pat's comments of 9
9 and 10. I think we've been -- most of the Board
10 has been pretty clear that we would like to see
11 some type of fire suppression system provided.

12 I thought we made it inherently clear
13 at the last meeting that we were looking for
14 sidewalks, not a dedication. That's what I've
15 got.

16 So Caryn, John, to you.

17 MR. CAPPELLO: I'll just start off on a
18 couple questions and then turn it over to Caryn
19 who has more of the information.

20 On the sidewalks, we would really just
21 like to continue that discussion. We've shown
22 the sidewalks, so it's a note on the map, you
23 know, to change it. We will have them designed.

24 On a lot of these issues it's a drip,
25 drip, drip as to cost considerations. So we

2 could put it all on the table.

3 We've heard everything you've said.

4 You know, Caryn will go through the revisions
5 we've made so far. We'll certainly take your
6 comments and make more revisions, and then, you
7 know, at our next submission hopefully get to a
8 position where we could, you know, get the public
9 comments. Once we have everybody's comments and
10 we know the whole list of what you want, as we
11 move to an approval, you know, we can discuss all
12 these issues and the applicant can make a
13 determination as to, you know, what it can do or
14 what it would like to discuss more.

15 As far as the DOT studies, we do have a
16 traffic engineer preparing the study. We'll make
17 sure, you know, he has all those plans to take
18 into consideration. DOT will be reviewing that
19 traffic study as well. You know, we'll make sure
20 we incorporate, to the extent we can, any
21 recommendations. Once the traffic study is
22 prepared, that could potentially be used as the
23 impetus for the Town Board to then maybe request
24 a reduction in the speed limit from the DOT
25 because we'd have support in the traffic study

2 possibly.

3 So with that, those are my couple of
4 initial comments, and I'll give it to Caryn for
5 more of the details.

6 MS. MLODZIANOWSKI: Thank you, John.
7 Thank you, Members of the Board, for your
8 comments here this evening.

9 A couple more updates since we met with
10 you at the last meeting. We've made a lot of
11 good progress with review agencies and with the
12 plans since that time. As you've seen, we've
13 submitted a full set of plans down to
14 construction details and a SWPPP as well that
15 will be going to the DOT.

16 We did meet with DOT. There were about
17 three or four different DOT representatives on
18 our call, which was, of course, virtual, but it
19 was a good meeting. Our traffic consultant on
20 our project was there as well so that we could
21 hear all of their feedback and narrow in on the
22 scope of the traffic study that they requested.
23 So that is in process and is near completion with
24 gathering all the data that DOT outlined in our
25 meeting with them for that traffic study as we

2 continue the review process with them for both
3 traffic impacts, plans, drainage, and design
4 review as well.

5 The other major change since the last
6 meeting was definitely the sidewalks. We took
7 that to heart. We determined what area would be
8 suitable for construction of sidewalks. The
9 right-of-way itself is very narrow. There's only
10 about nine, maybe ten feet between the road and
11 our front property line. Pretty much that entire
12 area is taken up by a drainage ditch for DOT
13 drainage as it goes in front of the site. So
14 unfortunately that's a bit more of a process for
15 us but one we're willing to go through along with
16 our client, HSC Milton. We have Ken Fioretti on
17 the call with us this evening and determined that
18 an additional eight feet or so of frontage would
19 be an appropriate place and a feasible place for
20 those sidewalks. So we then took our plans,
21 which is reflected in what we submitted to you
22 for this meeting here this evening, and adjusted
23 our site plan layout for that eight feet or so of
24 dedication to DOT for sidewalks. We've adjusted
25 it back so that it's still zoning compliant and

2 meets all the setbacks and the bulk requirements
3 of the zoning for both of the lots involved with
4 the lot line adjustment, so that it meets all of
5 that zoning that is there.

6 As far as some of the comments we heard
7 this evening. The lot line adjustment itself, we
8 did include the tax map in that plan. If there's
9 further detail that's needed, we're certainly
10 happy to do that to satisfy the Board and the
11 County for what will be needed for the lot line
12 adjustment map itself.

13 I wrote down all of your comments here
14 this evening and we're happy to work through all
15 of those technical items as we continue to move
16 forward. As John mentioned, we are excited to
17 continue the process with the public hearing to
18 gather their input and, hopefully, send this to
19 the County for their review as well.

20 CHAIRMAN BRAND: Great. Thank you.

21 Jen, can you unshare your screen?

22 MS. FLYNN: Yes. Just a second. My
23 computer is dying.

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

2 MR. GAROFALO: Yes. I have a question.
3 Did DOT request that land for the sidewalk be
4 dedicated to them?

5 MR. CAPPELLO: Go ahead, Caryn.

6 MS. MLODZIANOWSKI: That was part of
7 our discussion with them. Sorry, John.

8 MR. CAPPELLO: That is a bit of a long
9 involved process to get them to acknowledge and
10 take the land. We will commence that process,
11 you know, fairly soon. The quicker we get some
12 comments from the Board on the location, whether
13 you're okay with that sidewalk, that will
14 facilitate the beginning of the takings process
15 with the DOT.

16 CHAIRMAN BRAND: Thank you.

17 MR. GAROFALO: As previously mentioned,
18 certainly have your traffic consultant take a
19 look at all of the material that has already been
20 done in the corridor, because that may help them
21 and they may be able to use some of that
22 information in their study, depending on exactly
23 what DOT wanted them to do.

24 MS. MLODZIANOWSKI: Okay. Thank you.

25 MR. TRONCILLITO: Has there been any

2 type of reply on the sprinkler system yet?

3 MS. MLODZIANOWSKI: We will have to
4 talk to the architect on that. The code trigger
5 for that is 12,000 square feet, which we are --

6 MR. TRONCILLITO: 10,000.

7 MS. MLODZIANOWSKI: -- which we are
8 under.

9 CHAIRMAN BRAND: 10,000.

10 MR. TRONCILLITO: 10,000 is the cue.

11 MS. MLODZIANOWSKI: Okay. All right.
12 There might be another code then we're not aware
13 of. They had indicated 12,000 square feet for
14 the mercantile use, but, you know, we understand
15 your concerns and we've heard the comment, a
16 bunch here this evening. So we're happy to look
17 into it to see what could be done.

18 MR. TRONCILLITO: Have you been aware
19 of the fires that Dollar General has had in the
20 past two years? I count four and, you know,
21 between \$500,000 and \$600,000 worth of damage. A
22 sprinkler system to me is worth every penny it
23 costs to put in. That's why I'm so adamant about
24 it.

25 MS. MLODZIANOWSKI: Understood.

2 CHAIRMAN BRAND: Pat, you indicated
3 that the timeframe has lapsed and we are now able
4 to declare ourselves lead agency.

5 I would like to have a motion to
6 declare the Town of Marlborough Planning Board as
7 lead agency for this project.

8 MR. TRONCILLITO: I'll make that
9 motion, Chris.

10 CHAIRMAN BRAND: Steve?

11 MR. CLARKE: I'll second it.

12 CHAIRMAN BRAND: Any discussion on
13 that?

14 (No response.)

15 CHAIRMAN BRAND: Anyone opposed?

16 (No response.)

17 CHAIRMAN BRAND: No. So moved.

18 All right. I think unless there's
19 anything else, that takes care of HSC Milton,
20 LLC. Thank you.

21 MR. CAPPELLO: Thank you very much.
22 Happy holidays, everyone.

23 MS. MLODZIANOWSKI: Can I ask a
24 question? Did we need a formal motion to send to
25 the County or is that just something that

2 happens?

3 CHAIRMAN BRAND: I think once we have a
4 complete application and we're --5 MR. HINES: The County is going to want
6 to see that traffic report, and then we need the
7 technical comments on the SWPPP revised. Then
8 we'll be in a position to send it.9 MS. MLODZIANOWSKI: Is it a complete
10 application otherwise besides the traffic study
11 at this point?12 MR. HINES: I want you to take one more
13 shot at the SWPPP with my technical comments, and
14 then the traffic study the County will be looking
15 for as well.16 CHAIRMAN BRAND: And the depiction of
17 both maps; right?18 MR. HINES: We've gone around that a
19 couple times. I don't know if it's for John or
20 Caryn. What we're looking for is a lot line
21 change map that shows the complete outbounds of
22 both parcels that are involved. Right now we
23 have a Dollar General lot and just a piece of the
24 adjoining lot that's gaining the property.

25 MS. MLODZIANOWSKI: Okay. And then

2 your public hearing timing, would that be set at
3 next month's meeting?

4 CHAIRMAN BRAND: I think it would
5 depend on the traffic study and if we have all
6 those things in order, then we would possibly do
7 that, yes.

8 MS. MLODZIANOWSKI: Okay.

9 CHAIRMAN BRAND: Thank you.

10 That's it for the agenda this evening
11 for the lawyer, engineer and Stenographer, but I
12 know that -- I believe, Michelle, you can go.
13 Have a great holiday. Enjoy.

14

15 (Time noted: 8:00 p.m.)

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3 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:

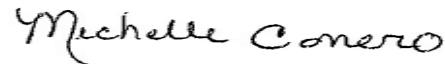
9 That hereinbefore set forth is a
10 true record of the proceedings.

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 29th day of December 2020.

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MICHELLE CONERO

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