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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

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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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PUBLIC HEARING - SITE PLAN/LOT LINE

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Date: February 16, 2021
Time: 7:30 p.m.

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

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

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APPLICANT'S REPRESENTATIVE: CARYN MLODZIANOWSKI,
KENNETH FIORETTI, PHILIP GREALY & MARISSA WEISS

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

2 CHAIRMAN BRAND: I'd like to call the
3 meeting to order of the Marlborough Planning
4 Board, February 16, 2021. Regular meeting at
5 7:30 p.m. We have the approval of the
6 stenographic minutes for 1/19.

7 On the agenda this evening, HSC Milton,
8 LLC/Dollar General, Route 9W Milton for a public
9 hearing on their site plan/lot line. We also
10 have a public hearing for the Nason Subdivision
11 at 89 Peach Lane. We have LaMela Estate -- I'm
12 sorry. LaMela Real Estate at 1118 Route 9W,
13 Marlboro for a sketch of a lot line. And we have
14 Frank and Tina Cricchio on South Street/Cricchio
15 Lane for a sketch of a lot line. We also have a
16 discussion without the lawyer, engineer,
17 stenographer for Vinny from Encore Restaurant.
18 The next deadline is February 19, 2021. The
19 next scheduled meeting would be Monday, March 1,
20 2021.

21 Do I have a motion for the approval of
22 the stenographic minutes for 1/19?

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

24 CHAIRMAN BRAND: Manny. Is there a
25 second?

2 MR. CLARKE: I'll second it.

3 CHAIRMAN BRAND: Any discussion?

4 (No response.)

5 CHAIRMAN BRAND: Any opposed?

6 (No response.)

7 CHAIRMAN BRAND: All right. So
8 carried.

9 Bobby, you had some credits that you
10 wanted to put into the record.

11 MR. TRONCILLITO: Yes. I did a class a
12 week or so ago for an hour. It was on Planning
13 of New Challenges.

14 CHAIRMAN BRAND: Excellent.

15 MR. CAUCHI: Mr. Chairman, also I did a
16 class on February 12th, a webinar, one hour. It
17 was the Solar Impacts on Farmland.

18 CHAIRMAN BRAND: All right. Both of
19 you just make sure you get those to the
20 secretary, too, if they gave you a certificate.

21 MR. TRONCILLITO: I already gave them
22 to Jen. Yes.

23 CHAIRMAN BRAND: Excellent.

24 Let's get rolling. First on the agenda
25 is HSC Milton, LLC/Dollar General, public

2 hearing, site plan/lot line. I have a notice to
3 read. Make sure I have that. "Legal notice,
4 site plan application. Please take notice a
5 public hearing will be held by the Marlborough
6 Planning Board pursuant to the State
7 Environmental Quality Review Act or SEQRA and
8 Town of Marlborough Town Code Section 155.31 on
9 Tuesday, February 16, 2021 for the following
10 application: HSC Milton, LLC/ Dollar General.
11 Due to public health and safety concerns related
12 to COVID-19 and pursuant to Executive Orders from
13 the Governor, this meeting and public hearing
14 will be held remotely via Zoom. The meeting ID
15 and password as well as call-in information will
16 be available on the Town website or from the
17 Planning Secretary, at the Town Hall, 21 Milton
18 Turnpike, Milton, New York at 7:30 p.m. or as
19 soon thereafter as may be heard. The applicant
20 is asking for a commercial site plan approval and
21 lot line adjustment with an adjoining parcel on
22 lands located at 1978 9W, Milton, New York,
23 Section 103.1; Block 2; Lots 73 and 74. Any
24 interested parties either for or against this
25 proposal will have an opportunity to be heard at

2 this time. Chris Brand, Chairman, Town of
3 Marlborough Planning Board."

4 Would the representatives for HSC
5 Milton, LLC -- so many Cs. If you could, just
6 identify yourself and talk to me about the
7 mailings that you sent out. How many did you
8 send out, how many did you get back?

9 MS. MLODZIANOWSKI: Yes. Good evening,
10 everyone. This is Caryn Mlodzianowski from
11 Bohler Engineering. I'm here with Ken Fioretti
12 from HSC Milton this evening, developer for the
13 project; Marissa Weiss, the developer's land use
14 counsel; and Phillip Grealy from Maser, the
15 traffic and access consultant for the project.

16 We mailed out thirty public hearing
17 notices for the hearing this evening. We
18 received fourteen return receipt cards to us
19 acknowledging that they received those. One we
20 received as return to sender. The other fifteen
21 we did not receive a response back.

22 CHAIRMAN BRAND: Thank you.

23 Pat, did you just want to go over your
24 comments quickly first?

25 MS. FLYNN: You're muted.

2 CHAIRMAN BRAND: I don't see Pat. I
3 don't hear you. There you are.

4 MR. HINES: All right. I am now
5 unmuted. There you are. So we received Ulster
6 County Planning comments. Each of those should
7 be addressed by the applicant in the future.

8 The applicant did provide supplemental
9 traffic information in response to Planning Board
10 comments that were received. The status of DOT's
11 approval should be addressed with the applicant.
12 I did hear that Philip Grealy is on, so he may be
13 able to update the Board on where DOT is at.

14 I did note that the Ulster County
15 Planning comments identified the potential need
16 for a left turn -- a center left-turn lane into
17 the site.

18 Ulster County Health Department
19 approval for the septic system is outstanding.

20 Just noting that the project is before
21 this Board tonight for a public hearing and that
22 any substantive comments should be addressed by
23 the applicant.

24 CHAIRMAN BRAND: Thank you.

25 Jeff, did you have anything on this

2 one?

3 MR. BATTISTONI: This is Jeff
4 Battistoni. No, I do not.

5 CHAIRMAN BRAND: Okay, great.

6 Comments, questions from the Board
7 first and then we'll open it up to the public.8 MR. GAROFALO: I have two comments.
9 One is I've noticed that there have been some
10 problems at some other locations with materials
11 that are put outside the building. I was
12 wondering if the areas in which they have marked
13 on the plan to have material outside, if those
14 areas could be somehow marked, whether they use a
15 different color cement or they paint it. And if
16 they want to put extra areas where maybe they
17 want a trash receptacle, to mark those off so
18 that the areas are clear and those areas don't
19 wander off to completely block the sidewalk.
20 That was number one.21 CHAIRMAN BRAND: James, what kind of
22 problems are you referring to?23 MR. GAROFALO: Areas where they put so
24 much material out on the sidewalk that people
25 couldn't get through, where I noticed somebody

2 who was in a wheelchair was unable to pass by.
3 This is not at this site. It's not at the
4 existing site. It has nothing to do with Dollar
5 General. But unfortunately when it happens in
6 one place, it affects everybody. People have to,
7 I think, respond to that and make sure that there
8 is adequate access, particularly for those who
9 are mobility challenged.

10 The second thing is I had raised some
11 concerns about the traffic information. Most of
12 that was provided. The one area that I have not
13 seen additional information on was that the no-
14 build condition include one percent traffic per
15 year as part of the future traffic. They did not
16 include in the material that we were provided an
17 analysis showing the no-build projects actually
18 being added into the future traffic. Since that
19 one particular project that was noted in the
20 material that was sent us on January 22nd did
21 have a substantial size project in it that put a
22 substantial amount of traffic onto Route 9W, my
23 concern was whether or not that had been analyzed
24 and that material had been provided to the
25 New York State Department of Transportation.

2 I would also note that the County does
3 not have jurisdiction here. It's the State that
4 has jurisdiction here with regard to any
5 improvements that would be on Route 9W.

6 Thank you.

7 CHAIRMAN BRAND: Thank you,
8 Mr. Garofalo.

9 Anything else from the Board?

10 (No response.)

11 CHAIRMAN BRAND: All right. This is a
12 public hearing. Any interested parties who would
13 like to ask questions or be heard either for or
14 against this project will have an opportunity to
15 do so at this time. I would ask that you just
16 unmute yourself and state your name clearly and
17 then let it rip.

18 Anyone for the public hearing?

19 MS. SUPERNOVA: Hi. This is Bridgette
20 Supernova. May I speak?

21 CHAIRMAN BRAND: Absolutely.

22 MS. SUPERNOVA: Okay. Thank you for
23 your time. I have a written statement just to
24 get the thoughts out clearly, and I'm happy to
25 submit this later if you need it for your

2 records.

3 CHAIRMAN BRAND: Please do. Yeah.

4 MS. SUPERNOVA: I could ask Cindy where
5 to e-mail it, if that's okay. So I'm just going
6 to read this statement and go from there. It's
7 only about two minutes long.

8 I applaud the residents of the Town,
9 the residents and the Town wanting to establish
10 new businesses, but we're a community of about
11 8,000 residents with an already established
12 Dollar General store on Route 9W. Everything
13 this second store has to offer can be found at
14 other competing stores nearby. And just a few
15 miles down the road, Highland has a vast discount
16 store, a Walgreens, a Hannaford grocery store,
17 all of which sell everything and more than a
18 Dollar General offers and at competitive rates.
19 There are also more Dollar General stores within
20 a few miles in Modena, in Plattekill and in
21 Highland, and at least five more within a
22 five-mile radius just across the river.

23 Dollar General's processed food
24 offerings, they have no nutritional value. They
25 do not sell fresh produce and meats for the most

2 part, and their other goods are almost all made
3 overseas and end up in landfills a short time
4 after purchase and use. This is not good for our
5 health, for the environment or a struggling U.S.
6 economy.

7 A 2019 article from CNN Business notes
8 Dollar General and Dollar Tree stores, which are
9 the same company, number more than 30,000 stores
10 throughout the United States. By comparison,
11 Wal-Mart has 4,700 stores throughout the United
12 States. The Dollar General/Dollar Tree company
13 intentionally cluster multiple stores in low-
14 income areas. That strategy discourages
15 supermarkets from opening and it threatens
16 existing mom and pop businesses.

17 A senior policy associate from the
18 non-profit Center for Science in the public
19 interest noted the business model for these
20 stores is built on saturation. Again, I point to
21 the fact we're only a town of 8,000 people. We
22 already have one. We don't need another one.

23 There's another study that I won't
24 quote from, Pro Publica, in June of 2020 that
25 lays out how these discount dollar stores also

2 invite increased criminal activity.

3 A Town investing in riverfront public
4 spaces and agritourism to attract more tourists
5 and weekend visitors, a quaint Town with only
6 chintzy chain stores along the main thruway has
7 the opposite effect of attracting or charming
8 visitors, or even new residents for that matter.

9 UNIDENTIFIED SPEAKER: No, it doesn't.

10 MS. SUPERNOVA: Please let me finish.

11 I understand the need to bring more
12 taxable income to businesses and jobs to
13 Marlborough, and I encourage that. But our Town
14 leaders should be proactively encouraging small
15 business owners and even corporations offering
16 something more diverse or different than what we
17 already have for the residents and for tourists
18 who actually want or need something in order to
19 establish sustainable, quality and reputable
20 businesses. We can and should do better than
21 this for our community. A second Dollar General
22 is not progress for Marlborough.

23 Thank you for your time.

24 CHAIRMAN BRAND: Thank you.

25 Anyone else, questions, comments,

2 either for or against the public hearing?

3 MR. MILLER: Hi. May I speak?

4 CHAIRMAN BRAND: Sure. Ted Miller?

5 MR. MILLER: Yes. It is Ted Miller and
6 thank you for (inaudible) I had written down
7 here. My statement is very short.

8 I'm just concerned about the financial
9 impact on a community when every night, at the
10 end of the business day, Dollar General's profits
11 will be electronically transferred to the
12 Tennessee headquarters and that money doesn't
13 remain in the community.

14 I understand that there might be some
15 jobs created. I understand that it will be
16 paying property taxes. But for the most part the
17 profits that this store generates for sales don't
18 remain in the community, and that has been shown
19 to hurt local mom and pop businesses.

20 That's it. Thank you.

21 CHAIRMAN BRAND: Thank you, Mr. Miller.

22 Anyone else?

23 Steve, your mic is on. Did you want to
24 comment?

25 MR. CLARKE: No. I'm just talking to

2 myself.

3 CHAIRMAN BRAND: Okay. Anyone else for
4 or against the Dollar General, questions or
5 comments?

6 (No response.)

7 CHAIRMAN BRAND: No. Then Jeff, just
8 technically speaking, would it be wise to close
9 the public hearing at this time or adjourn it? I
10 know that we have the timeframe, the shock clock
11 so to speak.12 MR. BATTISTONI: This is Jeff
13 Battistoni. I would actually recommend that you
14 adjourn it. The reason being is that the Ulster
15 County Planning Board had some significant
16 comments in their recommendation letter. I think
17 the Board might want to discuss them and have the
18 applicant address them. It may be helpful to
19 have the public hearing adjourned for that
20 purpose.21 CHAIRMAN BRAND: Until a later date?
22 Until our next meeting?

23 MR. BATTISTONI: Yeah.

24 CHAIRMAN BRAND: Yeah. Okay.
25 Carolyn -- Caryn, sorry. Did you get a copy of

2 the Ulster County Planning Board comments?

3 MS. MLODZIANOWSKI: We did. We're
4 happy to run through our thoughts on those
5 comments at this time if it's appropriate.

6 CHAIRMAN BRAND: Yes. Yeah, that's
7 great.

8 MS. MLODZIANOWSKI: Okay. May I screen
9 share as well?

10 CHAIRMAN BRAND: Yeah. Can she, Jen?

11 MS. FLYNN: Let me see if I can -- do I
12 make her a co-host to do that?

13 CHAIRMAN BRAND: That's an excellent
14 question. Yeah, I think you could do that. I
15 think that's one way to do it.

16 MR. HINES: Yes, that is one way to do
17 it.

18 MS. FLYNN: How is the other way?
19 Would I go to share screen or --

20 CHAIRMAN BRAND: I think it was like in
21 the settings that you're allowed to do that. Let
22 me see if I can do that.

23 MS. FLYNN: You can share all
24 participants.

25 CHAIRMAN BRAND: Try it right now,

2 Caryn, and see if it works.

3 MS. MLODZIANOWSKI: There we go.

4 CHAIRMAN BRAND: Perfect. Okay.

5 MS. MLODZIANOWSKI: I'm pulling up our
6 site plan here. Can everyone see that okay?

7 CHAIRMAN BRAND: Yes.

8 MS. MLODZIANOWSKI: So as mentioned,
9 we're here on New York State Route 9W, just north
10 of Mahoney Road, proposing to adjust a lot line
11 to give about eight-tenths of an acre to the
12 parcel to the south and retain about two acres
13 for the proposed Dollar General.

14 In laying out the site plan, we meet
15 all setbacks and zoning code requirements that
16 are there and are proposing 31 parking spaces to
17 accompany the store.

18 We've come a long way with the Planning
19 Board to date and as part of that process have
20 maintained a street scape with green space, with
21 trees and shrub plantings to break up that area,
22 and have added a sidewalk along the frontage of
23 the site as well.

24 As it was brought up tonight as far as
25 concerns with the use, this is in the highway

2 development district. It is an allowed use with
3 site plan review here. This is really a -- it's
4 a small store. It's not a big box store. It's
5 9,100 square feet in size and it's their model to
6 serve the local community which is why you may
7 see others in the area. It is truly a small
8 store with about 7,200 square feet of that for
9 retail sales floor area that's there.

10 It will be served by municipal water.
11 We'll have a private septic system that we're
12 working with the County Health Department on,
13 which was also one of County Planning's comments.
14 We, of course, have to wait until the spring to
15 have them witness our perc test. Other than
16 that, we did initial perks before the snow flew
17 and found there were adequate soils for that area
18 we have for the septic system there, which again
19 was one of the comments that the County brought
20 up.

21 The site will be lit by full cutoff LED
22 fixtures. There will be only two light poles and
23 the rest will be handled by lights that are on
24 the building. The majority of those lights shut
25 off at night and turn back on in the morning with

2 the exception of a couple of lights for security
3 so that the site is not completely dark.

4 As far as access and traffic goes, I
5 will turn it over to Phil Grealy to discuss that
6 a little bit more as those were a topic that
7 County Planning brought up as well.

8 MS. LANZETTA: Can I just ask you to --
9 you had just spoken about the lighting, and the
10 County had commented on the amount of
11 illumination being perhaps a little too much. Is
12 there some way that you can reduce that?

13 MS. MLODZIANOWSKI: Yeah. We can take
14 a look at that. The average foot candles on the
15 actual pavement area were a little bit above the
16 standard that they should be there for retail
17 use. So we can take a look at that. Again,
18 there's no spillage over the property lines
19 themselves. The lighting is truly there to light
20 the sidewalks and the parking lot for the store.

21 CHAIRMAN BRAND: Thank you. Is Phil
22 going?

23 MR. GREALY: Yes. Mr. Chairman,
24 Members of the Board, Philip Grealy, Maser
25 Consulting. We are the traffic consultant for

2 the project.

3 I'll give you a status of where we are
4 with New York State DOT, but I'll kind of work
5 backwards. Member Garofalo had some comments.

6 Just a clarification, I think there are
7 about eight items that we had responded to back
8 on January 22nd, including a description of the
9 different levels of service and also information
10 on background growth. In my letter, item 4, I
11 think there was some misinformation. New York
12 State DOT, as part of their review, had asked us
13 to include traffic for a project in the Town of
14 Lloyd that's in front of them for a permit. It's
15 referred to as the Hudson Wine Village -- Hudson
16 Valley Wine Village project. It's in the
17 approval process. That project is -- right now
18 only one phase of that development is moving
19 forward with DOT. So the information that we
20 submitted to DOT we will provide to the Board.
21 Basically there was some additional traffic that
22 would pass by this Dollar General site which
23 would be generated by that project when it was
24 built. There is a longer term, like a ten-year
25 plan for that project that was analyzed, but that

2 is not proceeding with DOT, so they asked us to
3 include the traffic for Phase 1 of that
4 development, and I neglected to attach that
5 analysis to our January 22nd letter. So we will
6 forward that to you.

7 In terms of New York State DOT, and
8 then I'll get back to the County's comments
9 because they're interrelated, we have had several
10 discussions with the New York State DOT. The
11 first discussions were relative to the scope of
12 the traffic study which was back in -- that
13 discussion was in December. We had subsequent
14 discussions in January with DOT discussing the
15 site access, the position of the site in terms of
16 the driveway sight distance, and other related
17 features related to the design of that access.
18 Those are incorporated into Caryn's plan.

19 As part of our traffic study we had
20 identified that based on New York State DOT
21 standards, that the provision of a left-turn lane
22 would be satisfied based on the criteria as
23 specified in their design manual and AASHTO.
24 AASHTO is the design manual. So that's based on
25 the volumes on the roadway and the speeds. Also,

2 let me point out that in the discussions with
3 DOT, they haven't made a determination on that
4 for two reasons. Number one is the size of this
5 store and the amount of traffic that we're
6 generating.

18 Under the current review with DOT we
19 actually made our stage 2, which is -- stage 1 is
20 the initial application that identifies the
21 location of the access which we discussed with
22 DOT. Stage 2 is where more details are provided,
23 such as some drainage details, other features
24 such as the sidewalk that has been added here,
25 and the purpose of that is to identify whether or

2 not there is sufficient right-of-way available
3 along the corridor to accommodate features such
4 as a sidewalk. New York State DOT requires that
5 a sidewalk is located within their right-of-way.

6 As part of our process we have to
7 dedicate a strip of frontage of our land to the
8 State of New York to accommodate either widening
9 that would take place now or in the future,
10 widening of 9W, to provide a turn lane and/or
11 also the placement of the sidewalk.

12 On February 1st we actually had with
13 DOT what's called a take line meeting which
14 basically goes through the procedures for that
15 dedication. It involves preparation of the phase
16 1 environmental, preparation of a surveyed map
17 that describes the area that's being dedicated to
18 the State, and also a title -- an abstract title
19 in their format as part of that process. So
20 we've already proceeded with that stage of the
21 process. DOT has not made a determination on
22 whether they will require a left-turn lane here.
23 As I said, it's because of -- you know, if this
24 was a 50,000 square foot proposal here, it would
25 be a given. But considering the size and the

2 traffic generation and, as I said, really any
3 driveway along this would satisfy their
4 guidelines. So they are making a final
5 determination on that. Our plan is laid out to
6 accommodate the land that would be necessary to
7 accommodate that and, of course, the sidewalk
8 which we are building with the project. Also as
9 part of our discussion we looked at the access
10 location.

11 For us to proceed to the stage 2, DOT
12 had given us an indication of the acceptability
13 of the access because it provides good sight
14 distance. We discussed accessing through the
15 property to the south. Their concern is adding
16 more turning movements in the proximity of
17 Mahoney Road.

18 So where we are is we have a full
19 application in to DOT for a highway work permit.
20 They will give us the direction on the left-turn
21 lane as part of that. Right now it's still under
22 review, but we've made the accommodations to be
23 able to address that. We're proceeding, you
24 know, forthright with that process.

25 So I think those questions were also

2 part of the County's review about the left-turn
3 lane, which we've made the provisions for that.

4 Relative to connectivity to other
5 properties, DOT has given us the direction to
6 work with this access location and to develop our
7 plans based on this.

8 That's kind of a quick synopsis. We
9 will provide that other analysis that we gave to
10 the DOT in response to their comments. It should
11 have been attached to the January 22nd letter.
12 But we will provide that so you and your Board
13 Members can look at that. There's really no
14 surprises there. It's additional traffic along
15 the 9W through movements that would be added as a
16 result of that project. The delays coming out of
17 this driveway would be as, you know, expected in
18 that level of service D, E range because we are
19 right on that border. What that means in terms
20 of the level of service, a level of service D is
21 up to a 35 second average vehicle delay. A level
22 of service E is a 35 up to 50-second delay. So
23 even with that additional traffic we would be in
24 that 35 to 40 second range. We will provide that
25 to the Board.

2 And that's a quick synopsis of where we
3 are. We're under review from DOT. Any permits
4 from them will make the determination on the
5 improvements on 9W. Right now the plan as shown
6 by Caryn reflects the location and what they have
7 required thus far, including drainage and of
8 course the sidewalk provision. On this plan
9 there's actually a line that shows the area, I
10 think it's about an eight-foot strip along the
11 entire frontage, that we will be dedicating to
12 the State of New York to accommodate the sidewalk
13 so that it all falls within the State
14 right-of-way.

15 CHAIRMAN BRAND: Excellent.

16 MR. GREALY: That's it.

17 CHAIRMAN BRAND: Thank you.

18 MS. MLODZIANOWSKI: Thank you, Phil.

19 And lastly, I will hop over here to
20 building, architecture and elevation.

21 So the two remaining comments we
22 received from the County were regarding signage.
23 This has been depicted on the elevation.
24 However, a Dollar General sign vendor comes in
25 closer to construction and obtains any review and

2 approvals necessary for the signage, whether it
3 be a Planning Board, Zoning Board, Building
4 Department, all of the above. They will seek
5 those approvals for signage.

6 The building architecture that has been
7 submitted here since the beginning of the
8 process, actually we went with a gable roof in
9 following with the design guidelines rather than
10 the typical flat roof that you see on most Dollar
11 Generals. That was one of the points in the
12 design guidelines, to have that gable roof.
13 That's what we've proposed here for this
14 location.

15 We've also faced the smaller facade
16 towards the road so that it's less noticeable
17 rather than turning it so that the long side
18 faces the street. The entrance will face
19 Route 9W as the guidelines suggest.

20 As far as materials go, it will be an
21 asphalt shingle roof with fibrous cement siding.
22 It will be vertical siding on the front, which is
23 another one of the items that we've incorporated
24 here, and then horizontal siding on the three
25 remainder sides.

2 And lastly, we've incorporated brick by
3 having a brick veneer base along the store, which
4 was also one of the elements in the design
5 guidelines as well. As you can see here, we're
6 keeping with, you know, natural, subdued colors
7 for the building itself. You can also see the
8 LED lighting and the shutters proposed to help
9 break up that facade.

10 So with that, I will turn it back over
11 to the Board. Thank you.

12 CHAIRMAN BRAND: Thank you. You can
13 stop sharing your screen, too. Excellent.
14 Great.

15 Anything else from the Board? Any
16 other comments after --

17 MR. GAROFALO: I have one comment. I
18 had previously commented about the tree in the
19 northwest corner, as to whether or not that might
20 block your sign. I don't know if you had a
21 chance to look at that. I certainly would hate
22 to see a tree go up there, block your sign and
23 then have to have you take it down. So if you
24 could take a look at that and see if that tree
25 can be appropriately sized or some other

2 vegetation put there so it wouldn't block your
3 sign. Or maybe you feel that it isn't going to
4 block your sign. Anyway, I just want to throw
5 that out because I would hate to see that be a
6 problem to your signage.

7 MS. MLODZIANOWSKI: Certainly. We can
8 make that adjustment.

9 MR. GAROFALO: Thank you.

10 MS. MLODZIANOWSKI: Thank you.

11 CHAIRMAN BRAND: Anything else from the
12 Board and/or the public?

13 MS. LANZETTA: It's Cindy Lanzetta.
14 I'm just wondering. We've discussed this before
15 and I know -- I'm concerned about limiting the
16 access on 9W. I know it's the DOT's call. We
17 had talked about possibly doing an easement to
18 the property to the south from the existing
19 parking area in the front of the building. If by
20 any chance the DOT requires you to put in a
21 left-hand turn and in case there is some interest
22 in developing the southern property more to where
23 they want additional access off of 9W, which they
24 will not be able to get, if somebody is coming
25 from the north and wants to utilize that

2 left-hand turn lane, that they would be able to
3 enter in there and eventually go through to that
4 property, if necessary.

5 It's just, you know, thinking of the
6 future. Would there be a possibility of putting
7 an easement that some day somebody, if the need
8 ever arose, could utilize that to access that
9 southern property?

10 CHAIRMAN BRAND: Caryn, Phil?

11 MS. MLODZIANOWSKI: So from a site plan
12 layout standpoint, I mean that's certainly
13 feasible. As far as an access, I mean if changes
14 were to be proposed for that southern parcel that
15 would trigger the need for that, I think that
16 that's something that could be considered at that
17 time.

18 Ken, I don't know if you have anything
19 else to add from an easement perspective. I
20 think it could be something that would be
21 considered at that time.

22 MR. FIORETTI: Well, certainly if DOT
23 requires that as part of the approval process,
24 the permitting process, that's something that we
25 would consider. The parcel to the south is one

2 single property. There's not a separate -- there
3 is no property boundary other than the one
4 between our property and the property to the
5 south. So any future development on that could
6 accommodate the access through the existing curb
7 access on that property. I don't know if I'm
8 saying that properly, but I'm just --

9 MR. GREALY: Ken, this is Phil Grealy.
10 Just to kind of add to that. So I think Caryn is
11 correct in terms of, you know, an easement could
12 be provided, to answer Cindy's question. The DOT
13 is typically not opposed to having a cross
14 easement, and we could work that into the final
15 plan here.

16 I think the easement would have certain
17 conditions in terms of, you know, what kind of
18 traffic from a development next door would there
19 be. DOT would also be concerned with that. I
20 think an easement could be provided. DOT is
21 typically not opposed to that. They like to have
22 cross access more so for if there were people
23 that did not have to go out onto 9W to get
24 between the uses. That's really the main
25 purpose. They don't like really cross access to

2 serve another parcel that's putting, you know,
3 more development than even is proposed on this
4 parcel.

5 So I think we could work in an
6 easement. DOT would not be opposed to it. If
7 and when that parcel came in for a more extensive
8 development, DOT would surely get involved with a
9 more detailed plan.

10 To answer your question, Cindy. I
11 think an access easement could be worked into
12 this plan.

13 MS. LANZETTA: Thank you. I think that
14 would be something that would be helpful as we
15 think of possible future planning.

16 MR. GAROFALO: Cindy, if you recall, at
17 the last meeting that they were here I suggested
18 that they look at their irrigation system. They
19 were not opposed to looking at that in order to
20 avoid any extra expense that might be incurred
21 for doing that kind of access. It only makes
22 sense to take a look at that now to see if they
23 can avoid the expense of that irrigation system.
24 Thank you.

25 CHAIRMAN BRAND: Thank you.

2 MR. CAUCHI: Mr. Chairman, is this
3 still a public meeting?

4 CHAIRMAN BRAND: It is still the public
5 hearing. Just as a reminder, you are recused
6 from speaking as a Board Member, but you do have
7 the opportunity, as an adjacent landowner, to
8 bring your thoughts up at this point as a private
9 citizen.

10 MR. CAUCHI: Yes. I'd like to -- for
11 the record, my name is Manny Cauchi. I'm a
12 landowner next to -- adjacent to this proposed
13 Dollar General site.

14 If I'm understanding correctly, this
15 easement to go in and out of the side road,
16 Mahoney, I don't know if we're really looking --
17 if that's a good, suitable plan. I'll tell you
18 why. Because if you're having traffic that is
19 exiting Mahoney Road onto 9W, and you have one --
20 even one or multiple cars, you cannot get out of
21 that driveway because the driveway exit is so
22 close to the mouth of the road of Mahoney and 9W.
23 So if there is traffic -- if there's a car coming
24 in, traveling northbound, and wants to make a
25 right into my office, if there are automobiles

2 there waiting to exit, we can't get into our
3 facility, meaning that we're going to be standing
4 out in the middle of 9W because there's going to
5 be a traffic jam right there, blocking our access
6 to get into our facility.

7 So that being an exit of any sort with
8 traffic, that is -- coming out of Mahoney Road is
9 a very poor exit because most of the time when we
10 exit at the present time, it's through that 9W
11 exit, not the Mahoney exit, because of traffic --
12 of automobiles waiting there at the mouth of
13 Mahoney Road to exit either north to southbound
14 or northbound. There's always a congestion of
15 cars there. So that is a poor exit. Also it can
16 be a safety issue if that's implemented in any
17 other way or looked at in any other way.

18 MR. GREALY: Mr. Chairman, Phillip
19 Grealy again. Those comments are actually
20 consistent with DOT's initial comments to us,
21 that they did not want us to build our access
22 that way because they didn't want additional
23 turning movements in the proximity of the Mahoney
24 Road intersection. So the gentleman's comments
25 are consistent with DOT.

2 I think what we were saying was in
3 response to Cindy's comment about providing an
4 easement, that would be more an easement that
5 would be there. There would be no road
6 initially. There would be an easement in case
7 that property to the south was redeveloped, that
8 a cross connection could be provided, but clearly
9 DOT would be involved with a review of whatever
10 plan came before the Board. So I think all we're
11 saying is that we could provide an easement if
12 the Board so desired.

13 We don't believe -- and the comments
14 from the gentleman are correct and consistent
15 with DOT's initial concerns. They did not want
16 to add additional turning movements in proximity
17 to Mahoney Road. That's why our standalone
18 access was at a location with good sight distance
19 and away from where those turning movements
20 occur.

21 So I think all we were saying is that
22 we could provide the easement for future
23 considerations. We don't see that road being
24 built right now or connecting anywhere, but an
25 easement could be provided so that it wouldn't

2 preclude something in the future.

3 CHAIRMAN BRAND: Is there any reason to
4 not include it?

5 MR. GREALY: The easement? I don't see
6 any reason not to include it. I would not put a
7 road in there right now, but if that property to
8 the south was redeveloped somehow or came in, you
9 know, sometime in the future, the easement would
10 be there to work with that.

11 CHAIRMAN BRAND: And Jeff, it's
12 obviously easier to get it done now than to have
13 to go back later, correct, from a legal
14 standpoint?

15 MR. BATTISTONI: This is Jeff
16 Battistoni. Yes, you're correct.

17 MR. CAUCHI: What's the purpose of that
18 easement, though? If I have my own exit to 9W, a
19 standalone exit to 9W and I had my own exit to
20 Mahoney Road, I'm just --

21 CHAIRMAN BRAND: If something goes up
22 in between the two of them, they could go through
23 to the Dollar General line to get to that. Not
24 necessarily even all the way out to Mahoney Road.

25 MR. GREALY: Correct.

2 CHAIRMAN BRAND: I mean that's the
3 thought behind the easement.

4 MR. GAROFALO: Or if in fifty years
5 something else were developed on that property,
6 the easement would be there which would give a
7 separate option in dealing with traffic.

8 CHAIRMAN BRAND: Okay. Any other
9 comments or questions?

10 (No response.)

11 CHAIRMAN BRAND: No. All right. Then
12 as per Jeff's recommendation, I would like to
13 adjourn this public hearing.

14 Do you think March 1st is enough
15 time? Do we expect to hear back from DOT, Phil,
16 by then?

17 MR. GREALY: Right now I couldn't tell
18 you for sure. I would hope that they would be in
19 a position by then because they've been digesting
20 this. That's probably a reasonable timeframe.
21 We will push them to get back to the Town, so --

22 CHAIRMAN BRAND: Okay. So then I'd
23 like a motion to adjourn the public hearing until
24 the Monday, March 1st meeting of the Planning
25 Board.

2 MR. GAROFALO: I will so move.

3 MR. LOFARO: I'll second.

4 CHAIRMAN BRAND: Any discussion?

5 (No response.)

6 CHAIRMAN BRAND: Any opposed?

7 (No response.)

8 CHAIRMAN BRAND: Okay. Thank you.

9 MR. GREALY: Thank you very much.

10 MS. MLODZIANOWSKI: Thank you.

11 MR. FIORETTI: Thank you.

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

13 (Time resumed: 8:22 p.m.)

14 MS. COTTINI: Oh, I want to talk to --
15 I want -- my name is Genoveffa Cottini. I own
16 the lot next door. I wanted to see if there's
17 anything that we could do about the water and the
18 ditch that's in the back. We have a problem with
19 the water to go down to the Mahoney Road drainage
20 that is stopping. The property is full of water.
21 It does not move.

22 MR. MILLEN: I'm not sure. Which
23 property are you relative to this?

24 MS. COTTINI: I am at 1951, right next
25 door, the garage. The garage is right next door

2 to your lot.

3 MR. TRONCILLITO: I think she's talking
4 about Dollar General.

5 CHAIRMAN BRAND: I think so, too.

6 MR. MILLEN: I don't believe -- I don't
7 believe you're speaking of this project, ma'am.

8 CHAIRMAN BRAND: I think you're
9 referring to the Dollar General one. This is the
10 Nason Subdivision.

11 MS. COTTINI: Okay. I'm supposed to be
12 talking about the General store.

13 CHAIRMAN BRAND: Okay. We already
14 closed that. If you want to just say what you
15 wanted to say, I'd be more than happy to hear
16 you.

17 MS. COTTINI: Okay. I have a problem
18 with the water because there's a ditch there.
19 Every time it rains it stops to go to the
20 drainage on Mahoney Road. It stays right there
21 behind the garage and all the property. It is a
22 swamp.

23 CHAIRMAN BRAND: Okay. We will make a
24 note of that and we'll take a peek at that when
25 they come back.

2 MS. COTTINI: Thank you. Who is going
3 to get -- could I come in to the other meeting?

4 CHAIRMAN BRAND: They already went.
5 HSC/Dollar General already went.

6 MS. COTTINI: They already left?

7 CHAIRMAN BRAND: They will be back on
8 March 1st.

9 MS. COTTINI: When?

10 CHAIRMAN BRAND: March 1st.

11 MS. COTTINI: Yeah.

12 CHAIRMAN BRAND: They'll be back at
13 7:30 if you'd like to join that meeting.

14 MS. COTTINI: The same way or at the
15 Milton house?

16 CHAIRMAN BRAND: The same way.

17 MS. COTTINI: Same way. Okay. The
18 same number or --

19 CHAIRMAN BRAND: Jen, is it the same --
20 do you reuse the same number or is there a new
21 number for that?

22 MS. FLYNN: There is always a new
23 number.

24 CHAIRMAN BRAND: There will be a new
25 phone number posted on the Planning Board

2 website.

3 MS. FLYNN: Yes.

4 MS. COTTINI: Okay. All right. All
5 right. That will be fine. I'll come in because,
6 you know, we have a problem and we need to get --
7 to get the water out of my property because it
8 comes from the back and it stays there. It does
9 not go out and we need -- I need to know if they
10 are going to fix that while they're doing
11 whatever they are going to do.

12 CHAIRMAN BRAND: Okay. We will take a
13 look at that on March 1st then.

14 MR. HINES: I will take the liberty of
15 advising Caryn as well to take a look at that.

16 CHAIRMAN BRAND: Thank you, Pat.

17 MS. COTTINI: Yeah, because there's a
18 ditch that is clogged up there somewhere on this
19 property.

20 CHAIRMAN BRAND: Okay. Thank you. Our
21 engineer will talk to their engineer about it and
22 see what we can do.

23 MS. COTTINI: Yes.

24 MR. CAUCHI: What number? 1961?

25 MS. COTTINI: 51. Right next door to

2 the -- it's a garage and a house.

3 MR. CAUCHI: Right next door to what?

4 To Top Seed?

5 MS. COTTINI: No, not Top Seed. On the
6 other side. Right next door to the lot where
7 you're going to build the General store, or
8 whatever you're going to build. The Dollar
9 store.

10 MR. CAUCHI: Across the street?

11 MS. COTTINI: No, it's not across the
12 street. It's right there. My property joins the
13 lot there where you're going to -- where you're
14 going to build the street -- I mean the General
15 store.

16 MR. TRONCILLITO: Right where that
17 antique car is for sale?

18 MS. COTTINI: Yes.

19 MR. TRONCILLITO: Right where that
20 antique car is for sale is where you're talking?

21 MS. COTTINI: Right. The garage is
22 right -- the garage is right there.

23 MR. HINES: Is this Ms. Vittolo
24 speaking?

25 MS. COTTINI: No. This is Jenny

2 Cottini.

3 MR. CAUCHI: We don't know where you're
4 talking about, Jenny Cottini.5 MS. COTTINI: I know you don't know
6 because I sold the house and I hold the mortgage
7 on that house. The young man that bought the
8 house, he doesn't know what he's doing so I am --
9 I'm telling for him and I'm -- and for me because
10 I still own a part of my -- a part of that house,
11 that property.12 CHAIRMAN BRAND: All right. The
13 engineers are going to make a note of that and
14 then you can jump in on March 1st.15 MR. CAUCHI: What was the number of
16 that again? 19 what? 51 or 61?

17 CHAIRMAN BRAND: 51.

18 MS. COTTINI: 1951. 1951. There's a
19 private house there and there's a garage. Right
20 there before --21 MR. CAUCHI: You're talking the wrong
22 way, ma'am. You're talking right across the
23 street from the warehouses, not -- that's not --24 MR. ZAMBITO: Chris, I'll tell you
25 where the house is if you guys want to know.

2 CHAIRMAN BRAND: Go ahead, Dave.

3 MR. ZAMBITO: The house she's referring
4 to is the little garage across the street from
5 Manny's property that Borgenson used to rent for
6 his welding shop. I don't know if you're
7 familiar with that. This is Mrs. Cottini.

8 MS. COTTINI: Right. Right.

9 MR. CAUCHI: You got it, Dave. But
10 that's not where the --

11 MR. ZAMBITO: It's on the opposite side
12 of the road.

13 MS. COTTINI: It's where the General
14 Dollar is going to be built.

15 MR. ZAMBITO: It's not going to be
16 there.

17 CHAIRMAN BRAND: It's not going to be
18 there. It's like across from the ice cream
19 place.

20 MS. COTTINI: Oh.

21 CHAIRMAN BRAND: Yes. Across from the
22 ice cream place.

23 MS. COTTINI: Oh, okay. Down the other
24 side of -- his office.

25 CHAIRMAN BRAND: Right.

2 MS. COTTINI: Okay. We got the letter,
3 okay. We got the letter and -- I didn't get it
4 because I hold the mortgage on that house.

5 CHAIRMAN BRAND: Okay.

6 MS. COTTINI: He did not want to come
7 and I said okay, I'll find out about it.

8 CHAIRMAN BRAND: Okay. Thank you.
9 We're going to keep going with Nason. Okay,
10 ma'am?

11 MS. COTTINI: Yes. I would like to
12 get -- maybe if we had a meeting or a regular
13 meeting, he will come with me and we can both get
14 together, you know.

15 CHAIRMAN BRAND: You can both join on
16 March 1st if you'd like.

17 MS. COTTINI: Yes, I will.

18 CHAIRMAN BRAND: All right. Thank you.

19 MS. COTTINI: Thank you very much.

20

21 (Time noted: 8:27 p.m.)

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3

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

5

6

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

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

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

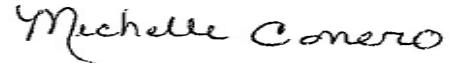
16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 25th day of February 2021.

18

19

20

21



22

MICHELLE CONERO

23

24

25

2

MEETING HELD REMOTELY VIA ZOOM

3

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

4

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In the Matter of

5

6

NASON SUBDIVISION

7

Project No. 20-4005
89 Peach Lane, Marlboro
Section 95.4; Block 3; Lot 13.200

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PUBLIC HEARING - SUBDIVISION

12

13

Date: February 16, 2021
Time: 8:15 p.m.

14

15

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

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19

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

20

21

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

22

----- X

23

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

24

25

2 CHAIRMAN BRAND: Next on the agenda we
3 have the Nason Subdivision public hearing.

4 "Legal notice, subdivision application.
5 Please take notice that a public hearing will be
6 held remotely by the Marlborough Planning Board
7 pursuant to the State Environmental Quality
8 Review Act or SEQRA and Town of Marlborough Town
9 Code Section 134-9 on Tuesday, February 16, 2021
10 for the following application: The Nason
11 Subdivision, at the Town Hall, 21 Milton
12 Turnpike, Milton, New York at 7:30 p.m. or as
13 soon thereafter as may be heard. The applicant
14 is seeking approval for a four-lot subdivision
15 for property located at 89 Peach Lane, Section
16 95.4; Block 3; Lot 13.200. Due to public health
17 and safety concerns related to COVID-19 and
18 pursuant to Executive Orders from the Governor,
19 this meeting and public hearing will be held
20 remotely via Zoom. The meeting ID and password
21 as well as call-in information will be available
22 on the Town website or from the Planning
23 secretary. Any interested parties either for or
24 against this proposal will have an opportunity to
25 be heard at this time. Chris Brand, Town of

2 Marlborough, Chairman, Planning Board."

3 The representative for Nason
4 Subdivision, are you here?

5 MR. MILLEN: Yes, I am. Jonathan
6 Millen, land surveyor.

7 CHAIRMAN BRAND: Good to see you again,
8 Jonathan. How many mailings went out? How many
9 did you send out, how many did you get back?

10 MR. MILLEN: I believe thirteen
11 mailings went out total. I don't recall -- if
12 they came back, they were addressed to the Town.
13 The return address was to the Town. It wasn't to
14 our location.

15 CHAIRMAN BRAND: Jen?

16 MS. FLYNN: No.

17 CHAIRMAN BRAND: Normally you would put
18 them to return them to you and then you'd collect
19 all of the mailings and their receipts.

20 MR. MILLEN: Okay. Excuse me just a
21 minute. I may be wrong with respect to that.
22 Hold on.

23 MS. LANZETTA: Will we be able to put
24 up the map of the project for the public hearing?

25 MR. MILLEN: Yes. Can you give me

2 permission to share my screen?

3 CHAIRMAN BRAND: Yes.

4 MR. MILLEN: Okay. This is the second
5 sheet which illustrates the setback lines. Now,
6 we did send the --

7 CHAIRMAN BRAND: Jonathan, could you
8 just give a brief overview for the people that
9 are here for the public hearing of what's going
10 on?

11 MR. MILLEN: Okay. What we have is a
12 parcel, lot 2, upon which there is an existing
13 house, drive, et cetera that will remain. It's
14 10 acres exactly, so it meets the agricultural
15 requirements. We have lot 1, which is the
16 remaining essential parcel, which is going to
17 have a designed proposed house on a long driveway
18 toward the northwesterly portion of the site.
19 And then we have two lots, 3 and 4, which are
20 right along Peach Lane and have access to Peach
21 Lane, will have proposed houses and driveways.
22 All of the houses have septic and well.

23 CHAIRMAN BRAND: All right. Pat, did
24 you just want to run through your comments?

25 MR. HINES: Sure. Since the last

2 meeting the sight distance has been added to the
3 driveways as last requested.

4 My second comment has to do with the
5 highway superintendent signing off, and we
6 received that sign-off today by e-mail from John
7 Alonge stating he had no issues with the driveway
8 locations.

9 There was a discussion at the last
10 meeting -- this is a continuation of the public
11 hearing I believe because we had a public hearing
12 the last time. The adjoining farmer had noted
13 that there was a robust vegetative area along the
14 property line that was to be preserved. I think
15 we need a note on the map just stating that that
16 area will be preserved in compliance with the
17 Town's agricultural buffer requirements.

18 And then I just don't know, Jonathan,
19 if you can fill us in on the status of the Health
20 Department approval for the septic systems.

21 MR. MILLEN: Yes. I believe the Health
22 Department approvals were provided to the Town --

23 MR. HINES: Okay.

24 MR. MILLEN: -- by the engineer.

25 MR. HINES: I believe they were. Just

2 as you were talking about that -- I don't have
3 that in my comments right now. As you were
4 talking about that, I just wanted that confirmed.

5 MR. MILLEN: Okay. I'm certain that he
6 did provide those designs to the Town.

7 CHAIRMAN BRAND: Jeff, did you have
8 anything on this one? Jeff Battistoni?

9 MS. LANZETTA: He's muted.

10 MR. BATTISTONI: Yes. Can you hear me?

11 CHAIRMAN BRAND: Yes.

12 MR. BATTISTONI: This is Jeff
13 Battistoni. I'm looking back at my notes from
14 the meeting of February 1st. I made a note that
15 the public hearing was closed at that meeting.
16 Does that sound right to other people?

17 MR. HINES: I believe that's the case.

18 MR. BATTISTONI: Okay.

19 CHAIRMAN BRAND: Okay.

20 MR. BATTISTONI: In other words, it's
21 not on tonight for a public hearing. At the last
22 meeting you closed it.

23 CHAIRMAN BRAND: All right. We have
24 the agenda wrong I guess. Okay.

25 So comments from the Board then?

2 Jonathan, you could stop sharing your
3 screen as well.

4 MR. MILLEN: Okay.

5 CHAIRMAN BRAND: Thank you.

6 Any comments from the Board on this?

7 Comments, questions?

8 MS. LANZETTA: I just want to make sure
9 that an updated map, that the comments that we
10 had suggested regarding the vegetation be
11 provided for final.

12 MR. HINES: Yeah. I think that can be
13 a condition of approval. Yup.

14 MR. MILLEN: We'll certainly do that.
15 I just want to confirm what we're talking
16 about. There is an existing 75-foot buffer along
17 the northerly side of this property. Is that the
18 part that we're discussing?

19 MR. HINES: Yes. During the public
20 hearing that farmer -- that adjoining farmer
21 there noted that vegetative -- that some portion
22 of that contains a significantly dense kind of
23 brush area and that that should be preserved to
24 the extent practical. The Ag Code does require
25 that 75-foot buffer and also suggests that

2 screening, berms and plantings be included there.
3 Rather than cutting down the existing vegetation
4 to plant some, it was felt that that existing
5 vegetation could be preserved to meet the intent
6 of that.

7 MR. MILLEN: Okay. So we will add a
8 note to that portion of the plan to that setback
9 illustrating that this portion will be dedicated
10 as a non-removal of --

11 MR. HINES: The no-cut buffer area.
12 That's fine.

13 MR. MILLEN: Right. Okay. Yes, we
14 will do that for the --

15 MR. HINES: I just don't want to -- if
16 there's trees in there that need maintenance or
17 dead and dying trees, they can be removed. So I
18 think just a note maintaining that would be
19 appropriate.

20 MR. MILLEN: Very good.

21 MS. LANZETTA: A natural vegetative
22 buffer.

23 MR. HINES: Yup.

24 CHAIRMAN BRAND: Any other comments
25 from the Board?

2 (No response.)

3 CHAIRMAN BRAND: No.

4 MS. COTTINI: Hello?

5 CHAIRMAN BRAND: Yes. Go ahead. Go
6 ahead. 795-5252, if you're there.

7 MS. COTTINI: Yes.

8 CHAIRMAN BRAND: Go right ahead.

9 (Ms. Cottini's comments pertain to HSC
10 Milton, LLC/Dollar General. Her comments have
11 been included in that transcript. Time noted:
12 8:22 p.m.)

13 (Time resumed: 8:27 p.m.)

14 CHAIRMAN BRAND: All right. Pat or --
15 back to Nason, sorry. Do we have any outstanding
16 issues with this one or --

17 MR. HINES: The only -- I would
18 recommend a negative dec be issued. I think Jeff
19 has to be authorized to prepare the negative dec
20 and the resolution. The only condition I have is
21 that buffer note be added to the plans.

22 CHAIRMAN BRAND: Are we comfortable
23 with authorizing the attorney to draft a
24 resolution and -- a negative declaration and
25 resolution of approval for this?

2 MR. CLARKE: Yes.

3 MR. TRAPANI: Yes.

4 MS. LANZETTA: Yes.

5 MR. GAROFALO: Yes.

6 MR. CAUCHI: Yes.

7 MR. LOFARO: Yes.

8 CHAIRMAN BRAND: All right.

9 MS. LANZETTA: I think Ms. Nason wants
10 to speak.

11 CHAIRMAN BRAND: Go right ahead.

12 MS. NASON: I have a question.

13 CHAIRMAN BRAND: Can you show the dog
14 again, though? He was adorable.

15 MS. NASON: There are so many.

16 CHAIRMAN BRAND: Go ahead.

17 MS. NASON: This one or this one?

18 CHAIRMAN BRAND: The second one.

19 MS. NASON: Oh, that's Piper.

20 I just had a quick question. I know we
21 have the 75-foot setback from the north side with
22 Dan's farm. My question is just is there going
23 to be a certain number of feet of vegetation we
24 have to leave? Is there like -- do I have to
25 plant new trees? I just want to make sure it's

2 clear. I never intended on clear cutting,
3 anyway. This is for me and I want to keep
4 privacy anyway. I just didn't know if I have to
5 give up that entire side of my property or if
6 it's like 25 feet that I have to keep, or 30
7 feet. Whatever it is. I didn't know if there
8 was a certain distance.

9 CHAIRMAN BRAND: Pat, correct me if I'm
10 wrong, but I believe that in the agricultural
11 zone you need a 75-foot buffer.

12 MR. HINES: It's a 75-foot buffer where
13 you can't put up a residence. I think last time
14 we talked like about a 30-foot strip of that to
15 be maintained of natural vegetation. 75 foot in
16 its entirety. It doesn't have to be vegetated.
17 The idea is that there are no houses or
18 children's play toys when someone is coming along
19 with the apple sprayer. That's what the farmer
20 had said, that he's looking for that.

21 I'm not sure how far back that
22 vegetative strip goes. I'll leave it to the
23 surveyor, who is more familiar, to propose the
24 width of that strip. We do want to keep a good
25 portion of that.

2 CHAIRMAN BRAND: Okay. Does that
3 answer your question, Ms. Nason?

4 MS. NASON: Yes. Thank you.

5 MR. MILLEN: How wide will the
6 vegetative buffer restriction be?

7 MR. HINES: I was going to leave
8 that -- Jonathan, if you're familiar with that, I
9 don't think it was the whole 75 feet that they
10 were referencing. I'm suggesting, you know, 30
11 feet of that be maintained.

12 MR. MILLEN: Yes. Thank you.

13 CHAIRMAN BRAND: Go ahead,
14 Ms. Supernova.

15 MS. SUPERNOVA: Hi, Nasons. I live
16 across the street from you. I'm at 132 Peach
17 Lane. I just -- I don't know if I'm allowed to
18 ask a question. Maybe I can just ask it at
19 another time or come knock on your door.

20 I'm just curious about what kind of
21 housing will be built and what kind of impact
22 that will have on our tax and values of nearby
23 housing, if that's even known yet.

24 Also, I do want to keep as much of a
25 tree buffer as possible, because I live right

2 next to the orchard and you have to close the
3 windows.

4 MS. NASON: Are you in the blue house?

5 MS. SUPERNOVA: Yes.

6 MS. NASON: Okay. Nice to meet you.

7 CHAIRMAN BRAND: We are bringing people
8 together here. That's what we do.

9 MS. SUPERNOVA: I wave to you when you
10 go by on your four-wheeler.

11 MS. NASON: Yeah. No, I plan on
12 putting up -- actually, I don't know if like
13 you've seen our house now with the window wall
14 and everything. I'm moving out of this one and
15 I'm building one slightly smaller but the same
16 type of window wall. Certainly nothing that
17 would bring down property taxes. If anything, it
18 would make things nicer. I have no intention of
19 making anything worse because I'm keeping these
20 properties for me.

21 MS. SUPERNOVA: Okay. I'm actually
22 concerned about property values going up. My
23 taxes are already high.

24 MS. NASON: It's not going to be like
25 this. It's not going to be like this house.

2 MS. SUPERNOVA: Just curious. Okay.

3 CHAIRMAN BRAND: All right, great. So
4 Jeff will do the resolution and negative dec for
5 the next meeting. We should be all set.

6 We did advertise and say this was a
7 public hearing, so I suppose I should have a
8 motion to close the public hearing.

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

10 MR. GAROFALO: I'll second it.

11 CHAIRMAN BRAND: Any discussion?

12 (No response.)

13 CHAIRMAN BRAND: Any opposed?

14 (No response.)

15 CHAIRMAN BRAND: No. All right. So we
16 will see you with the negative declaration and
17 resolution of approval at the March 1st meeting.

18 MR. MILLEN: Excuse me. In other
19 words, you're saying you can't approve this now?

20 CHAIRMAN BRAND: Correct. We do
21 everything via resolution which will be at the
22 March 1st meeting.

23 MR. MILLEN: Okay.

24 CHAIRMAN BRAND: Okay. Thank you.

25 (Time noted: 8:34 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

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.

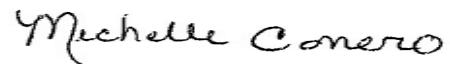
16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 25th day of February 2021.

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MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

3

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

4

----- X
In the Matter of

5

6

LAMELA REAL ESTATE

7

Project No. 21-5002
1118 Route 9W, Marlboro
Section 108.4; Block 5; Lots 30.1 & 30.2

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SKETCH - LOT LINE

12

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Date: February 16, 2021
Time: 8:27 p.m.

14

15

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

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19

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

20

21

APPLICANT'S REPRESENTATIVE: SPENCER HALL

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23

24

25

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

2 CHAIRMAN BRAND: Next on the agenda,
3 LaMela Real Estate, sketch of a lot line at
4 1118 Route 9W, Marlboro.

5 Is their representative here for
6 LaMela?

7 MR. HINES: I think it's Spencer Hall.

8 CHAIRMAN BRAND: Spence, just turn on
9 your mic.

10 MR. HALL: Can you hear me now?

11 CHAIRMAN BRAND: Yes. Go right ahead.
12 Just give us a brief overview of what's going on
13 here, Spence.

14 MR. HALL: Yeah. Do you have the map
15 that you can put up or --

16 CHAIRMAN BRAND: Jen, do you have that?

17 MS. FLYNN: Let me see if I can get it
18 there.

19 CHAIRMAN BRAND: Maybe you could just
20 use words while she's doing that.

21 MR. HALL: Okay. Basically, John
22 LaMela owns both properties, the old car wash and
23 the recycle depot area down behind the car wash.
24 He owns both of them. What he wants to do is
25 resolve any encroachments that are between the

2 car wash and the recycle building. Two of the
3 encroachments, one is the scale, he put a new
4 scale in, the other is a concrete retaining wall.
5 He just wants to straighten those two things out.
6 Both parcels are going to remain the same exact
7 area. We have to move the line.

8 CHAIRMAN BRAND: All right. And we
9 have that going. Pat, while Jen has the map up,
10 I think -- can we zoom in a little bit?

11 MR. HALL: If you can zoom in right
12 between the two buildings, you'll see -- it's
13 going to be hard to see it I guess. In the
14 southeast corner of the sanitation area is the
15 big building where they do the recycling. To the
16 northwest of that you'll see a long, rectangular
17 object. That's the scale that they want to --

18 CHAIRMAN BRAND: So you're basically
19 just pushing the lot line to the west slightly
20 there?

21 MR. HALL: Yes. Up to the northwest.

22 CHAIRMAN BRAND: Okay.

23 MR. HALL: And then it's the dotted
24 line. It goes alongside the scale, then it jogs
25 to the north along where the retaining wall is,

2 and then it goes to the east to the boundary
3 line. It looks a little strange, but that whole
4 area there is a steep bank. Nobody uses it. By
5 doing that it will allow to keep both parcels the
6 exact same area which is kind of critical because
7 it's a two-acre zone. One lot is 2 acres and the
8 other lot is 2.5.

9 CHAIRMAN BRAND: Okay. Pat, do you
10 want to run through your comments?

11 MR. HINES: Sure. As Spencer said,
12 it's going to be an even swap. So the lot sizes
13 remain the same.

14 The short environmental assessment form
15 that was submitted doesn't identify Lot 30.2. It
16 only shows the recycle lot. So that's just a
17 clean-up item.

18 The use of the parcel identified as the
19 car wash parcel, I don't believe that's -- I
20 think it's currently for used car sales or
21 something.

22 MR. HALL: Currently it's vacant.

23 CHAIRMAN BRAND: They're gone. They
24 just have dumpsters I think.

25 MR. HINES: Okay. I just wanted to

2 make sure there wasn't a change of use involved
3 here. If it's vacant, that's fine.

4 I don't know if there's any cross
5 grading easements. I'll defer to you, Spencer,
6 on that. Some portions of the driveways are
7 shared and in common. I don't know if that's
8 intended to stay the same or if there's a need
9 for cross easements for maintenance of those
10 areas.

11 MR. HALL: What areas -- I didn't
12 realize there was a common driveway. Where is
13 that?

14 MR. HINES: It's not a common driveway.
15 I think there's a connection between the
16 recycling area and the car wash parcel. You can
17 drive between the two I believe.

18 MR. HALL: No, you can't, because --

19 MR. HINES: Or is there a grade change
20 there?

21 MR. HALL: Yeah. The car wash is quite
22 a bit higher in elevation.

23 MR. HINES: Okay. That grade change
24 stops it. Okay.

25 Then I just wanted to make sure that

2 the rear yard setback for the car wash parcel,
3 the 75 feet is there. It's not labeled. I want
4 to make sure that you're not causing an
5 encroachment between the car wash building and
6 the new lot line as it moves west.

7 MR. HALL: Let me check it real quick.

8 MR. HINES: It's close.

9 CHAIRMAN BRAND: What does it need to
10 be there, Pat? 75?

11 MR. HINES: 75 rear yard, yes.

12 MR. HALL: It looks like it's okay.

13 MR. HINES: If we could just get those
14 labeled, those setbacks there.

15 MR. HALL: I will.

16 MR. HINES: You have the bulk table
17 required, but just so there's no question on
18 that.

19 Jeff had brought up previously that
20 it's in the HD Zone and not subject to the
21 streamlined lot line change process, so it does
22 require a public hearing.

23 I'm suggesting that the plan go to DOT
24 as they are an adjoining landowner for access.
25 We could just submit a copy of the plan to DOT to

2 make sure they don't have any issues with the
3 existing site.

4 I think the Board could schedule the
5 public hearing a month out if it so desired.

6 CHAIRMAN BRAND: Thanks, Pat.

7 Jeff, did you have anything on this
8 one?

9 MR. BATTISTONI: This is Jeff
10 Battistoni. Can you hear me?

11 CHAIRMAN BRAND: Yes.

12 MR. BATTISTONI: I don't. I agree with
13 what Pat said. You can't waive the public
14 hearing here so you do have to hold one.

15 CHAIRMAN BRAND: Right. Okay. Jen, I
16 think you -- comments, questions from the Board?

17 MR. GAROFALO: I have two comments.
18 One is if you're going to be making changes to
19 the EAF, please fill out item number 14.

20 The second is on the table of bulk
21 requirements, I think it would be best to not
22 only show what the requirements are but what is
23 the existing and what is the proposed for each of
24 the two lots to make sure that everything is
25 where it should be and this doesn't have to be

2 referred.

3 I think that the bulk table provides
4 that kind of information. It is very important
5 to be able to see where those numbers come from
6 on the plan to make sure that we don't have a
7 situation like before where there's a question of
8 where the numbers came from for the rear yard or
9 the side yard, that that's very crystal clear.

10 Thank you.

11 MR. HALL: Okay.

12 CHAIRMAN BRAND: Other comments or
13 questions from the Board? Anything else from the
14 Board?

15 (No response.)

16 CHAIRMAN BRAND: No. All right. So we
17 can go ahead and schedule the public hearing for
18 the second meeting in March. Do you think that
19 is enough time?

20 MR. HINES: Yeah.

21 CHAIRMAN BRAND: Okay. Jen, can we do
22 that?

23 MS. FLYNN: So March 15th.

24 CHAIRMAN BRAND: March 15th. Okay.

25 Spencer, that's enough time for you to

2 get all your mailings out and all that
3 stuff?

4 MR. HALL: I believe so. Now,
5 there's -- I forgot. Does Jen send me a list
6 of who to mail it to or do I just figure that
7 out?

8 MS. FLYNN: No, you have to do that. I
9 can send you the link to the Ulster County thing,
10 but --

11 MR. HALL: I know how to do that. I
12 think I did it last time with the link.

13 MR. HINES: It is 500 feet.

14 MR. HALL: 500 feet.

15 CHAIRMAN BRAND: All right. I think
16 that does it for LaMela.

17 MS. LANZETTA: Do we have to make a
18 motion to do that, to schedule it for a public
19 hearing?

20 CHAIRMAN BRAND: Yeah. Let's do that.

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

22 CHAIRMAN BRAND: Excellent. Is there a
23 second?

24 MR. TRONCILLITO: I'll second.

25 CHAIRMAN BRAND: Bob. He beat you,

2 Joe.

3 MR. LOFARO: That's fine.

4 CHAIRMAN BRAND: Any discussion?

5 (No response.)

6 CHAIRMAN BRAND: Any opposed?

7 (No response.)

8 CHAIRMAN BRAND: No. All right. So
9 moved. The public hearing will be March 15th.

10 MR. HALL: Thank you.

11 CHAIRMAN BRAND: Thank you, Spencer.

12 We'll see you later.

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14 (Time noted: 8:41 p.m.)

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

5

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.

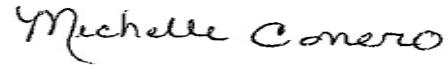
15 IN WITNESS WHEREOF, I have hereunto
16 set my hand this 25th day of February 2021.

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MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

3

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

4

----- X

In the Matter of

5

6

FRANK & TINA CRICCHIO

7

Project No. 21-5001
South Street/Cricchio Lane Milton
Section 108.4; Block 9; Lots 19.11 & 19.12

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SKETCH - LOT LINE

12

13

Date: February 16, 2021
Time: 8:42 p.m.

14

15

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

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19

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

20

21

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

22

----- X

23

MICHELLE L. CONERO

3 Francis Street

24

Newburgh, New York 12550

(845)541-4163

25

2 CHAIRMAN BRAND: Finally, with the
3 lawyer and engineer we have Frank and Tina
4 Cricchio, South Street for their lot line.

5 Jeff, I believe you have a resolution
6 of approval for us for this evening.

7 MR. BATTISTONI: Yes. This is Jeff
8 Battistoni. I did submit a resolution of
9 approval.

10 I will note that there is a private
11 road maintenance agreement which is already on
12 file with the Ulster County Clerk's office. I
13 did review it and I do approve it. That's
14 referenced in the resolution that I prepared.

15 CHAIRMAN BRAND: It's rather extensive.
16 It was many, many pages long.

17 MR. BATTISTONI: Yes, I agree.

18 CHAIRMAN BRAND: Any comments or
19 questions from the Board before we go to the
20 resolution?

21 (No response.)

22 CHAIRMAN BRAND: No. All right then.
23 For this evening we have the application of
24 Cricchio and Alesci for a lot line change. You
25 have before you a resolution of approval by the

2 Town of Marlborough Planning Board.

3 Jen, would you poll the Board?

4 MS. FLYNN: Chairman Brand?

5 CHAIRMAN BRAND: Yes.

6 MS. FLYNN: Member Lanzetta?

7 MS. LANZETTA: Yes.

8 MS. FLYNN: Member Clarke?

9 MR. CLARKE: Yes.

10 MS. FLYNN: Member Lofaro?

11 MR. LOFARO: Yes.

12 MS. FLYNN: Member Cauchi?

13 MR. CAUCHI: Yes.

14 MS. FLYNN: Member Garofalo?

15 MR. GAROFALO: Yes.

16 MS. FLYNN: Member Troncillito?

17 MR. TRONCILLITO: Yes.

18 CHAIRMAN BRAND: Excellent. All right.

19 They should be all set.

20 MR. MESSINA: Carmen Messina, surveyor
21 for the applicant. I'd like to ask Pat a
22 question about his comment number 4 which states
23 the current --

24 MR. HINES: Don't ask any questions.

25 You got approval.

2 MR. MESSINA: I want to -- I just want
3 to clarify something.

4 MR. HINES: All right.

5 MR. MESSINA: Okay. The current --
6 comment number 4 says the current layout
7 restricting the common driveway to 15 feet will
8 prohibit future subdivision of the parcels. That
9 wouldn't pertain to these parcels if a Town road
10 was built and dedicated to the Town?

11 MR. HINES: Yeah. Even if a private
12 road was constructed. But you would have to
13 change -- the current layout of 15 foot becomes a
14 Town Law 280-A issue. You can change up all the
15 lot lines. You could do almost anything you
16 want. Because that one lot only had 15 feet, it
17 would be very difficult to provide any other
18 access. If you put another road in, a private
19 road or a Town road, then certainly, yes.

20 MR. MESSINA: Okay. Thanks, Pat.

21 MR. HINES: Yup.

22 MR. MESSINA: Thank you.

23 CHAIRMAN BRAND: Anything else from the
24 Board before we go to the discussion without the
25 lawyer, engineer, stenographer?

2 (No response.)

3 CHAIRMAN BRAND: No. All right then.

4 Jeff and Pat, thank you. Have a great evening.

5 We'll see you later.

6 (Time noted: 8:46 p.m.)

7

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

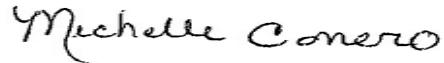
9

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18 interested in the outcome of this matter.19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 25th day of February 2021.

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24

MICHELLE CONERO

25