

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

In the Matter of

- APPROVAL OF THE STENOGRAPHIC MINUTES FOR
9/19/2022 AND 10/3/2022
- CINDY LANZETTA - COMPLETION OF CONTINUING
EDUCATION

BOARD BUSINESS

Date: October 17, 2022
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
JAMES GAROFALO
STEVE CLARKE
STEPHEN JENNISON
JOE LOFARO
BOB TRONCILLITO

ALSO PRESENT: MEGHAN CLEMENTE, ESQ.
PATRICK HINES, ENGINEER
JEN FLYNN, PLANNING BOARD SECRETARY

Stacie Sullivan, CSR
staciesullivan@rocketmail.com

BOARD BUSINESS

1 CHAIRMAN BRAND: I'd like to call the
2 meeting to order with the Pledge of Allegiance to
3 the flag of our country.

4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Agenda, Town of
6 Marlborough Planning Board. Monday, October 17,
7 2022. Regular meeting, 7:30 p.m. On the agenda
8 tonight we have the approval of the stenographic
9 minutes for September 19th and October the 3rd.
10 Also on the agenda, River Vista -- River Vista
11 Drive at Kris Korner, a continuation of the public
12 hearing for their lot line on 9 -- it's going to
13 be a long night -- at 9 River Vista Drive in
14 Marlboro. We also have Top Seed Landscape Design
15 for a sketch of their site plan at 1943 Route 9W,
16 Milton. The next deadline is Friday,
17 October 21st. The next scheduled meeting will be
18 Monday, November 7th, and that will be held
19 upstairs.

20 I'd like to have a motion to approve the
21 stenographic minutes for September the 19th and
22 October the 3rd.

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

24 CHAIRMAN BRAND: Is there a second?

25 MR. CLARKE: I'll second it.

BOARD BUSINESS

1 CHAIRMAN BRAND: Any discussion?

2 (No response.)

3 CHAIRMAN BRAND: Any objection?

4 (No response.)

5 CHAIRMAN BRAND: They are approved.

6 (Time noted: 7:31 p.m.)

7 (Whereupon Planning Board meeting
8 ensued.)

9 MS. LANZETTA: I need to have it read
10 into the minutes that I just completed four hours
11 of training with the Association of Towns in the
12 New York Planning Federation. And I will give
13 that -- I've already given that certificate to
14 Jen.

15 CHAIRMAN BRAND: Duly noted. Nice job.

16 (Time noted 8:07 p.m.)

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C E R T I F I C A T E

I, STACIE SULLIVAN, a shorthand reporter and
Notary Public within and for the State of New
York, do hereby certify:

That I reported the proceedings in the
within-entitled matter and that the within
transcript is a true and accurate record to the
best of my knowledge and ability.

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

IN WITNESS WHEREOF, I have hereunto set my
hand.

Stacie Sullivan

Stacie Sullivan, CSR

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

2 -----X
In the Matter of

3 RIVER VISTA DRIVE/KRIS KORNER

4 Project No. 22-6012
5 9 River Vista Drive, Marlboro
6 Section 103.3; Block 3;
Lots 28.9, 28.121, 28.122

7
8 -----X
9 PUBLIC HEARING - LOT LINE

10 Date: October 17, 2022
11 Time: 7:33 p.m.
12 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547

13
14 BOARD MEMBERS: CHRIS BRAND, Chairman
CINDY LANZETTA
15 JAMES GAROFALO
STEVE CLARKE
16 STEPHEN JENNISON
JOE LOFARO
17 BOB TRONCILLITO

18 ALSO PRESENT: MEGHAN CLEMENTE, ESQ.
19 PATRICK HINES, ENGINEER
JEN FLYNN, PLANNING BOARD SECRETARY
20

21 APPLICANT'S REPRESENTATIVE: NICHOLAS GALELLA
22
23
24

25 -----X
Stacie Sullivan, CSR
staciesullivan@rocketmail.com

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 CHAIRMAN BRAND: First up, River Vista
2 Drive/Kris Korner, Public Hearing. Legal notice.
3 Lot line revision and subdivision application.
4 Please take notice a public hearing will be held
5 by the Marlborough Planning Board pursuant to the
6 State Environmental Quality Review Act, or SEQRA,
7 and the Town of Marlborough Town Code Section
8 134-9 on Monday, October 17th, 2022, for the
9 following application: River Vista Drive and Kris
10 Korner at the Town Hall, 21 Milton Turnpike,
11 Milton, New York, at 7:30 p.m., or as soon
12 thereafter as may be heard. The applicant is
13 seeking approval of a lot line revision or a
14 subdivision involving three lots for lands located
15 at 9 River Vista Drive, Marlboro, New York;
16 Section 103.3, Block 3, Lots 28.9, 28.121, and
17 28.122. Any interested parties either for or
18 against this proposal will have an opportunity to
19 be heard at this time. Chris Brand, Chairman,
20 Town of Marlborough Planning Board.

21 Mr. Galella.

22 MR. GALELLA: Yes.

23 CHAIRMAN BRAND: How did we do on the
24 mailings this time?

25 MR. GALELLA: I think we got them all.

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 Thirty-one.

2 CHAIRMAN BRAND: All right. You can
3 just give them right to Jen. Do you know how many
4 went out and how many you got back?

5 MR. GALELLA: Thirty-one went out.

6 CHAIRMAN BRAND: Is there anyone here
7 for the public hearing tonight?

8 (No response.)

9 CHAIRMAN BRAND: So that being said,
10 Pat, you have nothing further on this?

11 MR. HINES: We have no further comments.
12 We did participate in numerous discussions with
13 the highway superintendent as late as this
14 afternoon -- actually late morning, so I think
15 we've worked out the issue that Kris Korner is
16 truly a Town owned and maintained roadway. They
17 plow it. They maintain it. It is theirs. After
18 that discussion, Mr. Alonge issued a new letter
19 regarding the roadway and that he found it
20 acceptable that the private road intersection with
21 the Town road is acceptable to him. I do note
22 that we received a letter from the jurisdictional
23 fire department there as well, that they take no
24 exception to it. And I did work with Meghan a
25 little bit on the resolution to include the

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 requirements that the proposed roadway be
2 constructed to the Town's private road
3 specifications.

4 CHAIRMAN BRAND: Thank you. Meghan, do
5 you have anything to add to that?

6 MS. CLEMENTE: I do not. You'll see
7 the -- in the condition -- they've been added
8 to -- what Pat has just mentioned has been added
9 to the conditions in the resolution; that the
10 applicant shall have constructed a road that is in
11 compliance with the Town Code, and it will be
12 secured in form acceptable to the Town.

13 CHAIRMAN BRAND: Thank you.

14 MS. LANZETTA: Did you send that
15 resolution to us?

16 MS. CLEMENTE: I did send it to you.

17 CHAIRMAN BRAND: I have it here.

18 MS. LANZETTA: But you didn't -- I
19 didn't see it.

20 MS. FLYNN: I did send the resolution I
21 believe to the Board.

22 MR. HINES: Here's a copy with the
23 conditions.

24 MS. LANZETTA: Thank you.

25 CHAIRMAN BRAND: Additional questions or

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 comments from the Board?

2 MR. JENNISON: I move we close the
3 public hearing.

4 MR. GAROFALO: I have some comments.

5 CHAIRMAN BRAND: Hold on. There's a
6 motion.

7 MR. GAROFALO: I don't mind closing the
8 public hearing.

9 CHAIRMAN BRAND: There's a motion on the
10 floor. Is that seconded?

11 MR. GAROFALO: I'll second it.

12 CHAIRMAN BRAND: Any discussion?

13 (No response.)

14 CHAIRMAN BRAND: Any objection?

15 (No response.)

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

18 MR. GAROFALO: Two things. One thing is
19 as a new private road, the name has to be approved
20 by the Town Board, so you'll have to get the Town
21 Board to approve the name. I don't think that
22 will be a big problem.

23 The second thing is the issue of the
24 dedication of a small piece of that access to meet
25 the standard from the public road. We need to

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 have the right-of-way for that small section, but
2 not the other lot as we discussed, because it's
3 not part of this application. But I am concerned
4 with that being included as -- both of those being
5 included.

6 CHAIRMAN BRAND: In the resolution?

7 MR. GAROFALO: Yes.

8 CHAIRMAN BRAND: Well, the one that's
9 the Town Board approving of the Town road, that's
10 just code. They have to do that anyway. And the
11 other part, for the dedication, could you clarify
12 that for me?

13 MR. GAROFALO: There's a requirement
14 that I think it's 25 feet from the center line of
15 road needs to be dedicated to the Town.

16 MR. HINES: So that -- the right-of-way
17 is there. The road was constructed a little skewed
18 in the right-of-way, and actually a portion of the
19 roadway as constructed encroaches on lands of Nima
20 Contracting and one of the other neighbors. So
21 the right-of-way is there. The highway
22 superintendent didn't see it as a big issue, but
23 it could either be dedicated to the -- it's a
24 road. It would be right of use now anyway.
25 They're maintaining it, and they have for over a

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 decade.

2 MR. GAROFALO: I'm concerned about the
3 public road portion of it.

4 MR. HINES: That's what I mean, the
5 public road portion, Kris Korner.

6 MR. GAROFALO: To follow all
7 regulations, I think we need that small piece,
8 not -- of the separate lot that actually goes onto
9 the cul-de-sac.

10 MR. HINES: So there is truly a 50 --
11 there's more than a 50-foot right-of-way there.
12 It's just the road was constructed outside of it.
13 So it complies with the 50-foot -- originally the
14 American Land Preservation Company's plan.

15 MR. GAROFALO: Is there a part of the
16 road --

17 MR. HINES: Unfortunately, the road was
18 constructed in the field outside of that
19 right-of-way.

20 MR. GAROFALO: I think at least that
21 portion should be dedicated to the Town so the
22 Town has clear rights to that -- the public road.

23 CHAIRMAN BRAND: Meghan, would you say
24 that's covered under the maintenance agreement and
25 the prior road easements?

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 MR. HINES: That's a separate issue,
2 really.

3 MS. CLEMENTE: It could be, but we can
4 definitely discuss it. We can put it in the
5 resolution, if you wish.

6 CHAIRMAN BRAND: There's no harm to
7 include it; correct?

8 MS. CLEMENTE: No.

9 CHAIRMAN BRAND: So I would say yes to
10 that probably. Are we all in agreement?

11 MS. LANZETTA: Yes.

12 MR. LOFARO: Sounds good.

13 CHAIRMAN BRAND: Any objection?

14 MR. HINES: It will be a condition prior
15 to the map being signed that Mr. Galella will have
16 to dedicate that small strip of land to the Town
17 Board.

18 MR. GAROFALO: Thank you.

19 CHAIRMAN BRAND: Okay. Any other
20 questions or comments?

21 (No response.)

22 CHAIRMAN BRAND: All right. Then we
23 have before you the application of Nima
24 Contracting, Incorporated, for a lot line revision
25 and resolution of approval by the Town of

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 Marlborough Planning Board dated October 7, 2022.

2 Jen, would you poll the Board?

3 MS. FLYNN: Chairman Brand?

4 CHAIRMAN BRAND: Yes.

5 MS. FLYNN: Member Lanzetta?

6 MS. LANZETTA: Yes. It was dated

7 October 17th, 2022.

8 CHAIRMAN BRAND: What did I say?

9 MS. LANZETTA: You said 7.

10 CHAIRMAN BRAND: Sorry.

11 MS. FLYNN: Member Lofaro?

12 MR. LOFARO: Yes.

13 MS. FLYNN: Member Clarke?

14 MR. CLARKE: Yes.

15 MS. FLYNN: Member Jennison?

16 MR. JENNISON: Yes.

17 MS. FLYNN: Member Garofalo?

18 MR. GAROFALO: Yes.

19 MS. FLYNN: Member Troncillito?

20 MR. TRONCILLITO: Yes.

21 CHAIRMAN BRAND: All right. That I
22 believe does it for River Vista Drive/Kris Korner.

23 MR. GALELLA: Thank you. Is that final?

24 Contingent final -- conditional final?

25 CHAIRMAN BRAND: Yes. You should be all

RIVER VISTA DRIVE/KRIS KORNER - LOT LINE

1 set. Thank you.

2 MR. GALELLA: Thank you guys.

3 (Time noted: 7:38 p.m.)

4

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

6

7 I, STACIE SULLIVAN, a shorthand reporter and
8 Notary Public within and for the State of New
9 York, do hereby certify:

10 That I reported the proceedings in the
11 within-entitled matter and that the within
12 transcript is a true and accurate record to the
13 best of my knowledge and ability.

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

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand.

20

21

Stacie Sullivan

22

Stacie Sullivan, CSR

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25

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

3 -----X
 4 In the Matter of

5 TOP SEED LANDSCAPE DESIGN

6 Project No. 22-6010
 7 1943 Route 9W, Milton
 8 Section 103.1; Block 1; Lot 18

9 -----X

10 SKETCH - SITE PLAN

11 Date: October 17, 2022
 12 Time: 7:38 p.m.
 13 Place: Town of Marlborough
 14 Town Hall
 15 21 Milton Turnpike
 16 Milton, New York 12547

17 BOARD MEMBERS: CHRIS BRAND, Chairman
 18 CINDY LANZETTA
 19 JAMES GAROFALO
 20 STEVE CLARKE
 21 STEPHEN JENNISON
 22 JOE LOFARO
 23 BOB TRONCILLITO

24 ALSO PRESENT: MEGHAN CLEMENTE, ESQ.
 25 PATRICK HINES, ENGINEER
 JEN FLYNN, PLANNING BOARD SECRETARY

26 APPLICANT'S REPRESENTATIVE: STEPHEN RIVIECCIO

27 -----X

28 Stacie Sullivan, CSR
 29 staciesullivan@rocketmail.com

TOP SEED - SKETCH SITE PLAN

1 CHAIRMAN BRAND: All right. Next on the
2 agenda we have Top Seed Landscape Design for a
3 sketch of their site plan at 1943 Route 9W in
4 Milton. Pat, do you want to run through your
5 comments first?

6 MR. HINES: Sure. So this project is
7 back before the Board. It was previously approved
8 in 2019. The approval lapsed. The applicant came
9 back with some modifications, including dividing
10 the building into three proposed tenant uses.
11 It's back now to the identical plan that you
12 approved. They removed that change. So it's two
13 potential planning uses. The site plan is
14 identical to the one you approved in 2019.

15 We did refer it back to the Ulster
16 County Planning Board. They came back with almost
17 the exact same comments that they issued
18 previously. The most important of which is the
19 status of the DOT approval for the project. I
20 don't know what --

21 MR. RIVIECCIO: So when I talked to him,
22 he wouldn't give me an approval until either we
23 had a preliminary okay or somebody from the Board
24 emailed him and said that we're in front of the
25 Board. And then he said once we had that, he

TOP SEED - SKETCH SITE PLAN

1 would issue the permit.

2 MR. HINES: Which is not unusual. The
3 DOT is going to want to make sure you have a
4 project, so that can be a condition of any
5 approval. Again, the Ulster County Planning
6 comments are the exact same ones you addressed
7 previously.

8 The originally approved septic dated 5
9 April 2019 has been submitted and is again valid.
10 That approval continues.

11 And then the Board should consider
12 whether or not they want to waive the public
13 hearing since we're back re-approving the same
14 project.

15 CHAIRMAN BRAND: Thank you. Comments?
16 Questions?

17 MS. LANZETTA: Yeah, I have a question.
18 This building, before -- the last one said it was
19 going to be an office building. Now I'm looking
20 again at a building that looks like it's got
21 garage doors.

22 MR. RIVIECCIO: Yeah. We went back to
23 the original plan.

24 MS. LANZETTA: What is --

25 MR. RIVIECCIO: Storage.

TOP SEED - SKETCH SITE PLAN

1 MR. HINES: I think the idea --

2 MR. CLARKE: These two things are
3 inconsistent (indicating). This one says, you
4 know, business and professional. This one says
5 commercial. So, you know, let's get these
6 together.

7 MS. LANZETTA: Well, the question I
8 have, looking at the allowed use in the HD
9 district, is it does allow the use for offices,
10 that's by right, but it becomes a special use if
11 it's a garage or warehousing. So I'm wondering
12 where this falls in.

13 MR. HINES: I always envision it as kind
14 of a contractor yard that a plumber would have
15 both his office -- an example, plumber,
16 electrician, someone of that nature, would have
17 both their office and then kind of their shop
18 behind it. But I'll defer to the applicant on
19 that.

20 MR. RIVIECCIO: Yeah. That's -- you
21 know, we're looking to do that. I'm now leaning
22 towards just, like I said, there's going to be
23 area for an office, bathroom, of course, and then
24 the garage door for someone to pull vehicles in,
25 out of sight, inside, and then they can run a

TOP SEED - SKETCH SITE PLAN

1 little business. For now I want to store some of
2 our triaxles inside, stuff that is pretty -- has
3 to get out of the cold. So we're looking to have
4 a building to back some stuff in, close the doors,
5 and keep it nice and neat.

6 MS. LANZETTA: So my question is, like,
7 where does this fall into as far as use? Because
8 that determines, if it is a special use, then we
9 need to know hours of operation, and that
10 additional information needs to be put on the
11 plans. And so that's what I'm trying to get
12 clarification from legal, you know, as to how we
13 look at this. Because it sounds like it's
14 partially warehousing, but then the fact that
15 people might be able to pull their vehicles in and
16 out, does it become -- you know, do we have to
17 think of it in terms of the possible use as a
18 garage? And so that's what I would want to get
19 clarification on.

20 MR. RIVIECCIO: I mean, this isn't --
21 we've been here a while now. Right down the road,
22 literally 50 feet, we have a building where we're
23 pulling trucks in and out and offices. So why all
24 of a sudden would this piece of property be
25 different than that?

TOP SEED - SKETCH SITE PLAN

1 MS. LANZETTA: Because that was -- we
2 reviewed that as a combination garage/office
3 building.

4 MR. RIVIECCIO: Well, that's what it is
5 now.

6 MS. LANZETTA: Yes, and that's what we
7 gave them the approval for.

8 MR. RIVIECCIO: Yeah.

9 MS. LANZETTA: They had to give us hours
10 of operation and --

11 MR. RIVIECCIO: I'm talking about my
12 shop.

13 MS. LANZETTA: Well, you were just
14 trying to explain that yours was the same as that
15 one.

16 MR. RIVIECCIO: Yeah.

17 MS. LANZETTA: So if yours is the same
18 as that one, that one we reviewed as a
19 garage/office, and they had to put additional
20 information down on the plan so that, you know, we
21 would have that information and the neighbors
22 would have that information. So, I mean, if
23 that's what you're saying you're doing, an office
24 and a garage, then we need that additional
25 information.

TOP SEED - SKETCH SITE PLAN

1 CHAIRMAN BRAND: What is the other
2 parcel that we're referring to?

3 MS. LANZETTA: I think you're talking
4 about the Corcoran's parcel, aren't you?

5 MR. RIVIECCIO: Well, you got Corcoran's
6 parcel. I mean, I can run down the whole list of
7 9W.

8 MS. LANZETTA: Well, I can only address
9 ones that we've reviewed.

10 MR. RIVIECCIO: I know.

11 MR. TRONCILLITO: Can I ask a question?

12 CHAIRMAN BRAND: Yes.

13 MR. TRONCILLITO: If he was -- if Steve
14 was approved when this first came, in the first
15 go-around -- I don't remember what that was. I
16 don't know if I was here.

17 MR. RIVIECCIO: '19.

18 MR. TRONCILLITO: '19. If it's the same
19 and got approved then, why can't it get approved
20 now?

21 CHAIRMAN BRAND: That was going to be my
22 question to you, Pat, as well.

23 MR. TRONCILLITO: What are we doing
24 different here? He got an approval before. Why
25 can't he get it approved this time?

TOP SEED - SKETCH SITE PLAN

1 CHAIRMAN BRAND: And we have done that
2 with previous applications, if I'm not mistaken,
3 when we had a previous approval, and then because
4 there was no substantial changes, we just
5 basically authorized the attorney to re --

6 MS. CLEMENTE: Re-adopt.

7 CHAIRMAN BRAND: Right.

8 MR. GAROFALO: Before you go there, can
9 I make a bunch of comments?

10 CHAIRMAN BRAND: Of course.

11 MR. GAROFALO: On the --

12 CHAIRMAN BRAND: Before you do that,
13 just to clarify, that's what we've done in the
14 past?

15 MS. CLEMENTE: Yes. And you could do
16 that in the future.

17 MS. LANZETTA: Even though I have a
18 question about this, we don't need to clarify it
19 and we can just say because we did before, we've
20 done other applications like this, we don't need
21 to clarify that use?

22 MS. CLEMENTE: If you wish, we could
23 also clarify the use as to this was previously
24 approved as a commercial building and related
25 improvements.

TOP SEED - SKETCH SITE PLAN

1 CHAIRMAN BRAND: It didn't include an
2 office at that time?

3 MR. HINES: It did. It always had that
4 boxed-off front office area, times two, with a
5 little bathroom area.

6 CHAIRMAN BRAND: Okay. Mr. Garofalo.

7 MR. GAROFALO: On the 2019 plan that was
8 resubmitted in '22, the Town zoning information,
9 the required minimum lot area, minimum lot width,
10 and minimum lot depth, the proposed is shown as
11 being below the required. So I'm a little
12 concerned about that, whether or not that has to
13 be referred back to the ZBA if that is truly the
14 requirements. That's number one.

15 Number two, I believe when this came
16 before the Board before, there was a question of
17 fencing off the dumpster location, and a gate has
18 been put in front of it, but I'm not sure it's
19 been totally fenced off on the plan. I don't
20 think that's clear. I think having the gate in
21 front is the most important because that's what
22 most people will see, but for people with a house,
23 certainly having it on the side would be a benefit
24 also.

25 Also, I would ask if you know that the

TOP SEED - SKETCH SITE PLAN

1 Bernie (ph) house, which is to the south, they
2 have a PVC fence, do you know if that's a solid
3 fence or, you know, like a partially solid fence?

4 MR. RIVIECCIO: The PVC fence is solid
5 and the dumpster enclosure is completely enclosed.

6 MR. GAROFALO: Okay. I don't think
7 that's clear on the plan. Maybe one of the things
8 that you should look at is the row of trees that
9 you have on the south side, maybe if you can take
10 a couple of those out and put them between the row
11 on the north side and close up that space between
12 the spruce trees and the other trees. I'm not
13 asking for more trees, but maybe it would make
14 more sense to have the trees there.

15 MR. RIVIECCIO: I think those spruce
16 trees -- like, they're the ones I own, but then
17 the other trees, to fill in them gaps, are on the
18 other people's property. So that's why. The last
19 time they wanted me to get it off. They said if
20 the tree wasn't on my property, don't draw it. So
21 that's why those gaps are there, but --

22 MR. GAROFALO: Oh, but there are trees
23 in that gap?

24 MR. RIVIECCIO: Yes. But they're on the
25 other people's property.

TOP SEED - SKETCH SITE PLAN

1 MR. GAROFALO: Okay.

2 MR. HINES: Back to the bulk table
3 requirements, we went through this in 2019 in
4 depth, and we got a letter from the Town code
5 enforcement officer regarding the fact that it's a
6 pre-existing lot that was prior to zoning in that
7 geometry, and it gives the ability to grant relief
8 for all of those requirements.

9 MR. GAROFALO: For us to grant the
10 relief or the ZBA?

11 MR. HINES: Not the ZBA. It's just a
12 pre-existing lot, and it's based on the fact that
13 it was new zoning, so it gives you the
14 flexibility.

15 MR. GAROFALO: Okay.

16 MR. HINES: You caught me there, but
17 when I was looking at how much they were reduced,
18 I recalled it. You know, it's only a half acre
19 lot, and any use in that zone is two acres.

20 MR. GAROFALO: I want to make sure that
21 we -- you know, make sure that everything is
22 covered.

23 MR. HINES: Yep.

24 MR. GAROFALO: The -- on that plan, the
25 driveway, it looks like it's about 40 feet, and I

TOP SEED - SKETCH SITE PLAN

1 think you'll find that DOT is not going to approve
2 something that big. It will probably be in the
3 28- to 35-foot width for your driveway. So I just
4 wanted you to be aware of that.

5 The next thing is on your figure 2 plan
6 where you show the proposed water line coming from
7 the road, basically it looks like it goes under
8 the building. And my thought was, do you really
9 want it to go -- because you don't have a basement
10 there, so it's not going into the basement. Do
11 you really want it there or on the side of the
12 building, where if there was a problem, you would
13 actually have easier access to the water line?
14 The other thing is it might make more sense, if
15 you're going to do that, to put it on the other
16 side of the building so the water line and the
17 septic line are basically pretty much running on
18 opposite sides of the building so you don't have
19 them overlapping except for maybe at the point
20 where you're entering the building. That you
21 might want to take a look at that. That may make
22 future problems a lot easier to deal with.

23 In that figure 2, I think it's also a
24 little confusing because that shows the parking
25 lot layout and the walkway, which is different

TOP SEED - SKETCH SITE PLAN

1 from what you're proposing, and I think that
2 that's something that we don't want to have two
3 sets of plans that are showing two different
4 things as far as the parking lot and the walkway.
5 So if you could just take those parts of it out on
6 that figure 2, I think that would be a good idea
7 so that there's no confusion when there is actual
8 construction.

9 MR. HINES: So the water line coming to
10 the center of the building -- and I'm just looking
11 at the building plans. Both of the rest rooms are
12 located at that center of the building for each of
13 them, so I think that's the intent. If you look
14 at figure 6, the floor plan, the rest rooms are
15 split in the front center.

16 MR. GAROFALO: Yes. And that's why I
17 think if he's -- from the figure 2, it shows it
18 being on the north entering -- going underneath
19 the north corner of the building, and I think he
20 might be better off moving it to the south side,
21 running it along the building and in the back, and
22 then coming in the back of the building. And that
23 way the septic and the water are not going to
24 cross, and if you have problems with one or the
25 other, it would probably be a lot easier to

TOP SEED - SKETCH SITE PLAN

1 maintain.

2 MR. RIVIECCIO: Are you looking on the
3 septic plan?

4 MR. GAROFALO: (Indicating).

5 MR. HINES: He's on the septic plan.
6 Figure 2 is septic. Septic (indicating).

7 MR. GAROFALO: It's not shown on this
8 plan, though.

9 MR. HINES: So the water line would make
10 more sense, as Mr. Garofalo was saying, where the
11 75-foot dimension is on the septic plan, coming in
12 right centered with your bathrooms.

13 MR. RIVIECCIO: Which I don't think --
14 it's not a problem because since that plan was --

15 MR. HINES: Either way it's going to be
16 under the slab.

17 MR. GAROFALO: That's why I was thinking
18 if you put it on the south of the building, it
19 wouldn't be under the slab.

20 MR. RIVIECCIO: Right now the Town
21 already put a water tap in towards -- that would
22 be the north side of the property, where the
23 utility pole is. So the water tap is already set.
24 So I guess we would bring the water in to the
25 north side of the building.

TOP SEED - SKETCH SITE PLAN

1 MR. HINES: Which is what you're
2 showing.

3 MR. RIVIECCIO: Yes.

4 MR. GAROFALO: Would it make any sense,
5 then, for him to flip the septic?

6 MR. HINES: He's already got it
7 approved. I don't know if he wants to go through
8 that.

9 MR. RIVIECCIO: I mean, I'm not a
10 plumber, by any means, but if the water came in to
11 the front of the building, once it's inside the
12 building, can't they run it through the building
13 to the bathrooms?

14 MR. HINES: You could run it overhead
15 even.

16 MR. GAROFALO: On page 2 of the site
17 plan application, can you provide the engineer's
18 email address and phone number?

19 MR. RIVIECCIO: Okay. You want it now?
20 I can give it to you.

21 CHAIRMAN BRAND: I think just in
22 general, I think your application -- site plan
23 application needs to be updated to match with your
24 new drawings, because you're still saying two
25 suites. Are there still two suites?

TOP SEED - SKETCH SITE PLAN

1 MR. HINES: There's two, yeah.

2 CHAIRMAN BRAND: So that's the same.

3 MR. HINES: He came in a couple months
4 ago with three, and that was -- then he got
5 back --

6 CHAIRMAN BRAND: So this --

7 MR. HINES: Basically, this is the
8 original approval of the building plan footprint.
9 I think there is a question that Cindy has as to
10 the use.

11 CHAIRMAN BRAND: Right. That was going
12 to be my next --

13 MR. HINES: Whether this came in as an
14 office use or a more warehouse use.

15 CHAIRMAN BRAND: That's going to be my
16 next comment. Maybe just include a narrative in
17 there detailing the hours of operation and the
18 intended usage of the building. That's what you
19 were looking for?

20 MS. LANZETTA: Yeah, because in our
21 definitions, commercial is retail. And this -- it
22 does not sound like a retail operation, so,
23 therefore, it's not a commercial application.
24 It's really more of a special use, which is fine.
25 I'm not saying that we can't approve it.

TOP SEED - SKETCH SITE PLAN

1 MR. CLARKE: Why is commercial retail?

2 MS. LANZETTA: Pardon me?

3 MR. CLARKE: That makes no sense. Why
4 is commercial retail? They're two different
5 things.

6 MS. LANZETTA: Don't argue with me.
7 It's in the definitions. It says under commercial
8 that it's a retail operation. But if you look in
9 our HD district, the warehousing or possible
10 garage use is considered a special use, which
11 is -- we can approve that. That's not the issue.
12 I'm just asking for a little more information on,
13 you know, hours of operation so that the neighbors
14 can have a reasonable expectation of what's going
15 to be going on there. And so that's all I'm
16 saying.

17 MR. GAROFALO: I do want to compliment
18 you on the fact that this is the first plan that I
19 have seen where there is a lot box actually shown
20 on the plan. So I want to compliment you on that.

21 MR. HINES: That came as a comment last
22 time from the fire department, but I think he's
23 familiar with fire departments.

24 MR. GAROFALO: The other question that I
25 have is on 28 it talks about the energy systems.

TOP SEED - SKETCH SITE PLAN

1 There doesn't seem to be any heating and cooling
2 considered for this building. Or you don't
3 necessarily need a telephone line anymore because
4 we have cell phones, but certainly you're probably
5 going to want to have some kind of heating system
6 for the building, and I don't think there's
7 anything shown in terms of that.

8 The next thing is on the environmental
9 assessment form, Item Number 2, you do require a
10 DOT permit. We've already discussed that, and
11 they certainly won't give that until at least the
12 SEQRA is approved on the project.

13 Now, technically, even though Route 9 is
14 not a sign routed bicycle route, DOT has
15 considered this as being a future or heavily used
16 or partially used -- it's the only real route for
17 bicycles through our town, would be Route 9.
18 That's Item 8C.

19 And that's all the comments I have.
20 Thank you.

21 CHAIRMAN BRAND: So let me just try and
22 clarify. Would you be willing to amend the
23 application to include a narrative that includes
24 your hours of use and the usage of the building,
25 just a quick description of who is going to be in

TOP SEED - SKETCH SITE PLAN

1 there and when they're going to be in there? It
2 could just be an addition to it.

3 MR. RIVIECCIO: Yeah, that's fine. Is
4 there, like, a recommended hours that you guys
5 would like to see?

6 CHAIRMAN BRAND: Well, I'm assuming
7 they're going to probably match -- coincide with
8 your landscape design hours.

9 MR. RIVIECCIO: Yeah. You know, but,
10 like I said, we're not planning on running our
11 operation out of here. You know, basically, I
12 don't want to limit ourselves to what we can do
13 with this building. Like, for example, let's just
14 say -- you brought up the word plumber. Let's
15 just say a plumber approached us and said, hey, I
16 need a little office, a little place I can back my
17 van into, have a little, you know, area to keep
18 stuff, have a bathroom, you know, all -- I don't
19 want to do that, even though as of this very
20 second, you know, I want at least a portion of it
21 to back our triaxles in and whatever else we have
22 that we want to get out of the elements. You
23 know, as far as hours of operation --

24 CHAIRMAN BRAND: I know that, basically,
25 if the code enforcement officer -- once a project

TOP SEED - SKETCH SITE PLAN

1 is approved, and correct me if I'm wrong, but once
2 a project is approved and the uses are similar,
3 then you wouldn't have to come before us again for
4 the plumber necessarily. But I would try to
5 ensure that whatever narrative that you write for
6 this could also include those types of uses for
7 that.

8 MR. RIVIECCIO: Okay.

9 CHAIRMAN BRAND: Does that make sense?

10 MR. RIVIECCIO: Yep. Now, as far as,
11 like, the hours, is it like a 7:00 to 7:00 kind of
12 thing?

13 MR. HINES: That's generally --
14 especially in the HD, it's a commercial zone, and
15 the HD zone by definition is for
16 transportation-related uses. I think it says
17 right in there, HD zone, transportation related.
18 I think there is a house right next door to this;
19 right?

20 MR. RIVIECCIO: Two houses.

21 MR. HINES: Two houses. So, you know,
22 there's some consideration for that.

23 MR. RIVIECCIO: Oh, absolutely.

24 MR. GAROFALO: There's one other comment
25 that I forgot to make, and that is the pad near

TOP SEED - SKETCH SITE PLAN

1 the front door, you have a four-inch lip. You're
2 going to need to make that accessible at least on
3 the side where you have the accessible parking.

4 MR. RIVIECCIO: Okay.

5 MR. CLARKE: I remember in the original
6 application we had requested that the building be
7 pinned because it was really close on the sides.
8 Are we going to continue that?

9 MR. HINES: It would be staked in the
10 field, yes. I have a note that we required
11 because --

12 MR. RIVIECCIO: It's already done. I
13 had the surveyor come in and do it already. That,
14 the curb lines, the septic, he pinned everything.

15 MS. LANZETTA: And I would be willing to
16 waive the illumination requirements of the County
17 board as long as we go with the full cut-off
18 lights.

19 MR. HINES: Dark sky compliant.

20 MR. GAROFALO: Isn't that something that
21 we have to have, I assume, a majority on, the
22 County?

23 MS. LANZETTA: Yeah. That's why I
24 brought it up. I agree with all the County --

25 MR. HINES: Some of them were advisory

TOP SEED - SKETCH SITE PLAN

1 and some were mandatory.

2 MS. LANZETTA: I think that was
3 mandatory.

4 MS. CLEMENTE: It was.

5 MS. LANZETTA: I would be willing to
6 override that as long as there's full cut-off
7 lights.

8 MR. RIVIECCIO: What is full cut-off
9 lights? That means they turn off completely at
10 night?

11 MR. HINES: No. They don't shine out
12 bright. They're shielded so they only shine down.

13 MR. RIVIECCIO: Yep. I think that's
14 what we had.

15 MS. LANZETTA: Yeah, it's a required
16 modification. So if -- you know, I would make a
17 motion that as we develop the resolution -- we
18 redevelop the resolution for approval, that we'd
19 be willing to override the County's required
20 modification for the lighting levels to be done,
21 you know, with the full illumination counts as
22 long as they utilize the full cut-off LEDs.

23 MR. GAROFALO: Since this is a new --
24 basically a new application, don't we have to redo
25 SEQRA on this?

TOP SEED - SKETCH SITE PLAN

1 MR. HINES: I think you can reaffirm
2 your previous negative dec as you go forward. The
3 project is exactly the same.

4 CHAIRMAN BRAND: So that being said,
5 with those changes being made, you're going to
6 include a narrative and with the hours of
7 operation --

8 MR. RIVIECCIO: Did you guys get the
9 narrative we had already?

10 MS. LANZETTA: That says commercial
11 building and that's retail.

12 MR. RIVIECCIO: Say what?

13 CHAIRMAN BRAND: I don't know that I do
14 have that.

15 MS. LANZETTA: I believe you have it as
16 a storage building, so that would be warehousing,
17 actually.

18 MS. CLEMENTE: The previous
19 application -- sorry, excuse me -- says commercial
20 building with business locations. So that would
21 just need to be -- as opposed to this one, this
22 current application refers to storage and also two
23 suites broadly. So you would just need to clarify
24 what you're using them for.

25 MR. RIVIECCIO: So it's commercial

TOP SEED - SKETCH SITE PLAN

1 building -- I'm sorry. I'm trying to write down
2 everything you were saying.

3 MS. CLEMENTE: Just clarify what you're
4 using the building for.

5 MR. RIVIECCIO: Okay. So commercial
6 building.

7 CHAIRMAN BRAND: Including the hours of
8 operation proposed.

9 MS. LANZETTA: When you say commercial
10 building, that does not -- in the HD, that means
11 retail, so I think you have to be more specific.

12 MR. HINES: Take a look at the uses that
13 are allowed in the HD zone and pick out one.

14 MR. RIVIECCIO: Just pick one from
15 there. Okay.

16 MR. HINES: I think we can probably give
17 you some flexibility if you pick out the ones that
18 you're looking at, rather than -- I mean, you
19 don't know your tenants right now, but as long as
20 it's consistent with uses that are identified in
21 the HD zone.

22 MS. LANZETTA: Which can be a special
23 use, as long as you're being specific in your
24 hours of operation.

25 MR. RIVIECCIO: And you want me to like

TOP SEED - SKETCH SITE PLAN

1 type it into a narrative form like this so it's a
2 letter?

3 MS. LANZETTA: Yeah.

4 MR. RIVIECCIO: Okay. All right.

5 CHAIRMAN BRAND: With those new
6 standards being met by the applicant, do we
7 have -- authorize the attorney to draft a
8 resolution of approval for this, reaffirming our
9 previous approval?

10 MR. TRONCILLITO: I'll make that motion.

11 MR. LOFARO: I'll second.

12 CHAIRMAN BRAND: Any discussion?

13 (No response.)

14 MS. LANZETTA: Did we override the need
15 for a public hearing?

16 CHAIRMAN BRAND: Well, that was going to
17 be the next thing after, once we get the motion.

18 MS. LANZETTA: All right.

19 CHAIRMAN BRAND: So there's a motion.
20 It's been seconded. Any other additional
21 discussion on authorizing the attorney to draft a
22 resolution of approval for this?

23 (No response.)

24 CHAIRMAN BRAND: Any objection to that?

25 (No response.)

TOP SEED - SKETCH SITE PLAN

1 CHAIRMAN BRAND: So the attorney is
2 authorized. And then I also would like to
3 entertain a motion to waive the public hearing for
4 this.

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

6 MR. HINES: The last public hearing two
7 people showed up, and they were confused as to the
8 location. And we discussed Manny Cauchi's
9 business more than your location.

10 MR. LOFARO: I'll second it.

11 CHAIRMAN BRAND: Any discussion on
12 waiving the public hearing?

13 (No response.)

14 CHAIRMAN BRAND: Any objection?

15 (No response.)

16 CHAIRMAN BRAND: So we will waive the
17 public hearing on this. So we -- you'll get that
18 to us. And we will have -- the attorney will be
19 able to do that at our next meeting, I believe.
20 Jen, yes?

21 MS. FLYNN: What?

22 CHAIRMAN BRAND: We'll be able to do
23 that at the next meeting?

24 MS. FLYNN: Yes.

25 MR. HINES: As long as we get that

TOP SEED - SKETCH SITE PLAN

1 narrative so that Meghan can incorporate that.

2 CHAIRMAN BRAND: As soon as you get that
3 completed, forward it to Pat -- or forward it to
4 Jen, and then she'll forward it out to you guys.

5 MS. FLYNN: My cutoff is Friday for the
6 next meeting.

7 CHAIRMAN BRAND: Yeah. You'll have to
8 have it done.

9 MR. RIVIECCIO: Oh, Friday. I better
10 start typing.

11 CHAIRMAN BRAND: All right. I think
12 that does it for that one. Anything else on that?
13 Anything else before we adjourn this evening?

14 (Whereupon Board Business was discussed
15 - See Board Business transcript.)

16 CHAIRMAN BRAND: Anything else?

17 MS. CLEMENTE: Cindy, did you make the
18 motion for the lighting modifications?

19 MS. LANZETTA: I did make a motion to --
20 for that, yeah, but I don't know if anybody else
21 seconded it or --

22 CHAIRMAN BRAND: I'll second that. Is
23 there any discussion on waiving the lighting
24 modifications -- I'm sorry -- before we adjourn?
25 Any discussion?

TOP SEED - SKETCH SITE PLAN

1 (No response.)

2 CHAIRMAN BRAND: Any objection?

3 (No response.)

4 CHAIRMAN BRAND: So we will waive the
5 lighting modifications as well for that. Thank
6 you for picking that up. Motion to adjourn?

7 MR. JENNISON: I'll make a motion.

8 CHAIRMAN BRAND: Second?

9 MR. CLARKE: I'll second.

10 CHAIRMAN BRAND: Any objection?

11 (No response.)

12 (Time noted: 8:08 p.m.)

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C E R T I F I C A T E

I, STACIE SULLIVAN, a shorthand reporter and
Notary Public within and for the State of New
York, do hereby certify:

That I reported the proceedings in the
within-entitled matter and that the within
transcript is a true and accurate record to the
best of my knowledge and ability.

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

IN WITNESS WHEREOF, I have hereunto set my
hand.

Stacie Sullivan

Stacie Sullivan, CSR