

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

----- X
5 In the Matter of
6

7 NEW CINGULAR WIRELESS PC, LLC
8

9 Project No. 14-7005
10 10 Ann Kaley Lane
11 Section 108.2; Block 4; Lot 43.410
12

13 ----- X
14 CONTINUED PUBLIC HEARING
15 SITE PLAN
16

17 Date: November 2, 2015
18 Time: 7:30 p.m.
19 Place: Town of Marlborough
20 Town Hall
21 21 Milton Turnpike
22 Milton, NY 12547
23

24 BOARD MEMBERS: JOEL TRUNCALI, Chairman
25 CINDY LANZETTA
STEVEN CLARK
EMANUEL CAUCHI
JOSEPH LOFARO

26 ALSO PRESENT: RONALD BLASS, ESQ.
27 PATRICK HINES
28 KATHI NATLAND
29 JEN FLYNN
30 MICHAEL MUSSO
31

32 ----- X
33 MICHELLE L. CONERO
34 10 Westview Drive
35 Wallkill, New York 12589
36 (845) 895-3018
37

2 CHAIRMAN TRUNCALI: We're going to
3 start. If everyone could please rise for the
4 Pledge to the flag.

5 (Pledge of Allegiance.)

6 CHAIRMAN TRUNCALI: Agenda, Town of
7 Marlborough Planning Board, November 2, 2015.
8 Regular meeting 7:30 p.m. Approval of
9 stenographic minutes for 9/8 and 9/21. New
10 Cingular Wireless, public hearing, site plan;
11 Kedem Winery, public hearing, amended site plan;
12 Empire Landscaping, sketch, site plan; Chernobyl
13 Light & Power, sketch, site plan; Robert Pollock,
14 discussion; Brody Ridge, extension, six-lot
15 subdivision; Nieco, extension, site plan. Next
16 deadline: Friday, November 6th. Next scheduled
17 meeting: Monday, November 16th.

18 New Cingular Wireless I believe is not
19 here tonight.

20 MR. BLASS: I was under the impression,
21 or the misimpression, I'm not sure which, that
22 the public hearing was going to be continued
23 tonight and that AT&T was going to be here to
24 make a brief presentation to the Board about
25 alternative sites.

2 MR. HINES: It was scheduled for
3 tonight. We have to keep it open or close it and
4 re-announce it.

5 MR. BLASS: Then I guess Kathi got a
6 phone call today from AT&T's attorney, --

7 MS. NATLAND: Kim.

8 MR. BLASS: -- Kim Nason, indicating
9 they wanted it off until December. On Friday I
10 told Mike Musso, who just came in, that it would
11 be a good idea to be here to participate in the
12 brief presentation of alternative sites to the
13 Board.

14 I have a suggestion. If you recall,
15 when the Board last entertained the alternative
16 sites I think you had two in favor of relocating
17 to alternative A and two abstentions among the
18 four who were in attendance. I know Mr. Clark
19 had just come on the Board and said he wasn't up
20 to speed as of yet and abstained. We have two
21 new Members who have joined the Board since that
22 time. AT&T's willingness to do a re-presentation
23 is to some degree fueled by the recomposition of
24 the Board. They understand.

25 Do you want to steal five, ten minutes

2 and have Mike, since he's here anyway, review the
3 alternative sites for the new Board Members?

4 CHAIRMAN TRUNCALI: Sure.

5 MR. MUSSO: Sure. Members of the
6 Board, members of the public, thanks for having
7 me here. Different digs but this is a cozy room.
8 I like it.

9 What I'd like to do is rehash our
10 methods and main findings from our July 15th
11 memo. The application at hand is for 10 Ann
12 Kaley Lane, a 130 foot monopole. AT&T is the
13 applicant for this.

14 MS. LANZETTA: Mike, could I ask you to
15 maybe stand by the Stenographer, and that way the
16 people out there can hear as well?

17 MR. MUSSO: Yeah.

18 CHAIRMAN TRUNCALI: Mike, if you could
19 just let everyone know that you represent the
20 Town as our telecom advisor.

21 MR. MUSSO: Right. I work for a firm
22 called HDR and we work on behalf of the Town of
23 Marlborough. We work on behalf of a number of
24 New York State municipalities. We do not work
25 for the wireless industry. There's obviously a

2 perception there that we wouldn't want to cross.

3 In this case, and as we've done on other
4 applications over the years, we're back working
5 on behalf of the Town Planning Board.

6 We received a number of application
7 submittals, I guess going back to 2013. The
8 Board over time has requested, as has HDR, more
9 detailed information. I guess the most
10 significant of that is an alternate site
11 analysis, meaning there are other locations in
12 the Town that could also work and perhaps are
13 better for different reasons to accommodate a
14 cell tower or a wireless facility.

15 Over the spring and summer of this year
16 the applicant, after about a year hiatus, put
17 together a very detailed alternate site analysis.
18 They looked at about twenty-three different
19 properties, Town owned and otherwise, within the
20 Town of Marlborough. Our significant
21 deliverable, I guess to this point, is our July
22 15th submittal. I presented that at the
23 July 20th Planning Board meeting that Ron Blass
24 had just referred to. I had this projected on
25 the screen, a number of our analyses. AT&T's

2 people were there too, their attorney, their site
3 acquisition person and also their radiofrequency
4 expert, their engineer. That put together all
5 the information about these alternate sites.

6 What do I mean by information? Well, we talked a
7 little bit about the zones, the zoning that they
8 were located in, the topography where these
9 twenty-three candidates were situated. It talked
10 extensively about AT&T's target area, which I
11 think is important. Cell sites normally are not
12 going to cover a blanket synonymously with the
13 Town's order. AT&T is interested in really the
14 southern portion of the Town, really the hamlet
15 area.

16 We looked in detail at all the
17 information submitted, and it was voluminous.
18 They provided coverage maps from existing
19 facilities in Marlborough and in the area even
20 across the river. We saw where there's gaps in
21 coverage in service. Out of the twenty-three
22 candidates, really the alternate that was
23 presented at the high school, Marlborough High
24 School property, rose to the top in terms of
25 coverage -- service and coverage.

2 Now, there are other things to
3 obviously look at. You look at visual impacts,
4 potential visual impacts that a site would have,
5 how tall is it, what might it look like. You
6 look at things like zoning as I mentioned, land
7 use within the area, are homes nearby, are
8 ecological resources nearby. Our memo looked
9 really in detail at the Ann Kaley road site,
10 which the application is still for, and at the
11 detailed -- at the high school property as well.

12 Although I'm not projecting it, one of
13 the exhibits in our report lay down the coverage
14 that would be provided by AT&T at both of these
15 sites, Ann Kaley Lane and at the high school. As
16 shown, I overlaid this target area of interest,
17 the southern part of Marlborough and the hamlet
18 area, and really from either site a lot of
19 synonymous coverage from one site or the other.

20 What I also highlighted in there was
21 well, where would the Ann Kaley road site provide
22 coverage that the high school would not, and vice
23 versa. There is an exhibit which I'll lead the
24 new Board Members to. If you need copies of
25 anything, I can get those to you later on. It

2 did look at what the benefits in terms of
3 coverage were, pro and con, from the two sites.

4 As I said, I think both sites are
5 viable. I think the discussion at the July 20th
6 meeting with AT&T present also noted that they
7 feel both sites are viable.

8 A couple issues that we brought up in
9 the report, however. At the Ann Kaley Lane site
10 at 130 foot, this would be a monopole at 130
11 feet, probably a little better service to the
12 hamlet area and to within the target area. As
13 you can see in my exhibit also, the high school
14 site does provide a little better service outside
15 their target area, specifically some areas to the
16 west, a little bit up the topography. Ann Kaley
17 road at 130 feet also has, in my opinion, a
18 better opportunity for co-location. We've all
19 driven by cell towers in the area and you notice
20 there's several antenna arrays. AT&T, since they
21 are the applicant, they would be at the top slot.
22 I think there's a very high probability that
23 other carriers, Verizon, Sprint, T-Mobil, would
24 have a lot of interest in this if it is built --
25 if it was approved and built. The Ann Kaley site

2 I think has better potential for co-location.
3 The high school monopole, the alternative was
4 looked at at 110 feet. Slightly lower but still
5 above the tree line. I think there's some
6 uncertainty about how many co-location -- how
7 many co-locators could be accommodated on that.

8 The other significant point are visual
9 assessments. Within the application materials
10 the applicant has prepared a number of
11 submittals, including what are called photo
12 simulations. They provided a map of Marlborough.
13 With computer modeling and also with field
14 confirmation they'll highlight what neighborhoods
15 the tower would be visible from, where it won't
16 be visible based on tree line or topography, and
17 where it might be visible during part of the
18 year, like when the leaves start falling. That's
19 been provided for the Ann Kaley site in the
20 detailed application info. Really that has not
21 been provided yet for the high school site. In
22 our July memo we did do some imaging but it's
23 really not the same robust study that an
24 applicant would do. I think that's an important
25 point, that that's something that hasn't been

2 assessed yet for the high school property.

3 Other than that, we did look at a few
4 other pros and cons. We did some confirmation of
5 the coverages from the site. Where in the hamlet
6 area -- confirming the coverage maps provided by
7 AT&T, where the high school site doesn't provide,
8 where Ann Kaley would, and a little bit of vice
9 versa.

10 We also had discussions I think that
11 were led by the applicant back in July. Our
12 understanding is there is some agreement in place
13 with the high school, but we really don't know
14 all the details of that. 110 feet is comparable
15 coverage, but the question would come up should
16 it or can it be constructed taller at the high
17 school property to allow co-location in the
18 future. I think that's a very important point,
19 because if a tower is built at 110 feet and then
20 Sprint comes into Town and says we want to
21 co-locate, well we looked at that 110 foot site
22 but we can't go below it, it's just not enough
23 height. These are some things that I think
24 haven't been hashed out about the high school
25 property yet.

2 I think that's a general summary of
3 where we stand with the application.

4 One thing I'll add is on the high
5 school property -- to give you a reference, the
6 alternate site that was looked at is on the south
7 end of the high school, south of the ball fields.
8 There's about a six-acre wooded area that the
9 school owns. That's where they did their
10 modeling from. There's also a ridge to the north
11 and east, the practice fields that are elevated.
12 I met with the applicant and with some reps from
13 the school. I'm not sure whether or not there's
14 an actual agreement to use other places on that
15 property. I think that's for the applicant, or
16 perhaps Ron if he has any insight, to answer
17 that. What we did bring up in our report, going
18 up to that practice field probably opens up other
19 significant visual impacts. You can picture that
20 a 120, 130 foot monopole up on that ridge is
21 probably going to have views to homes and areas
22 further to the north, and probably to the east
23 and west as well. So I think that's one of the
24 big things that we don't know or don't have the
25 information yet is visual assessment. That's

2 very important in weighing out these two sites.

3 CHAIRMAN TRUNCALI: On the location by
4 the practice field there, would you need that
5 tall of a tower there, because that is a much
6 higher site there and that would actually service
7 the hamlet and the western and southern part of
8 the Town better?

9 MR. MUSSO: Right. They did provide a
10 coverage map and they noted it was very
11 hypothetical whether or not that would be
12 permitted by the school or not. I believe the
13 map they have is on the order of 170, 1-7-0,
14 feet. I think you take that a little bit with a
15 grain of salt because that matches up synonymous
16 coverage with Ann Kaley. It perhaps could be
17 dropped a little bit. Even with it sitting up
18 high like that, I don't think you're going to get
19 lower than the Ann Kaley proposed height. You'd
20 still need 120, 140, whatever the coverage map
21 would shake out as, to get synonymous coverage or
22 coverage that AT&T would accept from that.

23 CHAIRMAN TRUNCALI: But the elevation
24 there is higher than the Ann Kaley site?

25 MR. HINES: It has some intervening

2 topography.

3 MR. MUSSO: The ground elevation is
4 about equal. They're both around I think 350
5 base elevation. I should be able to put my
6 finger on that.

7 MR. CAUCHI: The ground elevation from
8 the south side to the ridge side you're saying
9 are even, are equal?

10 MR. MUSSO: From the Ann Kaley site to
11 the practice field site.

12 MR. CAUCHI: This site right here?

13 MR. MUSSO: Yeah. They're
14 approximately 350 feet above sea level. Pretty
15 close. Which to me at first was
16 counterintuitive. Looking at maps, that's about
17 right.

18 The northern area where they are
19 proposing at the high school, that wooded area,
20 the ground elevation is about 320. It's another
21 30, 35 feet up.

22 MR. CLARK: What is it at the ridge?

23 MR. MUSSO: The ridge is about 350.

24 MR. CAUCHI: So there's 30 feet
25 difference.

2 MR. MUSSO: About 30 feet. Ann Kaley
3 is at about 356.

4 CHAIRMAN TRUNCALI: At the Ann Kaley
5 site there is a ridge behind it to the west that
6 would block any help to the western part of the
7 Town.

8 MR. MUSSO: Correct. But their
9 coverage objective, what they refer to as the
10 target area shooting down into the village --
11 into the hamlet rather, that's really their
12 objective.

13 MR. CAUCHI: This map, what is the
14 footprint of this?

15 MR. MUSSO: The compound, the tower?

16 MR. CAUCHI: Yes.

17 MR. MUSSO: You would probably be
18 looking at a leased area. They'll have an
19 equipment shelter that's about 12 feet by 30 feet
20 long. You'll have the base of the tower or
21 monopole, usually four foot in diameter. What
22 they'll do is leave a leased area for those other
23 co-locators that come along. You're probably
24 looking at 60 by 60.

25 MR. HINES: That's usually the minimum,

2 then they can go to 100 by 100 based on their
3 lease.

4 UNIDENTIFIED SPEAKER: They actually
5 leased 100 by 100.

6 MR. MUSSO: So 10,000 square feet.

7 MR. CAUCHI: 100 by 100 or --

8 MR. BLASS: 10,000 square feet, 100 by
9 100.

10 MR. MUSSO: I assume that's somebody
11 from the school, so they would know the details
12 on the leased area. That's what I see in my
13 experience something on that order, 60 by 60 to
14 say 100 by 100, to allow the base equipment that
15 you probably see driving by cell towers. Small
16 buildings or shelters or slabs with equipment on
17 them.

18 MR. BLASS: The speaker is a
19 representative of the applicant for Ann Kaley
20 drive. She would know.

21 MS. LANZETTA: Mike, back in July we
22 had asked you about co-location and you said that
23 the high school -- you mentioned that the high
24 school would be a fine site to co-locate and that
25 even at 110 it still would be a prime spot for

2 co-location. There's really no reason we would
3 even have to keep it at 110. Certainly we could
4 go to 130. Doesn't it say that if we went up to
5 190 we would get the same coverage as Ann Kaley
6 Lane?

7 MR. MUSSO: Their modeling was just
8 putting everything even. 190 I think is something
9 that this would have severe visual impacts. But
10 as you suggest, going from 110 upward to 130,
11 140, still the coverage is comparable. We saw 110
12 at the high school versus 130, generally
13 comparable against the two. I laid out the pros
14 and the cons. I think what I wanted to imply, if
15 I didn't, back in July is that 130 Ann Kaley has
16 greater co-location potential than 110 at the
17 high school.

18 MS. LANZETTA: But 130 at the high
19 school would be the same opportunity for co-
20 location?

21 MR. MUSSO: I would say it would be
22 very close to that because you are above the tree
23 line, obviously, at 110 feet. Trees are in the
24 neighborhood of 50 to 60 feet at most around.
25 There needs to be some tree clearing, by the way,

2 for construction in that area. But it's just
3 that idea. There has to be a setoff distance
4 from future co-locators. So the 130 versus 110,
5 I would have to say 130 is a little better for
6 co-location. If that 110 is modified, then
7 there's probably a similar -- very similar
8 opportunity.

9 CHAIRMAN TRUNCALI: How many feet is
10 it that they need to have to co-locate?

11 MR. MUSSO: Normally 8 to 10 feet
12 separation distance. That has to do with
13 interference between carriers' signals.

14 CHAIRMAN TRUNCALI: Ron, did you review
15 the contract with the high school?

16 MR. BLASS: I have read it. There is
17 an existing signed lease agreement between AT&T
18 and the Marlborough Central School District which
19 has, as you said earlier, a ground area of 10,000
20 square feet to accommodate the facility where
21 shown and where discussed at the high school
22 site. AT&T has about two years option period
23 during which to get necessary governmental
24 approvals for the tower at that site. We're only
25 about three or four months into that two-year

2 window I would say. The lease incorporates
3 drawings of both the location and the height of
4 the tower. I read this lease as fixing in place
5 a 110 foot tower at the specific location that
6 we've been discussing until and unless there's a
7 modification between AT&T and the school
8 district. So in order to move the footprint of
9 the tower there needs to be at least
10 modification. In order to increase the height of
11 the tower, there would have to be a lease
12 modification between the parties.

13 MS. LANZETTA: But they also could
14 understand -- the school could understand there
15 would be additional leasees possibly if they were
16 to increase the height of the tower. They might
17 be inclined to consider that.

18 MR. BLASS: That is certainly possible.
19 Nobody in this room has had any participation in
20 the past discussions between the school and AT&T.
21 I don't know whether -- I certainly personally
22 have absolutely no idea whether the school
23 administration or the school board would be
24 interested in pursuing further discussion. That's
25 something that would need to be found out.

2 MR. MUSSO: Ron, I believe the lease
3 agreement the applicant attested to at the July
4 meeting, I think it does allow for co-location.
5 I don't know if it said that in there
6 specifically.

7 MR. BLASS: I didn't read it for that
8 purpose.

9 MR. MUSSO: I think that's something
10 they noted. That was a question that came up.
11 If the lease agreement is only for a monopole,
12 one carrier, that's important I think for the
13 Board to consider. I believe the applicant rep
14 noted that co-location is possible at the school
15 site.

16 MR. CAUCHI: Ron, to answer your
17 question, I did contact the school district. I
18 contacted the superintendent. I wanted to know
19 their position. He addressed last month the
20 school board and they said they are favorable in
21 entertaining the proposal and the options, and
22 they still want to explore and are open to
23 explore the possibilities. So he would like me
24 to convey that to the Board, that they are open.
25 I wanted to know for myself, you know, what's

2 their position, so I contacted them and they said
3 yes, they are open.

4 CHAIRMAN TRUNCALI: Open to the both
5 sites at the high school?

6 MR. CAUCHI: Open to both sites at the
7 high school. They said yes, that both sites are
8 on the table. So they're not promising anything
9 but both sites are on the table.

10 CHAIRMAN TRUNCALI: Does anyone else
11 from the Board have anything?

12 (No response.)

13 CHAIRMAN TRUNCALI: This is a
14 continuation of the public hearing. If there's
15 any comment from the public, now would be the
16 time.

17 Please state your name for the
18 Stenographer.

19 MR. BRANDS: Chris Brands. I asked the
20 representative that was here for AT&T to give us
21 a typical lease agreement on something like this
22 and he refused to do so. As someone who works
23 for the Town, could you enlighten us on what the
24 acquisition fee and typical lease agreement might
25 be like for this? Not specific to either of

2 these sites but just in general what are we
3 looking at for something in the area?

4 MR. MUSSO: It's hard for me to say.

5 These are real specific. Sometimes there's a
6 number of years and they're refreshed every year.
7 Sometimes they're contingent on co-location. I
8 honestly really don't even want to speculate on
9 that.

10 MR. BLASS: Let me jump in. There is a
11 lease agreement and it's available to everybody
12 to read. It's actually on the school district's
13 website. So if you were interested -- the lease
14 agreement, as I just said, is between AT&T and
15 the Marlborough Central School District for the
16 high school site for a 110 foot tower. I got my
17 copy off of the Marlborough Central School
18 District's website. The easiest way to do it is
19 just -- if I had a copy tonight extra I'd give it
20 to you. Just call up the clerk of the Board of
21 Education and have her point you in the direction
22 of where it is on the website and you'll have it
23 within three minutes.

24 MR. BRANDS: Thanks, Ron.

25 MR. BLASS: Sure.

2 CHAIRMAN TRUNCALI: Would anyone else
3 from the public like to make a comment, question?

4 (No response.)

5 CHAIRMAN TRUNCALI: Then I guess at
6 this time we would entertain a motion to adjourn
7 this public hearing to the December 7th meeting I
8 believe.

9 MR. BLASS: That's at the request of
10 the applicant apparently.

11 MS. LANZETTA: Yes.

12 I'll make that motion.

13 MR. CLARK: I'll second that.

14 CHAIRMAN TRUNCALI: All in favor?

15 MS. LANZETTA: Aye.

16 MR. CLARK: Aye.

17 MR. CAUCHI: Aye.

18 MR. LOFARO: Aye.

19 CHAIRMAN TRUNCALI: Aye.

20 All opposed?

21 (No response.)

22 CHAIRMAN TRUNCALI: So carried.

23 MR. BLASS: In the meantime, if the
24 Board doesn't mind, I will contact
25 representatives from AT&T and basically brief

2 them on what happened tonight and suggest that if
3 -- and share the information regarding the school
4 board and suggest that they pursue that and be in
5 a position to report back to the Planning Board
6 on December 7th and see what happens.

7 MR. CAUCHI: Okay.

8 CHAIRMAN TRUNCALI: Thank you, Mike.

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10 (Time noted: 7:55 p.m.)

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

7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.

23 DATED: November 30, 2015

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

----- X
5 In the Matter of
6

7 KEDEM WINERY
8

9 Project No. 14-7008
10 1519 Route 9W
11 Section 109.1; Block 1; Lot 2.100
12

13 ----- X
14 CONTINUED PUBLIC HEARING
15 AMENDED SITE PLAN
16

17 Date: November 2, 2015
18 Time: 7:55 p.m.
19 Place: Town of Marlborough
20 Town Hall
21 21 Milton Turnpike
22 Milton, NY 12547
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24 BOARD MEMBERS: JOEL TRUNCALI, Chairman
25 CINDY LANZETTA
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26 ALSO PRESENT: RONALD BLASS, ESQ.
27 PATRICK HINES
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30 MICHAEL MUSSO

31 APPLICANT'S REPRESENTATIVE: DARREN SCALZO
32

33 ----- X
34 MICHELLE L. CONERO
35 10 Westview Drive
36 Wallkill, New York 12589
37 (845) 895-3018
38

2 CHAIRMAN TRUNCALI: Next up is Kedem
3 Winery.

4 MR. SCALZO: Good evening. My name is
5 Darren Scalzo, I'm here this evening representing
6 the Kedem Winery.

7 We were here last month. This is a
8 continuation of the public hearing. We're here
9 for a site plan for a 16,250 square foot
10 prefabricated storage building for use at the
11 existing winery operation at 1519 Route 9W.

12 The site is in an RAG-1 zoning
13 district. The site is 29.29 acres. The lot is
14 sizable. All the bulk requirements will be
15 satisfied. The proposed storage building will
16 also need the plans to be reviewed and approved
17 by the building department.

18 At the last meeting we were asked for a
19 rendering of what the building would look like.
20 It's a very basic building. It's a rendering.
21 It's not a rendering as it's going to appear
22 within.

23 MS. LANZETTA: I appreciate you doing
24 this, but the whole idea is I want to see what
25 it's going to look like when I'm traveling on 9W

2 and going by it. I want to see how it is set
3 into that specific property.

4 MR. SCALZO: Okay.

5 MS. LANZETTA: You should be able to do
6 a photo simulation fairly easily.

7 MR. SCALZO: I will let my clients know
8 that that's what you're seeking.

9 MS. LANZETTA: Then it gives us a real
10 idea of what kind of landscaping needs are going
11 to be necessary and how the visual impact is
12 going to be.

13 MR. SCALZO: Okay. I don't know if
14 you'd like to pass those. They're pretty basic.

15 MS. LANZETTA: That's not what I'm
16 asking for.

17 MR. SCALZO: I understand.

18 MS. LANZETTA: Thank you.

19 MR. CLARK: They're going to pay taxes
20 to me, they look good.

21 MR. SCALZO: Most of the technical
22 questions that were asked at the public hearing I
23 thought were satisfied. I really thought the
24 intent of the continuation of the public hearing
25 was there were a lot of questions from the

2 public. That really is what I'm here to answer.

3 MS. LANZETTA: Can I ask you, did you
4 get a response from the firehouse yet about
5 closing off that entrance way?

6 MR. SCALZO: I have not.

7 MS. LANZETTA: Did you send it?

8 MR. SCALZO: I did not. I must not
9 have taken that particular note at the last
10 meeting.

11 MS. LANZETTA: Okay.

12 MR. SCALZO: When would the meeting
13 minutes -- if there are additional information,
14 when would those meeting minutes be available to
15 me?

16 THE REPORTER: They were all sent in.

17 MR. SCALZO: I'll put a request in for
18 those. Could you just clarify what it is you're
19 looking for?

20 MS. LANZETTA: You were going to be
21 closing off one of the streets and we were
22 wondering if you were going to send that to the
23 firehouse to make sure that they had adequate --

24 CHAIRMAN TRUNCALI: The driveway to the
25 house I believe.

2 MS. LANZETTA: -- access to the
3 property so that if anything happened. I'll have
4 to go back and look through the minutes but we
5 did ask you for -- to send that to the firehouse.
6 There was a discussion as to whether the Board
7 does that or if you do that. We had asked if you
8 would do that, if you would send that to the
9 firehouse and get a response.

10 MR. SCALZO: Ms. Lanzetta, that was
11 last month or a previous meeting?

12 CHAIRMAN TRUNCALI: It was at the last
13 meeting I believe.

14 MR. SCALZO: I will follow up on it. I
15 apologize. I did not copy that in my notes.

16 There was a comment from the -- I'm
17 sorry. Were there any other technical questions
18 or other --

19 MS. LANZETTA: The hours of operation?

20 MR. SCALZO: Actually, the
21 representatives of the winery are here this
22 evening. If I could ask them -- if you'd like to
23 ask them any questions directly, they can come
24 up.

25 Gentlemen, please.

2 MR. HERZOG: Good evening.

3 MR. SCALZO: Mr. Herzog, the question
4 is the hours of operation for the winery.

5 MR. HERZOG: The whole year it's Sunday
6 through Thursday from 9 to 5, 9 to 5:30. October
7 -- September, October, that's when we have the
8 harvest, it's like from something like almost
9 twenty-four hours from Sunday through Friday,
10 except the holidays and the weekends it's always
11 closed. That's September, October.

12 UNIDENTIFIED SPEAKER: Could you talk
13 louder please? We can't hear back here.

14 MR. HERZOG: September, October is like
15 when we have the production. That's when we are
16 open from Sunday early morning until Friday
17 morning. The whole year is Sunday to Thursday,
18 9 to 5:30.

19 MS. LANZETTA: These should be noted on
20 the site plan; right? The hours of operation.

21 MR. SCALZO: We can add those. It
22 currently does not appear.

23 CHAIRMAN TRUNCALI: Pat, would you like
24 to go over your comments?

25 MR. HINES: Our first comment was just

2 addressed. I guess it's the nature of the
3 facility being -- it's an agricultural facility,
4 it's processing agricultural products, which is
5 the September to October busy time.

6 I think the majority of the comments we
7 heard last time was for the applicant's
8 representative to perform an investigation of the
9 odors and the functioning and permitting of the
10 on-site sewage treatment plant that was before
11 this Board some eighteen, twenty-four months ago.
12 We heard many comments from the public regarding
13 the odor issues and the issues with the stream
14 that receives flow from the on-site sewage
15 treatment plant. We had asked the applicant's
16 representative to come up with some information
17 identifying that.

18 MR. SCALZO: And I have actually -- we
19 have a report of noncompliance through the DEC.
20 There was an issue with the aeration blowers.
21 The aeration blowers have since been serviced.
22 The mechanical issues were due to the processing.
23 Subsequent testing showed a major reduction and
24 additional samples are still being taken. So
25 there obviously was an issue at the time, however

2 that has been mitigated from what I understand
3 from the -- I can submit these reports for Mr.
4 Hines if he would like to review them.

5 MR. HINES: I would. Yes, please.

6 MR. SCALZO: Okay.

7 MR. CAUCHI: My question is are you
8 processing your product or are you just doing
9 storage? What kind of storage facility is this
10 going to be? What are you storing?

11 MR. HERZOG: Grape juice. Mostly grape
12 juice. Right now we don't have enough room and
13 we truck it away to storage at other facilities.
14 Actually, we have more trucking now than we are
15 going to have when we have the storage facility.
16 We don't have enough room to produce what we
17 need. It will only be more tanks. Like 25,000,
18 30,000 gallon tanks to hold the grape juice.

19 MR. CAUCHI: Okay.

20 MR. SCALZO: There's no water or sewer
21 in this. It's electric only.

22 MR. CAUCHI: Storage area? That's it?

23 MR. SCALZO: Storage.

24 CHAIRMAN TRUNCALI: Will there be heat
25 in there?

2 MR. HERZOG: Not heat but cooling
3 rather. If you put heat it's going to start
4 fermenting, the grape juice. It's going to be
5 cooling.

6 MR. SCALZO: Mz. Lanzetta, to go back.
7 I don't have the paperwork with me but Jacob --
8 they have reached out to the fire department.

9 MR. VIZEL: I think that was in the
10 first public hearing they asked about the fire.
11 Mr. Hines asked it.

12 MR. SCALZO: The fire inspector, I'm
13 not sure of his name.

14 MR. VIZEL: Building inspector.

15 MR. HINES: Tom Corcoran.

16 MR. VIZEL: Actually he reviewed it and
17 he told me he gave his answer for Mr. Hines, that
18 he worked out that we should have excess and
19 everything should be fine. I'm almost positive
20 he gave it in a letter. I didn't think it was
21 relevant so I didn't bring a copy.

22 MR. HINES: I think the issue they're
23 discussing now is access to what is an existing
24 abandoned or vacant single-family residential
25 structure that's losing it's access under this

2 proposal. It's not the new proposed building but
3 the existing house on the site that's going to be
4 combined. I did ask that original question. The
5 question they're looking at now is the loss of
6 the access drive. By combining the lots the
7 single-family residence is losing it's access
8 from 9W.

9 MR. VIZEL: They're supposed to close
10 the access. Okay. We can ask. I think he's the
11 right person, though.

12 MR. SCALZO: We will reach out to Mr.
13 Corcoran.

14 MS. LANZETTA: You should contact the
15 fire chief at the Marlborough Fire Company and
16 ask them to assess the site.

17 MR. SCALZO: Currently the house is not
18 used so it's not an imminent danger at this time,
19 however we will work that out.

20 MS. LANZETTA: That leads me to another
21 question. In the minutes I was reading you had
22 mentioned that in the future you were looking to
23 move wine offices into that building. On the
24 site plan right now the well and the septic are
25 not identified on the map. If that building is

2 going to be used and people are going to be using
3 it, you're going to want to identify the sites to
4 make sure that the parking is not encroaching on
5 the septic or the wells. Then again, I don't
6 even know if that's a future use, if we should be
7 considering that at this point.

8 MR. HINES: Any future use of that
9 structure is going to have to come back for
10 approval. We stated that early in our comments.

11 MS. LANZETTA: We do want to make sure
12 that we're not covering a septic if that's what
13 they're relying on for their waste.

14 MR. HINES: If they do in fact do that
15 they would have to redesign a new septic system
16 and/or tie it in.

17 MS. LANZETTA: If you can identify
18 where the septic is.

19 MR. SCALZO: There has been septic
20 design done for that site. It does not appear on
21 the site plan map. We can show it on a
22 subsequent map for final site plan approval.

23 MS. LANZETTA: Thank you.

24 CHAIRMAN TRUNCALI: Pat, what else do
25 you have?

2 MR. HINES: The rendering was our other
3 comment we noted.

4 The confirmation of the bulk use. The
5 previous maps submitted identified the maximum
6 height as 30 feet and you were going to evaluate
7 with the code enforcement officer whether it was
8 actually 35 foot in that zone.

9 MR. SCALZO: We got confirmation from
10 the building department that it was 35. I may
11 have a typo on my site plan.

12 MR. HINES: I think that is the case
13 looking at it further.

14 The question last time was their bulk
15 table. It says 30 max height and the building
16 they submitted was in excess of that. I think it
17 was 33 feet. It would comply at 35 feet.

18 Just looking at the two DMRs, daily
19 monitoring reports, that they submitted, there
20 was a violation both in September and in August
21 of these reports. I don't know the DEC status.
22 This is just their self-reporting to the DEC. I
23 don't know if there's been any follow up on that.

24 CHAIRMAN TRUNCALI: Are there any
25 questions from the Board?

2 (No response.)

3 CHAIRMAN TRUNCALI: We could open it up
4 to comments from the public. Please state your
5 name.6 MS. ANDERSON: My name is Karen
7 Anderson, I live at 12 McLaughlin Drive. My
8 property borders the winery.9 I have many concerns. Since the last
10 Board meeting I'm concerned about the noise.
11 I've been woken up at 1:30 in the morning with
12 your trucks backing up. Also 5:45 in the morning
13 I hear them beeping. I have to work.14 Also the smell. We've came -- getting
15 in the car, there's still an odor. It has not
16 gone away. It's at night.17 Okay. I want to know what time the
18 legal operations are of this building. Is there
19 going to be lighting that's going to come through
20 over to our side of the road?21 MR. SCALZO: Regarding lighting, I
22 don't believe that there was any additional
23 lighting planned other than building mounted
24 areas over the accesses.

25 MS. ANDERSON: I'm very concerned about

2 the noise with the trucks, the backing up all
3 night long. Since the last Board meeting it's
4 still doing that.

5 Also another thing. In back of our
6 property is where the stream goes through the
7 next site, and there was all foam in the stream.
8 There was foam in the water. I called the DEC
9 and I spoke to a Chris Hertel and he told me that
10 the winery is not agricultural. Are they zoned
11 agricultural? I told the gentleman at the DEC
12 it's not agricultural -- I mean he told me it was
13 not agricultural. I said at the Board meeting
14 they said it was zoned agricultural. I would
15 like some clarification on that.

16 MR. SCALZO: The bulk table falls in
17 the geographic area that is RAG-1, rural
18 agricultural 1. That is the zoning that the
19 Kedem Winery sits in, as well as surrounding
20 properties.

21 MS. ANDERSON: Okay. The other thing
22 was Central Hudson came through and put new poles
23 and in the stream was all branches and brush.
24 That's all going to get clogged up again. They
25 left all the branches in there, in the stream in

2 back of our property where the water was foaming.

3 We're just concerned about this noise.

4 Nothing has been -- you know, you keep having new
5 proposals but the old problems are still there.

6 It's an ongoing thing and nothing is being done
7 about it. We're just very frustrated and we want
8 to know what's happening.

9 CHAIRMAN TRUNCALI: The odor hasn't
10 gotten any better since the last meeting?

11 MS. ANDERSON: It was there tonight
12 when we left. It was still there.

13 And about the trucks. I can't get to
14 sleep. I have to work.

15 MR. SCALZO: We'll continue to
16 investigate the odor. I stopped at the site
17 myself, I smelled many things. Fermenting
18 apples.

19 MS. ANDERSON: You said your hours of
20 operation are from 9 to 5:30. Why are trucks at
21 1:30 in the morning backing up?

22 MR. HINES: They said twenty-seven/
23 seven in September and October. They did
24 identify that.

25 MS. ANDERSON: Is it legal to do that

2 at 1:30 in the morning, the noise?

3 MR. HINES: I don't think there's any
4 restrictions on vehicle traffic that I know of in
5 the zoning.

6 CHAIRMAN TRUNCALI: I guess that would
7 be a good question for the building code
8 enforcement officer.

9 MS. ANDERSON: I mean there's a big
10 difference with Route 9W traffic when you hear
11 that all night and it wakes you up. It's in the
12 back of your property.

13 MR. HINES: Is it back-up alarms that
14 you're hearing?

15 MS. ANDERSON: When the trucks back up.

16 MR. HINES: The back-up alarms.

17 MS. ANDERSON: Yeah, the back-up
18 alarms.

19 MR. HINES: There is technology -- we
20 were just talking amongst ourselves. There's
21 technology to eliminate that back-up noise. They
22 have infrared sensors and they also have more of
23 a white noise they use in a lot of construction
24 areas that have that constant back up. That is a
25 provision.

2 I don't know if you own your vehicles
3 or have the ability to control that.

4 CHAIRMAN TRUNCALI: Thank you. Anyone
5 else?

6 MR. JOLLIE: My name is Jay Jollie, I
7 live at 7 McLaughlin Drive. My prior history
8 with the bottom of our house being destroyed by
9 flooding that came through the stonewalls, as
10 this Town Board is very aware of. Seven years
11 later we finally have repaired the downstairs of
12 our home. I've got tons of video with the water
13 pouring through the wall from your property, not
14 down the street through the drainage. I have
15 major concerns for a new building. Modified
16 topography. How does that change the water flows
17 again? Are we once again at risk after I
18 invested about \$25,000 in repairs on our house
19 and got no repercuSSION from anyone in this Town?
20 That's a major concern to me.

21 I understand we also had an
22 understanding that prior to this event there were
23 trees that were supposed to be put up to border
24 the property. Some of the neighbors told me that
25 never happened. On the property.

2 There also was supposed to be a
3 retention pond put in. I don't know if that ever
4 happened. That was part of the agreement that
5 came back to this Board several years ago. Did
6 that ever happen? Was a retention pond ever put
7 on the property?

8 MR. HINES: Yes. The drainage
9 improvements were performed. There was the pipe
10 located to the rear of the property, the north
11 side of the property that borders this. Through
12 the last project that they did there the Town
13 investigated and found that there was an existing
14 drainage pipe 99 percent clogged as you're aware.
15 That pipe has been opened and an easement has
16 been provided in favor of the Town. Drainage
17 improvements were installed, the detention
18 facility you referenced as well as additional
19 piping on the site.

20 MR. JOLLIE: Does this new modification
21 change the topography that could possibly affect
22 the drainage in any way?

23 MR. HINES: They had supplied a
24 stormwater management report. The runoff from
25 this building is directed towards Route 9W, and

2 there's an existing depression between their
3 access drive there that's going to be converted
4 into a detention pond facility through the
5 installation of small diameter pipes.

6 CHAIRMAN TRUNCALI: You're talking
7 about the north side. The south side is where
8 the real drainage issues are.

9 MR. HINES: North of McLaughlin, south
10 of this site. Correct.

11 CHAIRMAN TRUNCALI: All right.
12 Someone else?

13 MS. JOLLIE: I'm Shirley Jollie, 7
14 McLaughlin Drive.

15 The only easement I'm aware of is the
16 easement that we gave to them so the Town could
17 put the pipes through our driveway and put those
18 pipes coming down McLaughlin into our driveway to
19 the back. That's the only easement that I know
20 of. The pipe that still comes from the other
21 side which connects to Karen Anderson's property,
22 that has never been repaired. It's still there.
23 We ourselves, the neighbors, have cleared it off.
24 Nobody from the Town, nobody from Kedem has ever
25 taken the opportunity to go back there and clean

2 it. We have done it ourselves.

3 MR. HINES: There has been an easement
4 filed in favor of the Town on that parcel, the
5 access to that pipe.

6 MS. JOLLIE: Also, Central Hudson, that
7 road that they put behind Karen where it actually
8 runs behind the McLaughlins all the way back,
9 when I talked to Tom Corcoran he said it was just
10 supposed to be a clearing so they could put the
11 poles in. They actually put in a road which is
12 all shale back there. We would like to know what
13 is that for? What is the purpose of that road
14 back there for? Actually, it stops by Karen's
15 house, but I guess they've gone around it, and
16 then it comes out on the other side from 9W.
17 They also put in another road to go so the trucks
18 can go in there. What is the purpose of that?
19 We were under the understanding that the poles
20 that were supposed to be replaced were supposed
21 to be on McLaughlin, and none of the poles have
22 been replaced. They're all brand new poles in
23 the back. We want to know who are they
24 benefiting?

25 MR. HINES: I'm not familiar with that

2 at all.

3 MS. JOLLIE: This has been going on for
4 weeks. We were told they were supposed to be for
5 the other side, which the other side falls for
6 Kedem, it doesn't fall for us.

7 CHAIRMAN TRUNCALI: Where was this
8 shale road put in?

9 MS. JOLLIE: If you go up McLaughlin
10 and you make a right, you can see it right there
11 before the apple orchards. It's all -- it was
12 dirt, now it's all shale. It's very clear. It
13 borders the back. All the poles that they put
14 are on the people's property. None of them were
15 on that road that they cleared off. You can
16 clearly see it.

17 CHAIRMAN TRUNCALI: Did you put a road
18 in?

19 MR. HERZOG: No.

20 MR. VIZEL: The property is serving
21 another property. Nothing with us. We don't
22 even know -- this is the first time we heard
23 that.

24 MS. JOLLIE: Their property borders --
25 their property borders their property.

2 MR. VIZEL: It's behind, behind,
3 behind.

4 MS. JOLLIE: And the smell that we're
5 getting, you can actually go up there right now.
6 You can drive just close and it's like a bad like
7 septic, sewer bad smell. It gets stronger at
8 night. It gets stronger at night. Actually, if
9 you go up and you can actually -- it just wreaks.
10 I mean even during this time of year. During the
11 summer it was bad but even now during the winter
12 you can still smell it.

13 MR. SCALZO: During the last public
14 hearing I had asked if the odor was a seasonal
15 thing. This is the first I'm hearing that it's
16 been continuous. We had thought perhaps it was
17 from the processing at this time of year, however
18 this is the first I'm hearing that.

19 MS. JOLLIE: It's been going on for
20 awhile, the odor. I've even called and spoken to
21 Tom Corcoran about it. Just numerous of things.
22 I've even come down to the police station because
23 the alarm systems will go off at 1:30 in the
24 morning and the police can't even get on the
25 property because it's gated. They have to sit

2 there. Sometimes nobody shows so the alarm
3 system will go off for hours, and we have to deal
4 with that.

5 So I mean I'm against the building
6 going up due to the fact that if simple things
7 like this is happening and nobody is doing
8 anything about it, why do I want a 16,000 square
9 foot building that's going to be 35 feet high
10 that I can see from my house? I don't want that.
11 I don't know about the other neighbors but that's
12 -- with all the problems that we've had, we've
13 never had any repercussions from the Town or
14 anybody else. That's where I stand.

15 CHAIRMAN TRUNCALI: Thank you.

16 Anyone else?

17 (No response.)

18 CHAIRMAN TRUNCALI: Ron, do you have
19 anything?

20 MR. BLASS: No, I don't. I think there
21 is an interesting question as to whose trucks are
22 backing up. Who owns the trucks? Who operates
23 the trucks?

24 MR. HERZOG: He's bringing the grapes
25 in.

2 MR. BLASS: Pardon me?

3 MR. SCALZO: He's bringing the grapes.

4 MR. BLASS: The question I have is who
5 owns and operates the trucks? Is it Kedem
6 Winery?

7 MR. HERZOG: No.

8 MR. BLASS: Who is it? Contractors,
9 vendors?

10 MR. VIZEL: It's not even the farmers.

11 MR. HERZOG: Contractors bring in the
12 grapes.

13 MR. BLASS: Okay. Some customers --

14 MR. HINES: Contractors.

15 MR. BLASS: So they're contract
16 truckers. Who do they have a contract with?
17 Kedem Winery?

18 MR. HERZOG: They're brokers of the
19 grapes. The broker who brokers the grapes. I
20 have a broker who gets all the grapes.

21 MR. BLASS: Maybe there's too many
22 moving pieces for me to get to the bottom of it.
23 One of the issues the Board might want to
24 consider by way of noise mitigation is the
25 infrared technology which would cause the back-up

2 beeper to go off only when something is in the
3 field of vision so to speak, and to potentially
4 require that as a mitigation measure for noise.

5 Now the complexity increases to the
6 extent that these trucks are not under the
7 control of Kedem Winery. That's what I'm trying
8 to get at. Does that make sense?

9 MR. HERZOG: Yeah.

10 MR. BLASS: Under whose control are
11 these trucks?

12 MR. HERZOG: The guys who bring the
13 grapes. I can find out. I can find out.

14 MR. CLARK: Ron, they're probably
15 individual truckers contracting with the broker.
16 So you could have sixteen or twenty different
17 individuals that have -- brokers call them, can
18 you take a load up to Kedem tomorrow.

19 MR. BLASS: Grapes coming in and
20 product going out.

21 MR. CLARK: This time of year they're
22 harvesting the grapes. They're processing the
23 grapes. The grapes are harvested out in western
24 New York on Lake Erie, Lake Ontario and brought
25 down here.

2 MR. BLASS: Okay. So --

3 MR. HINES: Is there a schedule? Can
4 they do it during the day?

5 MR. CLARK: My understanding is they
6 process about ten percent of New York's concord
7 grape crop.

8 MS. LANZETTA: It's going to be hard to
9 make sure all of those trucks have the proper
10 technology.

11 MR. HERZOG: I can find out.

12 MR. VIZEL: These farmers are also
13 having truck companies. We can try.

14 MS. JOLLIE: I just have one quick
15 question. Under the understanding of
16 agriculture, I thought many years ago if you
17 didn't grow grapes or apples you weren't
18 considered agriculture. How -- if they -- I mean
19 they used to have apple trees and grapes along
20 the side. I remember when we first moved there
21 twenty-seven years ago that used to be there.

22 It's no longer there. I thought that in order to
23 be agriculture that you had to have that. You
24 have to grow apples, you have to grow grapes, you
25 had to, you know, be like a farm to be

2 agriculture. Why are they an exception?

3 MR. CLARK: Because they process
4 agricultural products. I'm not sure if I'm right
5 if that falls underneath processing or
6 agriculture. My guess is that they're probably
7 regulated by the Department of Agriculture by a
8 lot of things they do. That would make them
9 agriculture.

10 MS. JOLLIE: The DEC doesn't consider
11 them an agriculture because they're not --

12 MR. CLARK: That person in DEC who
13 didn't consider that, he may not be an authority.
14 That may be a legal decision, too.

15 MS. JOLLIE: We thought many years ago
16 when we started investigating we were under the
17 understanding to be agriculture you had to grow,
18 you know, apples. You had to be somewhat like a
19 farm to be considered agriculture and also get
20 the tax break. They don't service our community.
21 They don't service our community at all.

22 MS. LANZETTA: Under the zoning, and
23 that's all we're talking about on the Planning
24 Board is zoning, not the ag & markets standards
25 which is something separate. Under zoning it

2 says light industrial activities or businesses of
3 a kindred nature engaged in the manufacturing,
4 processing, packaging or warehousing of
5 agricultural and related products. So they fall
6 under that for the zoning where they are.

7 MR. CAUCHI: My question to you, is the
8 odor all year long? Is that what you said? Is
9 it stronger --

10 MS. JOLLIE: It's not all the time but
11 lately it's been continuously. We thought maybe
12 it was a seasonal thing but it's not.

13 MR. CAUCHI: This is year after year
14 you've been having this odor?

15 MS. JOLLIE: Oh, yeah. Yeah. We
16 thought it was something because they're running
17 -- you know, doing whatever they are doing over
18 there. It's just to the point now it's getting
19 worse. It's getting where I even called to have
20 my septic cleaned out thinking it was me, because
21 the smell is so bad, and the guy comes out and
22 says you could have went a couple more years, not
23 knowing.

24 MR. CAUCHI: How far does this odor
25 travel? Who else is around there? Do you hear

2 it? Do you get the odor?

3 UNIDENTIFIED SPEAKER: No, I don't. I
4 smell it. I'm next to. I'm right behind them.

5 MR. CAUCHI: 200 feet, 300 feet?

6 MS. JOLLIE: As soon as you make the
7 right-hand turn, I'm on the left and we can smell
8 it right there. We're on the south side. We can
9 smell it. They're right behind them, we're
10 across the street. If you go up to Baccus house,
11 they're not here but they can smell it. The
12 Hadleys can smell it. The guy that bought
13 Porco's house, he can smell it. I think
14 everybody knows where Porco lives.

15 MR. CAUCHI: You say the odor is from?

16 Repeat that.

17 MR. SCALZO: We did have a violation
18 with the aerators. Perhaps we can submit the
19 monitoring reports to the town engineer. At the
20 last public hearing I was under the impression it
21 was a seasonal odor which led me to believe it
22 was from the processing. Again, this is the
23 first --

24 MR. CAUCHI: I can understand that.

25 For something that is going on, you know,

2 throughout the years --

3 MR. HERZOG: It's not.

4 MR. SCALZO: Had I been prepared -- had
5 I had that information at the last public hearing
6 I might have had a chance to prepare a little
7 better for that.

8 MR. CAUCHI: Because I mean people
9 should not be smelling in their own homes this
10 kind of stuff. I mean that's something that
11 needs to be addressed. So that's -- I mean
12 people are upset because, hey, these little small
13 things, then all of a sudden they start picking
14 everything else. Just take care of this and
15 then --

16 MR. SCALZO: That I understand.

17 MR. CAUCHI: -- it's a win/win
18 situation for everybody.

19 MR. SCALZO: I wouldn't look for a wait
20 and see type attitude here but I would really
21 like to see if when the pressing season was over,
22 if those odors dissipate.

23 MS. JOLLIE: Didn't he say through
24 September and October? We're in November. No
25 offense but we're in November right now.

2 MR. CAUCHI: November just started.

3 MS. JOLLIE: I'm just making -- my
4 whole thing --

5 MR. CAUCHI: Give some slack.

6 MS. JOLLIE: We've been through a lot.

7 We had over \$100,000 worth of damage downstairs.

8 My house is still not to par. My land is worth
9 more than the house, unfortunately. That's why
10 I've got a major concern. My whole thing is you
11 put the 16,000 square foot building there, if we
12 go and say okay with it, what are the chances
13 that this is not going to get taken care of? We
14 want -- I know it's a small thing but we want
15 this taken care of before you go ahead and want
16 to build another building or take the other house
17 next to it and do it. That's our main concern.
18 We've been living here for over twenty years.

19 MR. JOLLIE: It took over six years to
20 do something about our flooding.

21 MS. JOLLIE: We've been flooded so many
22 times. Right now we just spent thousands of
23 dollars redoing our driveway, doing our house,
24 fixing a little bit of the downstairs. What are
25 the chances that this is going to happen again?

2 We don't want that. We want concrete. We want
3 something that's going to tell us you're going to
4 take care of this, this is going to happen. We
5 want to know before you go ahead and start
6 building and digging holes and everything. I
7 mean you guys build that so-called septic. You
8 were halfway done with it, whatever, the water
9 retention. It looks like a septic anyway, half
10 in the ground, half above the ground, and it's
11 humongous back there. We still don't know as
12 neighbors what that is. You guys got the okay to
13 go ahead and finish it and we still don't -- as
14 neighbors that live on that street we don't know
15 what it is. We just want answers. We want
16 things to be corrected before things happen
17 again.

18 CHAIRMAN TRUNCALI: Do you have --

19 MS. JOLLIE: We're taxpayers. Do they
20 pay taxes?

21 CHAIRMAN TRUNCALI: Do you have
22 continual visits from the DEC for like
23 monitoring --

24 MR. HERZOG: Sure.

25 CHAIRMAN TRUNCALI: -- on a regular

2 basis?

3 MR. HINES: It's self-reporting.

4 MR. VIZEL: This comes from the DEC
5 site.6 MR. SCALZO: To have an on-site sewer
7 system you need to have a certified --

8 MR. HINES: Operator.

9 MR. SCALZO: -- operator.

10 MR. VIZEL: A licensed operator
11 reporting every day.

12 MR. HERZOG: Every day.

13 MR. BLASS: Breaking it down into some
14 smaller pieces, I think the issue is what is the
15 problem, what is the cause of the problem, what
16 is the solution to the problem and what is the
17 verification of the solution. Who is going to
18 verify it. I think the burden is on you guys to
19 report to this Board on all of those elements.20 Right now what I've heard tonight is that there's
21 been a self-reporting of an aeration problem to
22 the DEC by somebody. I don't hear that that is
23 the problem, that that is the cause of the
24 problem. I don't hear what the solution to the
25 problem is. I don't see any verification of the

2 solution. Seemingly, verification of the
3 solution would be by the DEC, or certification by
4 some engineer who is willing to put his license
5 on the line that this is the solution.

6 MR. HINES: There's odor control
7 technologies that can be implemented on
8 processing as well. As Ron said, is it the
9 crushing, is it the fermenting process, is it the
10 sewage treatment plant, is it a combination of
11 all of those? I don't know.

12 CHAIRMAN TRUNCALI: I guess that's your
13 job, Darren, to take care of that for the next
14 meeting.

15 MR. SCALZO: I understand. As the
16 public hearing is open, have we -- this could be
17 a very long -- people have had the chance to
18 speak at two separate meetings at this point.
19 Can we address these afterwards? Can we close
20 the public hearing and address these with the
21 Board at the subsequent meeting?

22 MS. ANDERSON: I know you stated it's a
23 certain season. That's too much. I can't sit out
24 at my own home in September. I know that's when
25 you process the grapes. I can't even go outside

2 of my own home from the stench. Who is
3 responsible to clean out the stream back there?
4 We've been doing it. We shouldn't have to clean
5 it out. There's all brush there. My husband's
6 been cleaning it out. Isn't it their
7 responsibility to clean that stream out so it
8 doesn't get clogged?

9 CHAIRMAN TRUNCALI: It's on their
10 property or your property?

11 MS. ANDERSON: Their property.

12 MR. CLARK: If the Town has an
13 easement, it sounds like the Town has taken the
14 responsibility to maintain --

15 MS. ANDERSON: No.

16 MR. HINES: They have the ability but
17 not the responsibility.

18 MR. CLARK: Okay.

19 MR. HINES: I'll make that clear. They
20 have the access to it.

21 MR. CAUCHI: Well said.

22 CHAIRMAN TRUNCALI: I think we know
23 what all the issues are. I think we could close
24 the public hearing.

25 MR. CLARK: Let me ask you this

2 question. Is this part of a so-called storm
3 water management plan?

4 MR. HINES: When the previous addition
5 to the building was constructed we heard similar
6 comments. Some field investigations did identify
7 an existing pipe from this site. Actually, the
8 pipe itself is not on this site, it's on the
9 private properties of the McLaughlin -- the rear
10 of McLaughlin Drive. The stream traverses this
11 site. Right at the property line where the
12 McLaughlin Drive subdivision was built this
13 stream was piped. There's a headwall there, a 24
14 or 30 inch, I don't recall exactly what size
15 pipe. During that investigation at a similar
16 public hearing we went out, the pipe was 98
17 percent full of debris. That's been cleaned out.
18 The easement was provided for the ability for the
19 Town to clean it, and a stormwater -- an outlet
20 control structure was placed behind the large
21 building on the site to turn the wetland area on
22 the northern portion of the site into a detention
23 facility. It has an multi-orifice outlet control
24 that allows more and more water as the flows
25 increase.

2 MR. CLARK: My understanding is as you
3 create those water management districts someone
4 is responsible for maintaining them.

5 MR. HINES: This is private property.
6 The district is created when we do like a
7 subdivision.

8 MR. CLARK: The Town has the choice of
9 either doing it themselves and charging the
10 landowner or, you know, saying the landowner has
11 the responsibility. I just wondered if that's
12 defined here, who has responsibility.

13 MR. HINES: When it's an individual
14 landowner it's that individual landowner. The
15 Town forms drainage districts when the Town takes
16 on the ownership of a larger tributary to Town
17 roads where there's multiple owners conveying.
18 Drainage districts are formed so that drainage
19 districts can operate and maintain those. On
20 private property here that burden is on the
21 individual private property owners, it's not the
22 Town. Not to say the Town doesn't have some
23 jurisdiction as a regulated MS-4 community that
24 they can do some enforcement of those individual
25 drainage districts. Often the larger projects

2 such as this have agreements with the Town that
3 they will operate and maintain these systems.

4 MR. CLARK: It looks like to me this
5 was just bad planning by some other planning
6 board. Maybe those lots in that drainage area
7 should not have been approved.

8 MR. HINES: Yeah.

9 MS. LANZETTA: You think?

10 MR. HINES: I don't know when
11 McLaughlin Drive was built but I don't know if
12 they looked at those kinds of issues. If there
13 was pipe size calculations. I don't know back
14 then. Certainly there should have been provisions
15 for easements throughout that subdivision, which
16 there was not. I did work with the Town on the
17 Jollie site and get those other easements to
18 continue the pipe through there. There is no
19 easement on what's on this map, Gosic and
20 Anderson. The Town doesn't have an easement
21 there. It's still through private property. The
22 Town was able to obtain from Kedem an easement at
23 the inlet to that, and so improvements were made
24 at that location. The Town does have the
25 ability, if there is an issue, to go in there and

2 maintain that now.

3 This project, the stormwater from
4 this --

5 MR. CLARK: This goes someplace else.

6 MR. HINES: It goes to the front.

7 MR. CLARK: That's fine. I can see
8 that.

9 MR. HINES: It is not tributary to that
10 drainage course that we're talking about.

11 MR. CLARK: Yes.

12 MS. LANZETTA: Just for clarification,
13 on the firehouse recommendations that was in the
14 September 21st minutes, you said that you would
15 get a hold of the fire department and ask them
16 about the closing of that.

17 MR. SCALZO: I'll have to review those.
18 I personally wasn't here for that meeting.

19 MS. LANZETTA: I saw that.

20 MR. HINES: That was a different
21 engineering company at the time.

22 MR. SCALZO: I will certainly. I
23 apologize.

24 MS. LANZETTA: No problem. That's why
25 you looked so confused.

2 MS. ANDERSON: In the middle of the
3 night when the trucks start beeping at 1:30 in
4 the morning should I call the police? Is that
5 allowable?

6 MR. CAUCHI: We do have a noise
7 ordinance? I don't know if the truck back-up
8 exceeds the noise ordinance that is in place in
9 the Town. I guess calling the cops is the right
10 thing to do.

11 MR. KNEETER: There's no noise
12 ordinance. Not in the Town.

13 MR. HINES: 65 decibels.

14 MR. KNEETER: Show me where it's at.
15 I've had situations myself throughout the Town
16 and I was told there wasn't any.

17 MR. CAUCHI: Sorry if I misspoke there.

18 CHAIRMAN TRUNCALI: Ron, do you think
19 we can close the public hearing?

20 MR. BLASS: The issue is for the Board
21 to consider closing the public hearing or not.

22 CHAIRMAN TRUNCALI: Do I have a motion
23 to close the public hearing?

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

2 CHAIRMAN TRUNCALI: Do I have a second?

3 MR. LOFARO: I'll second.

4 CHAIRMAN TRUNCALI: All in favor?

5 MS. LANZETTA: Aye.

6 MR. CLARK: Aye.

7 MR. CAUCHI: Aye.

8 MR. LOFARO: Aye.

9 CHAIRMAN TRUNCALI: Aye.

10 Opposed?

11 (No response.)

12 CHAIRMAN TRUNCALI: So carried.

13 MR. SCALZO: I've got some work to do.

14 I understand that. Our next submission will have
15 some answers for you.

16 CHAIRMAN TRUNCALI: Thank you.

17 MR. HERZOG: Thank you, everybody.

18

19 (Time noted: 8:38 p.m.)

20

21

22

23

24

25

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

7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.

23 DATED: November 30, 2015

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4 ----- X
5 In the Matter of
6

7 EMPIRE LANDSCAPING
8 ----- X
9

10 Project No. 15-8006
11 1609-1611 Route 9W
12 Section 103.3; Block 4; Lot 20
13 ----- X
14

15 SKETCH - SITE PLAN
16 ----- X
17

18 Date: November 2, 2015
19 Time: 8:39 p.m.
20 Place: Town of Marlborough
21 Town Hall
22 21 Milton Turnpike
23 Milton, NY 12547
24

25 BOARD MEMBERS: JOEL TRUNCALI, Chairman
26 CINDY LANZETTA
27 STEVEN CLARK
28 EMANUEL CAUCHI
29 JOSEPH LOFARO
30

31 ALSO PRESENT: RONALD BLASS, ESQ.
32 PATRICK HINES
33 KATHI NATLAND
34 JEN FLYNN
35 MICHAEL MUSSO
36

37 APPLICANT'S REPRESENTATIVE: CHARLES BROWN
38 ----- X
39

40 MICHELLE L. CONERO
41 10 Westview Drive
42 Wallkill, New York 12589
43 (845) 895-3018
44

2

CHAIRMAN TRUNCALI: Next up is

3

Empire Landscaping.

4

MR. BROWN: I'm Charles Brown, I'm the engineer for Empire. We're apparently the first job under this new overlay district. Nobody could really tell us how to proceed procedurally, so we went to the Planning Board first and got a bunch of comments from Pat.

10

Thank you, Pat.

11

We addressed all of those and then I submitted to the Town Board with a cover letter asking them to inform me of when this project would be on their agenda. Next thing I know I've got Tom Corcoran calling me and saying what's going on with the job. I said we're waiting for the Town Board. He said the Town Board approved it and so did the Planning Board. We submitted to the Planning Board for your approval.

12

Apparently this Board has no record of the Town Board approval. Possibly they didn't follow procedures. I'm here tonight.

13

MS. LANZETTA: Have we gotten anything from the Town Board? I know we had that meeting.

14

MR. BLASS: We had the joint meeting.

2

3

MS. LANZETTA: Have we gotten anything

in writing?

4

5

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9

MR. BLASS: No. We had the joint

meeting. At the joint meeting I was commissioned to do a flow chart of how this business corridor overlay process worked. I did provide that to the Town Board and maybe to the Planning Board, I can't remember.

10

MS. LANZETTA: We haven't gotten it.

11

CHAIRMAN TRUNCALI: I did get an e-mail

12

about the flow chart.

13

MR. BLASS: You got the flow chart?

14

CHAIRMAN TRUNCALI: Yes.

15

16

MR. BROWN: I'd like to get a copy of

that too, if possible.

17

18

19

20

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25

MR. BLASS: This is a site specific

zoning process where the first step is for the

Town Board to hold a public hearing for the

purpose of dropping down a floating zone --

business corridor floating zone by zoning map

amendment basically. I think the Town Board has

previously sent representatives to this Board

admitting that they were not following that

procedure, admitting the mistake of that, and

2 asking for the flow chart which would in fact
3 create a guide.

4 So I could ask you, Charlie, did this
5 applicant have a public hearing to amend the
6 zoning map?

7 MR. BROWN: Again, I have no idea. In
8 my submission letter to the Town Board I asked
9 them to inform me of the meeting date so I could
10 be present at the meeting. Again I was not
11 informed of any meeting.

12 MR. BLASS: I'm going to venture a
13 guess that the Town Board probably hasn't held a
14 public hearing on amending the zoning map on this
15 particular specific project. When and if it does
16 schedule that public hearing, the process is to
17 get comment from the Planning Board in the nature
18 of a recommendation based on conceptual plans. I
19 don't know whether you want to conceptually share
20 your plans with the Planning Board in
21 anticipation of that process or --

22 MR. BROWN: Sure.

23 MR. BLASS: -- go home early.

24 MR. BROWN: Sure. We came before this
25 Board before. I know it was a much different

2 Board. Some of Pat's comments were to show the
3 septic, which we have on there; hours of
4 operation, which are up here next to the zoning
5 schedule. The big one was to submit to DOT
6 because we actually had a shared driveway with
7 the property just to the north of us.

8 We have since met with the DOT and they
9 signed off on this plan. They're ready to issue a
10 permit when we get done with the various Town of
11 Marlborough agencies.

12 What this is is a landscaping operation
13 and a snowplowing operation.

14 I have another set of comments here
15 from Pat. We will have to amend the hours of
16 operation because they applied to the landscaping
17 portion of the business. However, when it comes
18 to the snowplowing, obviously it's going to be
19 when it snows like crazy he's going to be working
20 like crazy. I'll have to put it down for both
21 businesses and probably leave it wide open for
22 the snowplowing.

23 MR. CLARK: They don't have trucks with
24 beepers when they back up?

25 MR. BROWN: Yes, they do.

2 MR. HINES: Yes, they do.

3 MR. BROWN: You can't get a DOT permit
4 without them.

5 It is a fairly large operation. Again,
6 we're here to, you know, again move this thing
7 along and --

8 MR. CLARK: I was just looking at your
9 map. I've got one question. It says employee
10 parking over here and on that same square it says
11 approximate location of office septic. It's kind
12 of unusual that you would put parking on top of a
13 septic.

14 MR. BROWN: The septic is infiltrating
15 units which are low graded for vehicles. I just
16 confirmed with my client, who is here tonight,
17 and he says no, that's not where it is. I'm
18 going to have to move that one.

19 As far as the garage; Pat, that doesn't
20 have any bathroom facilities so there's no septic
21 for that.

22 MR. HINES: It has no well? I'm
23 wondering where that goes.

24 MR. BROWN: The well is by the office.

25 MR. HINES: There's a well behind the

2 garage.

3 MR. BROWN: You're right.

4 UNIDENTIFIED SPEAKER: There's a well
5 on the back side of the garage.

6 MR. BROWN: There's no bathroom
7 facility in the garage?

8 UNIDENTIFIED SPEAKER: No.

9 MR. HINES: Where does any water used
10 in the garage go I guess is the question?

11 MR. BROWN: What do you use that well
12 for? Washing trucks?

13 UNIDENTIFIED SPEAKER: It's a hose
14 outside. There's no faucets in the garage.

15 MR. HINES: Just to clarify that.

16 Do you want me to continue with my
17 comments?

18 CHAIRMAN TRUNCALI: Ron, I do have a
19 copy of the flow chart here. Does the Planning
20 Board have to issue a neg dec on this project
21 before they can actually go to the Town Board for
22 their change?

23 MR. BLASS: Well somebody has to issue
24 a negative declaration. It could be the Town
25 Board that takes that role on, it could be the

2 Planning Board that takes on that role.

3 CHAIRMAN TRUNCALI: In your flow chart
4 it says Planning Board to issue SEQRA
5 determination of significance, either a negative
6 dec or --

7 MR. BROWN: If I have any say on that I
8 would prefer the Planning Board because they're
9 much more qualified to do that.

10 MR. BLASS: In that flow chart, which I
11 don't have with me, that step may have followed a
12 public hearing in front of the Town Board. I
13 mean there were three columns in that flow chart.

14 CHAIRMAN TRUNCALI: The columns go
15 across and they go up and down. Which way are
16 you supposed to go here?

17 MR. BLASS: I don't know how you can
18 read it on the Smartphone. I know I couldn't.

19 CHAIRMAN TRUNCALI: Do you want to look
20 at it?

21 MR. BLASS: Up and down is the
22 timeline. It's a timeline for each Board. The
23 rows are the steps.

24 CHAIRMAN TRUNCALI: Okay.

25 MR. BLASS: Some of the steps have

2 options along the way. They overlap.

3 CHAIRMAN TRUNCALI: On the top all it
4 says is Town Board may reject the application at
5 this stage or any earlier or later stage because
6 it is a legislative rezoning exercise.

7 MR. BLASS: Right. What that means is
8 there's no obligation on the part of the Town
9 Board to review the matter. That doesn't seem to
10 be the case here. It seems to be that the Town
11 Board would review the matter, and would hold a
12 public hearing, and would potentially amend the
13 zoning map to create a business corridor overlay.
14 Before the Town Board could do that, however,
15 you're absolutely correct that some agency is
16 going to have to make a negative declaration
17 under SEQRA. I think that at the joint meeting
18 both the Town Board and the Planning Board
19 thought it was a good idea that the Planning
20 Board handle the SEQRA process, if I recall
21 correctly.

22 CHAIRMAN TRUNCALI: Correct.

23 MS. LANZETTA: Yes.

24 MR. BLASS: So is your thought that the
25 Board might want to do a negative declaration as

2 early as tonight?

3 MS. LANZETTA: No.

4 MR. BLASS: Okay.

5 MS. LANZETTA: Because the other thing
6 that I think we were unsure about was as part of
7 their deliberative process, the Town Board,
8 they're not as bound to the zoning requirements
9 as we are possibly. We had talked about that HD
10 zoning and the fact that he wants to have this --
11 employee housing would not normally be allowed,
12 but you said that the Town Board could factor
13 that in as part of their deliberations and
14 forward that on to us so whereas I would think
15 that if we review it initially without their
16 suggestion of what they would like to see, we
17 can't be as lenient as perhaps they could be in
18 what they want done.

19 MR. BLASS: So in the process the Town
20 Board does have a legislative function. It's the
21 legislative body. It's an elected body. What it
22 does is act through legislation. It could be
23 legislating a change of the zoning map to
24 accommodate this use on this site where the use
25 is not currently accommodated by zoning. In that

2 context I think it has broad jurisdiction to
3 structure the types and numbers of uses that
4 would be in that legislation. Then the Planning
5 Board would follow on a site plan review of the
6 wisdom of the layout to follow those -- to follow
7 those purposes.

8 I think where we are right now is
9 seemingly the Town Board is interested in this
10 project going forward and will schedule a public
11 hearing eventually to amend the zoning map to
12 create a business corridor overlay. That process
13 requires some Planning Board feedback or
14 recommendations in addition to a SEQRA negative
15 declaration before the Town Board could act.

16 So I think what we're really doing
17 tonight is putting the Planning Board in a
18 position to make recommendations of an advisory
19 nature, nonbinding nature, to the Town Board with
20 respect to its review of the matter. One might
21 say that's what we're doing. One might also say
22 what we're doing is dealing with a process which
23 is off the tracks and needs to be put on the
24 tracks. The applicant is here to basically hear
25 that unfortunate news, number one.

2 MR. BROWN: I'm an engineer.

3 MR. BLASS: What?

4 MR. BROWN: I'm an engineer. Tracks.

5 Never mind.

6 MR. BLASS: Okay. And so that it's not
7 a total waste, Pat's done comments and these
8 comments will theoretically inform your decision-
9 making eventually on recommendations and
10 eventually on SEQRA. So --

11 MS. LANZETTA: Again I just feel we --
12 when we talked with the Town Board we said we
13 wanted a formal referral to take this project
14 under advisement, that it was ready, that they
15 felt that they had all of the appropriate
16 requirements that are listed --

17 MR. BLASS: Full application.

18 MS. LANZETTA: -- in the law and that
19 based on their review that they were ready to
20 have us review, and then --

21 MR. BLASS: Make a recommendation.

22 MS. LANZETTA: -- we would do the neg
23 dec and make a recommendation.

24 MR. BLASS: Exactly.

25 MR. BROWN: How do I proceed? When I

2 submitted it to the Town Board my cover letter
3 was clear I wanted to be notified when it was
4 going to be discussed at the meeting, and that
5 was ignored.

6 MR. HINES: The Town Board has had some
7 guidance on how this process works since then.

8 MR. BROWN: Okay. Okay.

9 CHAIRMAN TRUNCALI: We have Pat's
10 comments. Why don't we go over Pat's comments at
11 this time and we can move forward from there.

12 MR. HINES: Our first comment just
13 notes that the DOT has issued an e-mail that
14 conceptually approves the relocated driveway.
15 The current condition the driveway accesses off
16 the neighbor's lot, so they're proposing to
17 realign that and construct a new DOT compliant
18 driveway. DOT said that's acceptable. A highway
19 work permit will be required. They have a
20 streamlined process that seems to be working to
21 accomplish their highway work permits.

22 They have put in a landscape island
23 between this and the adjoining property in order
24 to close off what previously was a common access
25 drive. I'm just looking for some details on

2 that. It looks like it's going to be curved.
3 There's no detail there. Just show what that's
4 going to look like for the Planning Board and the
5 building department.

6 MR. BROWN: No problem.

7 MR. HINES: Our third comment has to do
8 with what we previously talked about, the
9 subsurface sanitary sewer disposal system being
10 delineated in the same area as the employee
11 parking lot and being under the pavement. We did
12 just speak of that. The actual location of that
13 sanitary system should be shown.

14 The hours of operation need to be on
15 the plans.

16 The site sign does identify the
17 snowplowing operation. That can result in
18 similar comments that we heard from the previous
19 application before us tonight. We do need to get
20 a handle on the intensity of that use, number of
21 trucks, hours of operation, how you're going to
22 control them coming and going, and if that will
23 impact any of the properties along there.
24 There's a commercial property immediately next
25 door. I don't know what's around it.

2 Site lighting is going to need to be
3 addressed on the plans.

4 MR. BROWN: The site lighting is
5 actually mounted on the building. We'll make
6 that more clear.

7 MR. HINES: Stormwater runoff. That
8 gravel parking area has been constructed recently
9 I would say. That seems to direct all the flow
10 in a northerly direction off site. We're going
11 to need someone to take a look at the impacts of
12 that. I'm sure that will come out at the public
13 hearing if we don't address it.

18 MR. BROWN: Okay.

19 MR. HINES: The employee parking, you
20 show some of the parking in front of the single-
21 family residence. I know it's the intent of this
22 applicant, at least it's been alleged to be their
23 intent, that they're going to use that for
24 employees. That's unenforceable for this Board.
25 I think that parking needs to be shown as a

2 residential use.

3 MR. BROWN: Okay.

4 MR. HINES: We have no way of knowing
5 who works for that business, nor does the
6 building department. You do need to show the
7 adequate parking under the zoning for that.

8 MR. BROWN: Okay.

9 MR. HINES: Number 9 is the big one we
10 discussed tonight, the status of the Town Board's
11 referral which we know has not been completed to
12 date.

13 The number of vehicles stored as well
14 as the potential number of employees on the site.
15 There's some fairly large vehicles there, not
16 what I would consider, at least last time I went
17 by there -- it's not pick-up trucks and one-ton
18 dump trucks. They look larger than that. I
19 think the Board needs to get a handle on what
20 this operation is and how big of an operation.
21 So the number and types of vehicles stored.

22 MR. BROWN: He's doing DOT work.

23 MR. HINES: It's not, for lack of a
24 better term, a mom and pop landscaping, one truck
25 and a trailer. It's a large operation.

2 There are two what I refer to as
3 storage trailers. The building department's
4 comments on those. I don't believe the zoning
5 code allows use of overseas containers and
6 trailers for storage. That's probably going to
7 be an issue on the site.

14 MR. BROWN: Okay. I'll go over that
15 with my client.

16 I don't see any issues here on our end.
17 I guess based upon this -- I mean if the Board
18 has anything else. Based upon this we go back to
19 the Town Board?

20 MR. BLASS: Yeah. I think the first
21 thing I would do is get a copy of the business
22 corridor overlay zoning law.

23 MR. BROWN: I have that.

24 MR. BLASS: It's not that obscure.

25 MR. BROWN: Okay.

2

MR. BLASS: There's also a flow chart

3

now that's floating around the town hall.

4

MR. BROWN: How do I get a copy of

5

that?

6

MR. BLASS: Send me an e-mail tomorrow

7

and I'll send you a copy of it.

8

MR. BROWN: Okay, Ron. Thanks.

9

MR. BLASS: I'll also send a copy for

10

distribution to the Planning Board Members in

11

case you don't all have one, or some don't have

12

one.

13

CHAIRMAN TRUNCALI: I can send it to

14

Jen and you can send it out to the rest of the

15

Members.

16

I thought we had just said that the

17

applicant was looking for direction from the

18

Planning Board and comments from the Planning

19

Board before they went to the Town Board.

20

MR. BLASS: Well, I've got to say I

21

agree with Cindy. She refreshed my recollection

22

that the biggest issue that we've had with these

23

applications is whether or not the application

24

requirements laid out in the code have all been

25

submitted somewhere for review as to completeness

2 and adequacy so that the Town Board is now in a
3 position to schedule a public hearing, if it
4 wants to move forward, and refer the matter to
5 the Planning Board as an active, real live and
6 complete matter that is what -- that it wants to
7 move forward on. I am sitting here not having
8 any clue as to whether all of the application
9 requirements of the business corridor overlay
10 zone have been complied with or not. I don't
11 know that. No one has asked either Pat or I
12 to --

13 MR. CLARK: Whose responsibility is it
14 to review and approve that? I would think the
15 building inspector.

16 MR. BLASS: I would think it's probably
17 in the first instance the building inspector's
18 office. If they need help or feedback, then
19 refer it out to a consultant to go down the
20 checklist.

21 CHAIRMAN TRUNCALI: The Town Board did
22 say that they did not want to do SEQRA, and --

23 MR. BLASS: Right.

24 CHAIRMAN TRUNCALI: -- so they can not
25 schedule a public hearing until we do that.

2 MR. BLASS: They can schedule a public
3 hearing. Here's the flow chart in the simplest
4 sense. A complete application is received by the
5 Town. The Town Board is convinced that this is
6 something it wants to move forward on. It has no
7 obligation to move forward at all. You guys have
8 to review site plans and subdivisions that come
9 in front of you. The Town Board has absolutely
10 no obligation at all to entertain any one of
11 these business corridor overlays. The
12 landowner's task is to submit a complete
13 application and convince the Town Board it move
14 forward. If the Town Board wants to move
15 forward, the next thing they would do is refer it
16 to the Planning Board for review and
17 recommendations back and for a potential SEQRA
18 determination in the nature of a negative
19 declaration theoretically. When that negative
20 declaration takes place, it could take place
21 before the Town Board holds it's public hearing,
22 it could take place after the Town Board holds
23 it's public hearing. So the public hearing is
24 not in any way subject to when the SEQRA process
25 begins or closes. What it is subject to -- what

2 it does require is closing of the SEQRA process,
3 the Town Board taking an action to amend the
4 zoning map to create the business corridor
5 overlay zone for this site specific project.
6 Once the Town Board -- so the Town Board would
7 not do that until the Planning Board issued a
8 negative declaration. Once the Town Board
9 approves it and amends the zoning map to change
10 the use fabric, it will come back to the Planning
11 Board for site plan approval.

12 MR. BROWN: Would that require another
13 public hearing?

14 MR. BLASS: Yes.

15 MR. BROWN: I'm exhausted.

16 MR. BLASS: Well, you know, this
17 shouldn't really be all that foreign. It's done
18 all the time. It's done everywhere when somebody
19 wants to take a project, a site specific project
20 and put it where the zoning doesn't allow it.
21 It's a pretty uniform procedure.

22 MR. BROWN: I would rather go for a use
23 variance.

24 MR. BLASS: You could go for a use
25 variance but --

2 MR. BROWN: Not on this job. I'm
3 saying in general.

4 All right. I've got my direction.
5 Anything else from the Board?

6 (No response.)

7 MR. BROWN: Thank you.

8 CHAIRMAN TRUNCALI: Thank you.

9 (Time noted: 9:00 p.m.)

10

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

12

13 I, Michelle Conero, a Shorthand
14 Reporter and Notary Public within and for
15 the State of New York, do hereby certify
16 that I recorded stenographically the
17 proceedings herein at the time and place
18 noted in the heading hereof, and that the
19 foregoing is an accurate and complete
20 transcript of same to the best of my
21 knowledge and belief.

22

23

24

25 DATED: November 30, 2015

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

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

5
6 CHERNOBYL P&L
7

8 Project No. 15-8011
9 30 Main Street
10 Section 103.9; Block 2; Lot 28/29
11 ----- X
12

13 SKETCH - SITE PLAN
14

15 Date: November 2, 2015
16 Time: 9:00 p.m.
17 Place: Town of Marlborough
18 Town Hall
19 21 Milton Turnpike
20 Milton, NY 12547
21

22 BOARD MEMBERS: JOEL TRUNCALI, Chairman
23 CINDY LANZETTA
24 STEVEN CLARK
25 EMANUEL CAUCHI
JOSEPH LOFARO
26

27 ALSO PRESENT: RONALD BLASS, ESQ.
28 PATRICK HINES
29 KATHI NATLAND
30 JEN FLYNN
31 MICHAEL MUSSO
32

33 APPLICANT'S REPRESENTATIVE: ROBERT POLLOCK
34

35 ----- X
36 MICHELLE L. CONERO
37 10 Westview Drive
38 Wallkill, New York 12589
39 (845) 895-3018
40

2 MR. POLLOCK: Does everyone know what
3 we're doing?

4 CHAIRMAN TRUNCALI: Are you part of
5 Chernobyl Light & Power?

6 MR. POLLOCK: I am Chernobyl. When I
7 first came to Milton there was -- I was saying
8 it's an interesting Town.

9 What we're doing is taking an as zoned
10 commercial building. We're basically -- Tommy
11 said I have to come in front of you.

12 We have about fifty parking spots in
13 the rear of the building. All I need is --
14 basically from what I'm doing I need about twelve
15 spots out of the fifty. For the bakery I allowed
16 twenty-seven spots, for -- it's three spots per
17 seat. That's what you're supposed to -- if
18 you're doing square footage as in a laundromat,
19 it's one car for every 300 square feet. So
20 basically I'm -- I have a lot of parking for what
21 I need it for.

22 What I plan on doing is the ground -- I
23 don't know if -- do you guys want pictures of the
24 ground floor? We're taking a three-story
25 building -- we're taking a three-story existing

2 building -- we have two apartments upstairs
3 already that are existing. The basement we're
4 using as a commissary for the bakery. We just
5 basically ran out of space in the bakery. I
6 didn't know at the time you needed so much room
7 for bread. The story is I need freezer and
8 refrigeration space. I'm adding on to the
9 basement of the building. The rest is dry
10 storage and a small bread baking area in the
11 front of the building. I'm not using extra
12 employees.

13 This is the basement of the building.
14 Okay.

15 I'm not using any extra employees. I'm
16 just taking the bread people from the bakery and
17 bringing them over to the basement of the
18 building.

19 We have all the egress.

20 We're using Town sewer and water even
21 though we're thinking of doing an ag window
22 manufacturing company. Just kidding. Seeing if
23 you're awake.

24 So we're not doing anything different.

25 Upstairs we're considering doing a cafe

2 which is going to be -- it's going to be more of
3 a farm to table Chinese. We need something else
4 in the Town.

5 All I'm asking you for is the approval
6 for the -- we have the parking we need for 33
7 seats or 35 seats that we're going to be using,
8 which we already have. We have to come in front
9 of you because Tommy can't just say you have it
10 already.

11 MR. HINES: You identified the addition
12 as retail on this map.

13 MR. POLLOCK: Correct. If it's retail
14 it's 300. Right now I don't know what we're
15 doing. All I'm asking is for enough for thirty
16 something people. If we do retail, that means we
17 need less parking spaces than I'm asking for. So
18 it's either retail or cafe.

19 MR. HINES: My --

20 MR. POLLOCK: The problem is for me to
21 hire a chef and to try to get someone to make the
22 right food, or we change it into retail and say
23 -- you'll give me the right to say I'm allowed to
24 have thirty-three people in the ground floor
25 space any time. Either it's retail or it's the

2 cafe.

3 MR. HINES: You may have enough
4 parking. I'm saying right now it's seven spaces
5 dedicated to the retail.

6 MR. POLLOCK: Where do you see seven
7 spaces?

8 MR. HINES: In your parking chart here.
9 I'm just saying that may need to be revised.

10 To summarize, he has the existing
11 bakery and laundromat, basically a lot -- two
12 lots down -- two lots up I guess it would be
13 towards the center of Town. He's proposing a 24
14 by 24 addition to the rear of a neighboring
15 commercial structure.

16 MR. POLLOCK: It's really 20 by 20.
17 Sorry.

18 MR. HINES: We have done this before in
19 the hamlet.

20 What I will note is that the parking
21 calculations provided don't take credit for the
22 hamlet area parking district. He's allowed five
23 spaces per building on the site.

24 MR. POLLOCK: That's another ten spots.

25 MR. HINES: Correct.

2 MR. POLLOCK: That means I'm -- I have
3 about 150 parking spots -- 150 people I'm allowed
4 to have there.

5 MR. HINES: In order to do that, and
6 we've done this before in - not in this hamlet
7 but the Marlborough hamlet, the Falcon facility
8 and the Brickhouse when it was open also, when it
9 did a second floor expansion, they executed legal
10 agreements to allow for that shared parking and
11 cross use, which I'm okay with here. That's
12 something Ron's office will have to work with to
13 do that. I'm thinking you would need an amended
14 site plan on this lot as well for the addition.

15 MR. POLLOCK: We already built a ground
16 floor addition. Tommy gave me the permit to do
17 that. We're just building a second floor
18 addition now because this is basically a
19 commissary for storage. I have the first floor
20 addition done already and now I'm asking --

21 MR. HINES: That didn't come to the
22 Board.

23 MR. POLLOCK: It didn't come to the
24 Board. Tommy said because I'm using it for
25 storage so --

2 MR. HINES: Now you're proposing a
3 second floor restaurant?

4 MR. POLLOCK: Either a restaurant or
5 more storage area.

6 MR. HINES: I believe in your code that
7 anything that requires more than five parking
8 spaces requires site plan approval is the way
9 your code --

10 MR. POLLOCK: Why am I here?

11 MR. HINES: I'm trying to guide the
12 Board as to why you're here. You seem to think
13 you want the Board to approve your parking but I
14 believe that you need to get site plan approval
15 as well.

16 MR. POLLOCK: That's all I need is the
17 site plan approval?

18 MR. HINES: Correct. Part of that site
19 plan will be the whole shared parking that we
20 just talked about.

21 MR. POLLOCK: All right. So you need
22 my attorney to write up something to give to you?

23 MR. HINES: That's one of the steps.

24 MR. BLASS: You need a site plan
25 approval. A site plan application form --

2 MR. POLLOCK: What does the Town do for
3 us for municipal parking so we can do this so we
4 don't --

5 CHAIRMAN TRUNCALI: You have the wrong
6 Board.

7 MR. HINES: It's not as of right.

8 MR. POLLOCK: You're the Planning
9 Board. You have to plan the future of this Town.
10 You can't keep going back and forth. As of right
11 I'm a commercial space. I'm allowed to have what
12 I'm doing here. You can't just tell me that I
13 need site approval on this.

14 MR. BLASS: So go to Tom Corcoran, he
15 makes the call, and --

16 MR. POLLOCK: He told me to come to the
17 Planning Board.

18 MR. BLASS: Okay.

19 MR. POLLOCK: Now you're asking me to
20 do something else. I thought it was a simple
21 thing. As I said, we have room for 150 people to
22 be here. I'm asking for 33 people. You're
23 telling me this Board can't do it?

24 MR. HINES: We're not telling you the
25 Board can't do that. We're telling you that

2 there's a process. You're here tonight for a
3 sketch plan on this. If the Board is okay with
4 this concept, then you would apply for a site
5 plan for lot 28.

6 MR. POLLOCK: Correct.

7 MR. HINES: As part of that site plan
8 review we're going to tell you there's inadequate
9 parking on this lot. In order to address that
10 you have to come up with a solution that the
11 Board has entertained in other places in the
12 Town. So we have a path to follow for that. But
13 in addition you need a site plan approval. As
14 part of that site plan approval there's a public
15 hearing. There's steps in this process to
16 accomplish this.

17 MR. POLLOCK: Do you believe this?

18 MR. HINES: I know you're familiar with
19 this because you've been through it before.

20 MR. POLLOCK: I've gone through it.
21 But I've done -- we didn't have to do -- we have
22 as of right I would assume as a commercial. I'm
23 not asking you to go from ag to --

24 MR. HINES: If you're building an
25 addition on the building you have certain uses

2 that are allowed.

3 MR. POLLOCK: What am I allowed to use?

4 It was a bank before. I'm allowed to put a bank
5 there?

6 MR. HINES: No, because that use has
7 lapsed for more than a year. Almost any use you
8 put in there is going to result in a change in
9 use.

10 MR. POLLOCK: Do you understand when
11 it's a commercial building it should stay as a
12 commercial building?

13 MR. HINES: I understand what you're
14 saying. What the code says --

15 MR. POLLOCK: I know what your code
16 says.

17 MR. HINES: The Board is an
18 administrative review board and can only do what
19 the code allows it to do.

20 MR. POLLOCK: Do you understand the
21 irony of this whole thing?

22 MS. LANZETTA: I'm trying to understand
23 because you have put in for a site plan but your
24 site plan is just for the addition?

25 MR. POLLOCK: I didn't add on to the --

2 yes.

3 MS. LANZETTA: So basically you would
4 be doing the same thing only you'd be coming to
5 us with the whole building? Is that correct?6 MR. POLLOCK: Correct. Now I have to
7 go for a public hearing and --8 MR. HINES: I'm only going for the
9 addition. I'm okay if the existing uses are in
10 the building. It's the addition and the
11 "restaurant" that would -- the code says anything
12 that takes more than five parking spaces requires
13 site plan approval. Any change of use or
14 addition, too, would require that. So he's --15 MS. LANZETTA: He's filled out a site
16 plan application.17 MR. HINES: I understand. He's here
18 for sketch. If the Board is okay with sketch we
19 will continue that process. There's a public
20 hearing required.21 MR. CLARK: I'm a little confused as to
22 where the Chinese restaurant is going to be,
23 where the commissary is going to be, where the
24 bakery is going to be.

25 MR. POLLOCK: It's not a bakery.

2 MR. HINES: The bakery is on the
3 adjoining lot.

4 MR. POLLOCK: It's on the ground floor.
5 The ground floor which is now the ground floor.

6 CHAIRMAN TRUNCALI: Look at this map.
7 This is the upstairs apartments.

8 MR. POLLOCK: This is the basement.
9 Around here is going to be storage and
10 refrigeration.

11 CHAIRMAN TRUNCALI: So that leaves the
12 first floor, ground level floor --

13 MR. CLARK: This is the original bank
14 building.

15 CHAIRMAN TRUNCALI: Which he wants to
16 get approval to do something in there.

17 MR. POLLOCK: Do you understand the
18 problem of getting a tax base in this Town now?
19 You're fighting a fight that --

20 MR. CLARK: You do realize there's a
21 huge book of law there.

22 MR. POLLOCK: I know we need to change
23 that law.

24 MS. LANZETTA: That's the other Board.

25 MR. POLLOCK: Education is going up

2 twenty percent. Education taxes are going up
3 another twenty percent. Does anyone have a
4 solution for that? I'm trying my best to help
5 you guys but you've got to help us.

6 MR. CAUCHI: We're not saying that
7 we're not going to allow you to do this. We're
8 just saying we have a certain protocol. Just do
9 the protocol. I know that time is of the essence
10 for you but you need -- we need a protocol that
11 we have to put in place.

12 MR. CLARK: Are we doing two different
13 things or just one? Are we approving a change of
14 use or --

15 MR. POLLOCK: No.

16 MR. CLARK: -- the proposed addition?

17 CHAIRMAN TRUNCALI: It's an allowed
18 use.

19 MR. HINES: First of all, I don't know
20 what a commissary is. I don't know how it got
21 there. Apparently that's functioning and on the
22 site.

23 MR. POLLOCK: It's not working. I
24 haven't -- right now it's not working. It's
25 basically a vacant space waiting to hear what

2 happens at this meeting.

3 MR. HINES: Let's get this whole thing
4 approved all in this one process. If you're
5 going to put the bakery storage in there, the
6 first floor will go for the change of use, the
7 basement whatever it is for that. Whatever the
8 first floor addition was used for and the
9 subsequent use, I think the Board will be
10 flexible and say it's retail of that square
11 footage or a thirty-three seat restaurant.

12 MR. POLLOCK: I have to come back
13 before the Planning Board?

14 MR. HINES: Yes.

15 MR. POLLOCK: As soon as we come back
16 to my friends over here.

17 MR. HINES: I've got no where else to
18 send you.

19 If the Board is okay with the concept
20 -- I think the biggest hurdle here is the shared
21 parking. I think we're okay with that. We've
22 done it before.

23 What you haven't done is identified
24 there are those ten parking spaces. Whether they
25 exist or not, the code allows you to have five

2 per use on the public street. There is obviously
3 some parking on the public street. You may want
4 to update your parking table.

5 MR. POLLOCK: We will update the
6 parking table.

7 MR. HINES: I think rather than putting
8 yourself in as retail -- you put the worst case.
9 I think the thirty-three seat restaurant which
10 would be eleven seats then would be -- I think
11 you're going to be right at forty-seven then. So
12 you'll still --

13 MR. POLLOCK: 47 plus.

14 MR. HINES: You haven't taken the ten
15 for parking on the street. With the parking
16 table updated, the Board could schedule a public
17 hearing, which is required, as long as they think
18 this map has sufficient information. There's
19 items like topography. This is an existing
20 built-up portion of Town. The Board has the
21 ability to waive a lot of requirements. I don't
22 see a drainage increase on the footprint. I'd
23 like to nail down what your uses are as you
24 changed them, so --

25 MR. POLLOCK: I told you ag and window

2 manufacturing.

3 The downstairs is basically --

4 MR. HINES: We don't have a commissary
5 use in our --

6 MR. POLLOCK: The downstairs is mostly
7 storage.

8 MR. HINES: I think that's fine. Call
9 it storage.

10 MR. POLLOCK: We'll call it storage
11 with some accessory baking. I don't know what to
12 say. The ground floor, we're trying to do a cafe
13 up there.

14 MR. HINES: The whole ground floor is
15 going to become a cafe?

16 MR. POLLOCK: Most likely. There will
17 be a lot of storage. We need more storage.

18 Steve knows how much room a bakery
19 needs.

20 MR. CLARK: You have a lot more
21 customers.

22 CHAIRMAN TRUNCALI: You're going to put
23 a kitchen in this new section?

24 MS. HARTWELL: Basically we want to
25 expand it to our wholesale outlet and we can't do

2 so with the current refrigeration and freezing
3 that we have in the existing bakery.

4 MR. CLARK: He's confusing the whole
5 issue by talking about a Chinese restaurant.

6 MS. HARTWELL: Right. That's on a
7 different floor.

8 MR. HINES: Let's get a building layout
9 in the corner of this plan. Take this building,
10 program out what uses you're going to have and
11 that will give this Board the ability to approve
12 what it is you're going to use it for.

13 MR. POLLOCK: When can we date --

14 MR. HINES: The submission deadline I
15 think is Friday for the next meeting, or the
16 first meeting in December is certainly available.
17 At that point the Board could be in a position to
18 schedule a public hearing.

19 MR. CLARK: He'll have it built by that
20 time.

21 MR. POLLOCK: I'll have it built by
22 that time. I'm not going to do it without your
23 blessing.

24 MS. LANZETTA: You should have it back
25 for our next meeting so we can schedule the

2 public hearing for the following meeting.

3 CHAIRMAN TRUNCALI: The public hearing
4 is the first meeting of the month.

5 MR. POLLOCK: December whatever.
6 Monday.

7 MS. LANZETTA: You have to be back
8 before then.

9 MR. POLLOCK: We'll be back. That's two
10 weeks from now.

11 MS. LANZETTA: You have to get the
12 stuff in by Friday.

13 MR. POLLOCK: We have it all done
14 already. Everything is done, it's just on this
15 paperwork.

16 CHAIRMAN TRUNCALI: You have to fill
17 out a site plan application.

18 MR. POLLOCK: My engineer will do that.
19 He'll take care of the site plan.

20

21 (Time noted: 9:15 p.m.)

22

23

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2

3

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

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5

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7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.

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23 DATED: November 30, 2015

24

25

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

In the Matter of

ROBERT POLLOCK

7-20 Sands Dock Road
Section 103.1; Block 2; Lot 23

DISCUSSION

Date: November 2, 2015
Time: 9:15 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Chairman
CINDY LANZETTA
STEVEN CLARK
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND
JEN FLYNN
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: JAMES REYNOLDS

MICHELLE T. CONERO

MICHELLE L. CONRO
10 Westview Drive
Wallkill, New York 12589
(845) 895-3018

2 MR. POLLOCK: The next thing we have
3 before the Board is an extension of -- what do
4 we have?

5 MR. HINES: We have a discussion item.

6 MR. POLLOCK: We're discussing
7 something right now.

8 MR. REYNOLDS: Good evening. My name
9 is James Reynolds, I'm an architect doing some
10 work with Bob. We're here for a discussion/
11 workshop meeting just to introduce you to Bob's
12 next project which is for a proposed thirty-room
13 hotel structure. I understand that -- Barry
14 Medenbach, who is the engineer that prepared
15 these plans, was not able to be here tonight so
16 he asked me to step in and just do the
17 preliminary presentation. What I have from Barry
18 is that the existing Town zoning would require a
19 10 acre parcel for the hotel. What we'd like to
20 present for your consideration is that the parcel
21 in question would be contiguous, across a Town
22 road, with the existing Buttermilk Falls Inn &
23 Spa facility.

24 MR. POLLOCK: Basically Evelyn's View,
25 we're going to try to combine it with Buttermilk

2 Falls.

3 MR. HINES: Did you say contiguous
4 across a Town road?

5 MR. POLLOCK: Sort of.

6 MR. REYNOLDS: I did. I think that's
7 what I said.8 MR. HINES: It's contrary to contiguous
9 I believe but --10 MR. POLLOCK: We just have a little
11 obstacle.

12 MR. HINES: A road.

13 MR. REYNOLDS: It would necessitate
14 crossing the Town road, otherwise there would be
15 direct --16 MR. BLASS: Are these intervening
17 properties?

18 MR. HINES: Who are these?

19 MS. HARTWELL: These are Buttermilk
20 Falls.

21 MR. BLASS: This is Evelyn's View.

22 MR. REYNOLDS: Correct.

23 MR. BLASS: This is Buttermilk Falls
24 and this is a bunch of intervening property.

25 MS. HARTWELL: These are all

2 incorporated because they're all owned by Robert
3 but are separate lots.

4 MR. POLLOCK: These are separate lots.
5 He's buying this piece of property here and
6 creating --

7 MR. HINES: What's the aversion of
8 getting a ZBA lot variance from the 10 acre --

9 MR. REYNOLDS: Is it required?

10 MR. BLASS: It's a big variance.

11 MR. POLLOCK: A couple years ago
12 Evelyn's View tried to get through -- did they
13 come in front of this Board? What happened?

14 MR. BLASS: They applied for a B&B.

15 MR. HINES: But they didn't want to be
16 owner occupied, if I remember correctly.

17 MR. POLLOCK: They didn't want to be
18 owner occupied. We're not -- we're just trying
19 to extend. Right now we're turning away too much
20 business at Buttermilk Falls. We need a place
21 for people to stay.

22 (Inaudible discussion.)

23 MR. HINES: I've got to call a timeout
24 here. You're driving the Stenographer crazy
25 here.

2 MR. POLLOCK: I'm not going to spend a
3 hundred million dollars if it's not going to
4 work.

5 Manny, I told you you should be
6 partners.

7 CHAIRMAN TRUNCALI: You did show us how
8 it's contiguous.

9 MR. POLLOCK: It's not as clear on this
10 map as it is on the other one. This is the
11 easement right here, and then it goes on to a
12 turn around here, and this is the beginning of
13 the falls over here.

14 MR. REYNOLDS: So there would be
15 constructed an access route that would cross
16 these two existing -- that former residence.
17 There's a tennis court down in here.

18 MR. POLLOCK: The tennis courts were
19 over here. The golf club. This is strictly for
20 housing. There's nothing outside except what's
21 going on inside the building.

22 CHAIRMAN TRUNCALI: This is a new
23 structure here.

24 MR. POLLOCK: This is a new structure.

25 MR. CLARK: How many stories is it

2 going to be?

3 MR. POLLOCK: Twenty. It's going to be
4 thirty-five feet high.5 It's like Manny's house. It's a manor
6 house. It goes great with the Town of Milton.7 MR. CAUCHI: Where is the existing
8 house compared to that?9 MR. POLLOCK: We're knocking down the
10 existing house and building it. We're also
11 excavating -- right now there is one floor that's
12 underground on the existing house. We're going
13 to excavate that all the way back and put it --
14 put that underground for the common area in the
15 building to be underground so it meets the 35
16 foot. So we'll do it that way.

17 (Inaudible discussion.)

18 MR. POLLOCK: Cindy, what do you think?
19 It's up to you.20 MS. LANZETTA: I want to know about
21 this contiguous -- the legalities --22 MR. BLASS: I think the zoning law has
23 a 10 acre minimum lot size for a hotel and this
24 is an effort to play around with that concept.
25 Obviously the site of the hotel structure is on

2 less than 10 acres.

3 MR. HINES: 5.9.

4 MR. BLASS: 5.9 acres. So there's a
5 desire to somehow borrow land which is really not
6 contiguous land, nor is it under common
7 ownership, to the north of the hotel site and to
8 accumulate the acreage into more than 10 acres.
9 So the rule is minimum parcel size for a hotel is
10 10 acres. The proposal is to put a hotel on 5.9
11 acres. The suggestion is that other land can be
12 borrowed and moved over and attached to the 5.9
13 acres to make up 10 acres. Ordinarily one would
14 go first to the building inspector and say I
15 would like that interpretation of the zoning law,
16 may I have it. The building inspector would say
17 yes or no. The odds are that the building
18 inspector would probably say no. Then the remedy
19 would be to go to the Zoning Board of Appeals to
20 somehow vary the minimum 10-acre lot size rule
21 for this particular project. If one got an area
22 variance allowing the 10 acres to be reduced to
23 5.9 acres by the ZBA, there wouldn't be any need
24 to borrow land that's not contiguous.

25 MR. CLARK: Is there a difference

2 between a hotel and a bed and breakfast?

3 MS. LANZETTA: Yes.

4 MR. BLASS: Yeah. Bed and breakfast is
5 owner occupied with certain limitations on size.

6 MS. LANZETTA: The definitions are
7 here.

8 MR. BLASS: There's a whole chapter in
9 the code.

10 MR. POLLOCK: Four bedrooms max per
11 building code.

12 MR. BLASS: This is a proposed hotel.
13 It looks like it's a hotel that needs about a 4-
14 acre variance.

15 MR. POLLOCK: Well the idea was to have
16 a second means of egress for the fire department
17 at the same time, which I think would be a lot of
18 help to that spot, Evelyn's View. It's basically
19 having a second means of egress.

20 MR. HINES: I think that's okay.

21 MR. POLLOCK: At the same time --

22 MR. KNEETER: Evelyn's View redid the
23 driveway for us.

24 MR. POLLOCK: We were going to buy back
25 the old driveway that's north of it and this way

2 we have 15 feet on both sides of the building.

3 We're fully -- of course we're fully sprinklering
4 this building and we're fully sprinklering the
5 other building in town. We're going to have a
6 hydrant right there on the premises.

7 MR. KNEETER: I don't know what the
8 water main is there as well. I don't know what
9 the size water main is.

10 MR. POLLOCK: It's not going to be
11 higher than 35 feet.

12 MR. KNEETER: The water main I'm
13 questioning. I don't know what the size is.

14 MR. HINES: When you say the building
15 is 35 feet, you need 26 foot access for it too
16 when you start getting that height in the
17 building code. You may want to take a look at
18 that height.

19 CHAIRMAN TRUNCALI: One side is going
20 to be underground?

21 MR. POLLOCK: Part of it is going to be
22 underground.

23 MR. HINES: I don't have any topography
24 here or anything. When you say 35 feet, it could
25 change.

2 MR. POLLOCK: It could be 29 feet.

3 MR. HINES: Yup. That would be better
4 for you I think under the building code.

5 I concur with Ron's analysis that they
6 need to -- I think the easiest way would be to go
7 to the ZBA and get relief from that and/or obtain
8 some truly contiguous property from Kent or
9 something here.

10 CHAIRMAN TRUNCALI: You'll never get
11 anything from Kent.

12 MR. POLLOCK: You'll never get anything
13 from Kent.

14 MR. HINES: I have faith in you.

15 MR. POLLOCK: They can't give up
16 anything. I don't know. Okay. So we're at the
17 Zoning Board now.

18 CHAIRMAN TRUNCALI: First you're going
19 to have to go to the building inspector for an
20 interpretation.

21 MR. POLLOCK: I'll go to Tommy and see
22 him.

23 CHAIRMAN TRUNCALI: If he says no then
24 you would go to the Zoning Board of Appeals for a
25 variance for the acreage.

2 MR. CLARK: That would be the easiest
3 thing.

4 MS. LANZETTA: Yeah.

5 MR. REYNOLDS: And presumably if we
6 were able to go through that process and gain
7 approval, we'd come back here for a site plan
8 approval. Would the Board have any preliminary
9 disposition with regard to this kind of
10 application?

11 CHAIRMAN TRUNCALI: Did anybody have
12 any problem with it?

13 MR. CAUCHI: I don't see any problem.

14 MR. LOFARO: Not at all.

15 MR. POLLOCK: We could put it in Google
16 Maps if you want and show you.

17 MS. HARTWELL: We do have it.

18 MR. POLLOCK: We have it in Google in
19 fact. We can actually show you how it fits with
20 the topo. It's pretty cool. We're not set on
21 that design exactly. Maybe we'll play with it if
22 you guys don't like it.

23 MR. CLARK: Are you going to the
24 Architectural Review Board?

25 CHAIRMAN TRUNCALI: How many rooms are

2 you looking to put in?

3 MR. POLLOCK: We're looking at around
4 30 rooms. How many hotels do we have now in
5 Marlborough?

6 CHAIRMAN TRUNCALI: Zero.

7 MR. POLLOCK: We have a lot of motels.
8 The Raccoon Saloon.

9 MS. LANZETTA: I will say in the
10 State's economic development plan they say that
11 there's a great need for facilities like this.

12 MS. HARTWELL: We're turning away
13 business unbelievably. The potential for
14 corporate clients --

15 MR. CLARK: They're also filling up all
16 the other bed and breakfasts in the valley.

17 MR. POLLOCK: There's a demand.
18 Everyone is going to the B&B right now.

19 MS. HARTWELL: Peak weekends in
20 October, just in the New Paltz area in
21 airb&b.com, there were a thousand listings and
22 only a hundred of them were vacant. They don't
23 have the rooms. There's definitely a need for
24 properties like this. People are looking for the
25 higher end experience. They want something

2 unique and I think Buttermilk Falls definitely
3 offers that.

4 MR. BRANDS: I know where there's a
5 great 18 acre parcel next to Purdy Avenue where
6 this would be a fantastic spot.

7 MR. POLLOCK: I know. Is that Dino's
8 spot? We need it all close to the same. We're
9 expanding on the spa also.

10 CHAIRMAN TRUNCALI: All right. Thank
11 you.

12 MR. POLLOCK: Thank you.

13

14 (Time noted 9:30 p.m.)

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

7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.

23 DATED: November 30, 2015

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

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

5

6 BRODY RIDGE
7

8 Project No. 8-2015
9 First Street
10 Section 103.1; Block 4; Lot 47.130
----- X
9

10 EXTENSION - SIX-LOT SUBDIVISION

11 Date: November 2, 2015
12 Time: 9:30 p.m.
13 Place: Town of Marlborough
14 Town Hall
15 21 Milton Turnpike
16 Milton, NY 12547
17

18 BOARD MEMBERS: JOEL TRUNCALI, Chairman
19 CINDY LANZETTA
20 STEVEN CLARK
21 EMANUEL CAUCHI
22 JOSEPH LOFARO

23 ALSO PRESENT: RONALD BLASS, ESQ.
24 PATRICK HINES
25 KATHI NATLAND
26 JEN FLYNN
27 MICHAEL MUSSO
28

29

30

31 ----- X
32

33 MICHELLE L. CONERO
34 10 Westview Drive
35 Wallkill, New York 12589
36 (845) 895-3018
37

2 CHAIRMAN TRUNCALI: Next we have an
3 extension for Brody Ridge. I have a letter.
4 "Dear Chairman, conditional final approval
5 for the Brody Ridge subdivision was extended
6 through October 2015. As you're aware, the
7 law regarding extensions was amended in 2010
8 and no longer limits the number of
9 extensions. On behalf of the owner we would
10 respectfully request the approval be extended
11 for three months. This extension is
12 necessary as the owner has not been able to
13 complete the required public improvements.
14 Ross Winglovitz representing Doug Smith."

15 MS. LANZETTA: Is this the same one we
16 already voted to --

17 MR. HINES: You do it every three
18 months.

19 CHAIRMAN TRUNCALI: Every three months
20 we give them an extension, and there is no law
21 that says you can't give them whatever forever.

22 MR. BLASS: Right. This would be an
23 extension to February 5th of 2016.

24 MS. LANZETTA: We have another one to
25 entertain, too. I'm just wondering why they

2 changed the law in 2010. Do either of you guys
3 know?

4 MR. CLARK: Are you a developer? You
5 put half a million dollars in a property. You
6 don't want to finish it and pay the taxes.

7 MR. HINES: It was economically driven.
8 Before you only had 180 days and two 90-day
9 extensions to complete a subdivision. After that
10 it lapses with no provision for extension.

11 MR. CLARK: You start all over again.

12 MS. LANZETTA: I understand the
13 economic situation for the developer but at the
14 same time the Town is losing tax potential.

15 MR. HINES: I believe the law said that
16 you can grant but you're not obligated to.

17 MS. LANZETTA: Yeah, because they would
18 be getting more taxes.

19 MR. CLARK: Getting more taxes. The
20 property would go into default and it would be
21 sold in a tax sale.

22 MS. LANZETTA: Not necessarily.

23 MR. CLARK: How many subdivisions have
24 been bought by farmers in the last five years and
25 replanted? That's a lower tax rate than a

2 subdivision rate.

3 MS. LANZETTA: We're not getting it for
4 the subdivision anyway.

5 MR. CLARK: That's what I'm saying.

6 It's a potential. You're getting taxes, you're
7 just not getting it at a higher rate. If the guy
8 goes broke, what good does that do?

9 MS. LANZETTA: On the flip side, why
10 move forward on anything until you're -- it just
11 seems like they're playing it both ways.

12 MR. CLARK: Exactly.

13 MS. LANZETTA: Well --

14 CHAIRMAN TRUNCALI: The applicant has
15 told me that they are getting estimates on the
16 project and that they're going to be moving
17 forward on it very soon.

18 Do I have a motion to extend -- to give
19 an extension for Brody Ridge?

20 MR. CLARK: I will make that motion.

21 CHAIRMAN TRUNCALI: Do I have a second?

22 MR. CAUCHI: I'll second.

23 CHAIRMAN TRUNCALI: All in favor?

24 MS. LANZETTA: Aye.

25 MR. CLARK: Aye.

2 MR. CAUCHI: Aye.

3 MR. LOFARO: Aye.

4 CHAIRMAN TRUNCALI: Aye.

5 All opposed?

6 (No response.)

7 CHAIRMAN TRUNCALI: So carried.

8 (Time noted: 9:35 p.m.)

9

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

11

12 I, Michelle Conero, a Shorthand
13 Reporter and Notary Public within and for
14 the State of New York, do hereby certify
15 that I recorded stenographically the
16 proceedings herein at the time and place
17 noted in the heading hereof, and that the
18 foregoing is an accurate and complete
19 transcript of same to the best of my
20 knowledge and belief.

21

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23

24 DATED: November 30, 2015

25

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4 ----- X
5 In the Matter of
6

7 NIECO (LARKIN)
8 Project No. 13-6003
9 Highview Road
10 Section 103.1; Block 2; Lot 87.300
11 ----- X
12

13 EXTENSION - SITE PLAN
14

15 Date: November 2, 2015
16 Time: 9:35 p.m.
17 Place: Town of Marlborough
18 Town Hall
19 21 Milton Turnpike
20 Milton, NY 12547
21

22 BOARD MEMBERS: JOEL TRUNCALI, Chairman
23 CINDY LANZETTA
24 STEVEN CLARK
25 EMANUEL CAUCHI
26 JOSEPH LOFARO
27

28 ALSO PRESENT: RONALD BLASS, ESQ.
29 PATRICK HINES
30 KATHI NATLAND
31 JEN FLYNN
32 MICHAEL MUSSO
33

34 APPLICANT'S REPRESENTATIVE: CHARLES BROWN
35

36 ----- X
37 MICHELLE L. CONERO
38 10 Westview Drive
39 Wallkill, New York 12589
40 (845) 895-3018
41

2 CHAIRMAN TRUNCALI: Next is Nieco, an
3 extension for site plan. We also have a letter
4 from Talcott Engineering.

5 MR. BROWN: Charles Brown. That's me.
6 Charles Talcott Brown. This one my client got
7 involved with some other things and again didn't
8 have the money to finish this up. He has since
9 come back to me. I hadn't heard from him in
10 probably nine months. He came back to me two
11 weeks ago and now he's ready to get this thing
12 finished up and put his building up.

13 It also helps that Frank Sotile bought
14 the lot right next door that controls the road.
15 The two of them are in discussions now to take
16 care of the road and the entrance that DOT wants.

17 The only thing we had outstanding, if I
18 remember right Pat, was a drainage thing which
19 has since been exasperated by what the car dealer
20 is doing on the mountain, unabated without any
21 permits as far as I know. The drainage from our
22 site drains the other way. Pat and I met out in
23 the field probably a year ago.

24 MR. HINES: Yeah.

25 MR. BROWN: That's what we determined.

2 All that flooding in front of the bank and what
3 not has nothing to do with this particular
4 property.

5 MR. HINES: There are drainage
6 improvements that are going to be constructed as
7 part of this project as well.

8 MR. BROWN: Yes. We're putting in a
9 small detention pond to offset the impervious
10 area from our building.

11 CHAIRMAN TRUNCALI: Wasn't there also
12 some water that was going to be directed out to
13 Milton Turnpike?

14 MR. HINES: Correct.

15 MR. BROWN: Right out this way again.

16 MR. HINES: Through an easement on the
17 adjoining property there. It used to be Ross's
18 property there.

19 CHAIRMAN TRUNCALI: This is a site
20 plan approval. What is the extension for site
21 plan approval?

22 MR. BLASS: The code says that site
23 plan review shall be void if construction is not
24 started within one year and completed within two
25 years of final site plan approval. Each of these

2 periods may be extended by the Planning Board for
3 up to two additional periods of one year each.

4 So this would be I think the first --

5 MR. BROWN: First year.

6 MR. BLASS: -- one-year extension of
7 the need to start construction. So that would be
8 -- we don't have the file in front of us so we
9 can't pick the specific date, but it would be one
10 year --

11 MR. HINES: From the date of approval.

12 MR. BLASS: It would actually be two
13 years from the date of approval by which
14 construction must now start because the one year
15 has just about run out theoretically. So I think
16 the motion would be to extend the date for
17 commencement of construction to the second
18 anniversary of the date of final site plan
19 approval.

20 MR. BROWN: I think April 2016.

21 MR. BLASS: The site plan was approved
22 when, Charlie?

23 MR. BROWN: March 31, 2014. So I'm
24 thinking April 2014 was final.

25 MR. BLASS: We're not really sure.

2 Since we're not sure we can make the resolution
3 just the second anniversary of the date of final
4 site plan approval.

5 MR. BROWN: Which would be enough for
6 my client.

7 CHAIRMAN TRUNCALI: Okay.

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

9 CHAIRMAN TRUNCALI: Do I have a second?

10 MR. CLARK: I'll second it.

11 CHAIRMAN TRUNCALI: Steve seconds. All
12 in favor?

13 MS. LANZETTA: Aye.

14 MR. CLARK: Aye.

15 MR. CAUCHI: Aye.

16 MR. LOFARO: Aye.

17 CHAIRMAN TRUNCALI: Aye.

18 All opposed?

19 (No response.)

20 MR. BROWN: So the procedure for this,
21 since that was a conditional and now -- that was
22 the only condition is to bring how many maps to
23 the Town to get them signed for site plan?

24 MR. HINES: You'll have to check. I
25 don't know.

2 Kathi, do you remember how many are
3 required for site plan?

4 MS. NATLAND: I think we keep like
5 three copies.

6 MR. BROWN: Okay. Three plus how ever
7 many. Okay. Thank you.

8 CHAIRMAN TRUNCALI: The Stenographer's
9 minutes, we had just received those tonight so
10 we're going to postpone those for approval until
11 the next meeting.

12 Is there any new business?

13 MR. CAUCHI: No.

14 CHAIRMAN TRUNCALI: If we have no new
15 business, I'll entertain a motion to close the
16 meeting.

17 MR. CAUCHI: I'll make a motion to
18 adjourn the meeting.

19 CHAIRMAN TRUNCALI: A second?

20 MR. LOFARO: I'll second it.

21 CHAIRMAN TRUNCALI: All in favor?

22 MS. LANZETTA: Aye.

23 MR. CLARK: Aye.

24 MR. CAUCHI: Aye.

25 MR. LOFARO: Aye.

2 CHAIRMAN TRUNCALI: Aye.

3 Closed.

4

5 (Time noted: 9:41 p.m.)

6

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

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10

11 I, Michelle Conero, a Shorthand
12 Reporter and Notary Public within and for
13 the State of New York, do hereby certify
14 that I recorded stenographically the
15 proceedings herein at the time and place
16 noted in the heading hereof, and that the
17 foregoing is an accurate and complete
18 transcript of same to the best of my
19 knowledge and belief.

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25 DATED: November 30, 2015

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