

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

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

7 TADDEO/POLLOCK
8

9 Project No. 15-8008
10 Main Street
11 Section 103.9; Block 2; Lots 29 & 30
12

13 ----- X
14 PUBLIC HEARING
15 SKETCH - LOT LINE REVISION
16

17 Date: December 7, 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 BEN TRAPANI
CINDY LANZETTA
EMANUEL CAUCHI
JOSEPH LOFARO

26 ALSO PRESENT: RONALD BLASS, ESQ.
27 PATRICK HINES
28 JEN FLYNN
29

30 APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH
31

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

2 CHAIRMAN TRUNCALI: Would you
3 please rise for the Pledge to the flag.

4 (Pledge of Allegiance.)

5 CHAIRMAN TRUNCALI: "Agenda, Town of
6 Marlborough Planning Board, December 7, 2015.
7 Regular meeting 7:30 p.m. Approval of
8 stenographic minutes for 10/5. Taddeo/Pollock,
9 sketch, lot line revision, public hearing;
10 Chernobyl Power & Light, sketch, site plan,
11 public hearing; Levesque, amended site plan,
12 public hearing; Estate of E. Greiner,
13 subdivision, public hearing; Shirley Sarinsky,
14 subdivision, public hearing; Chestnut Petroleum,
15 sketch, site plan; Marquis, sketch, subdivision.
16 Next deadline: Friday, December 11th. Next
17 scheduled meeting: Monday, December 21st."

18 Is someone here for Pollock/Taddeo?

19 MR. MEDENBACH: Barry Medenbach,
20 Professional Engineer. I have an office in Stone
21 Ridge. I'm here --

22 CHAIRMAN TRUNCALI: We have to read
23 the public hearing notice first.

24 MS. LANZETTA: "Legal notice for lot
25 line revision application. Please take notice a

2 public hearing will be held by the Marlborough
3 Planning Board pursuant to the State
4 Environmental Quality Review Act and Town of
5 Marlborough Town Code Section 134-33 on Monday,
6 December 7, 2015 for the following application:
7 Taddeo/Pollock lot line revision, at the Town
8 Hall, 21 Milton Turnpike, Milton, New York at
9 7:30 p.m. or as soon thereafter as may be heard.
10 The applicant is seeking approval of a lot line
11 revision for lands located at Main Street,
12 Milton, New York, Section 103.9; Block 2; Lot 29
13 and 30. Any interested parties either for or
14 against this proposal will have any opportunity
15 to be heard at this time. Joel Truncali,
16 Chairman, Town of Marlborough Planning Board."

17 CHAIRMAN TRUNCALI: Thank you.

18 MR. MEDENBACH: Do you want me to give
19 a little presentation?

20 CHAIRMAN TRUNCALI: Sure.

21 MR. MEDENBACH: This for the public and
22 the Board. I'll turn it this way so you can see
23 it.

24 It's a very simple situation. It's two
25 buildings that are located on Main Street in

2 Milton. The boundary between them is somewhat in
3 dispute just because of the records and surveys.
4 There's been an overlap. The two owners have
5 come together and come to an agreement as to
6 where the boundary should be. This map
7 represents that boundary line agreement. So it's
8 very straightforward.

9 MR. HINES: We don't have any
10 outstanding comments regarding this.

11 We previously commented that it didn't
12 meet zoning because of a bulk table separation
13 issue. It turns out the bulk table was revised
14 in the hamlet zone, so that's not an issue any
15 more. Both of the lots meet the bulk
16 requirements under the hamlet zone.

17 We would recommend a negative
18 declaration for the lot line change.

19 CHAIRMAN TRUNCALI: This is a public
20 hearing. Does anyone have a comment on this
21 application? Please state your name.

22 MR. GARAFALO: James Garafalo. I have
23 a more general comment, not only on this but it
24 actually applies to some of the other ones. On
25 the web where you have your listing, you have

2 LLR. The public isn't going to know what that
3 means. I wish you would spell out, you know, lot
4 line revision, as well as some of the other ones,
5 whether it be site plan or site design. Whatever
6 it is, spell it out. I think it's good to use a
7 nice big font so people could read it.

8 It would also be helpful if there was
9 maybe a one-line description of what was being
10 proposed in terms of, you know, the size or what
11 have you. This one is pretty clear. I think on
12 some of the other ones, you know, it would be
13 helpful to know if it's a million square foot
14 development or, you know, a single-family house.
15 Just a one-line description.

16 This one, I think the Board is pretty
17 clear where it is. I think for some other ones,
18 having an aerial photo, large scale, would be
19 helpful. I don't think it's needed in this one
20 but I think in general, procedural wise, to ask
21 them to come in with one so the public can see
22 exactly where it is. Maybe color it up with a
23 nice colored line. Thank you.

24 CHAIRMAN TRUNCALI: Thank you for your
25 comment.

2 Anyone else?

3 (No response.)

4 CHAIRMAN TRUNCALI: If not, I'll ask
5 for a motion for a resolution of a negative
6 declaration on this application.7 MR. CAUCHI: I'll make a motion for a
8 negative declaration on this application.

9 CHAIRMAN TRUNCALI: Do I have a second?

10 MR. TRAPANI: I'll second it.

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

13 MR. TRAPANI: Aye.

14 MS. LANZETTA: Aye.

15 MR. CAUCHI: Aye.

16 MR. LOFARO: Aye.

17 CHAIRMAN TRUNCALI: Aye.

18 Opposed?

19 (No response.)

20 CHAIRMAN TRUNCALI: So carried.

21 That's it.

22 MR. MEDENBACH: Do we get a decision?

23 CHAIRMAN TRUNCALI: Oh, yes.

24 MR. HINES: There are no conditions of
25 approval. It would be able to be filed upon your

2 approval.

3 CHAIRMAN TRUNCALI: Do I have a motion
4 for approval of the lot line revision?

5 MR. LOFARO: I'll make the motion.

6 CHAIRMAN TRUNCALI: Do I have a second?

7 MS. LANZETTA: I'll second that.

8 CHAIRMAN TRUNCALI: All in favor?

9 MR. TRAPANI: Aye.

10 MS. LANZETTA: Aye.

11 MR. CAUCHI: Aye.

12 MR. LOFARO: Aye.

13 CHAIRMAN TRUNCALI: Aye.

14 All opposed?

15 (No response.)

16 CHAIRMAN TRUNCALI: Done.

17 MR. MEDENBACH: Thank you very much.

18

19 (Time noted: 7:35 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: December 27, 2015

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

In the Matter of

CHERNOBYL POWER & LIGHT

Project No. 15-8011

30 Main Street

Section 103.9; Block 2; Lots 28 & 29

PUBLIC HEARING

SKETCH - SITE PLAN

12 Date: December 7, 2015
13 Time: 7:36 p.m.
14 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

16 BOARD MEMBERS: JOEL TRUNCALI, Chairman
17 BEN TRAPANI
18 CINDY LANZETTA
19 EMANUEL CAUCHI
20 JOSEPH LOFARO

19 ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
20 JEN FLYNN

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

MICHELLE L. CONERO

10 Westview Drive

Wallkill, New York 12589

(845) 895-3018

2 CHAIRMAN TRUNCALI: Next up is
3 Chernobyl Power & Light.

4 We'll read the legal notice first.

5 MS. LANZETTA: "Please take notice a
6 public hearing will be held by the Marlborough
7 Planning Board pursuant to the Town of
8 Marlborough Town Code Section 155-32 on Monday,
9 December 7, 2015 for the following application:
10 Chernobyl Power & Light, at the Town Hall, 21
11 Milton Turnpike, Milton, New York at 7:30 p.m. or
12 as soon thereafter as may be heard. The
13 applicant is asking for a site plan located at
14 30 Main Street, Milton, New York, Section 103.9;
15 Block 2; Lot 28 and 29. Any interested parties
16 either for or against this proposal will have any
17 opportunity to be heard at this time. Joel
18 Truncali, Chairman, Town of Marlborough Planning
19 Board."

20 CHAIRMAN TRUNCALI: Thank you.

21 Pat, would you like to go over your
22 comments?

23 MR. HINES: There are a couple of
24 clean-up issues. There's a shared parking
25 arrangement that must be submitted to Ron Blass's

2 office for review and approval. There's going to
3 be parking shared across three parcels here, in
4 addition to the credit that the two of the
5 parcels that are involved have for the street
6 parking in the hamlet zone.

7 There was a request from the
8 jurisdictional fire department to receive a copy
9 of the plans. I don't know if we received
10 anything back from them.

11 The plans have been updated to show the
12 current and proposed uses for all portions of the
13 subject property pursuant to the Board's
14 discussion.

15 So with those minor technical comments,
16 we would recommend a negative declaration based
17 on the information submitted, and that those
18 comments -- I don't know if the fire department
19 came back but the others could be conditions of
20 approval.

21 CHAIRMAN TRUNCALI: Would you like to
22 go over your project?

23 MR. MEDENBACH: Sure. This is actually
24 right next door to the bakery, and the bakery has
25 the parking lot in it. This one I colored. This

2 is the building in question. It was formerly a
3 bank building. I believe it had apartments
4 above. There's two stories, one at street level,
5 one above which are the two apartments. Street
6 level was the bank and below that was the
7 basement which was storage.

20 Right now there's a driveway that goes
21 through. It actually goes all the way on through
22 out to Brewster Street. This is the parking area
23 behind the bakery and the laundromat. It has
24 excess parking. Some of the parking would be
25 able to serve the restaurant, as well as the on

2 street. We did a parking lot analysis to show
3 that we have more than enough. We have a total
4 of fifty-seven spaces where fifty-two are
5 required.

6 CHAIRMAN TRUNCALI: Chief Kneeter, do
7 you have any comments?

8 MR. KNEETER: One thing. You are
9 putting a sprinkler system in?

10 MR. MEDENBACH: Yes, the building will
11 be sprinklered.

12 MR. KNEETER: The only thing the
13 department is looking for is the pipe be out in
14 front of the building. Otherwise we're
15 satisfied.

16 MR. POLLOCK: Okay.

17 CHAIRMAN TRUNCALI: Please state your
18 name.

19 MS. GERALDINE MANESE: Okay. Geraldine
20 Manese. I have a question, first of all,
21 regarding the parking, okay, on Main Street. We
22 have five parking spaces per property; is that
23 correct?

24 CHAIRMAN TRUNCALI: That's allowed.

25 MR. HINES: In the hamlet zone each

2 property is credited with five on-street parking
3 spaces by code, and then any of the additional
4 parking needs to be made up. The applicant owns
5 several parcels here that are going to be
6 entering into a shared parking agreement. It's
7 not uncommon. The Board has done it before in
8 the hamlets. The Falcon facility in the
9 Marlborough hamlet as well as the former
10 Brickhouse Restaurant had an arrangement with the
11 neighboring property as well when they did their
12 second floor.

13 You've done it before in the hamlet.
14 It's a method of addressing the parking situation
15 as it exists to allow others to be developed.

16 MS. GERALDINE MANESE: I'm questioning,
17 first of all, the five parking spaces that each
18 property owner has now. Okay. The properties
19 that are on Main Street, from the firehouse to
20 the post office there's supposed to be sixty-five
21 parking spaces. If each property has five spaces
22 each, there's not sixty-five parking spaces.
23 That's a big problem right there.

24 CHAIRMAN TRUNCALI: Right.

25 MR. MEDENBACH: In reference to --

2 MS. GERALDINE MANESE: We also have a
3 daytime operation, okay, and we have nighttime
4 operations on Main Street. The daytime operation
5 is Frida's, we have Stephanie's, we have
6 Vivian's, we have the library and we have a post
7 office. Those businesses take up all of the
8 parking spaces on Main Street during the day,
9 okay. You can't find a space on Main Street.
10 Though Frida's has parking in their back lot, no
11 one seems to use it. They use all of the street
12 parking. It's fine with us. We have three
13 properties right in that area. Our fifteen
14 spaces are always taken up during the day, and
15 that's fine because we don't really do business
16 until 3:00 in the afternoon through the evening.
17 The same with the bar across the street. Our
18 tenants do come home after work and they need
19 parking on Main Street also. So I really feel
20 that we can't support a business that's going to
21 have seating and the restaurant on the off hours
22 because the Town is not going to be able -- we're
23 not going to be able to handle the traffic.
24 We're not going to be able to handle the traffic.
25

CHAIRMAN TRUNCALI: Okay. Thank you

2 for your comment.

3 Do you have a sign that shows the
4 parking behind the building?

5 MR. MEDENBACH: Yeah. I might want to
6 point out, too, with this particular application
7 we have fifty-seven parking spaces for the three
8 properties he has where he only needs fifty-two.
9 So, you know --

10 MS. GERALDINE MANESE: Could you tell
11 me where this property is?

12 MR. MEDENBACH: This property, it's --

13 MS. GERALDINE MANESE: There's
14 twenty-two spaces in the back.

15 MR. MEDENBACH: This is Frida's
16 building here. It's the building just to the
17 east of it. So the driveway comes in and there's
18 parking back here. Customers don't use that. I
19 imagine that's just a matter of signage.

20 MR. POLLOCK: We have a sign.

21 MR. MEDENBACH: The thing I'm pointing
22 out here is that this building isn't generating
23 more parking than what he already has here. It
24 doesn't need the five spaces on Main Street based
25 on the calculations that the zoning allows. So

2 it's -- you know, I would agree some customers,
3 sure, if there's an empty spot they're going to
4 park there.

5 MS. PAULINE MANESE: All of them, and
6 they are using parking spaces --

7 CHAIRMAN TRUNCALI: One at a time,
8 please. If you're going to speak you have to
9 state your name.

10 MS. PAULINE MANESE: My name is Pauline
11 Manese. They are parking in every spot. There's
12 nothing available during the day. Behind Frida's
13 is empty. Nobody goes there. Only when they
14 have a meeting do they park there for some
15 reason. Main Street, there's nobody. You can't
16 even stop for a minute if you want to. Even my
17 brother, he has parking for his tenants, off-
18 street parking, and they're parking in there.

19 MS. GERALDINE MANESE: That's true.
20 Even though --

21 MS. PAULINE MANESE: If I want to stop
22 to visit him I can't because there's no place to
23 park.

24 CHAIRMAN TRUNCALI: Right. Yes.

25 MS. HARTWELL: CJ Hartwell. I'm the

2 general manager of Buttermilk Falls and Frida's
3 Bakery.

4 I can speak from personal experience.

5 I go down there daily and people use that parking
6 lot. Spin City clients use that parking lot. I
7 think the community uses that parking lot. It's
8 not just Frida's clients. We welcome people to
9 park there.

10 I think, you know, in general we all
11 know there's a parking issue in Milton. I don't
12 think that should stop us from moving forward and
13 creating businesses in the area. I think it's
14 great for everybody in the community, the
15 residents and the folks that are already doing
16 business here.

17 I think maybe the issue that should be
18 discussed is municipal parking in the Village.

19 MS. PAULINE MANESE: It's fine during
20 the day. It's the evening hours it's not. When
21 people --

22 MS. HARTWELL: But there's already two
23 other businesses that are doing evening business
24 as well.

25 MS. PAULINE MANESE: It's packed.

2 Where are you supposed to park? And now you want
3 another business.

4 MS. GERALDINE MANESE: No one is
5 supposed to park there unless you're Frida's
6 customers. How is anybody going to park back
7 there?

8 MR. POLLOCK: There is a sign.

9 MS. GERALDINE MANESE: The signage is
10 very small up on top of the building in the
11 front. They don't even know there's parking back
12 there. When they have meetings or parties they
13 must be told because then Frida's parking area in
14 the back is completely full, besides the street
15 is full.

16 MR. MEDENBACH: I might want to point
17 out too that Frida's is probably the only
18 building with an elevator in the Town.

19 MS. GERALDINE MANESE: Who knows that?

20 MR. MEDENBACH: It makes it very
21 convenient for the people -- the regular
22 customers would know that. So it's not like they
23 have to climb up to the front of the building, go
24 up the hill. They can just walk right in from
25 the parking lot area and use the elevator.

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MS. GERALDINE MANESE: I've spoken to a

lot of the customers and they don't know that

there's an elevator they can use.

5

MS. AMAROTO: My name is Karen Amaroto.

6

I wanted to make a comment from somebody that

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absolutely loves Frida's Bakery and loves all the

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businesses downtown. I think there is a lot of

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confusion only because the sign is very small and

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it's hard to see. I think if there was -- if we

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address the signage issue it would be a huge

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start. If there was maybe just a little bit more

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of an attempt to get people to come to the back

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and up the stairs, up the elevator. I think it

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just -- you know, everybody is so used to parking

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and running in, nobody expected the business to

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do so wonderfully. Now that it's really doing

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excellent, the problem is escalating and the sign

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isn't appropriate. The amount of people that

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know that the parking is back there and how easy

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it is to go up the elevator aren't enough.

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MS. GERALDINE MANESE: I still don't

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know where the fifty-seven spaces are going to

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be. I know there's twenty some back there.

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CHAIRMAN TRUNCALI: If you'd like to

2 come up they can show you on the map.

3 MS. GERALDINE MANESE: There's twenty
4 some available now. Where are the others?

5 MR. MEDENBACH: There are --

6 MR. POLLOCK: I need to put lines.

7 MR. MEDENBACH: There are forty-seven
8 spaces behind the building now, and then the
9 other ten for the five that are allotted on the
10 street for the two different businesses. Each is
11 allotted five. That's how we came up with the
12 number of fifty-seven.

13 MS. GERALDINE MANESE: First of all,
14 the Town does not have five spaces for each
15 property that's on that street.

16 CHAIRMAN TRUNCALI: I agree, but you're
17 allowed five.

18 MS. GERALDINE MANESE: But there are
19 not five each.

20 MS. PAULINE MANESE: How are you
21 supposed to get them?

22 CHAIRMAN TRUNCALI: That's part of the
23 code.

24 MS. GERALDINE MANESE: That's part of
25 the code. Okay. That's why we have daytime

2 operation businesses and evening businesses until
3 now.

4 MR. GARAFALO: James Garafalo. Is
5 there a restriction on the parking on the street?
6 Are there meters? Is there any time restriction?

7 MR. MEDENBACH: I don't believe so, no.

8 MR. GARAFALO: Are they marked?

9 MR. MEDENBACH: I believe they are.

10 MR. GARAFALO: Okay. Certainly one of
11 things I've heard is the sign isn't big enough
12 and maybe they need a bigger sign. Maybe it
13 needs to be in a different place. I think for
14 the Board to know exactly what it looks like,
15 where it is would be helpful.

16 Is there any of the parking in the back
17 reserved for the tenants?

18 MR. MEDENBACH: Just the handicap.

19 That's the only restriction.

20 MS. GERALDINE MANESE: The sign says
21 reserved for Frida's. All others will be towed.

22 MR. POLLOCK: Does it really say that?

23 MS. PAULINE MANESE: Yes.

24 MS. GERALDINE MANESE: That's what it
25 says.

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MR. GARAFALO: The dumpster, is there a fence or some kind of something blocking it visually?

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MR. POLLOCK: No.

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MS. PAULINE MANESE: It's just open.

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MS. GERALDINE MANESE: Way up on top of the building.

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MR. GARAFALO: My last comment is I think it would be nice for properties like this if they were to include at least one place where bicycles could park. I mean one of the things we'd like to do in the Town is make it more bicycle accessible. It could be simply two poles coming up that are connected. It would be nicer if the Town would have a theme, something that looks like an apple or something like that, that could be used throughout the Town. That would be nice. Something simple to be located somewhere and signed so that it's very clear where it is I think would be nice on a property like this where particularly it can serve multiple uses. It doesn't have to be a lot of spaces. At least one would be nice. Thank you.

MS. GERALDINE MANESE: The other thing

2 that really needs to be done is we need to have
3 parking spaces marked off, marked spaces, so
4 people know, you know, where to park. They park
5 in the middle and somebody else can't park. You
6 know what I'm saying? They just pull up and park
7 wherever they want to park and there's no rhyme
8 or reason to it, and then you can't fit -- even
9 the little amount of cars you can put there, you
10 can't put them there because one car will take up
11 two spaces. So we're also thinking about marking
12 the pavement so you have, you know, specific
13 parking spots.

14 CHAIRMAN TRUNCALI: I think you would
15 have to talk to the highway department about
16 that.

17 MS. GERALDINE MANESE: The Town. Yup.

18 CHAIRMAN TRUNCALI: Does anyone else
19 have a comment?

20 (No response.)

21 CHAIRMAN TRUNCALI: If not, I'll have a
22 motion to close the public hearing.

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

25 CHAIRMAN TRUNCALI: Do I have a second?

2 MS. LANZETTA: I'll second that.

3 CHAIRMAN TRUNCALI: All in favor?

4 MR. TRAPANI: Aye.

5 MS. LANZETTA: Aye.

6 MR. CAUCHI: Aye.

7 MR. LOFARO: Aye.

8 CHAIRMAN TRUNCALI: Aye.

9 All opposed?

10 (No response.)

11 MR. HINES: To address the comments we
12 heard regarding parking, there is a need to work
13 out the legal agreements between the three
14 parcels involved here. Mr. Blass was here and
15 heard those comments. As part of that agreement I
16 would suggest the Planning Board require some
17 signage stating those three users have additional
18 parking to the rear of the facility. Kind of
19 directing people there may help.

20 MR. POLLOCK: No problem.

21 MR. HINES: I just want to clarify each
22 individual lot doesn't have assigned five parking
23 spots. It's a part of the code to allow
24 flexibility in the hamlet areas that there is
25 shared parking for the various uses. It's

2 probably twenty years ago that the code was
3 revised for that. Each of the users coming in
4 in both of the hamlets had zero parking
5 available. It was a method that the code was
6 revised to allow small intensity uses to get
7 credit for those five spaces or the publicly
8 available spaces. They're not assigning them.
9 Certainly if you went out to the hamlet and
10 counted the number of parcels times five, there's
11 not that number of parking spaces there, but it
12 also envisions the mix of uses. That's the
13 reason for that being in the code.

14 CHAIRMAN TRUNCALI: Thank you.

15 Do I have a motion for a resolution for
16 a negative declaration on this application?

17 MS. LANZETTA: I'll make a motion that
18 we give this application a negative declaration.

19 CHAIRMAN TRUNCALI: Do I have a second?

20 MR. CAUCHI: I'll second.

21 CHAIRMAN TRUNCALI: All in favor?

22 MR. TRAPANI: Aye.

23 MS. LANZETTA: Aye.

24 MR. CAUCHI: Aye.

25 MR. LOFARO: Aye.

2

CHAIRMAN TRUNCALI: Aye.

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All opposed?

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(No response.)

5

CHAIRMAN TRUNCALI: So carried.

6

MR. HINES: The only outstanding issue is the shared parking arrangement, which could be

8 a condition of approval.

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10 CHAIRMAN TRUNCALI: Does anyone else from the Board have any questions?

11 MR. TRAPANI: I think if possible maybe we should get in touch with Mr. Appler to see maybe they can mark off parking spaces. I've seen where people may park right here and then a person park over there and there's a lot of room where they could save one or two spaces if they were marked off. Maybe we could check with Gael and see, maybe possibly they could do something like that. It is tough. You go down there now, they've got Monday night football. You can't drive through Town right now if you go down there. You know what, we can't stop progress in the Town. We just have to try to work on things to try to make it better so we can all get along together and be able to get our businesses going.

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The Maneses have been here forever. This young gentleman, if it wasn't for him and his brother, we haven't had much come in to Marlborough except maybe Stewart's. We have to try to help the Town grow as much as we can and we have to try to make arrangements so we can fit cars and people in the Town.

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MS. GERALDINE MANESE: That's it.

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That's the thing. We give up our spaces all day long, okay. In the evenings we want them back because we need them for tenants, we need them for customers. The same with the bar across the street. The same thing. That's all we ask. That's why we're asking them to have operations during the day. We don't care, as much as they can come in is fine. We want the Town to grow. Frida's is a good thing, you know. It's a good business. Thank God it's doing good. It's during the day, it doesn't interfere with us at night. We give up all of our spaces we're allowed to have. We made off-street parking for ourselves. But still, you know, how much more can we give? At night they're going to come and use the spaces too? That's not fair. It's not

2 right.

3 CHAIRMAN TRUNCALI: Is there anyone
4 else from the Board that has any comments?

5 (No response.)

6 CHAIRMAN TRUNCALI: If not, I will ask
7 if there's a motion for a site plan approval
8 conditional upon the parking agreement?

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

10 CHAIRMAN TRUNCALI: Do I have a second?

11 MR. LOFARO: I'll second it.

12 CHAIRMAN TRUNCALI: Joe seconds. All
13 in favor?

14 MR. TRAPANI: Aye.

15 MS. LANZETTA: Aye.

16 MR. CAUCHI: Aye.

17 MR. LOFARO: Aye.

18 CHAIRMAN TRUNCALI: Aye.

19 Any opposed?

20 (No response.)

21 CHAIRMAN TRUNCALI: So carried.

22 MR. MEDENBACH: Thank you very much.

23

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

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: December 27, 2015

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

In the Matter of

LEVESQUE

Project No. 15-8010
1100 Route 9W
Section 108.4; Block 5; Lot 27

PUBLIC HEARING

SKETCH - AMENDED SITE PLAN

12 Date: December 7, 2015
13 Time: 7:56 p.m.
14 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

16 BOARD MEMBERS: JOEL TRUNCALI, Chairman
17 BEN TRAPANI
18 CINDY LANZETTA
19 EMANUEL CAUCHI
20 JOSEPH LOFARO

19 ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
20 JEN FLYNN

21 APPLICANT'S REPRESENTATIVE: LOUIS DUROIS

2 CHAIRMAN TRUNCALI: The next item is
3 Levesque, amended site plan, public hearing.

4 MR. DUBOIS: I've got the return on the
5 public notices. Do you want me to give them
6 to --

7 CHAIRMAN TRUNCALI: Yes.

8 MR. DUBOIS: There were eleven people
9 involved adjoining. I got seven returned and one
10 returned address unknown.

11 MS. LANZETTA: "Please take notice a
12 public hearing will be held by the Marlborough
13 Planning Board pursuant to the Town of
14 Marlborough Town Code Section 155-32 on Monday,
15 December 7, 2015 for the following application:
16 M. Levesque, at the Town Hall, 21 Milton
17 Turnpike, Milton, New York at 7:30 p.m. or as
18 soon thereafter as may be heard. The applicant
19 is asking for an amended site plan located at
20 1100 Route 9W, Section 108.4; Block 5; Lot 27.
21 Any interested parties either for or against this
22 proposal will have an opportunity to be heard at
23 this time. Joel Truncali, Chairman, Town of
24 Marlborough Planning Board."

25 CHAIRMAN TRUNCALI: Would you like to

2 just go over your project?

3 MR. DUBOIS: Basically this is the lot
4 that's on the south end of Town on Route 9W where
5 there was a materials -- loose materials storage
6 area before. I forgot the name of it. What was
7 it?

8 MR. BAKER: Noto's I think.

9 MR. DUBOIS: Anyway, the application
10 before you right now is a storage facility for
11 the DEP construction that's going on down below,
12 about a mile or so. The company wants to be able
13 to store the pipe that's going to be used as the
14 liner pipe that goes underneath the Hudson River.
15 This is a project that's going to last three to
16 four years. Basically the pipe is being
17 fabricated in Louisiana, taken up here by barge
18 and somehow transported to this site. This is
19 actually a storage site, so when it comes, as the
20 contractor progresses to go under the river,
21 they'll take the pipe from here and bring it
22 down. So it's like an interim storage area.
23 That's all there is to it.

24 CHAIRMAN TRUNCALI: Pat, would you like
25 -- do you have any comments?

2 MR. HINES: We don't have any new
3 comments. At the last meeting when the public
4 hearing was scheduled we discussed the need for a
5 stormwater permit for greater than one acre
6 disturbance and a notice of intent to be filed.
7 Upon receipt of the appropriate application we'll
8 process that through with the DEC.

9 There was a discussion of having a
10 sunset clause in this approval offered by the
11 applicant. The Board doesn't have any ability to
12 approve temporary uses on the site. The
13 applicant's representative had stated that they
14 don't have a problem with offering that sunset
15 clause. That Ron Blass will have to work out so
16 that this is only approved for use during the DEP
17 job that was discussed.

18 We previously discussed the temporary
19 lighting. I think the Board was okay with the
20 use of contractor mounted temporary lighting
21 after some discussion.

22 Those were the three items.

23 Also, part of that sunset clause was
24 going to be the reclamation and revegetation of
25 the disturbed area.

2 MR. DUBOIS: Which is part of the
3 County requirement.

4 CHAIRMAN TRUNCALI: Right.

5 This is a public hearing. If anyone
6 has a comment, please rise and state your name.

7 MR. OGLE: My name is Joshua Ogle. I
8 just moved into a house that abuts the property.
9 This is the property that has the trailer toward
10 the back of it currently?

11 MR. DUBOIS: Yeah. I guess you would
12 call it a trailer. It's an empty lot. It has
13 the gate on the Route 9W side. It has trees
14 planted. I don't know whereabouts -- what number
15 -- well --

16 MR. OGLE: I'm at 30 Michael Place,
17 which is --

18 MR. DUBOIS: What's your name?

19 MR. OGLE: Joshua Ogle. It's where the
20 gas station --

21 MR. DUBOIS: You got one of the cards?

22 MR. OGLE: Yeah.

23 MR. DUBOIS: What can I do for you?

24 MR. OGLE: So the question was will
25 there be restrictions on the time that this is

2 being used and what type of machinery, because of
3 the noise pollution?

4 MR. DUBOIS: Basically the operation
5 itself is strictly a delivery and extraction, all
6 right. So as a load comes in from Louisiana,
7 they will be unloaded. We don't know the
8 timeframes for that. There's other players
9 involved which are beyond our control, such as
10 the DOT. They may specify that they can't move
11 the pipe across the roadway only between 3 and 4
12 o'clock in the morning, you know. But basically
13 the operation would be then that just -- it would
14 be just a crane unloading that particular truck
15 and then it sits there. That pipe would sit
16 there for six months, you know. It's not a big
17 daily operation. They're going to have a load
18 come in, it will be set up on the chocks, you
19 know, so they don't roll away. These are very
20 big pipes. They're sixteen foot in diameter,
21 they're forty foot long. So from here to that
22 wall, and as high as -- they're big pipes. They
23 don't move. It's that type of operation.

24 MR. OGLE: My concern is because
25 there's a recycling plant there and a lot of -- I

2 forget what it's called. It's not a plant. It's
3 a recycling facility. From 6:30 in the morning
4 until pretty late at night they're --

5 MR. DUBOIS: We're down the road from
6 that.

7 MR. OGLE: I know. I have a property
8 that abuts all of that.

9 MR. DUBOIS: We will not have any of
10 that situation.

11 MR. HINES: There's actually a note on
12 the plans restricting the hours of operation from
13 7 a.m. to 11 p.m. on weekdays and 7 a.m. to 3
14 p.m. on Saturday with no work on Sundays, to
15 respond to your comment. That note was added to
16 the plans.

17 MS. LANZETTA: Are you fine with the
18 hours of operation?

19 MR. DUBOIS: Yes. For now I am.
20 That's what I've been told to go with, so I'm
21 going to go with that.

22 MS. LANZETTA: You can't change it
23 later.

24 MR. DUBOIS: We can always come back
25 and ask for a change.

2

MR. BAKER: Especially if the DOT

3

requires it.

4

MR. DUBOIS: A lot of this stuff we

5

don't know yet. This is a big, big operation.

6

This is not -- you know, there's a lot of players

7

involved. We're just one little small part of

8

it. We're just a storage area. But as we know

9

it, and Tommy will know it, you know, you'll know

10

it, and then if we have to make adjustments we'll

11

make adjustments. That's the way it's going to

12

be done. I do not know physically how they're

13

going to get the pipe to that site yet.

14

MS. LANZETTA: You can't check with the

15

DOT now and find out if they have hourly

16

restrictions that they do or they don't allow

17

that pipe to move?

18

MR. DUBOIS: The DOT has a problem with

19

the fact that they've never handled a situation

20

like this. This is new. This is unusual. We

21

don't transport things like this over the

22

roadways. This is going to involve utility

23

companies, they're going to have to raise wires.

24

Things like that are going to have to be done.

25

They have not yet decided where -- we're getting

2 beyond the scope of this. They have not decided
3 where they're going to unload the barge yet,
4 whether it's going to be, you know, in the
5 Marlborough facility. They may build one. This
6 company is capable of doing that.

7 CHAIRMAN TRUNCALI: Jim?

8 MR. GARAFALO: James Garafalo. Could
9 you put the map up on the board?

10 MR. DUBOIS: Sure.

11 MR. GARAFALO: Thank you. Are there
12 going to be track pads to keep the dirt from
13 ending up on Route 9W?

14 MR. DUBOIS: There's already a paved
15 entrance, an approved --

16 MR. GARAFALO: But the whole thing is
17 paved?

18 MR. DUBOIS: No. It's not intended to
19 be paved.

20 MR. GARAFALO: I didn't think so.

21 That's why I was suggesting maybe track pads so
22 that any mud or dirt --

23 MR. DUBOIS: It's gravel right now.
24 It's gravel and it's crushed stone, and a lot of
25 it. I was there this afternoon walking the area

2 that's not mowed, which is deceiving. Really
3 we're not -- we're going to be disturbing very
4 little. There's two piles of dirt or some type
5 of debris that was left from the previous owner.
6 The last word I got is we may not even have to
7 take the trees down.

8 MS. LANZETTA: You said before that you
9 were going to lay a layer of gravel.

10 MR. DUBOIS: That's going to not be
11 happening. They don't need it now.

12 MS. LANZETTA: All right.

13 MR. DUBOIS: We're not going to be
14 disturbing the big area that we thought we were
15 going to have to because it was hidden. If you
16 look at the lot right now, you'll see the left-
17 hand side is mowed and it looks beautiful. The
18 right-hand side is all brown and full of weeds.
19 The previous owners, they had spread a lot of
20 material in there. It's suitable. All we have
21 to do is basically have runways down to where the
22 crane will pick the pipe up and set it on the
23 chocks. That's it. We don't have a need for a
24 complete bed of gravel.

25 CHAIRMAN TRUNCALI: Thank you.

2 MR. OGLE: Joshua Ogle. Would you be
3 willing -- I'm not sure how this whole process
4 works, so I apologize. Would you be willing to
5 put up some kind of barrier between where this
6 material is and so forth and the properties that
7 abut you? Currently there's all sorts of random
8 metal and plastic and so forth in my yard.

11 MR. OGLE: I understand that.

12 MR. DUBOIS: What we'll do is we'll
13 probably -- I'm going to suggest to them we're
14 going to put the first pipes that arrive on the
15 scene on the perimeter of the site. You will not
16 then see any of the operation going on inside
17 that unless you've got something that's sixteen
18 feet higher that you're going to look over.

19 MR. OGLE: The second thing would be is
20 there any way -- when do you think you will know
21 the answer to -- when do you think you will know
22 the likely times of usage?

23 MR. DUBOIS: Probably mid summer 2016.

24 MR. OGLE: Do you have to have approval
25 now?

2 MR. DUBOIS: They want approval now
3 because this company is very proactive and they
4 get all of their ducks in a row ahead of time.
5 They want to have this area ready for whenever
6 the time comes. They don't want to have to have
7 a barge out in the Hudson River waiting for an
8 approval.

9 MR. GARAFALO: Two more questions. Is
10 there going to be a temporary restroom facility?

11 MR. DUBOIS: There is one right there.

12 MR. GARAFALO: There is one?

13 MR. DUBOIS: Yeah.

14 MR. GARAFALO: Okay. And the second
15 question is have you actually applied to DOT for
16 a highway work permit?

17 MR. DUBOIS: I didn't. The company,
18 Kewit, handles that. I have not. I have no
19 idea.

20 MR. GARAFALO: But not as part of this?

21 MR. DUBOIS: It's not part of this
22 application. I have a DOT approval for this
23 entrance, okay. It's a truck entrance. That's
24 what they're coming in with, a truck.

25 MR. GARAFALO: It's a change of use so

2 you still have to go to them and talk to them to
3 make sure that it's --

4 MR. DUBOIS: I have.

5 MR. GARAFALO: Okay. That's --

6 MR. DUBOIS: Okay.

7 CHAIRMAN TRUNCALI: Howard?

8 MR. BAKER: Lou, I know you don't know
9 exactly how this is going to happen. Do you
10 envision there will be one big delivery of
11 several of these and then the extractions as
12 needed or deliveries over a long period of time
13 and extractions?

14 MR. DUBOIS: I think their intent is to
15 have a supply here of twice the amount that they
16 need at any one time span.

17 MR. BAKER: How many would that be?

18 MR. DUBOIS: I don't know how many are
19 even coming up on the barge. What they'll do is
20 they'll transport down to the construction site,
21 they get lowered down to the shaft and onto a
22 rail system which takes them out into the -- you
23 know, wherever the work area is under the river.

24 MR. BAKER: So you don't really know?

25 MR. DUBOIS: I don't know. All I know

2 is, you know, this is an area that they felt was
3 good, it was close to the site.

4 MR. BAKER: The barge is going to be in
5 Newburgh?

6 MR. DUBOIS: We don't know where the
7 barges are going to land. Like I said, this is a
8 very big company. They can do a lot of things,
9 you know, to make it work. They'll make it
10 happen one way or the other. They're a national
11 company.

12 CHAIRMAN TRUNCALI: In the back.

13 MR. OGLE: Joshua Ogle. I was
14 wondering, you said sixteen feet in diameter?

15 MR. DUBOIS: Yeah. You just go to the
16 top of that signet there. That's about sixteen
17 feet up I think.

18 MR. OGLE: So for each one of those
19 will it take up the entirety of 9W for awhile?

20 MR. DUBOIS: It's only forty feet long.
21 It's from here to the flag. It's a regular
22 tractor trailer load, only it's going to have a
23 big pipe on it. A normal tractor trailer, the
24 trailer itself is usually around fifty-three feet
25 I think. That is the maximum that they allow.

2 CHAIRMAN TRUNCALI: They transport
3 modular houses now. They come up sixteen feet
4 wide.

5 MR. OGLE: Sometimes when they
6 transport modulars you walk off and it's like a
7 double size or something like that.

8 MR. DUBOIS: When they come in, and I
9 don't know how they're going to do it, okay. I
10 want to make that perfectly clear because I'm not
11 in -- I don't know. I suggested using
12 helicopters but they shot me down, you know.
13 That's a perfect way of bringing them in and
14 putting them in place. Like I said, there's a
15 lot of coordination that still has to be done,
16 and that's still all work in progress. That's
17 another whole part of the company that's doing
18 that.

19 Yes, sir.

20 Wait a minute. He's got to say that,
21 not me.

22 MR. GARAFALO: James Garafalo again.
23 Since you are talking to them, maybe you want to
24 suggest that they might want to talk to, I think
25 it's Trap Rock that owns the mining, because they

2 -- even though they haven't been mining over
3 here, they're mining on the other side. Some day
4 they're probably going to need some docks and
5 they're probably pretty close. That might be a
6 place that they want to take a look at.

7 MR. DUBOIS: The problem is they have
8 to unload on this side of the river.

9 MR. GARAFALO: They have property on
10 both sides.

11 MR. DUBOIS: They have the old quarry
12 that's just south of the village. Isn't there an
13 old quarry in there?

14 MR. BAKER: Yes.

15 MR. DUBOIS: For all I know they'll buy
16 that quarry and use that. They can. It's a
17 billion dollar company.

18 MR. GARAFALO: Thank you.

19 CHAIRMAN TRUNCALI: Anyone else?

20 MS. LANZETTA: Well let me just be
21 clear that I understand this site. You have said
22 that now you're going to use it as it exists.
23 You're going to use it as it exists. You're
24 going to put the pipe in but it will not be
25 stacked?

2 MR. DUBOIS: Correct. You can't stack
3 this pipe.

4 MS. LANZETTA: And you'll need some
5 room to move in and out. Have you computed the
6 maximum number of pipes that you can put on that
7 property?

8 MR. DUBOIS: They did but it was
9 incorrect. No. To answer your question; no, I
10 have not.

11 MR. BAKER: Roughly?

12 CHAIRMAN TRUNCALI: Does anyone else on
13 the Board have a comment?

14 MS. LANZETTA: Maybe you could get back
15 to us with that information, the Board.

16 MR. DUBOIS: No. Whatever number I
17 tell you you're going to hold me to it. I'm not
18 going to fall into that trap.

19 MR. BAKER: That's a good question. I
20 think it would sort of give an indication of how
21 many there might be.

22 MR. DUBOIS: When we first got talking
23 about it they showed a plan that had every pipe
24 listed. Like there was no room to sneeze, you
25 know. I said that's unrealistic. I mean it's

2 not going to happen that way. I imagine you're
3 probably going to get two barge loads. I imagine
4 that's going to be about eighty sections. Don't
5 hold me to it. These are big, big pipes, okay.
6 We don't have to worry about security. Nobody is
7 going to walk away with them.

8 Yes, sir.

9 MR. OGLE: Would you lose the deal if
10 you didn't get approval now? I know they want
11 preliminary approval. Would they just leave in
12 that case or get the approval and figure out the
13 details?

14 MR. DUBOIS: I think what we're saying
15 is all we're looking for is approval to store the
16 pipe here. How it gets here, and how it's
17 utilized, and how it's transported over the
18 roadways and stuff like that is beyond this
19 application. All we're asking for is to amend
20 this site plan which was previously approved for
21 material storage. We're changing the storage and
22 we're expanding it. That's basically all we're
23 asking for. We're having a nice discussion on a
24 lot of things I know very little about. I'll be
25 right upfront with you. Those decisions are

2 going to be made way above my pay grade.

3 MR. HINES: They're going to need
4 specialized permits to move these from DOT.
5 There is going to be that level of review for
6 transporting something of this size.

7 MR. DUBOIS: There are going to be
8 special, special tractors and special trailers to
9 haul those. The pipe bottom is only going to be
10 a foot off the ground. They're going to max out
11 at seventeen. They're going to have all sorts of
12 security, police or whatever, handling this.
13 Like Pat said, this is going to be an interesting
14 operation to be honest with you, you know, to see
15 this happen.

16 MR. OGLE: This is the only real forum
17 I have to express things about timing and so
18 forth. That's why these questions touched on the
19 matter.

20 MR. DUBOIS: Like I said, I don't know.
21 You know, we came in with a time. I got a time
22 from the company saying okay, we can do it within
23 this, but they don't know. The DOT can come to
24 them and say the only time we want you on the
25 road in that specialized scenario is maybe 10

2 o'clock at night, you know, when there's no
3 traffic, or something like that. We have nothing
4 -- we can't control that.

5 MR. HINES: If that changes they're
6 going to have to come back here and get an
7 amended site plan. Right now the notes on the
8 site plan restrict it to the times I mentioned
9 before.

10 MR. DUBOIS: Right. Any changes to
11 what's here, we'll be back. We understand that.

12 MR. GARAFALO: Can a note be put on
13 that the pipes will not block access to the
14 restrooms?

15 MR. HINES: To what? That would be
16 easy but there is none.

17 MR. DUBOIS: There is a --

18 MR. HINES: The trailer in the back.

19 MR. GARAFALO: It won't block the
20 access to them. The pipes won't totally block
21 the truck drivers if they have to go to the
22 restrooms.

23 MR. DUBOIS: Okay. They may bring in
24 portals anyway. I can put that.

25 CHAIRMAN TRUNCALI: Anyone else?

2 (No response.)

3 CHAIRMAN TRUNCALI: If not, I'll
4 request a motion to close the public hearing.

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

6 CHAIRMAN TRUNCALI: Do I have a second?

7 MR. CAUCHI: I'll second the motion.

8 CHAIRMAN TRUNCALI: All in favor?

9 MR. TRAPANI: Aye.

10 MS. LANZETTA: Aye.

11 MR. CAUCHI: Aye.

12 MR. LOFARO: Aye.

13 CHAIRMAN TRUNCALI: Aye.

14 All opposed?

15 (No response.)

16 CHAIRMAN TRUNCALI: So carried.

17 Pat, are we ready for a negative dec on
18 this?

19 MR. HINES: Yeah. It's kind of a reuse
20 of an existing -- it was a storage yard for
21 years. I realize that there's a lot of technical
22 details that need to be worked out. I'm familiar
23 with the site of the project. There's a lot of
24 that happening with the project. There's not a
25 lot of change to the site.

2 I am concerned that originally we were
3 told the site would be completely re-covered in
4 gravel. I want to make sure that that's what's
5 going to happen, what's on the plans is what the
6 Board is approving.

7 MR. DUBOIS: You'll get a revised plan
8 indicating --

9 MS. LANZETTA: That's not what's going
10 to happen.

11 MR. DUBOIS: In other words, we're
12 saying that it's a -- we're defining the storage
13 area. In our discussions we talked about the
14 surface area, okay. What we've found out really
15 is that the surface area with the exception of
16 where the trees are, this little piece in the
17 back that's within the heavy lines, is adequate
18 to store the pipe.

19 MR. HINES: So you are no longer going
20 to clear the trees in the back?

21 MR. DUBOIS: Only if necessary.

22 MR. HINES: The problem is the Board is
23 approving a site plan --

24 MR. DUBOIS: I know. That's why --
25 that's why I'm willing, if there's changes --

2 we're talking. This is a project that's not
3 going to start tomorrow. We could be back here
4 in June of next year telling you different times
5 and a different story. What this does is it
6 gives them a place that they can establish with
7 the hierarchy.

8 I've already talked to Tommy about any
9 changes, you know. He's the first one, you know,
10 and he'll -- whatever details he needs as far as
11 soil erosion control, you'll get.

12 MS. LANZETTA: I'm concerned. I just
13 have a question about the stormwater runoff. If
14 they do max out and put sixty, seventy pipes on
15 there, how does that impact as the water hits
16 those pipes? In essence they are making an
17 impervious surface to some extent. A lot more
18 impervious than it is.

19 MR. HINES: And the expansion of the
20 area. One of the technical comments is if you
21 approve it it is going to be subject to that
22 stormwater approval from my office. We're
23 awaiting that information. I'm not clear on how
24 much of the area is going to be re-graveled right
25 now -- resurfaced with gravel.

2

3

CHAIRMAN TRUNCALI: He's saying they

are not going to do anything to the surface now.

4

MR. HINES: I know. I heard that.

5

MR. DUBOIS: Well there's two areas --

6

there's two piles here. I walked it today, this

7

afternoon actually. Until you get over by where

8

there's a couple large trees, it drops down a

9

little bit. If you look at your contours you can

10

see it. There's a low area right where the trees

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are. I talked to Kewit this afternoon and I told

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them maybe if we don't have to I'm not going to

13

take a tree down just for the sake of taking a

14

tree down.

15

MR. BLASS: It sounds to me like the

16

site plan lays out a geographic area within which

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large pipe can be stored any way that the

18

operator wishes so long as the pipe stays within

19

and the operation stays within the storage area

20

defined on the site plan. So I guess the issue

21

for you is is that enough detail to approve it or

22

not?

23

CHAIRMAN TRUNCALI: So are you asking

24

for approval to remove the trees at this time

25

or --

2 MR. DUBOIS: No. I mean I --

3 MR. BLASS: There's a note on the map
4 that says trees to be removed.

5 MR. DUBOIS: To be removed. Maybe I'll
6 amend that to say as necessary.

7 MR. BLASS: Okay.

8 CHAIRMAN TRUNCALI: Do we need to have
9 a new map, Pat, before we go any further?

10 MR. HINES: It seems like there's a lot
11 of questions.

12 MR. DUBOIS: Well I would -- I was
13 planning on giving you a new map because I need
14 to put the County comments on the map, right. We
15 want them to be --

16 MR. HINES: The sunset clause language.

17 MR. DUBOIS: I've got to get together
18 with Ron.

19 MR. HINES: If you want to bring it
20 back in two weeks or a month, you'll have more
21 defined answers.

22 MS. LANZETTA: I would feel better to
23 get it cleaned up and ready for approval.

24 MR. DUBOIS: I'm prepared to do that.
25 I didn't expect final approval tonight. I wanted

2 to make sure the public was involved. We got
3 that and I think we can move forward now. I'll
4 address all the little scenarios, the changes
5 that came about just in the past week. You know,
6 that brings you up to speed then on anything, and
7 then you're approving something that's the best
8 of everybody's knowledge at the moment, which is
9 all you can ask for.

10 CHAIRMAN TRUNCALI: Sounds good.

11 MR. DUBOIS: Agreed.

12 CHAIRMAN TRUNCALI: Thank you.

13 MR. DUBOIS: Thank you.

14 MR. BLASS: It looks like the issue is
15 whether to close the public hearing or keep the
16 public hearing open pending receipt of modified
17 plans.

18 CHAIRMAN TRUNCALI: Do we have to keep
19 it open if we're not going to make any changes?

20 MR. BLASS: Pat just made a good point.
21 It sounds like the proposal is the worst-case
22 scenario.

23 MR. HINES: It's only going to get
24 smaller.

25 MR. BLASS: If that's the case, I think

2 you can close the public hearing.

3 CHAIRMAN TRUNCALI: Is everybody fine
4 with closing the public hearing?

5 MS. LANZETTA: Yes.

6 MR. CAUCHI: Yes.

7

8 (Time noted: 8:22 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

22

23

24 DATED: December 27, 2015

25

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

In the Matter of

7 Project No. 15-8013
96 Idlewild Road
8 Section 108.3; Block 1; Lot 21.111

PUBLIC HEARING
SKETCH - SUBDIVISION

19 ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
JEN FLYNN

21 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

2 CHAIRMAN TRUNCALI: Next up is the
3 Estate of E. Greiner.

4 MS. LANZETTA: "Please take notice a
5 public hearing will be held by the Marlborough
6 Planning Board pursuant to the State
7 Environmental Quality Review Act and the Town of
8 Marlborough Town Code Section 134-33 on Monday,
9 December 7, 2015 on the following application:
10 Estate of Ernest Greiner, at the Town Hall, 1650
11 Route 9W, Milton, New York at 7:30 p.m. or as
12 soon thereafter as may be heard. The applicant
13 is seeking approval of a subdivision application
14 for lands located at Idlewild Road, Marlborough,
15 New York, Section 108.3; Block 1; Lot 21.111.
16 Any interested parties either for or against this
17 proposal will have an opportunity to be heard at
18 this time. Joel Truncali, Chairman, Town of
19 Marlborough Planning Board."

20 MS. BROOKS: We mailed twelve certified
21 return receipt letters and got nine back.

22 We also have a copy of a letter from
23 Gael Appler certifying that there is safe and
24 suitable sight distance at the proposed
25 subdivision driveway location for the record, and

2 a copy of the Ulster County Board of health
3 approval for the record.

4 The application before the Board is a
5 two-lot subdivision to create a 2.61 acre lot
6 with remaining agricultural lands of 30.4 acres.

7 The Board had some concerns last month
8 regarding the farm lanes that we showed on the
9 property. We added a note to the map saying that
10 there is no intention to grant any easements or
11 rights-of-way over any farm lanes shown hereon,
12 which are shown for illustrative purposes only as
13 had been discussed with the consultants. Those
14 were the only mapping changes that were made.

15 We submitted, for the Board, the Board
16 of Health approval and the letter of approval of
17 the driveway location from the highway
18 superintendent.

19 The only waiver we are requesting from
20 the Board this evening is a waiver of topography
21 of the remaining lands. We showed the topo for
22 the proposed new lot number 1 and are requesting
23 a waiver of the remaining lands as no new
24 improvements are proposed on that lot.

25 CHAIRMAN TRUNCALI: Pat, you have one

2 comment there.

3 MR. HINES: Just the first comment
4 identifies that the farm roads don't have an
5 easement, they're shown for illustration.

6 The second comment, there's a 7,000
7 square foot potential ag building being shown
8 here. The Planning Board is not approving that
9 use right now. That's a separate ag use that the
10 building department will approve or not approve
11 as an ag use. We're really looking at the
12 subdivision, not that potential future ag use on
13 the 2.61 acre parcel.

14 The highway superintendent's comments
15 were just received and the Health Department for
16 the septic system was just received.

17 With that, we have no outstanding
18 issues.

19 CHAIRMAN TRUNCALI: This is a public
20 hearing. Does anyone from the public have a
21 comment?

22 MR. ROSNICK: Jack Rosnick. This is my
23 name right here. This is my property.

24 We already have a lot of trucking on
25 that road and I just want to know what kind of

2 traffic are we expecting with trucking and diesel
3 fumes and noise? We have an Air B&B business
4 which people come up from the city and they
5 expect to have peace and quiet, okay. Now we
6 have a trucking business up the mountain already
7 with Zambito's and then there's the water plant.

8 MS. BROOKS: Which is down here.

9 MR. ROSNICK: Right. Which trucks
10 start up around 6 a.m. every morning. I'm just
11 -- where is this going to be exactly?

12 MS. BROOKS: Your property is here and
13 this lot is proposed here. Here is the pond
14 right across the street from you. So it's up on
15 that hill behind the driveway and the pond.

16 MR. ROSNICK: Okay. What kind of
17 traffic are we expecting additional?

18 MS. BROOKS: We're proposing a two-lot
19 subdivision for a residential structure and an
20 agricultural building. We're not proposing any
21 business use. Any business use would require a
22 site plan approval. I know that the proposed
23 purchaser of this lot is working with Mr. Greiner
24 restoring pallets in the agricultural building,
25 helping doing farming for him. I can't speak to

2 what his agricultural business plan is. Anything
3 that would extend beyond an agricultural use
4 would require site plan approval before this
5 Board.

6 CHAIRMAN TRUNCALI: We're just doing an
7 approval here for a single family -- it could be
8 a two-family residence.

9 MR. HINES: The septic is designed for
10 a single family.

11 MS. BROOKS: Single family, four
12 bedroom.

13 CHAIRMAN TRUNCALI: Does anyone else
14 have any comments? Jim.

15 MR. GARAFALO: James Garafalo.
16 Although the Town has already said the sight
17 distances are good, I think it behooves the Board
18 to make sure that that is maintained and to put
19 limits on any vegetation or construction that
20 might be -- that might block any sight lines. I
21 think that would be an appropriate thing to do in
22 the future, not only on this site but on any
23 other sites where that possibly might happen.

24 MS. BROOKS: If you look at a
25 topographical, the driveway is proposed basically

2 on the knoll of the property. Sight distance
3 wise in both directions is the optimal sight
4 distance. I'm not sure -- we've already computed
5 the boundary line at twenty-five feet off the
6 center line. The Town has the right to clear
7 anything within that right-of-way. I think that
8 by virtue of the way we created the lot lines,
9 that will be self perpetuated.

10 MR. GARAFALO: Thank you.

11 CHAIRMAN TRUNCALI: Anyone else?

12 (No response.)

13 CHAIRMAN TRUNCALI: If we have no
14 further comments, I'll ask the Board for a motion
15 to close the public hearing.

16 MS. LANZETTA: I'll make that motion to
17 close the public hearing.

18 CHAIRMAN TRUNCALI: Do I have a second?

19 MR. CAUCHI: I'll second it.

20 CHAIRMAN TRUNCALI: All in favor?

21 MR. TRAPANI: Aye.

22 MS. LANZETTA: Aye.

23 MR. CAUCHI: Aye.

24 MR. LOFARO: Aye.

25 CHAIRMAN TRUNCALI: Aye.

2 Any opposed?

3 (No response.)

4 CHAIRMAN TRUNCALI: So carried.

5 I will ask the Board for a motion for a
6 waiver of the topo of the entire property.

7 MS. LANZETTA: I'll make that motion to
8 waive the requirement for the topography on the
9 section that isn't being subdivided.

10 MR. TRAPANI: I'll second.

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

13 MR. TRAPANI: Aye.

14 MS. LANZETTA: Aye.

15 MR. CAUCHI: Aye.

16 MR. LOFARO: Aye.

17 CHAIRMAN TRUNCALI: Aye.

18 All opposed?

19 (No response.)

20 CHAIRMAN TRUNCALI: So carried.

21 Next we would need a motion for a
22 negative declaration.

23 MR. TRAPANI: I'll make a motion for a
24 negative dec.

25 MR. CAUCHI: I'll second it.

2 CHAIRMAN TRUNCALI: All in favor?

3 MR. TRAPANI: Aye.

4 MS. LANZETTA: Aye.

5 MR. CAUCHI: Aye.

6 MR. LOFARO: Aye.

7 CHAIRMAN TRUNCALI: Aye.

8 Opposed?

9 (No response.)

10 CHAIRMAN TRUNCALI: Are there any other
11 comments from the Board on this application?

12 Pat? Ron?

13 MR. HINES: The only thing is I just
14 want to make sure you're approving the
15 residential use of the 2.61 acres. That's an
16 agricultural building exempt by Ag & Markets.
17 That's fine but they have to go to the building
18 inspector. I just don't know what that use is.
19 The 2.61 acres doesn't seem like a large lot to
20 have 7,000 square feet -- I know ag buildings are
21 exempt from our code. I just want to make sure
22 you're approving the 2.61 residential
23 subdivision.

24 MS. LANZETTA: Mm'hm'.

25 CHAIRMAN TRUNCALI: All right. If

2 there are no other questions from the Board, we
3 can have a motion to approve the residential lot,
4 2.61 acres.

5 MR. LOFARO: I'll make a motion to
6 approve that.

7 CHAIRMAN TRUNCALI: Do I have a second?

8 MR. CAUCHI: I'll second it.

9 CHAIRMAN TRUNCALI: All in favor?

10 MR. TRAPANI: Aye.

11 MS. LANZETTA: Aye.

12 MR. CAUCHI: Aye.

13 MR. LOFARO: Aye.

14 CHAIRMAN TRUNCALI: Aye.

15 All opposed?

16 (No response.)

17 CHAIRMAN TRUNCALI: So carried.

18 MS. BROOKS: So is that preliminary
19 approval and I need to ask for a waiver of final
20 public hearing and ask the Board to consider
21 final approval at the same time or are we still
22 doing that? That technically is --

23 MR. HINES: I think you got it all.

24 MS. BROOKS: That technically is how we
25 should be doing it. I'll write it up that way,

2 that preliminary approval was granted, final
3 public hearing was waived and final approval was
4 granted at the same time as preliminary? I just
5 want to make sure that was the intent of the
6 Board.

7 CHAIRMAN TRUNCALI: Thank you.

8 MR. BLASS: It was with one exemption,
9 neither approval nor disapproval of the ag
10 building shown on the site.

11 MS. BROOKS: Got it. Thank you.

12 MR. HINES: We need to go back to the
13 rec fees. It's been awhile since we did a
14 residential lot. We do need the rec fees.

15 MS. LANZETTA: This is the recreation
16 fee findings for the Town of Marlborough Planning
17 Board. Whereas the Planning Board has reviewed a
18 subdivision application known as Estate of Ernest
19 Greiner with respect to real property located at
20 Idlewild Road in the Town of Marlborough, it is
21 hereby resolved that the Planning Board makes the
22 following findings pursuant to Section 277
23 Section 4 of the Town Law: Based on the present
24 and anticipated future need for park and
25 recreational opportunities in the Town of

2 Marlborough, and to which the future population
3 of this subdivision will contribute, parkland
4 should be created as a condition of approval of
5 this subdivision. However, a suitable park of
6 adequate size to meet the above requirement can
7 not be properly located within the proposed
8 project site. Accordingly, it is appropriate
9 that in lieu of providing parkland, the project
10 sponsor render to the Town payment of the
11 recreational fee to be determined in accordance
12 with the prevailing schedule established for that
13 purpose by the Town of Marlborough. This
14 approved subdivision known as the Estate of
15 Ernest Greiner resulted in two lots for a total
16 of \$1,500 in recreation fees, parent parcel
17 excluded.

18 CHAIRMAN TRUNCALI: If the Planning
19 Board secretary would poll the Board for their
20 approval.

21 MS. FLYNN: Member Cauchi?

22 MR. CAUCHI: Yes.

23 MS. FLYNN: Member Trapani?

24 MR. TRAPANI: Yes.

25 MS. FLYNN: Member Lanzetta?

2 MS. LANZETTA: Yes.

3 MS. FLYNN: Member Mr. Lofaro?

4 MR. LOFARO: Yes.

5 MS. FLYNN: Member Truncali?

6 CHAIRMAN TRUNCALI: Yes.

7 We have approval of the recreation fee.

8 Thank you.

9 MS. BROOKS: Thank you.

10

11 (Time noted: 8:35 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: December 27, 2015

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

In the Matter of

5 SHIRLEY SARTINSKY

7 Project No. 15-8012
Ridge Road
8 Section 108.2; Block 3; Lot 8.200

PUBLIC HEARING
SKETCH - SUBDIVISION

18 ALSO PRESENT: RONALD BLASS, ESQ.
19 PATRICK HINES
JEN FLYNN

21 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

2 MS. LANZETTA: "Please take notice a
3 public hearing will be held by the
4 Marlborough Planning Board pursuant to the
5 State Environmental Quality Review Act and
6 the Town of Marlborough Town Code Section
7 134-33 on Monday, December 7, 2015 for the
8 following application: Shirley Sarinsky, at
9 the Town Hall, 1650 Route 9W, Milton, New
10 York at 7:30 p.m. or as soon thereafter as
11 may be heard. The applicant is seeking
12 approval of a subdivision application for
13 lands located at 160 Ridge Road, Marlborough,
14 New York, Section 108.2; Block 3, Lot 8.100.
15 Any interested parties either for or against
16 this proposal will have an opportunity to be
17 heard at this time. Joel Truncali, Chairman,
18 Town of Marlborough Planning Board."

19 CHAIRMAN TRUNCALI: Thank you.

20 MS. BROOKS: We sent out eight
21 certified letters and six were returned.

22 The application before the Board is a
23 two-lot subdivision to create a 2.03 acre lot
24 with an existing residence, barn and garage.

25 The property was owned by Shirley and

2 Louis Sarinsky, and as part of the settlement of
3 his estate the 2.03 acre lot with the residence
4 will be conveyed to Shirley as his surviving
5 spouse and the remaining lands are to be conveyed
6 to a family trust.

7 The questions that were raised at the
8 last meeting were with regard to the well that
9 was depicted on the site. Given that we have
10 municipal water, we revised the well nomenclature
11 to say it's an unused, old well. We also added
12 the septic area which was located directly
13 northerly of the existing residence to show that
14 it is located on the subject parcel to be
15 subdivided.

16 We also, on this project, asked for a
17 waiver of the full subdivision of the remaining
18 lands given that we still had in excess of 800
19 feet of road frontage remaining.

20 CHAIRMAN TRUNCALI: There are no
21 physical improvements proposed on these parcels?

22 MS. BROOKS: No.

23 CHAIRMAN TRUNCALI: This is a public
24 hearing. Is there any comment from the public?

25 MR. ALLEN: My name is Joe Allen and

2 I'm a resident on Ridge Road. I've lived there
3 for sixteen years.

4 We're against this proposal. I really
5 wish the Planning Board would take a strong stand
6 and preserve the rural character of Marlborough.

7 As you know, many studies argue against
8 -- for the unsustainability of suburbanization.
9 Many communities have taken strong steps to
10 preserve the open space and farmland.

11 Also there's already a house on the
12 former Sarinsky property that's been for sale for
13 years and is sitting there. That kind of
14 suggests why the need for more housing.

15 MR. HINES: This is that house.
16 There's no new house proposed. They're drawing
17 lot lines around that existing structure.

18 MR. BAKER: He's talking about another
19 house. The brick house.

20 MR. ALLEN: They're building another
21 house?

22 MR. BAKER: They're not.

23 MR. ALLEN: What are they doing?

24 MR. HINES: Just drawing lot lines
25 around the existing house for estate purposes.

2 MR. BAKER: There's no new house.

3 MR. HINES: No new house.

4 MR. ALLEN: I hope my comments are
5 still heard, though.

6 MR. BAKER: I think they are trying to
7 preserve --

8 MS. BROOKS: They are.

9 MR. ALLEN: I apologize. Learning
10 experience.

11 MS. BROOKS: That's fine.

12 Would you like to come up and look at
13 the map just so you can see what's happening?

14 MR. ALLEN: Sure.

15 MS. BROOKS: Basically Shirley's
16 husband, Lou, passed away a few years ago and the
17 desire is to separate out this house just on 2
18 acres. This property right here, we were
19 involved with Scenic Hudson when they took the
20 conservation easement from this property. The
21 hope is that the rest of the property will be
22 conserved. Part of the conditions of the will
23 were that Shirley was to get the house solely in
24 her name on 2 acres and the remaining lands are
25 going to be put in a trust.

2 MR. ALLEN: That's what we want.

3 MS. BROOKS: So there is no
4 development.

5 MR. ALLEN: So we're for it. Okay.

6 MS. BROOKS: Thank you. I'm glad you
7 came up to take a look at it.

8 Your name, sir?

9 MR. ALLEN: Joe Allen.

10 MS. BROOKS: Joe Allen. Thank you.

11 CHAIRMAN TRUNCALI: Is there any other
12 comment from the public?

13 (No response.)

14 CHAIRMAN TRUNCALI: James, you don't
15 have anything?

16 MR. GARAFALO: Nope.

17 CHAIRMAN TRUNCALI: Does the Board have
18 any comments?

19 (No response.)

20 CHAIRMAN TRUNCALI: Pat and Ron, you're
21 good?

22 MR. HINES: I'm good. We're
23 recommending a neg dec, a waiver for the balance
24 of the survey, and you will have to do rec fees
25 similar to the previous one.

2 CHAIRMAN TRUNCALI: If there are no
3 more comments from the public, I'll entertain a
4 motion to close the public hearing.

5 MR. TRAPANI: I'll make that motion to
6 close the public hearing.

7 CHAIRMAN TRUNCALI: Do I have a second?

8 MR. CAUCHI: I'll second it.

9 CHAIRMAN TRUNCALI: All in favor?

10 MR. TRAPANI: Aye.

11 MS. LANZETTA: Aye.

12 MR. CAUCHI: Aye.

13 MR. LOFARO: Aye.

14 CHAIRMAN TRUNCALI: Aye.

15 All opposed?

16 (No response.)

17 CHAIRMAN TRUNCALI: So carried.

18 We can entertain a motion for a waiver
19 of the complete topo of the property.

20 MS. LANZETTA: I'll make the motion
21 that we waive the topo on the parent lot of this
22 subdivision.

23 CHAIRMAN TRUNCALI: Do I have a second?

24 MR. CAUCHI: I'll second it.

25 CHAIRMAN TRUNCALI: All in favor?

2 MR. TRAPANI: Aye.

3 MS. LANZETTA: Aye.

4 MR. CAUCHI: Aye.

5 MR. LOFARO: Aye.

6 CHAIRMAN TRUNCALI: Aye.

7 Opposed?

8 (No response.)

9 CHAIRMAN TRUNCALI: So carried.

10 Do we have a motion for a resolution of
11 a negative declaration?

12 MR. CAUCHI: I'll make that motion for
13 the resolution of the negative declaration.

14 CHAIRMAN TRUNCALI: Do I have a second?

15 MR. LOFARO: I'll second.

16 CHAIRMAN TRUNCALI: All in favor?

17 MR. TRAPANI: Aye.

18 MS. LANZETTA: Aye.

19 MR. CAUCHI: Aye.

20 MR. LOFARO: Aye.

21 CHAIRMAN TRUNCALI: Aye.

22 All opposed?

23 (No response.)

24 CHAIRMAN TRUNCALI: So carried.

25 And finally a motion for final

2 approval.

3 MS. LANZETTA: We're giving final
4 approval for -- we're giving approval for
5 preliminary and final for the application before
6 us. I'll make that motion.

7 MR. CAUCHI: I'll second it.

8 CHAIRMAN TRUNCALI: All in favor?

9 MR. TRAPANI: Aye.

10 MS. LANZETTA: Aye.

11 MR. CAUCHI: Aye.

12 MR. LOFARO: Aye.

13 CHAIRMAN TRUNCALI: Aye.

14 Opposed?

15 (No response.)

16 CHAIRMAN TRUNCALI: So carried.

17 We'll read the recreation fee findings.

18 MS. LANZETTA: Whereas the Planning
19 Board has reviewed a subdivision application
20 known as Shirley Sarinsky with respect to real
21 property at Ridge Road in the Town of
22 Marlborough, it is hereby resolved that the
23 Planning Board makes the following findings
24 pursuant to Section 277 Section 4 of the Town
25 Law: Based on the present and anticipated future

2 need for park and recreational opportunities in
3 the Town of Marlborough and to which the future
4 population of this subdivision will contribute,
5 parkland should be created as a condition of
6 approval of this subdivision. However, suitable
7 park of adequate size to meet the above
8 requirement can not be properly located within
9 the proposed project site. Accordingly it is
10 appropriate that in lieu of providing parkland,
11 the project sponsor render to the Town payment of
12 a recreation fee to be determined in accordance
13 with the prevailing schedule established for that
14 purpose by the Town of Marlborough. This
15 approved subdivision known as Shirley Sarinsky
16 resulted in two lots for a total of \$1,500 in
17 recreation fees, parent parcel excluded.

18 CHAIRMAN TRUNCALI: Would the Planning
19 Board secretary please poll the Board?

20 MS. FLYNN: Member Cauchi?

21 MR. CAUCHI: Yes.

22 MS. FLYNN: Member Trapani?

23 MR. TRAPANI: Yes.

24 MS. FLYNN: Member Lanzetta?

25 MS. LANZETTA: Yes.

2 MS. FLYNN: Member Lofaro?

3 MR. LOFARO: Yes.

4 MS. FLYNN: Member Truncali?

5 CHAIRMAN TRUNCALI: Yes.

6 The recreation fees are approved.

7 MS. BROOKS: Okay.

8 CHAIRMAN TRUNCALI: Thank you.

9 MS. BROOKS: Thank you very much.

10

11 (Time noted: 8:44 p.m.)

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

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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: December 27, 2015

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25

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

7 CHESTNUT PETROLEUM
8

9 Project No. 15-8001
10 1417 Route 9W
11 Section 109.1; Block 4; Lot 14
12 ----- X
13

14 SKETCH - SUBDIVISION

15 Date: December 7, 2015
16 Time: 8:44 p.m.
17 Place: Town of Marlborough
18 Town Hall
19 21 Milton Turnpike
20 Milton, NY 12547

21 BOARD MEMBERS: JOEL TRUNCALI, Chairman
22 BEN TRAPANI
23 CINDY LANZETTA
24 EMANUEL CAUCHI
25 JOSEPH LOFARO

26 ALSO PRESENT: RONALD BLASS, ESQ.
27 PATRICK HINES
28 JEN FLYNN

29 APPLICANT'S REPRESENTATIVE: LEO NAPIOR
30

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

2 CHAIRMAN TRUNCALI: Next up is
3 Chestnut Petroleum.

4 MR. NAPIOR: Good evening. For the
5 record, Leo Napior with the law firm Harfenist,
6 Kraut & Perlstein. Joining me is Andy Learn from
7 Morris Associates, our project engineer.
8 Since the application was last before you we did
9 address a number of the comments raised in Pat's
10 prior letter. We did receive earlier today some
11 additional comments. I believe the majority of
12 those are technical in nature. To the extent the
13 Board would like to go through them at all,
14 certainly Andy and I could address those
15 comments. We will do our best to respond to Pat.

16 Just one item. The drainage plan and
17 the stormwater plan for this property was really
18 conceptual in nature to see if the Board and Pat
19 had any comments. We've been in the process of
20 taking those items and revising those, providing
21 details.

22 One, as a matter of process the Board
23 needs to make a SEQRA determination. In doing so
24 it's not an approval. It wouldn't be a closure
25 of the public hearing. There are variances that

2 are required for this application. We've been
3 held up with proceeding with the Zoning Board in
4 working through these details with the Planning
5 Board. I'm just reminding everyone that simply
6 making a SEQRA determination here isn't the final
7 step. We'll be back before you for final site
8 plan approval as soon as the Zoning Board is
9 inclined to grant those variances.

10 In addition, there was a truck turning
11 plan that was submitted.

12 The project elevations were revised in
13 accordance with some of the comments we received
14 from you all at the last meeting.

15 There was some stone work that was
16 added to the front facade. There were some
17 dormers, window grills and a cupola to try to
18 break up the massing of the building on 9W.

19 I know Pat had one question with
20 respect to the highway improvement plan and where
21 we're at with the DOT. That's been held somewhat
22 in delay based on further feedback between my
23 client and Central Hudson. The conceptual plan
24 that was proposed was the direct outtake of the
25 meeting with the DOT. I think the concept is

2 exactly what they were looking for. The only
3 thing that is somewhat in flux is the exact
4 locations of where the highway would be widened
5 to allow those improvements, because there are
6 some utilities, both subsurface as well as
7 utility poles. There's discussions with the
8 utility companies as to who has what where and
9 what makes the most sense. Once we have that
10 feedback from the utility companies we can ship
11 the final plan off to DOT as well as you all.
12 However, the concept is what it is. That
13 wouldn't change at all.

14 With that, I'm happy to address any
15 comments or questions of the Board.

16 MR. HINES: Has the DOT seen this
17 concept traffic plan? It's not a conventional --

18 MR. NAPIOR: They have not seen it. It
19 was discussed early at the initial meeting with
20 them. Their suggestion was how to handle the
21 traffic turning in and out of the site.

22 MR. LEARN: Actually we did a hand
23 drawn sketch with them while on site. Yes, the
24 concept has been seen by them.

25 MR. HINES: I've never seen that layout

2 approved before. That's why I asked the
3 question. It's certainly not a conventional DOT
4 striping plan for traffic control. That's the
5 concern of my comment.

6 We're going along here. I would like
7 to have the DOT take a look at these design plans
8 or concept plans and say yes, we're going to go
9 ahead and approve this, especially if they are
10 going through a lot of iterations with the
11 utility companies and something may change.

12 MR. NAPIOR: We can do our best to
13 follow up with the utility companies and try to
14 make progress with the DOT. Unfortunately I'm
15 not in control of getting a response out of them.

16 One other item that was also raised,
17 and I can include this in our next submission.
18 We do have a return from the New York State
19 Office of Parks, Recreation & Historic
20 Preservation. They don't anticipate any impact
21 of the project. That letter was issued on
22 November 25th. We'll get that into our next
23 submission.

24 CHAIRMAN TRUNCALI: Ron, do you want to
25 get us up to speed on the SEQRA process here?

2 MR. BLASS: Well, the Planning Board is
3 the agency which will conduct the SEQRA review
4 process. I hesitate to say this but I think
5 you've got the SEQRA process and then you've got
6 the underlying approvals, which in this case is
7 site plan approval by the Planning Board and a
8 variance -- one or two variances from the ZBA.
9 Neither of those two underlying approvals pending
10 before two different agencies can go forward
11 until the SEQRA process is brought to a close.

21 You have in front of you -- you have
22 submitted up to this date a long Environmental
23 Assessment Form from the applicant, and that's
24 with Pat for review and comments.

25 You are probably going to eventually

2 need to -- well, you will need, under the SEQRA
3 regulations, to review and develop a Part 2 long
4 Environmental Assessment Form which is a series
5 of questions and illustrations to assist the
6 Board in determining whether or not there is at
7 least one significant environmental impact or no
8 significant environmental impacts.

9 I think that -- I'll let Pat speak for
10 himself, but I think that the level of
11 submissions from the applicant to date leave
12 questions open as to what sort of Part 2
13 Environmental Assessment Form findings this Board
14 might wish to make. For any particular
15 environmental impact on the Part 2 so-called
16 Chinese menu, that form, the Board is going to
17 have to answer a question as to whether there's
18 no environmental impact or a small environmental
19 impact resulting from the project, or
20 alternatively whether there's a moderate to large
21 environmental impact in any particular areas of
22 impact assessment or impacts on land, impacts on
23 geological features, impacts on surface water,
24 impacts on groundwater, impacts on flooding,
25 impacts on air quality, impacts on plants and

2 animals, impacts on agricultural resources,
3 impacts on aesthetic resources, impacts on
4 historic or archeological resources, impact on
5 open space and recreation, impact on critical
6 environmental areas if any, impact on
7 transportation which would encompass the concept
8 of traffic and traffic control and management,
9 impact on energy, impact on noise, odor and
10 light, impact on human health, consistency with
11 community plans and consistency with community
12 character. For each of those fairly lengthy
13 impact areas, the Part 2 form would invite the
14 Board to determine whether there's a no impact to
15 small impact range or whether there's a moderate
16 to large impact range that applies. Typically I
17 think in a project like this the Board would want
18 to have a proposed set of Part 2 findings
19 submitted by it's consultant which the Board
20 could then review, and the Board could discuss,
21 and the Board could decide whether to adopt as
22 presented or to modify and ultimately issue it's
23 own Part 2.

24 I should also say that if any one of
25 these various environmental impact areas are

2 determined by the Board in the Part 2 process to
3 involve a moderate to large impact, then the
4 project will need to prepare a part 3
5 environmental assessment analysis. So we go one
6 step further to further analyze that area of
7 environmental concern so that the Board might
8 take a hard look at it.

9 Throughout this entire process the
10 applicant could have an impact on the
11 environmental findings of this Board through
12 project modifications, project clarifications,
13 project mitigation measures voluntarily arrived
14 at and presented to you.

15 I would say that ultimately the
16 determination of environmental significance by
17 this Board, be it a negative declaration no EIS
18 or positive declaration EIS, has been held by the
19 courts to be a policy decision based on what you
20 see, based on the state of the record with
21 respect to the environmental impacts, based on
22 your knowledge of the community. It's ultimately
23 a policy decision.

24 So I think the most important issue to
25 discuss tonight is whether or not anyone believes

2 that we're in a position to adopt a Part 2
3 Environmental Assessment Form. It's something
4 you have to do. The failure of an agency to
5 adopt it -- to work through it and to adopt it
6 would be a flaw in the process itself.

7 Unfortunately the case law of the State is that
8 procedural flaws are highly challengeable, far
9 more so than substantive nonprocedural ultimate
10 decisions by the Board. So you've got to really
11 pay attention to the SEQRA procedural aspects
12 because missing any of those gives a Court carte
13 blanche authority to undue the process in future
14 mitigation.

15 I think we're at the Part 2 stage and
16 the issue is whether we really are at a stage
17 where the applicant's submissions support a
18 proposed draft Part 2 for the Board to consider.

19 CHAIRMAN TRUNCALI: Pat.

20 MR. HINES: Outstanding are the
21 stormwater management comments that you have
22 before you, the conceptual approval of the
23 traffic access to the site based on what I'll
24 term a nonconventional access traffic pattern
25 that's proposed.

2 I did just get -- the Office of Parks &
3 Recreation just signed off. I didn't have that
4 previously.

5 There was also a requirement to check
6 with the National Heritage Program. I don't know
7 if we received that documentation yet. It
8 identifies an EAF was sent in April.

9 MR. NAPIOR: We have not gotten a
10 return on that, but I'll follow up.

11 MR. HINES: So the threatened or
12 endangered species issue is out there as well.

13 I did provide the Board with copies of
14 the Part 2 information so they can start taking a
15 look and getting a handle on the items under each
16 of those. If the Board wanted to walk through
17 them tonight in an exercise in determining where
18 we're at, we can certainly do that. It would
19 probably take ten or fifteen minutes to walk
20 through it and get your input.

21 CHAIRMAN TRUNCALI: Okay.

22 MR. BLASS: Does everybody have one?

23 MR. HINES: I put copies up there for
24 everyone.

25 MR. BLASS: Not that you need to see

2 this necessarily, but this is the Part 2 only
3 Environmental Assessment Form workbook recently
4 promulgated by the New York City State Department
5 of Environmental Conservation. Somebody has been
6 busy up in Albany.

7 MS. LANZETTA: Have we declared
8 ourselves lead agency on this project?

9 MR. BLASS: Yes.

10 MR. HINES: Yes.

11 MS. LANZETTA: Has any information been
12 circulated to the various agencies, DOT, from our
13 end?

14 MR. HINES: Yes. I took care of
15 circulating to all the interested and involved
16 agencies. We heard back from the DEC only, one of
17 which was the request to the National Heritage
18 Foundation regarding threatened or endangered
19 species. I don't believe we heard from any of
20 the other agencies we circulated to.

21 CHAIRMAN TRUNCALI: So then we
22 automatically become --

23 MR. HINES: By default. After thirty
24 days you are the lead agency.

25 MR. BLASS: Did we circulate to County

2 Planning?

3 MR. HINES: Yes.

4 MR. BLASS: Do we have comments back?

5 MS. LANZETTA: They had a --

6 MR. HINES: You had a pre-meeting?

7 MS. LANZETTA: They had just a
8 preliminary meeting that Mr. Baker was at with
9 the applicants but they haven't had any -- it
10 hasn't formally come to the --

11 MR. HINES: I did send a lead agency
12 circulation to the County.

13 MR. BLASS: How about a 239-M?

14 MR. HINES: You don't do that. Your
15 predecessor would have done that. Normally they
16 respond back. That's separate from the SEQRA
17 issue I believe. That's more of a site plan
18 approval requirement.

19 MR. BLASS: Right.

20 MR. HINES: I did send them the lead
21 agency circulation.

22 MR. BLASS: So eventually County --
23 because we're on a State highway, the Ulster
24 County Planning Board will have a recommendation
25 function on the site plan approval aspect.

2 MR. HINES: I thought we did get it
3 back from them. That's when we were talking
4 about flipping the building.

5 MS. LANZETTA: I think that was the
6 ZBA. Nothing has gone up there as far as the
7 Planning Board site review -- site plan review.

20 Item B in that bullet item, the
21 proposed action will involve excavation of or
22 removal of more than 1,000 tons of material. The
23 long form EAF that was submitted identifies just
24 under 20,000 yards of material will leave the
25 site.

2 Item F, the proposed action may result
3 in increased erosion or physical disturbance or
4 vegetation removal. We would suggest that that
5 would also be an issue for the Board.

6 The impact on geological features, none
7 of those bullet items would be pertinent to the
8 Board. It doesn't exceed any of those
9 thresholds. There is proposed blasting to occur
10 on the project. That's assisted in moving that
11 20,000 plus or minus yards of material that was
12 identified. They're not removing physical or
13 geological features.

14 Impact on surface water, number 3, the
15 bulleted item E. The proposed action may create
16 turbidity in the water body, either from upland
17 erosion, runoff or by disturbing sediment.

18 Item H under that heading, proposed
19 action will cause soil erosion or otherwise
20 create stormwater discharge that may lead to
21 siltation or degradation of water bodies. Again,
22 these are just items. The Board will have to
23 make the determination whether or not they're
24 small to moderate.

25 Item I under that, impacts to surface

2 water. Proposed action may affect water quality
3 in any water bodies in or downstream of the
4 proposed site.

5 MS. LANZETTA: Can I just ask you, is
6 the receiving body the Hudson River?

7 MR. HINES: Ultimately, yes. Right now
8 the drainage comes down from the west to easterly
9 direction onto this site and the adjoining
10 plumbing supply, and then it's conveyed down the
11 west side of 9W, past Mountain Joy Road or James
12 Street, and there's a two foot by two foot
13 concrete box culvert that discharges in an
14 easterly direction towards the agricultural
15 properties across the street, and from there it
16 would continue in an easterly direction to the
17 Hudson River.

18 MS. LANZETTA: Does the Army Corp get
19 involved in this project?

20 MR. HINES: No. There's no Federal
21 jurisdictional wetlands. If they were putting in
22 a new outlet to a stream they would need an Army
23 Corp permit which is the case they're tying into
24 an existing DOT drainage system. If there was
25 impacts to Federal jurisdictional wetland the

2 Army Corp would have input, but that's not the
3 case here. Army Corp is a Federal agency. They
4 do their SEQRA process. Even if we went through
5 the SEQRA process and they were involved, they'd
6 do their own on a Federal level.

7 Item 4, impacts to groundwater. We
8 would suggest the Board would need to address
9 item B, proposed action may include or require
10 wastewater discharge to groundwater. They are
11 now proposing to construct a new subsurface
12 sanitary sewer disposal system to handle the
13 runoff. They've identified that. Have Ulster
14 County approval for a 998 gallon per day septic
15 system that has been designed and approved by the
16 Health Department.

17 Item F under number 4, proposed action
18 may require bulk storage of chemical products
19 over groundwater and aquifer. The project will
20 be storing, I believe, 20,000 gallons of gasoline
21 and 7,000 gallons of diesel fuel based on the
22 current plan.

23 Item 5, impacts to flooding. We would
24 suggest the Board would need to address letter D,
25 the proposed action may result in or require

2 modification of existing drainage patterns.

13 Impacts on air. This site does not
14 exceed any of the bulleted items under the
15 impacts on air. It does not generate anywhere
16 near any of the threshold bullets that are
17 identified. Again, the vehicles coming in and
18 out may, but that's not part of your review.

19 Impacts on plants and animals. There
20 was a submission to the DEC's National Heritage
21 Program which is charged with cataloging and
22 keeping track of threatened or endangered
23 species. That item is outstanding at this point.

2 agricultural impact. It doesn't exceed that 2.5
3 acres or greater threshold in the ag district.
4 The project is actually two-hundredths of an acre
5 less than two acres, which is one of the reasons
6 why it's at the ZBA.

7 Item 9, impacts to aesthetic resources.
8 I don't believe that any of those thresholds
9 would be exceeded. Some of that is for the
10 Planning Board's review of the architecturals
11 that were submitted, which you will do in the
12 process. The bulleted items are significant
13 vantage points, how you will see it. Although 9W
14 is a heavily traveled roadway, so it will be
15 visual in that nature.

16 Impact on historic and archeological
17 resources. We're told tonight and it was
18 submitted to the Board there would be no adverse
19 impact from Office of Parks, Recreation &
20 Historic Preservation. I believe the nearest
21 significant archeological historic resource was
22 the Gomez House that was identified in that
23 submission.

24 MS. LANZETTA: I was told that the
25 Rusks are in the process of nominating their

2 property for historic designation, so I don't
3 know if this -- I haven't seen the document that
4 was provided. I don't know if that was specific
5 to the Mill House or -- you know, we would have
6 to look into that.

7 MR. HINES: That process takes some
8 time to -- a nomination --

9 MS. LANZETTA: It does say nominated.

10 MR. HINES: Parks & Rec does look at
11 those that are potentially nominated as well.

12 Item 11, impact on open space and
13 recreation. The majority of this site is kind of
14 a reuse of the site. There is some new
15 disturbance but not all that much.

16 Critical environmental areas.

17 Marlborough doesn't have any designated critical
18 environmental areas. That hasn't been adopted as
19 a critical environmental area.

20 Impacts on transportation. I believe
21 that there is the potential for item C regarding
22 potential degradation of traffic access, which
23 they're working out. The thresholds are paved
24 areas for -- the thresholds are fairly high there
25 for those items. The Board could look at

2 projected traffic increase may exceed capacity of
3 existing roadways. The traffic issues associated
4 with this site are more ingress and egress
5 traffic movements. This project really will not
6 impact the flow of traffic north and south on 9W
7 to that extent other than there could be a
8 tracking of accident history there. It's the
9 internal movements and the turning movements into
10 and out of the site that I think are more of a
11 concern for DOT and the Board.

12 The comments I brought up earlier about
13 the revised traffic flow, there was a proposal
14 for the left turn in. The northbound left turn
15 in will have a dedicated traffic lane under the
16 current proposal to make that turn, but the left
17 turn out to go northbound out of that access,
18 they're proposing a short acceleration lane.
19 You're kind of pulling out into traffic and
20 speeding up, merging to the right, which is very
21 unusual for DOT to allow that. It's not -- you'd
22 have to stop. If you get out there you may have
23 to stage in the middle there to get out. You're
24 kind of doing a look over your shoulder blind
25 spot movement into, which is the concern I have

2 and why I want to make sure DOT is on board with
3 that traffic pattern. I'm not aware of anywhere
4 they've approved that locally, that type of
5 merging traffic pattern.

6 Impact on energy. This project does
7 not meet any of those thresholds.

8 Noise, odor and light. There is the
9 potential noise issue having to do with blasting
10 which is a -- would be item F under impacts.
11 Again, there's that 20,000 plus or minus of
12 material that will be blasted from the site. The
13 proposed action may result in blasting within
14 1,500 feet of a residence.

15 MR. BLASS: 15 feet.

16 MR. HINES: That would certainly be an
17 item for the Board to address.

18 Impacts on human health. The proposed
19 action is most likely within 1,500 feet of a
20 school. I believe that's the only item there, A,
21 that would be a consideration for the Board.

22 Consistency with community plans.
23 That's kind of an opinion for the Board to go
24 through. Item A, different or in sharp contrast
25 to surrounding land use or patterns. I think

2 that's probably the only item there for the
3 Board's consideration.

4 And then the last item is consistency
5 of community character.

6 MR. BLASS: I think 17-C might be
7 applicable, proposed action, inconsistent zoning
8 regulations. That's why it needs a variance.

9 MR. HINES: Yes.

10 Item 18-E, predominantly architectural
11 scale and character. The Board may have some
12 input regarding that.

13 So those are kind of the bullet issues
14 that the Board would have to make a determination
15 on. I think there is some outstanding
16 information that the Board would need to make
17 that determination based on the comments we had
18 and some of the comments from the Board.

19 CHAIRMAN TRUNCALI: All right. This is
20 a public hearing. Is there any comment from the
21 public?

22 MS. LANZETTA: This isn't a public
23 hearing.

24 CHAIRMAN TRUNCALI: Oh, it's not.

25 MR. TRAPANI: You're used to saying

2 that.

3 MR. HINES: Everything else was
4 tonight.5 MR. BLASS: Pat, what's the open,
6 outstanding or amplifying submissions you're
7 referring to?8 MR. HINES: The drainage report. We
9 have some technical comments on the drainage
10 report that I believe need to be resolved prior
11 to making recommendations to the Board regarding
12 impacts associated with that.13 The fact that the traffic studies, even
14 conceptually, haven't been to the DOT. It's
15 under their jurisdiction. We believe that that
16 traffic study, including the most recent level of
17 service evaluation, should be submitted to the
18 DEC as soon as possible, even in a conceptual
19 form rather than waiting until utilities are
20 worked out.

21 MR. BLASS: DOT.

22 MR. HINES: DOT. I'm sorry.

23 And then the National Heritage
24 supporting documentation regarding threatened or
25 endangered species need to be addressed so the

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2 Board can take a hard look at any of those
3 potential impacts.

11 CHAIRMAN TRUNCALI: Do you guys want to
12 look at those now? Make comments on them? See
13 anything you don't like?

14 MS. LANZETTA: I think aesthetically
15 they've responded to our comments.

16 I still have big reservations about the
17 traffic flow in and out of that. I agree with
18 Pat, the traffic is -- the traffic pattern on 9W
19 and then the flow within the site itself, I have
20 a lot of concerns about those items still.

21 Before I really want to get serious about
22 discussing them I want to get the DOT's comments
23 to see if what you are proposing is even
24 something they would even begin to entertain.

25 MB. NAPIOR: If I could respond to that

2 comment. The DOT does not always move at the
3 same speed as applicants and local boards. To
4 the extent that the DOT took issue -- to the
5 extent hypothetically there were to be a neg dec
6 granted and the DOT makes changes to our highway
7 improvement plan, we would have a required
8 modification of your review and approval and we
9 would be back before you. It would reopen the
10 SEQRA process for all intents and purposes. We
11 can certainly try to circle up with the DOT.
12 We'll touch base with Central Hudson and Verizon
13 to see if we can get any kind of feedback to get
14 a final plan to DOT. But certainly if there was
15 a vast deviation from our proposed highway
16 improvement plan, that would require a further
17 review by your Board.

18 MS. LANZETTA: Like I said, the way you
19 have the traffic moving through there now, the
20 truck traffic and the talk about putting --
21 again, I don't know if we want to get into all
22 the particulars about that right now because I'm
23 thinking maybe the DOT is going to have some of
24 the same concerns that I have about the flow.
25 I'd rather defer to them before we have to get

2 more specific about how traffic is going to enter
3 and exit that property.

4 MR. NAPIOR: As I mentioned at the
5 outset, that plan was the brainchild of the DOT
6 and the applicant in an informal session with the
7 DOT, that was the plan that was sketched out and
8 then further plotted out by our traffic engineer.
9 Yes, I understand the DOT has not seen it yet.

10 That's because it's not in it's final form.
11 However, as I indicated, that was what the DOT
12 requested. I don't know why there would be an
13 issue or a concern about internal traffic
14 circulation on the site and necessarily why that
15 would be an issue for the DOT. I can understand
16 the concern for the ingress and egress off of 9W.

17 MR. HINES: The internal traffic
18 circulation relates to some of these high
19 intensity uses, the Dunkin Donuts and the gas
20 station. When people get frustrated with turning
21 movements they do other things than the traffic
22 control allows them. If someone is staged five
23 or six cars back at the level of service D when
24 you're waiting for ninety seconds for each
25 vehicle movement at that level of service, again

2 the folks of six vehicles back often times will
3 say we're not going to stage here, we're going to
4 go up to this right turn only and make a left
5 turn out. That's one of the reasons why we do
6 these level of service studies, just because that
7 level of driver frustration, for lack of a better
8 term, changes the patterns within the site. You
9 see it when you leave busy -- it's leaving a
10 sports event or something, people will do -- when
11 they're way back in traffic they will do other
12 than what they are supposed to do. That's the
13 concern I have. If people can't get out of
14 somewhere they're going to get out some other
15 means.

16 My previous comment was the right turn.
17 The northerly entrance and exit is right turn in
18 and out. It's only a painted curb island
19 proposed right now. The only function is to keep
20 people that haven't been staged six and seven
21 vehicles back for awhile. Definitive curbing
22 there would probably alleviate that. Even a
23 mountable curb would stop people. Right now
24 someone pulling out of the Dunkin Donuts drive-
25 through many vehicles back, they're going to look

2 and say I'm going to make a left. Early in the
3 morning, late for work, late for something,
4 that's when you start seeing issues here with the
5 internal flow. Also stacking and staging and
6 cueing when vehicles can't get in or out. A
7 vehicle making a left into that staging lane
8 going northbound, you could get several vehicles
9 trying to make that maneuver and then stacking in
10 the center lane, which is another concern.

11 That's why the internal traffic circulation is a
12 concern as it impacts the function of the site.

13 MR. TRAPANI: That's a two-lane highway
14 right there, isn't it? Right in front of where
15 they are doing it?

16 MR. HINES: Yes.

17 MR. TRAPANI: So they plan on widening
18 9W --

19 MR. HINES: Yes.

20 MR. TRAPANI: -- to make turning lanes
21 in and out? Where are they going to get the
22 property? They can't go across the street.

23 MR. HINES: It looks like it's all
24 within the existing right-of-way.

25 MR. NAPIOR: It's in the DOT right-of-

2 way.

3 MR. TRAPANI: There's not enough room
4 there.

5 MR. HINES: Has the Board seen this
6 map? I would like to show you.

7 MR. TRAPANI: When we had the Peretta
8 property and they wanted to put a road into
9 McLaughlin Drive, didn't the State do a study on
10 the traffic? They did a study on the traffic
11 pulling out onto 9W. Had they put in for that
12 yet to see --

13 MR. HINES: 9W at McLaughlin is four
14 lanes.

15 MR. TRAPANI: The sight distance there
16 or something. They came in and did a study on
17 the traffic, on how many cars go through there.

18 MR. HINES: This is coming from the
19 Hamlet of Marlborough as you -- driving up the
20 road. It's in three different sections here just
21 to make it a little more confusing. They're
22 proposing to begin striping and widening -- I
23 believe this is -- this is the Rusk office
24 entrance right here. So down below there they're
25 going to start moving traffic over and widening

2 to provide for that turning lane, which then
3 comes up into here providing the northbound left
4 turn into the site. Opposite that is this left
5 turn out northbound where they are going to come
6 out. There's some cross hatching here where you
7 come out and you're into kind of what would be
8 the passing lane. That then pushes you over into
9 the single driving lane. So that's the concern.
10 If you get here and stop, if there's cars coming
11 and you get out into here, you could be staged in
12 that center lane. If someone else does that
13 you're going to end up having a cue across the
14 lane.

15 MS. LANZETTA: The people are cueing up
16 on there waiting to make a left and somebody
17 tries to be nice to let somebody come out there,
18 meanwhile they can't see who is coming up on the
19 right.

20 MR. HINES: This is Rusk Real Estate.
21 This is Rusk's office building. This is Hudson
22 Bank Lane.

23 MR. TRAPANI: There's a house there.
24 The old Sam Quimby house. Is that a historical
25 house?

2 MR. HINES: The Quimby house is here.

3 MR. BAKER: The Rusk house is back
4 in --

5 MR. HINES: That's across the driveway,
6 across from the plumbing supply here. It's just
7 confusing because there's three -- so that's the
8 traffic pattern.

9 MR. CAUCHI: This traffic pattern, how
10 many cars can it manage?

11 MR. HINES: This is level of service D,
12 this turn out, which is not very good. It was
13 previously an F under the other study, for fail.
14 It's going to take forty-five seconds to sixty
15 seconds per vehicle in the peak hour. Again,
16 this is peak hour. At 11:00 in the afternoon
17 you'll probably be able to get in or out. At 7:30
18 in the morning, southbound traffic is pretty
19 heavy there.

20 MR. TRAPANI: The buses. They have a
21 traffic light there.

22 MR. HINES: This isn't a conventional
23 -- I can't point to anywhere that I know of where
24 it has this striping pattern.

25 MS. LANZETTA: But then too, when they

2 start moving the big trucks, now this is --

3 MR. HINES: That's why I don't want the
4 curb.

5 MS. LANZETTA: If they put a large curb
6 they can't pull in.

7 Also I'm concerned about them pulling
8 out. Are they going to go into this lane where
9 people are cueing up --

10 MR. HINES: Yes.

11 MS. LANZETTA: -- to make the turn?

12 MR. HINES: That shows it right there.

13 MS. LANZETTA: So that's an issue, too.

14 MR. HINES: Some of that can be
15 controlled with delivery times. They can control
16 some of that I believe.

17 Do you guys have your own trucks?

18 MR. NAPIOR: The trucks will be doing
19 deliveries at off peak hours.

20 MR. HINES: That is the reason why they
21 don't want that mountable or pork chop defined
22 right turn, is that the truck access becomes an
23 issue.

24 MR. NAPIOR: Just to recap, the DOT
25 process does -- tracks independent from you all.

2 Even if you were to approve the plan, we would
3 still have to go through the DOT process, and
4 they could ultimately come back and say this
5 doesn't work, you need to make changes to X, Y
6 and Z, in which case we would be back before you
7 all with modifications. To the extent you have
8 issues or concerns with what's proposed, I'd like
9 to address those here because I'm going to be
10 going through the DOT process regardless.

11 MR. BLASS: I would agree that it's
12 clearly conceivable that the DOT will move much
13 more slowly than the SEQRA process runs in front
14 of this Board, and there's certainly no
15 obligation for this Board to wait for the DOT.
16 However, the Board does have an obligation to
17 turn to that aspect of the Part 2 form and to
18 kick around whether we're talking about a no
19 impact to small impact level of concern on
20 traffic or a moderate to large impact level of
21 concern.

22 Now, if I was the applicant, that
23 applicant would probably be interested in
24 advocating that this is just something that may
25 fall into the small impact category. If that's

2 what the Board concludes, there would be no need
3 to do a further part 3 Environmental Assessment
4 Form narrative analysis. So this is really
5 actually a good example.

6 If the Board was concerned enough to
7 say that there's potentially a moderate or large
8 impact relating to this traffic concern, then the
9 applicant will be required to go on and assist
10 the Board in the preparation of some sort of
11 supplemental narrative explanation and discussion
12 so that the Board has something to work with to
13 determine whether this is a significant adverse
14 impact requiring an EIS or not a significant
15 enough environmental impact in terms of traffic
16 to require an EIS by virtue of whatever the
17 analysis is, by virtue of project modifications
18 which occur between now and then.

19 I think Pat is giving feedback to both
20 the applicant and the Board that it might be
21 intelligent to get the Board some additional
22 information and opportunity to decide whether or
23 not this is a small impact or a moderate to large
24 impact, unless the Board wants to do that now.

25 MR. NAPIOR: I would be happy to

2 provide any additional information. There was a
3 traffic study that was submitted with our
4 materials. I'd be happy to speak with Pat if
5 it's lacking or further that you all would need
6 in order to make an intelligent decision. I
7 would note that unfortunately my traffic engineer
8 is not here this evening. We can certainly have
9 him present at the next meeting to the extent
10 this is a continuing issue for the Board. Even
11 though a level of service D is not generally
12 ideal, it is, within the industry, deemed
13 acceptable. I know that just from doing this
14 kind of work.

15 So with that thought, if there's
16 anything that the Board would like or Pat would
17 like by way of additional information or
18 materials, I'd be happy to hear that tonight and
19 we'll get it in through our submission. I'll
20 have our traffic engineer here at the next
21 meeting.

22 MS. LANZETTA: Can we submit this to
23 County Planning and get their feedback?

24 MR. BLASS: The Part 2?

25 MS. LANZETTA: No. The site plan.

2 MR. BLASS: Yeah. I think they would
3 take it with just a long form EAF part 1 which
4 you have. They may require that the Part 2 be
5 done first. They may require the Part 2 be done
6 first before they do that level of review. I
7 think, you know, the only way to find out is to
8 refer it to them and see if they'll take it in.

2 record, giving you additional information,
3 advocating negative declaration if possible.

4 So, you know, the decision really is
5 whether to hold up the SEQRA Part 2 Environmental
6 Assessment Form process for another couple of
7 weeks or not.

8 I don't know how you feel about that,
9 Mr. Napior. That really is where the Board is.

10 Any questions the Board has by virtue
11 of inadequacy of information or perceived
12 inadequacy of information, theoretically the more
13 likely the Board would be to determine it's a
14 potentially moderate to large impact.

15 MR. NAPIOR: My preference would be to
16 circle up with Pat offline and supplement our
17 stormwater report to hopefully dial down the lens
18 on any real issues and be in a position for the
19 Board to have a suggested Part 2 to go through at
20 the following meeting and potentially make a
21 SEQRA determination from there, unless there's
22 any additional information we need to submit at
23 that point.

24 CHAIRMAN TRUNCALI: Is that good to
25 you, Pat?

2 MR. HINES: Sure.

3 CHAIRMAN TRUNCALI: Does that sound
4 good to the Board?

5 MS. LANZETTA: Mm'hm'.

6 MR. NAPIOR: If I could just add a
7 couple other points. My client did tell me, I
8 think we did actually get a return, it was before
9 I was working on this file, from the DEC for the
10 plants and animals. That may have been submitted
11 at an earlier date. We'll gather that back up.
12 It was before my office was working on this
13 project.14 I know several times it's been
15 mentioned there will be significant blasting on
16 the site. The blasting mentioned was really just
17 a hypothesis based on the amount of rock to come
18 out. In reality, when they were doing the
19 testing and doing test wells out there, a lot of
20 the rock came out rather easy. So certainly my
21 client would rather not blast if they don't have
22 to. To the extent a lot of that peels away
23 easily, it would just be taken out with hammers
24 and backhoes as opposed to blasting.

25 MR. HINES: I think there's going to be

2 blasting.

3 MR. NAPIOR: Understood.

4 MS. LANZETTA: Is it possible to do
5 some alternate traffic ingresses and egresses
6 besides the ones you're proposing here? Is it
7 possible for you to put together some alternates
8 to that?

9 MR. NAPIOR: You're saying just
10 changing curb cut locations?

11 MS. LANZETTA: This might be what you
12 want optimally, but if you could only come in at
13 the northern entrance and no exiting there and
14 only exit at the southern. Could you show some
15 alternates besides what you have here?

16 MR. NAPIOR: I can speak to our traffic
17 engineer to see if there's anything else that
18 would work logically. Certainly if there is,
19 then we could put something together.

20 CHAIRMAN TRUNCALI: Pat, do you think
21 that would work better, an entrance on one only
22 and an exit on one only?

23 MR. HINES: The northern ones are right
24 in/right out only. I don't have as much concern
25 as I do have that left turn movement discharging

2 into the northbound flow of traffic. DOT
3 encourages right in/right out. They're typically
4 not traffic related issues.

5 I have the concern it's not a curbed
6 one or a defined one. It's that internal
7 operation that I'm not going to wait behind all
8 those cars, I'm going to go north and go left.

9 CHAIRMAN TRUNCALI: I'm saying just the
10 north end and only came out on the south end?

11 MS. LANZETTA: If you couldn't cross
12 traffic.

13 CHAIRMAN TRUNCALI: Right.

14 MS. LANZETTA: You would have to go
15 down --

16 MR. HINES: There would be one defined
17 entrance in the north and one --

18 CHAIRMAN TRUNCALI: You would go in
19 from both directions into the one entrance and
20 only out in both directions from the --

21 MR. NAPIOR: The issue typically with
22 two directional out is that traffic cueing up to
23 make a left blocks views of traffic trying to
24 make a right so that your southbound traffic on
25 9W -- I'm just throwing that out there. When you

2 have the two cars stacked out with one another,
3 the guy to the left is cutting off the sight line
4 of the guy trying to make a right on 9W.

5 MR. HINES: Which happens at the full
6 turning movement one.

7 CHAIRMAN TRUNCALI: Then you don't get
8 that issue of people trying to come in and people
9 going out at the same place.

10 MR. CAUCHI: You're saying both coming
11 in and out?

12 CHAIRMAN TRUNCALI: This one here.

13 MR. CAUCHI: Right now they are showing
14 both ends.

15 MR. HINES: I think the best thing to
16 do is refer it to their traffic consultant and
17 let them address that.

18 MR. CAUCHI: I guess what he's trying
19 to say is is it an option.

20 MR. HINES: This is an option.

21 MS. LANZETTA: That's why we would like
22 to see some alternates.

23 MR. NAPIOR: We could take a look at it
24 with our traffic engineer. To the extent there's
25 anything that makes sense, certainly we'll be

2 happy to provide it. We'll have our traffic
3 engineer here at the next meeting to speak to
4 those issues.

5 CHAIRMAN TRUNCALI: All right.

6 Anything else from the Board?

7 MS. LANZETTA: One other thing. If you
8 could do -- I'm looking at the sectioning of
9 where you're going to be removing the material at
10 the present grade now and where you're going to
11 have that wall. The wall actually is going to be
12 almost -- it will be visible from 9W over the
13 roof line. I'm wondering if you could -- can you
14 give us a visual of that, what that's going to
15 actually look like?

16 MR. NAPIOR: I believe the section
17 actually shows that the majority will be
18 obstructed by the roof line and the building.

19 MS. LANZETTA: I don't know. I have it
20 up above the roof line. If you look at that --

21 UNIDENTIFIED SPEAKER: That's the
22 canopy, the smaller one. You're talking from
23 down here. That canopy is thirteen feet tall.

24 MS. LANZETTA: No, no. I'm talking
25 about the wall behind the --

2 UNIDENTIFIED SPEAKER: Understood.

3 This is the wall. That's the top of the wall. If
4 you take a line and draw that, you'd be out on
5 the other side of the road before you saw
6 anything.

7 MS. LANZETTA: You're saying if you're
8 on 9W you're not going to see that wall at all?

9 UNIDENTIFIED SPEAKER: Not when you're
10 in front of the building.

11 MR. HINES: You'll see the wall between
12 the building and the plumbing supply.

13 UNIDENTIFIED SPEAKER: That's true.

14 MR. HINES: That will all be exposed.

15 MR. BAKER: It will have vegetation?

16 MR. HINES: No.

17 CHAIRMAN TRUNCALI: Okay. So you're
18 going to get together with Pat and try to get
19 some more answers --

20 MR. NAPIOR: Yes.

21 CHAIRMAN TRUNCALI: -- on the traffic
22 movement?

23 MR. NAPIOR: Really most of that is
24 stormwater and to speak to our traffic engineers.
25 We'll have them here at the next meeting.

2 CHAIRMAN TRUNCALI: Thank you.

3

4 (Time noted: 9:36 p.m.)

5

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

7

8

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

18

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22

23

24 DATED: December 27, 2015

25

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

In the Matter of

MARQUETS

7 Project No. 15-8002
8 26 Envy Lane
Section 103.3; Block 4; Lot 65.600

10 SKETCH - SUBDIVISION

15 BOARD MEMBERS: JOEL TRUNCALI, Chairman
16 BEN TRAPANI
17 CINDY LANZETTA
18 EMANUEL CAUCHI
19 JOSEPH LOFARO

19 ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
JEN FLYNN

21 APPLICANT'S REPRESENTATIVE: DARREN GALLE

2 CHAIRMAN TRUNCALI: Marquis.

3 MR. SCALZO: Good evening. My name is
4 Darren Scalzo.

5 It's been a few months since I've been
6 here for this project. Actually, the last time I
7 appeared here was the August 3rd meeting. At
8 that August 3rd meeting I was given comments by
9 Pat Hines. Actually, there were four comments
10 for which the submitted maps that are in front of
11 you have addressed all of those comments.

12 In the interim I have received Health
13 Department approval.

14 One of the comments actually that was
15 on the August 3rd meeting was for us to have the
16 property re-delineated by a professional, which
17 we did. Those lines appeared on the map as the
18 2015 limits. I didn't feel comfortable removing
19 the original lines on the map, just so you could
20 see what was and what is.

21 The Health Department comments that
22 came to me included a few things that were done
23 subsequently from the maps that are in front of
24 you. One of those -- the biggest one is the
25 systems will be constructed at the same time,

2 therefore the overlapping lines that you're
3 seeing on the rear -- at the raised systems, they
4 disappear just because you won't see those
5 because it's -- the main reserve systems will be
6 constructed simultaneously.

7 Other than that; Pat, if you did supply
8 comments, either they got sent to my spam today.
9 I didn't receive anything from you.

10 MR. HINES: Did you say you had County
11 Health Department approval?

12 MR. SCALZO: I did. I forwarded you
13 the e-mail from Tony Pucchio.

14 MR. HINES: You did. I have an e-mail
15 now as Darren said. I have received an e-mail
16 stating that the plan was approveable. I don't
17 have the official piece of paper. As he said, I
18 did get that.

19 We did receive a report from Ecological
20 Solutios, Mike Nowicki who is a very well known
21 Federal wetlands delineator in this area. That
22 map has been updated to depict the Federal
23 jurisdictional wetlands on the site. They've
24 left the previous notes requiring that the owners
25 of any lots in this subdivision, the original one

2 and this current, are to be aware there is
3 Federal jurisdictional wetlands on the site and
4 that there is a permitting issues of any
5 additional if those are disturbed. I think that
6 puts that issue to rest with us now that the
7 revised delineation has been done.

8 The Health Department review we just
9 talked about.

10 The lots are going to be supplied with
11 Marlborough water. We're suggesting a copy of
12 the map go to the water department to make sure
13 they don't have any issues.

14 The highway superintendent's comments
15 on the driveways.

16 With the wetlands issue being put to
17 rest, I don't have a problem if the Board wishes
18 to schedule a public hearing. It's up to the
19 Board.

20 MR. TRAPANI: How can they fill in and
21 have wetlands disappear?

22 MR. HINES: How can they not fill in --

23 MR. TRAPANI: They did fill in when
24 they weren't supposed to.

25 MR. HINES: They probably did some

2 mowing of the vegetation. In order to be a
3 Federal wetland it has to meet the three
4 criteria, it has to have hydroxycitric plants, it
5 has to have the hydric soils. The soils have to
6 be certain colors to them to cause reductions and
7 reactions. It takes a gray clay -- I'm sure
8 you're familiar with the types of soils. And it
9 has to have the wetlands hydrology. It's
10 possible that some of the changes they did in
11 that residential subdivision impacted where those
12 wetlands are going to be. I don't think they
13 were filled between. I think there was some
14 filling done prior to the construction of the
15 residence on the site but I don't know if there's
16 any new --

17 MR. SCALZO: No. On the map that's in
18 front of you there are -- there's many different
19 types of hatching on the map in front of you.
20 There are notes that state where my client had
21 done some filling back in 2009, 2010. It is no
22 secret here that my client has not done the right
23 thing in the past and he's trying to do the right
24 thing. He had professional representation that
25 misled him at different times through this

2 process. I'm actually the third one in line
3 here. But since we've had it here, since I've
4 had it, everything has stopped. I haven't given
5 him any direction to do anything. He has done
6 some cutting of -- he went in and brush hogged
7 the area, which is actually a permitted use in
8 Federal wetlands as long as you don't take the
9 root system up. It's almost like mowing your
10 lawn. He has planted some trees. I don't know
11 the last time the Board actually took a ride out
12 there. He's planted some trees parallel with the
13 driveway that accesses the two-story multi-family
14 framed dwelling. You are correct, at one point
15 they did some filling. There's been no activity
16 of that nature since 2009.

17 MR. HINES: I do have a copy of the
18 November 2010 letter from the Army Corp of
19 Engineers identifying the activities that were
20 pre Army Corp permit on the site. They do have,
21 on page 3 there in bold, that they strongly
22 recommend no further impacts of the wetlands.
23 The Army Corp did acknowledge that in 2010 there
24 was those activities which could have changed the
25 delineation on the site at that time.

2 MR. TRAPANI: That's fine.

3 MS. LANZETTA: What kind of septic
4 system did you get approval for?

5 MR. SCALZO: A raised system.

6 MS. LANZETTA: That's allowed in a
7 wetland?

8 MR. SCALZO: It's not in the wetland.

9 MR. HINES: It would not be allowed in
10 the wetland.

11 MR. SCALZO: It's in the upper portion.
12 There is no separation distance. A DEC wetland
13 requires a 100 foot buffer. Federal wetlands do
14 not.

15 Actually, the reason that I was
16 requested to have re-delineation was the fill
17 limits of the raised systems were very close to
18 where the limits of the 2009, approximate,
19 wetland limits were. I could not recreate them
20 exactly, the 2009 limits which you had seen
21 previously. They were just scaled and offset
22 from a previous map. That's why the request for
23 the further delineation had come in.

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

2 (No response.)

3 CHAIRMAN TRUNCALI: If not, I'll
4 entertain a motion to have this application for
5 the December -- for a public hearing for December
6 21st -- no.7 MR. SCALZO: I thought you only did
8 them in --9 CHAIRMAN TRUNCALI: When is the first
10 meeting in January, Jen?

11 MS. FLYNN: January 4th.

12 CHAIRMAN TRUNCALI: Do I have a motion
13 to schedule this application for a public hearing
14 on January 4, 2016?

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

16 CHAIRMAN TRUNCALI: Do I have a second?

17 MR. CAUCHI: I'll second.

18 CHAIRMAN TRUNCALI: All in favor?

19 MR. TRAPANI: Aye.

20 MS. LANZETTA: Aye.

21 MR. CAUCHI: Aye.

22 MR. LOFARO: Aye.

23 CHAIRMAN TRUNCALI: Aye.

24 Opposed?

25 (No response.)

2 CHAIRMAN TRUNCALI: So carried.

3 MR. SCALZO: Thank you very much.

4 CHAIRMAN TRUNCALI: The approval of
5 stenographic minutes, we just received those
6 minutes tonight so we'll table those until the
7 next meeting.

8 Is there any other new business from
9 the Board?

10 MR. LOFARO: If I can just --

11 CHAIRMAN TRUNCALI: We have an Ulster
12 County Planning Department certificate of
13 attendance. Joseph Lofaro completed a course at
14 SUNY Ulster on October 14th.

15 Jen, you can keep that for your files.

16 Is there any other new business?

17 MR. GARAFALO: Could the Board ask the
18 Town Board to put up traffic studies and other
19 important documents dealing with the
20 environmental process on the web so they can be
21 available to the public and they'll be able to
22 comment on it?

23 MR. BAKER: Could I comment on that?

24 Yes, that's a great request. We are in
25 the process of revamping, totally changing our

2 website, a new vendor, so we'll be able to do
3 that a lot more easily now. It is our plan to do
4 that in the future. We're right in the middle of
5 actually going through the training on the new
6 website and we hope to have it live early next
7 year and then we can. The whole point of doing
8 that is to make it easier for department heads to
9 add their own content. We hope we can do more of
10 that. That's our plan. That's our hope.

11 MR. GARAFALO: I'm concerned about the
12 current application and whether or not it will be
13 timely to get that on the website or --

14 MR. BAKER: As soon as we get the
15 training and we get up we'll start working on it.
16 That's all I can say.

17 MR. GARAFALO: Thank you.

18 CHAIRMAN TRUNCALI: I'll entertain a
19 motion to close the meeting.

20 MS. LANZETTA: I'll make that motion to
21 adjourn.

22 CHAIRMAN TRUNCALI: Do I have a second?

23 MR. CAUCHI: I'll second it.

24 CHAIRMAN TRUNCALI: All in favor?

25 MR. TRAPANI: Aye.

2 MS. LANZETTA: Aye.

3 MR. CAUCHI: Aye.

4 MR. LOFARO: Aye.

5 CHAIRMAN TRUNCALI: Aye.

6

7 (Time noted: 9:47 p.m.)

8

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

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.

20

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22

23

24 DATED: December 27, 2015

25