

1

1

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

X

5 In the Matter of
6

7 SOUTHEAST ATLANTIC HOLDINGS
8 (Milton Hardware)
9

10 Project No. 16-9007
11 1837 Route 9W, Milton
12 Section 103.1; Block 4; Lot 3
13

X

14 FINAL - SITE PLAN

15 Date: September 19, 2016
16 Time: 7:30 p.m.
17 Place: Town of Marlborough
18 Town Hall
19 21 Milton Turnpike
20 Milton, NY 12547
21

22 BOARD MEMBERS: CHRIS BRAND, Chairman
23 BEN TRAPANI
24 CINDY LANZETTA
25 JOSEPH LOFARO
26 MANNY CAUCHI
27 STEVE CLARKE
28

29 ALSO PRESENT: RONALD BLASS, ESQ.
30 PATRICK HINES
31 VIRGINIA FLYNN
32

33 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS
34

X

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

2 CHAIRMAN BRAND: I'd like to call the
3 meeting to order with a pledge to the flag of our
4 country.

5 (Pledge of Allegiance.)

6 MR. CAUCHI: Agenda, revised, Town of
7 Marlborough Planning Board, September 19, 2016.
8 Regular meeting 7:30 p.m. Approval of the
9 stenographer's minutes for 7/18 and 8/1.
10 Southeast Atlantic Holdings, 16-9007, final,
11 103.1-4-3, site plan; Kedem Winery, 14-7008,
12 amended site plan, 109.1-1-2.100, follow up.
13 Next deadline: Friday, September 23, 2016. Next
14 scheduled meeting: Monday, October 3, 2016.

15 CHAIRMAN BRAND: We have the minutes
16 for 7/18 and 8/1. Has everyone had a chance to
17 review them? If so, I'd like to have a motion to
18 approve the stenographic minutes for 7/18 and
19 8/1.

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

21 CHAIRMAN BRAND: Is there a second?

22 MR. CAUCHI: I'll second it.

23 CHAIRMAN BRAND: All those in favor,
24 say aye.

25 MR. CLARKE: Aye.

2 MR. TRAPANI: Aye.

3 MS. LANZETTA: Aye.

4 MR. CAUCHI: Aye.

5 MR. LOFARO: Aye.

6 CHAIRMAN BRAND: Aye.

7 Any opposed?

8 (No response.)

9 CHAIRMAN BRAND: So carried.

10 First up, Southeast Atlantic Holdings,
11 final, site plan.12 MS. BROOKS: I believe that the items
13 that we had outstanding from the last meeting
14 were with regard to the New York State Department
15 of Transportation and the Ulster County Planning
16 Board comments.17 We did submit an e-mail from the New
18 York State Department of Transportation saying
19 that they would issue the highway work permit
20 upon a SEQRA determination by the Planning Board.
21 They're not allowed to issue the permit until
22 SEQRA has been completed.23 I did receive a draft copy of the
24 Ulster County Planning Board comments tonight. I
25 don't actually have the comments but I believe

2 that the two issues that they had were with
3 regard to site lighting and pedestrian access
4 along Route 9W. I was able to do the photometric
5 plan for the lighting, which I can submit for the
6 file this evening so that we can comply with that
7 requirement. The lights, with the exception of
8 one of them, they are all motion detector lights.
9 The lights, with the exception of one of them,
10 are facing the rear and the southerly portion of
11 the project, so they actually will have no impact
12 at all. The one light that is going to be on the
13 southeast corner of the storage building does
14 face towards 9W but it's approximately 300 feet
15 away from the highway. The photometric plan
16 shows at 80 feet the candlelight will be down to
17 zero, so it will not have an impact on any
18 traffic on Route 9W.

19 I believe those are the changes that
20 were made to the plans since the last meeting.

21 CHAIRMAN BRAND: Thank you.

22 Comments from the Board.

23 MS. LANZETTA: Well I'm just curious.
24 Pat, did you get a chance to read the County
25 comments?

2 MR. HINES: I did receive the County
3 comments.

4 MS. LANZETTA: Did you have a chance to
5 read them? I mean does that satisfy the
6 lighting?

7 MR. HINES: I think it satisfies the
8 lighting, as long as the Board is okay with that.
9 I know we previously spoke that they were motion
10 detectors. They're only going to be on if
11 something triggers them. It's not a long-term
12 lighting issue. They turn off every five minutes
13 or ten minutes. I think I'm okay with the
14 lighting. It's behind the fence and 300 feet
15 back. I think it addresses that issue. If they
16 were on all the time we would want to have more
17 detail.

18 MS. BROOKS: On which one? I'm sorry.

19 MR. HINES: If they were on all the
20 time.

21 MS. BROOKS: Oh.

22 MR. HINES: The other one, the
23 pedestrian access, is something the Board should
24 discuss on how it wants to handle that. I've got
25 a couple e-mails circulated around from Board

2 Members that everyone was generally in favor of
3 providing future potential pedestrian access
4 along the frontage. How that's crafted or how
5 that's provided --

6 MS. BROOKS: One of the points that I
7 want to make is that from the edge of pavement to
8 the edge of shoulder right now ranges anywhere
9 from ten to thirteen feet, and then the boundary
10 line itself is another fifteen feet behind that.
11 So if the Town ever did want to put a sidewalk
12 in, it would be within that corridor because
13 you're not going to be putting -- generally
14 speaking, a sidewalk would be over thirty feet
15 behind the edge of the pavement. Certainly we
16 could leave a potential for a future sidewalk
17 easement if the Board felt that that were
18 necessary. I think that if the State ever put
19 sidewalks in, it would be within their current
20 right-of-way.

21 MR. HINES: About three years ago -- I
22 was talking to Chris about this. About three
23 years ago the State did a 180 on their policy
24 regarding sidewalks. It used to be a definitive
25 no because they didn't want to maintain them,

2 they didn't want to encourage people to walk
3 along the State highway right-of-ways. They
4 definitely changed the policy. They are now
5 allowing sidewalks, even in their right-of-way.
6 Typically they're not the ones that maintain
7 them. The property owner of the frontage would
8 be the one that maintains -- both seasonal
9 maintenance and long-term maintenance of the
10 sidewalk. The reconstruction would fall on them.
11 I don't see the State going out cleaning
12 sidewalks, but they are allowing applicants
13 and/or other municipalities to do that.

14 I use the example in the Town of
15 Newburgh, the 17K/300 corridor, that planning
16 board has been struggling for years to get
17 sidewalks in and it was always no, no, no, even
18 though there was beaten paths, people were
19 walking there. The Crystal Run Healthcare
20 facility across from Wal-Mart, the planning board
21 kind of forced the issue and they went in and the
22 State said sure, put them in. They're in the
23 right-of-way of DOT. Crystal Run just has the
24 maintenance responsibility. So there is that
25 policy change. It could happen. Three years ago

2 I would tell you this is all just talk, but it's
3 able to be done.

4 MS. BROOKS: Probably about fifteen
5 years ago in the Town of Plattekill they did a
6 study with DOT along the entire corridor because
7 it's difficult to try to layout where you want
8 sidewalks to go without looking at the overall
9 picture, and where are we coming from and where
10 do we want to go to, and then where is the best
11 place to put the sidewalks.

12 In front of this property you have a
13 great slope, and it's consistent, and there
14 really are no issues putting a sidewalk in. When
15 you head north or south -- so it's difficult to
16 look at just one site and say yes we need a
17 sidewalk easement, no we don't need a sidewalk
18 easement, or this is where we should put it.

19 I think if it's the direction the Town
20 wants to go in, I would highly recommend that it
21 gets looked at more globally rather than site by
22 site, which makes it extremely difficult to --

23 MR. HINES: This abuts the town park.

24 MS. LANZETTA: I can tell you we met
25 with the DOT today and we're discussing the Route

2 9W corridor study.

3 MR. CLARKE: Who is the we, Cindy?

4 MS. LANZETTA: There was Supervisor Al
5 Lanzetta, Town Councilman Howard Baker --

6 MR. CLARKE: This was a Town function?

7 MS. LANZETTA: -- yeah -- our Town
8 planners, two representatives from DOT and one
9 representative from Ulster County Transportation
10 Council, a staff member. Ulster County is
11 putting together in our cue to hire consultants
12 to do a study of the Route 9W corridor. Along
13 with that we're in the process of doing a local
14 waterfront revitalization plan and an update on
15 our comprehensive plan, as well as running sewer
16 to the corner of -- the southwest corner there of
17 Route 9W across. So we know that there's a good
18 potential for the development of that area. We
19 also know that at this point the only place that
20 people from the Hamlet of Milton can cross Route
21 9W safely is at the light there. So they would
22 have to cross at the light and continue on the
23 western side to get over to the park. So it's
24 highly, highly likely that at some point there
25 will be sidewalks on that western side. I think

2 it does behoove the Planning Board to follow the
3 Ulster County recommendations and to ask for, you
4 know, a potential right-of-way so that we can do
5 that.

6 In talking with DOT, they were saying
7 that nowadays with the Federal requirements,
8 because we're also looking at getting a TAP grant
9 which involves Federal monies, everything has to
10 be ADA compliant. You're talking about five-foot
11 sidewalks. You know, it might be at some point
12 that we could access monies and help get those
13 installed. I'm not saying that the private
14 individual would have to install those sidewalks.
15 That's definitely something that we should be
16 thinking of as we're moving forward.

17 CHAIRMAN BRAND: I definitely like the
18 idea of the right-of-way. I think that would be
19 a good opportunity considering it does go right
20 up against the park. I don't think it should be
21 on the business owner to pay for it but certainly
22 to give us the space for the future. I think
23 it's a good idea.

24 MR. CAUCHI: I agree.

25 MR. BLASS: The vehicle for that would

2 be an offer of dedication, which would be a piece
3 of paper which represents a continuing offer of a
4 defined corridor to the Town.

5 MR. CLARKE: How do you do that when
6 it's not defined where the location is?

7 MR. BLASS: Well it has to be defined.

8 MS. BROOKS: An offer of dedication
9 would be if they were going to be dedicating the
10 entire parcel. I think at issue here is if the
11 sidewalk were to be constructed on this property,
12 the landowner would still own it, they would
13 still be responsible for maintaining it. So what
14 we historically have done -- the Town of New
15 Paltz requires sidewalk easements, the Town of
16 Plattekill requires sidewalk easements, and we do
17 it by easement, not by offer of dedication.

18 MR. BLASS: We could have an offer of
19 dedication of an easement as opposed to --

20 MS. BROOKS: Why would we just make an
21 offer of the easement instead of placing it at
22 this point?

23 MR. BLASS: Well, to follow up on your
24 comments, it may be that the sidewalk ends up in
25 the right-of-way.

2

MS. BROOKS: Correct. I guess I have other communities that are already doing it. I hesitate to reinvent the wheel and try and do it another way here, unless you already have a --

6

MR. BLASS: So if you're willing to encumber the property now as opposed to in the

7

future, we can do that.

8

MS. BROOKS: I just know that if we do it now we can show it on the map and it would be done. If we have to do it through an offer of dedication, then he's going to have to contact his attorney, we're going to have to consult with you, you're going to have to come up with language on how you want the offer to be done, and it's just going to be a more lengthy process.

17

MR. BLASS: We're going to need a sidewalk easement. That's not that big of a deal. We're going to need something.

18

MS. BROOKS: Right. We generally do it by putting the sidewalk easement on the map and a note reflecting the easement. I could use the language that we already use in other communities, unless you already have specific language you would like us to use.

2

MR. BLASS: I had more in mind a recordable easement. You want to do it by note on the map?

5

CHAIRMAN BRAND: What would the note

6 entail, Patti?

7

MS. BROOKS: Typically what we do is we show a width. It depends on how wide the right-of-way is, what the towns generally require. It could be anywhere from a five-foot wide easement to a fifteen-foot wide easement. Certainly a fifteen-foot wide would not be appropriate in this particular situation because we'd be going through the structures that are on the lot. We listed out as a sidewalk easement, and I don't remember exactly what the terminology is but the Town of New Paltz has one that they developed that's a rather lengthy note regarding the reservation of that land for the purposes of construction of a sidewalk within that easement area.

22

CHAIRMAN BRAND: Would a five-foot

23 easement present problems there?

24

MR. HINES: The sidewalk itself has to

25 be five and you need room to construct it. It

2 sometimes meanders in order to make it ADA
3 compliant.

4 MS. LANZETTA: DOT said minimally you
5 want five feet, perfectly fifteen.

6 MS. BROOKS: The building is twelve
7 feet off the property line. So the ten I would
8 say would be the maximum that we would be able to
9 do.

10 CHAIRMAN BRAND: Which building is ten
11 feet off?

12 MR. HINES: By the park there.

13 MS. BROOKS: The retail store.

14 CHAIRMAN BRAND: Are we comfortable
15 with ten feet?

16 MS. BROOKS: That's why I'm saying just
17 visualize where that building is and how far off
18 the road it is. That's only twelve feet off the
19 highway bounds. That's why I'm explaining
20 there's quite a wide highway bounds there
21 already.

22 MS. LANZETTA: I think ten feet in this
23 circumstance would be sufficient.

24 MR. HINES: I think it would work.

25 MR. PALADINO: If necessary, obviously

2 within the right-of-way. So we're extending it
3 beyond our property line. Ten feet would be the
4 easement if necessary.

5 MS. BROOKS: And somebody else would
6 construct the sidewalk, not you.

7 MR. CLARKE: At some point in the
8 future.

9 MS. BROOKS: At some point in the
10 future maybe.

11 MR. TRAPANI: That sidewalk would come
12 ten feet --

13 MR. CLARKE: The easement would be ten
14 feet.

15 MR. TRAPANI: How close would that
16 sidewalk be to the building?

17 MS. BROOKS: Two feet the easement
18 would be. The easement would be.

19 MR. CLARKE: It would have to be all
20 the way to the west side of the easement.

21 MR. TRAPANI: I wouldn't want a
22 building that's two feet off the sidewalk.

23 MR. CLARKE: Why not? In New York
24 City --

25 MR. TRAPANI: New York City.

2 MR. CLARKE: Those sidewalks go right
3 up to the building.

4 MR. PALADINO: I'd imagine it wouldn't
5 be necessary. There's other constraints that's
6 going to hinder some of those things. I mean
7 there's the median, I'll call it the median,
8 that's existing now where the grass is along the
9 southern side. That's got to be a minimum of
10 eight feet wide.

11 MR. CLARKE: A five-foot wide sidewalk
12 in a ten-foot wide easement.

13 MR. PALADINO: It can still be within
14 the current DOT --

15 MS. BROOKS: Correct. Right now when
16 you look at the map you'll see that on the
17 southern end where the building is only two feet
18 off the highway bounds, that's because there's a
19 twenty-foot wide grassed, curbed median between
20 his building and the road line. That probably is
21 where the sidewalk would go. The purpose of
22 putting the ten-foot easement is it gives
23 latitude and to have consistency, because if you
24 have ten feet on the north side, you want to
25 continue that same ten-foot width throughout the

2 property. It doesn't mean the sidewalk will even
3 be constructed in it ever. It may be determined
4 that it's better to place it within the highway
5 bounds. This just gives opportunity for the
6 future.

7 CHAIRMAN BRAND: Ron, would that be a
8 problem, to note it on the map as she's saying in
9 your opinion?

10 MR. BLASS: We can do the encumbrance
11 by a note on the map, but it will be an
12 encumbrance as of that point in time. I'd have
13 to see the language of the note to see how many
14 conditions or contingencies it has within it. We
15 can in fact set it up by note on the map. That
16 would be adequate notice to everybody.

17 CHAIRMAN BRAND: In your opinion would
18 that delay the process for them substantially?

19 MR. BLASS: No. I think the process
20 would be you could get a conditional site plan
21 approval this evening, correct me if I'm
22 wrong, --

23 MR. HINES: Yes.

24 MR. BLASS: -- subject to submitting a
25 revised map which shows a ten-foot wide minimum

2 easement area with a suitable note establishing
3 the sidewalk easement.

4 MS. LANZETTA: It was brought up at the
5 DOT meeting that this is also a good mitigation
6 measure for our SEQRA review as well, to make
7 sure that we're addressing pedestrian access
8 along that State highway.

9 CHAIRMAN BRAND: Any other questions or
10 comments?

11 (No response.)

12 CHAIRMAN BRAND: So I guess the next
13 step would be to ask for a negative declaration
14 on the project?

15 MR. HINES: We would recommend a
16 negative declaration for the lumber storage area.

17 CHAIRMAN BRAND: Do I have a motion for
18 that?

19 MR. LOFARO: I'll make a motion for a
20 negative declaration for the additional storage
21 area.

22 CHAIRMAN BRAND: Is there a second?

23 MR. CAUCHI: I'll second it.

24 CHAIRMAN BRAND: Any other discussion?
25 (No response.)

2

CHAIRMAN BRAND: All those in favor,

3

say aye.

4

MR. CLARKE: Aye.

5

MR. TRAPANI: Aye.

6

MS. LANZETTA: Aye.

7

MR. CAUCHI: Aye.

8

MR. LOFARO: Aye.

9

CHAIRMAN BRAND: Aye.

10

Any opposed?

11

(No response.)

12

CHAIRMAN BRAND: So carried.

13

Our next step would be the preliminary

14

approval or -- yes?

15

MR. BLASS: It's a site plan.

16

MR. HINES: You can go right to final.

17

CHAIRMAN BRAND: Conditional approval

18

based on the easement to be noted on the map?

19

MR. BLASS: Yes. Minimum width of ten
feet for sidewalk purposes, note to be found
acceptable by the town engineer, town attorney.

22

23

MR. HINES: Also your minutes should
reflect the Board is okay with the site lighting
as proposed. It's kind of to override the
County's lighting comment.

24

25

2

MS. BROOKS: We didn't override it.

3

MS. LANZETTA: I think we can say that
they've met the recommendation for luminous --
that we reviewed it and they made the
recommendation -- they met the recommendations
from the County for the luminous. So we don't
have to override it.

9

MR. BLASS: Right. I also note that
the lighting level issue is under the
"recommendations" portion of the County report.
That means -- I'm sorry. It is required. Sorry.
The headings were kind of askew.

14

MS. LANZETTA: I thought we just said
that. She gave the luminous table and she meets
that criteria. So we're following the
recommendations of the Ulster County Planning
Board.

19

CHAIRMAN BRAND: So do I have a motion
for a conditional approval?

21

MR. CLARKE: I so move.

22

CHAIRMAN BRAND: A second?

23

MR. CAUCHI: Second.

24

CHAIRMAN BRAND: All those in favor,
say aye.

2 MR. CLARKE: Aye.

3 MR. TRAPANI: Aye.

4 MS. LANZETTA: Aye.

5 MR. CAUCHI: Aye.

6 MR. LOFARO: Aye.

7 CHAIRMAN BRAND: Aye.

8 Any opposed?

9 (No response.)

10 CHAIRMAN BRAND: So carried.

11 MS. BROOKS: Thank you very much.

12

13 (Time noted: 7:52 p.m.)

14

15

16

17

18

19

20

21

22

23

24

25

2

3 CERTIFICATION

4

5

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

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

15 IN WITNESS WHEREOF, I have hereunto
16 set my hand this 29th day of September 2016.

17

18

19

19

20

21

22

23

24

25

Michelle Conero

MICHELLE CONERO

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

In the Matter of

KEDEM WINERY

Project No. 14-7008
1519 Route 9W

Section 109.1; Block 1; Lot 2.100

10 AMENDED SITE PLAN

AMENDED SITE PLAN

Date: September 19, 2016
Time: 7:53 p.m.
Place: Town of Marlborough
 Town Hall
 21 Milton Turnpike
 Milton, NY 12547

16 BOARD MEMBERS: CHRIS BRAND, Chairman
17 BEN TRAPANI
18 CINDY LANZETTA
19 JOSEPH LOFARO
20 MANNY CAUCHI
21 STEVE CLARKE

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

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

2 CHAIRMAN BRAND: Kedem has been
3 postponed.

6 MS. LANZETTA: I do. I don't know that
7 we need it recorded.

8 (Discussion held off the record.)

9 CHAIRMAN BRAND: I'd like a motion to
10 adjourn.

11 MR. CAUCHI: I'll make the motion to
12 adjourn.

13 CHAIRMAN BRAND: Is there a second?

14 MR. TRAPANI: I'll second it.

15 CHAIRMAN BRAND: All those in favor,
16 say aye.

17 MR. CLARKE: Aye.

18 MR. TRAPANI: Aye.

19 MS. LANZETTA: Aye.

20 MR. CAUCHI: Aye.

21 MR. LOFARO: Aye.

22 CHAIRMAN BRAND: Aye.

23 So carried.

24

25 (Time noted: 8:03 p.m.)

2

3 CERTIFICATION

4

5

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

9

10 true record of the proceedings.

11

12 related to any of the parties to this proceeding by
13 blood or by marriage and that I am in no way
14 interested in the outcome of this matter.

15

16 set my hand this 29th day of September 2016.

18

19

20

21

22

23

24

Michelle Conero

MICHELLE CONERO