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

7 EMPIRE LANDSCAPING
8

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

14 FINAL - SITE PLAN

15 Date: October 17, 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 CINDY LANZETTA
24 JOSEPH LOFARO
25 MANNY CAUCHI
26 STEVE CLARKE
27

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

32 APPLICANT'S REPRESENTATIVE: CHARLES BROWN
33

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

1 EMPIRE LANDSCAPING

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

5 (Pledge of Allegiance.)

6 MR. CAUCHI: Agenda, Town of
7 Marlborough Planning Board, October 17, 2016.
8 Regular meeting 7:30 p.m. Approval of
9 stenographic minutes for 9/6, 9/19. Empire
0 Landscaping, 1609-1611 Route 9W, 15-8006, final
1 103.3-4-20, site plan; Chestnut Petroleum,
2 1417 9W, 15-8001, preliminary, 109.1-4-14,
3 site plan. Next deadline: Friday,
4 October 21, 2016. Next scheduled meeting:
5 Monday, November 7, 2016.

16 CHAIRMAN BRAND: I believe we received
17 the minutes for 9/6 and 9/19. Do I have a motion
18 for approval of the stenographic minutes for
19 those dates?

20 MR. CLARKE: So moved.

21 CHAIRMAN BRAND: Is there a second?

22 MR. CAUGHI: I'll second it.

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

25 MR. CLARKE: Aye.

2 MS. LANZETTA: Aye.

3 MR. CAUCHI: Aye.

4 MR. LOFARO: Aye.

5 CHAIRMAN BRAND: Aye.

6 Motion carried.

7 First on the agenda is Empire
8 Landscaping.9 MR. BROWN: I'm Charlie Brown, the
10 engineer for the applicant. We were here five
11 weeks ago at which time we closed the public
12 hearing. We were waiting for comments back from
13 the County, which it's my understanding the Town
14 got it, although I haven't received a copy of it.
15 Hopefully we're here for conditional final
16 tonight.

17 CHAIRMAN BRAND: Pat?

18 MR. HINES: The County came back with a
19 comment, and I concur with it, regarding the
20 width of the access drive. It's shown as sixteen
21 feet. The New York State Fire Code, Appendix D,
22 identifies the maximum access drive is twenty
23 feet. I've discussed it with the applicant's
24 representative and I believe he's in agreement
25 they can enlarge the width of the driveway to the

2 twenty feet which would address the County's
3 comments and provide that fire access road in
4 compliance with the code.

5 MR. BROWN: We have no problem with
6 that.

7 Pat, we should provide the turnaround,
8 too, up by the parking area?

9 MR. HINES: It's fine.

10 MR. BROWN: Okay.

11 MR. HINES: You have the driveway.

12 MR. BROWN: Okay.

13 MS. LANZETTA: Pat, you don't think
14 that makes any significant change to the site
15 plan -- I mean the site if they widen the roads
16 -- the driveway?

17 MR. HINES: I'm having trouble hearing
18 you.

19 MS. LANZETTA: You don't think that
20 that's a significant change to the site plan?

21 MR. HINES: No. It's adding a
22 four-foot width.

23 MR. BROWN: We have plenty of room to
24 do that on our property. Just go to -- we add
25 four foot onto the south side of the driveway.

2 It doesn't present any problem regarding grading
3 or anything else. Thank you.

4 MS. LANZETTA: Thank you.

5 CHAIRMAN BRAND: Anything else from any
6 Members of the Board?

7 (No response.)

8 CHAIRMAN BRAND: Ron, did you want
9 to --

10 MR. BLASS: The Board has a couple of
11 documents in front of it. The first is a
12 negative declaration under SEQRA. The second is
13 a draft resolution of conditional approval. This
14 is the Town's first business corridor overlay
15 district matter, and any decision of this Board
16 with respect to site plan approval is subject to
17 the Town Board later amending the zoning map to
18 drop down that particular floating zone.

19 One of the conditions attached to the resolution
20 of site plan approval in front of you is Town
21 Board approval at a subsequent occasion.

22 I think the Board has two matters
23 before it tonight. One is whether or not to
24 issue a negative declaration, and the second is
25 whether or not to issue a resolution of

2 conditional approval. If you look at the
3 resolution of conditional approval, at page 7
4 there are a couple of alternatives for you there.
5 The first alternate is paragraph 2-C of the
6 conditions, which I think the consensus as
7 developing would become a condition as opposed to
8 just an alternate if the width of twenty feet
9 were inserted in that underscored blank as the
10 increased width. If the Board goes along with
11 imposing that as a condition, then it will be in
12 compliance with the Ulster County Planning
13 Board's recommendations and we can strike
14 paragraph 3 which is an alternative override.

15 CHAIRMAN BRAND: Are the Members of the
16 Board in agreement we should go ahead and agree
17 to the County's recommendation to widen the
18 driveway?

19 MR. CLARKE: Yes.

20 MS. LANZETTA: Yes.

21 MR. CAUCHI: Yes.

22 MR. LOFARO: Yes.

23 CHAIRMAN BRAND: So I think that
24 would go to 2C as part of the condition.

25 MR. BLASS: 2C and strike 3.

2 MS. LANZETTA: Yes.

3 MR. BLASS: So the first order of
4 business would be the negative declaration and
5 the second would be the resolution of approval.6 CHAIRMAN BRAND: Do I have that motion
7 for a negative declaration?

8 MS. LANZETTA: Do we have to read it?

9 CHAIRMAN BRAND: I don't believe so.

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

11 MR. CLARKE: I'll second that.

12 CHAIRMAN BRAND: All those in favor,
13 say aye.

14 MR. CLARKE: Aye.

15 MS. LANZETTA: Aye.

16 MR. CAUCHI: Aye.

17 MR. LOFARO: Aye.

18 CHAIRMAN BRAND: Aye.

19 Opposed?

20 (No response.)

21 CHAIRMAN BRAND: I believe, Jen, I
22 think you have to poll the Board.

23 MS. FLYNN: Chairperson Brand?

24 CHAIRMAN BRAND: Yes.

25 MS. FLYNN: Member Truncali?

2

(No response.)

3

MS. FLYNN: Member Trapani?

4

(No response.)

5

MR. BROWN: They're not here.

6

MS. FLYNN: Oh, sorry.

7

Member Lanzetta?

8

MS. LANZETTA: Yes.

9

MS. FLYNN: Member Lofaro?

10

MR. LOFARO: Yes.

11

MS. FLYNN: Member Clarke?

12

MR. CLARKE: Yes.

13

MS. FLYNN: Member Cauchi?

14

MR. CAUCHI: Yes.

15

CHAIRMAN BRAND: So that carries.

16

And then I would like I believe a

17

separate motion, Jen can poll the Board, for a

18

resolution for the applicant, Empire Landscaping,

19

as read, understanding it would make the change

20

to include 2-C from sixteen to twenty feet and

21

scratch number 3.

22

MR. CLARKE: I'll make that motion.

23

CHAIRMAN BRAND: Jen, would you poll

24

the Board?

25

MS. FLYNN: Chairman Brand?

1 EMPIRE LANDSCAPING 9

2 CHAIRMAN BRAND: Yes.

3 MS. FLYNN: Member Truncali. Member
4 Trapani.

5 Member Lanzetta?

6 MS. LANZETTA: Yes.

7 MS. FLYNN: Member Lofaro?

8 MR. LOFARO: Yes.

9 MS. FLYNN: Member Clarke?

10 MR. CLARKE: Yes.

11 MS. FLYNN: Member Cauchi?

12 MR. CAUCHI: Yes.

13 CHAIRMAN BRAND: Thank you.

14 MR. BROWN: Thank you.

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16 (Time noted: 7:37 p.m.)

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EMPIRE LANDSCAPING

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

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

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

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

15 IN WITNESS WHEREOF, I have hereunto
16 set my hand this 25th day of October 2016.

17

18

Michele Conero

19

— MICHELLE CONERO —

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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 PRELIMINARY - SITE PLAN

15 Date: October 17, 2016
16 Time: 7:38 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 CINDY LANZETTA
24 JOSEPH LOFARO
25 MANNY CAUCHI
26 STEVE CLARKE
27

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

32 APPLICANT'S REPRESENTATIVE: LEO NAPIOR, ESQ.
33

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

2 CHAIRMAN BRAND: Next on the agenda is
3 Chestnut Petroleum.

4 MR. NAPIOR: Good evening. For the
5 record, Leo Napior with the law firm Friedman,
6 Harfenist & Kraut. Joining me is Scott Parker, a
7 representative of the owner, as well as Rich
8 Pearson who is our traffic engineer from JMC.

9 I believe most of you are familiar with
10 the application. Just by way of reminder, this
11 is to redevelop the subject property with a
12 filling station, convenience store, as well as a
13 Dunkin Donuts all in one building.

14 Since we were last before you you had
15 adopted a negative declaration and had referred
16 us to the Zoning Board. We did go to the Zoning
17 Board. We received the necessary variances, area
18 variances, to move forward with the project.

19 Those were for a front yard variance that had an
20 accessory structure between the building and the
21 street line as well as the lot size.

22 There was a third variance that came up
23 during the pendency of those proceedings which
24 was with respect to the distance between the site
25 and the closest intersection.

2 Following our obtaining of the
3 variances we've been engaged in dialogue with the
4 DOT with respect to the highway improvement plan.
5 As was indicated in our submission, the biggest
6 change to the proposed site plan was the ingress
7 and egress and traffic flow in and out of the
8 site. If you recall, previously the southernmost
9 curb cut was proposed to have a left turn in as
10 well as a left turn out. The biggest change to
11 the plan, based on the further communications
12 with the DOT, was to separate those two, and so
13 now the left turn out would be at the
14 northernmost curb cut and the left turn in will
15 be at the southernmost curb cut. The thought
16 process there was the DOT was looking to separate
17 the conflicting traffic patterns where you can
18 have a car making a left in and a car making a
19 left out. The net result will actually increase
20 the level of service at both curb cuts with
21 respect to the traffic cueing and wait times.

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

24 One precursor. We did receive McGoey,
25 Hauser's plan review letter. Most of those

2 comments are stuff we can pick up. They were
3 civil engineering comments we can pick up on the
4 next set of revisions.

5 CHAIRMAN BRAND: Did you want to review
6 those, Pat?

7 MR. HINES: Our comments are technical
8 in nature.

9 I think the Board should get a
10 presentation from the applicant's traffic
11 consultant who is here. We forwarded the
12 information to the Planning Board's traffic
13 consultant through my office, Creighton, Manning.
14 They have not had the opportunity to review that.
15 It is under review.

16 Then the next step in the process would
17 be for the Board, if they think they have enough
18 information, including the correspondence from
19 DOT kind of conceptually approving this, would be
20 to schedule a public hearing.

21 MS. LANZETTA: Would you consider this
22 a complete application at this point?

23 MR. HINES: I think you have the
24 concurrence of DOT. That's what we've been
25 waiting for the whole time.

2 MS. LANZETTA: So we could refer this
3 to County as well?

4 MR. HINES: Yes. I think it's at a
5 good point now.

6 CHAIRMAN BRAND: Just so that I
7 understand the traffic pattern, the 9W southbound
8 traffic are only making right turns into the
9 facility?

10 MR. HINES: At the northernmost
11 entrance, yes.

12 CHAIRMAN BRAND: Northern entrance.
13 And right turns out there as well?

14 MR. HINES: Yes.

15 CHAIRMAN BRAND: And then the southern
16 entrance, left turns in, right turns in, right
17 turns out, no left turns out?

18 MR. HINES: There are left turns on the
19 northernmost entrance, left turns into the
20 southernmost entrance.

21 CHAIRMAN BRAND: The northernmost
22 entrance closest to --

23 MR. HINES: It has a right in only.

24 CHAIRMAN BRAND: Or right out.

25 MR. HINES: Left or right out, and then

2 the southerly most entrance has a left in. You
3 you could make a right in as well. You would
4 probably have made it already at the other end.
5 So that's the only left out -- left in. I'm
6 sorry.

7 CHAIRMAN BRAND: Okay.

8 MR. HINES: I know the applicant's
9 traffic consultant is here.

10 MR. CLARKE: How are automobiles on the
11 road going to know this?

12 MR. HINES: There's DOT approved
13 signage, no right and left turns, on the
14 applicant's plans to show that the standard
15 manual uniform traffic control devices signage
16 will be required as part of the DOT permit.
17 There's also definitive curbing, six-inch curbs,
18 that have been proposed on the plan now that
19 weren't previously there that funnel the traffic
20 that way. For lack of a better term, it's called
21 pork chops. You would have to drive over the
22 mounted curb to make a left out of the
23 interchange from the intersection that you're not
24 supposed to. So those have been defined on the
25 plans as well. They're new to the plans now.

2 MS. LANZETTA: And the fuel trucks are
3 going to be able to get in and out?

4 MR. NAPIOR: Yes. We do have a truck
5 turning sketch. I can have Rich go over it with
6 you if you'd like to see those.

7 MS. LANZETTA: Sure.

8 CHAIRMAN BRAND: Sure.

9 MR. PEARSON: Good evening. Rich
10 Pearson with JMC.

11 As Pat mentioned, I've been involved
12 with the DOT process, both with the traffic study
13 and then the treatment we've been proposing. We
14 have modified the proposed improvements in
15 accordance with our meeting and follow-up
16 discussions with NYS DOT regarding the delivery
17 trucks.

18 This shows a fuel delivery truck. This
19 would be arriving from the north coming in. As
20 we mentioned, this is a mountable island, so
21 trucks can cross over and traverse that area and
22 come in and then deliver here for the fuel and
23 come out this way and then -- excuse me. I took
24 in reverse on that one. The same error as before
25 when I was talking to my client. This is the

2 left turn coming in. Coming here, in here and
3 fueling and then leaving. This is from the
4 opposite direction coming down through here.
5 Either way it works fine. And then the box
6 trucks for other deliveries, et cetera, they can
7 come in here, make the same left turn, come into
8 the site and come out and leave here, or they can
9 come in the opposite direction as well, come in
10 and leave that way as well.

11 MR. HINES: They're driving over those
12 mountable curbs.

13 MR. PEARSON: Actually the box trucks
14 can do it without going over the mountable
15 curbing.

16 MR. NAPIOR: Just to play off one
17 further point, the USCs are located close to the
18 edge of the property. When the tanker trucks are
19 dumping the fuel you'll be able to have full
20 maneuvering around them for cars to access the
21 pumps.

22 MR. PEARSON: There's two-way traffic
23 here but also two-way traffic here.

24 MS. LANZETTA: Can you go back to the
25 larger truck?

2 CHAIRMAN BRAND: The hash marks in the
3 center of 9W, is that going to be painted?

4 MR. PEARSON: This will be painted.

5 MR. HINES: That left-turn lane, I
6 think it extends 400 feet south as well.

7 MR. PEARSON: It does. Essentially the
8 change with DOT is we previously had the left out
9 maneuver at this location so that you'd have a
10 left in and then you'd have the left in -- left
11 out here. NYS DOT wanted separation between the
12 entering left and the exiting left even though we
13 had shown them in other locations.

14 MS. LANZETTA: Where is the place where
15 they would have to fill the tanks?

16 MR. PEARSON: Right here.

17 MS. LANZETTA: So you're not talking
18 about them coming in, filling up themselves,
19 you're talking about them fueling the tanks?

20 MR. PEARSON: Fueling the tanks, right.
21 Delivery vehicles. Delivery trucks.

22 MS. LANZETTA: You'll have regular
23 truck traffic besides; right?

24 MR. PEARSON: Yes.

25 MS. LANZETTA: They would just be on

2 that side, anybody that comes in to fuel, or
3 would they also --

4 MR. PEARSON: It could go either way.

5 This is coming from here and coming from here, or
6 if they came from this direction.

7 MS. LANZETTA: Bigger trucks could only
8 fuel on the side closest to 9W?

9 MR. PEARSON: That's how we've designed
10 it, yes. They're not there that often.

11 CHAIRMAN BRAND: What was the distance?
12 I'm sorry, you said that center acceleration
13 lane, how far would that be going?

14 MR. PEARSON: I think the reference to
15 400 feet was the storage lane for the northbound
16 left-turn lane, for the entering left turns. The
17 acceleration area, there's about a 100 foot
18 refuge area for the left turns to turn into, and
19 then there's a 500 foot taper from that point to
20 the north because it tapers.

21 MR. CAUCHI: So it's 400 and 500?

22 MR. PEARSON: 400 is the left-turn
23 storage and then there's a 500 foot taper in
24 order to create that left-turn storage as well,
25 to shift over the through traffic.

2 MR. CLARKE: We're expanding the width
3 of 9W to accommodate that?

4 MR. PEARSON: Yes.

5 MR. CLARKE: Another lane for that 900
6 feet?

7 MR. PEARSON: That's correct. It's
8 full width for a portion and then it tapers.

9 CHAIRMAN BRAND: How does that distance
10 -- I don't believe it's shown -- match up to the
11 next street?

12 MR. PEARSON: Mountain Rose. There is
13 a portion of the widening that's right in that
14 area, but at that point it's primarily shoulder.
15 Some of the existing shoulder would be converted
16 to a travel lane and then the new shoulder would
17 be built behind that, closer to the west side of
18 the road.

19 CHAIRMAN BRAND: On the opposite end
20 toward --

21 MR. PEARSON: Excuse me?

22 CHAIRMAN BRAND: On the opposite end?

23 MR. PEARSON: The opposite end it
24 transitions to an existing painted area, a
25 painted median area. We have it in these plans.

2 By Purdies we transition here.

3 There's a gas tank on the east side
4 that Central Hudson didn't want us --

5 CHAIRMAN BRAND: The west side is your
6 side; correct?

7 MR. PEARSON: Correct. Right. There's
8 a gas main on the east side and Central Hudson
9 preferred we not do widening on the east side.

10 CHAIRMAN BRAND: Any questions,
11 comments from the Board at this point?

12 MS. LANZETTA: Do you have any
13 sidewalks in front of here?

14 MR. PEARSON: No.

15 MS. LANZETTA: I don't think the County
16 -- I know the County is going to want sidewalks.

17 MR. PEARSON: We can look into it. I
18 don't believe there's sidewalks in the area, but
19 we can look into it.

20 CHAIRMAN BRAND: Can you maybe clarify
21 too, you mentioned it was mount --

22 MR. PEARSON: Mountable. It's
23 essentially beveled. Instead of being a vertical
24 curb there will be an angle to it so trucks can
25 traverse over it. It's also known as a

2 traversable curb. I believe we would use --

3 MR. CAUCHI: Is that what that is, the
4 bottom right here?

5 MR. PEARSON: Here?

6 MR. CAUCHI: Yes.

7 MR. PEARSON: Yes. That's actually the
8 island. As Pat mentioned, it's a term called
9 pork chop because it looks a little bit like a
10 pork chop depending on the shape.

11 MR. HINES: It's not something you
12 probably want to drive over in your car. A
13 normal curb is an eight-inch reveal. These have
14 a six-inch curb and then it mounts up so you
15 could -- a tractor trailer has no problem driving
16 over it. With a small passenger vehicle you
17 wouldn't want to drive over it. You could I
18 guess. It kind of leads traffic a little better.
19 It will prevent them from trying to make those
20 lefts where they are not supposed to. I'm not
21 saying they won't try.

22 The traffic study did identify with
23 these modifications previously both driveways
24 were acting at a level of service F, which is a
25 time delay, which is considered causes a nuisance

2 to drivers where they start doing other things
3 they might not want to try during normal traffic
4 conditions. This new layout has risen to a level
5 of service D which is a better level of service.
6 It's not the greatest level of service but it's
7 internal to the site. People coming out of the
8 site don't have the delay in service, not the 9W
9 corridor. It does represent an improvement to
10 the traffic flow. Creighton, Manning is looking
11 at it. We mentioned to them there is diesel
12 pumps in the area where the truck turning radius
13 shows. What if a large tractor trailer comes to
14 fill a diesel. I don't know if it's their normal
15 clientele at this site. That could serve to
16 block some of the entrances, so they're looking
17 at some internal traffic flow issues as well.

18 CHAIRMAN BRAND: That's not indicated
19 on the maps, though, the diesel pump versus
20 regular pump?

21 MR. HINES: Yes. The two on the south
22 side, they're parallel. There's four gasoline
23 pumps. Creighton, Manning is taking a look at
24 that.

25 How it functions on the site is when

2 you pull in you get to the drive-through from one
3 end of the site, traverse across.

4 MR. CAUCHI: Are there sidewalks?

5 MR. HINES: There are not sidewalks
6 proposed.

7 MS. LANZETTA: The County has a real
8 problem with that.

9 MR. HINES: That will impact the site
10 plan significantly. Theirs is a five-foot
11 shoulder.

12 MR. CAUCHI: Is there any room to make
13 provisions for a sidewalk?

14 MR. HINES: It's tight. They're going
15 to have to look at it. DOT is now allowing
16 sidewalks in their right-of-way where before they
17 weren't allowing it at all. They're coming back
18 in. As of about two years ago they're having a
19 change of heart. Now they're allowing them.

20 MR. PEARSON: That said, they are also
21 looking at room for snow shelves between the
22 sidewalk and the road. While we do have a
23 shoulder here, if we did have to maintain the
24 shoulder and then a five-foot wide snow shelf
25 between the sidewalk and the curb and then the

2 sidewalk, then that's getting deeper and deeper
3 into the site. We'll have to look at it.

4 MS. LANZETTA: Because that's -- you
5 know, that's in the master plan, that's in
6 Complete Streets, that's in the County's mandate,
7 you know, that communities become walkable.
8 You're going to run into a lot of people that are
9 going to want to see sidewalks.

10 MR. PEARSON: Okay. We'll look into
11 it.

12 CHAIRMAN BRAND: Anything else from the
13 Board?

14 (No response.)

15 CHAIRMAN BRAND: So Pat, our next step?

16 MR. HINES: At this point, go to County
17 Planning, inform you want them to take a look at
18 the sidewalks first.

19 The other thing is the scheduling of a
20 public hearing.

21 CHAIRMAN BRAND: I, for one, would
22 definitely like to see sidewalks there.

23 MR. CAUCHI: Me, too.

24 MR. LOFARO: Yes.

25 MS. LANZETTA: I think the Planning

2 Board would have to find a reason not to have
3 sidewalks there.

4 CHAIRMAN BRAND: Where?

5 MS. LANZETTA: Because in our Town Code
6 and in Complete Streets, as I said, there's just
7 -- you know, this is all what we're supposed to
8 be looking at as planning.

9 MR. CLARKE: Cindy, at this time,
10 because there's no connecting, would they be
11 required to build the sidewalk or just provide a
12 space for future sidewalk in case, you know -- I
13 mean what would be the point of putting a
14 sidewalk there if the next piece would be three-
15 quarters of a mile down the road?

16 MS. LANZETTA: Because that's how you
17 -- that's how you begin to make the connections.
18 If you wait until --

19 MR. CLARKE: I'm saying if you create
20 the site for the sidewalk and then when it
21 becomes apparent, when they are actually going to
22 connect -- this might be a thirty-year old
23 sidewalk, twenty-year old sidewalk. They're
24 going to have to be replaced and never used. My
25 point is when everybody gets ready to be

2 connected, then a sidewalk.

3 MS. LANZETTA: It's going to be hard to
4 go back and make the developers do it then.

5 MR. CLARKE: I'm just saying, we should
6 probably ask them to provide the site for the
7 sidewalk, whether they actually put the physical
8 sidewalks in.

9 MS. LANZETTA: You're saying maintain
10 it as a green space until you can connect?

11 MR. CLARKE: Yeah. I just don't see
12 the point. It's like building a bridge when you
13 don't need it until twenty years down the road.
14 I don't see why they would be required to put a
15 sidewalk in when it goes no place.

16 MS. LANZETTA: But it will eventually
17 connect.

18 MR. CLARKE: I'm saying we should
19 provide the space for the sidewalk.

20 MS. LANZETTA: You would do that by
21 making the green space until --

22 MR. CLARKE: I would put in the
23 document that, you know, it would be dedicated
24 for a sidewalk at some future point --

25 MR. CAUCHI: Make provisions for it,

2 for a sidewalk.

3 MR. CLARKE: -- not actually --

4 MR. HINES: Similar to what you did
5 with Milton Hardware last month. I think that's
6 what you're referring to. Milton Hardware
7 provided an easement.

8 MR. CLARKE: Yes. It's an easement for
9 a future sidewalk.

10 MS. LANZETTA: That means they can't
11 put anything in in the meantime.

12 MR. CLARKE: Correct. And it would be
13 dedicated for a future sidewalk. I would hate to
14 see a sidewalk be twenty, twenty-five years old,
15 you know, and need to be replaced never having
16 been used.

17 CHAIRMAN BRAND: There are the
18 sidewalks almost to the elementary school there.
19 I do understand your point.

20 MR. CLARKE: You understand my point.
21 When you think about it, when is it going to be
22 connected. It could be a long time in the future
23 before you connect to that site.

24 MR. CAUCHI: I'll tell you, I think
25 that this Dunkin Donuts is going to get a lot of

2 publicity and there's going to be a lot of people
3 from town walking there. We might have an issue
4 with people walking to the Dunkin Donuts from
5 town. There's a lot of people there already
6 walking along that side.

7 MR. NAPIOR: I think the first step for
8 us would be to analyze the feasibility of it,
9 whether we can get it done within our property,
10 within the DOT right-of-way, some combination of
11 the two, and come back to you with a formal
12 response on that issue.

13 CHAIRMAN BRAND: So I would wait to
14 send it to the County until we see that?

15 MS. LANZETTA: I just know the County
16 is going to say the same thing we're saying. If
17 you want to work it out with us first and then
18 for us to send it to the County, it's up to you.
19 Either way it will have to be addressed. If they
20 tell us it has to be done, then we either have to
21 override them, which I don't think you would get
22 the support of the Board to override that. I'm
23 saying it's easier to negotiate with us first
24 before we send it up to County.

25 MR. NAPIOR: I do believe this

2 application has been referred to County Planning
3 already during the whole SEQRA process and lead
4 agency notification.

5 MR. BLASS: It was referred on the
6 variances.

7 MR. HINES: Even if it was the lead
8 agency process, there is still the 239 referral.

9 MR. NAPIOR: Understood. I wouldn't
10 have any objection to you referring it now with
11 the understanding we should expect that back as a
12 comment. I don't think it's a comment of such
13 significance if we're not showing it now and they
14 ask for it, if we're able to accommodate it we
15 will accommodate it, otherwise have further --

16 MS. LANZETTA: That's fine with me.
17 Once they make their recommendations, we abide by
18 the recommendations.

19 MR. NAPIOR: Understood.

20 CHAIRMAN BRAND: Does anyone have an
21 objection to that?

22 MR. LOFARO: I'm okay.

23 CHAIRMAN BRAND: Steve?

24 MR. CLARKE: Good.

25 CHAIRMAN BRAND: Okay. It can be sent

2 to County as is.

3 MS. LANZETTA: Did you want us to
4 schedule the public hearing?

5 MR. NAPIOR: If you are all inclined to
6 do so, we would certainly be happy to open this
7 up to the public.

8 CHAIRMAN BRAND: When would the next
9 public hearing be, with the expectation we get it
10 back from the County?

11 MR. FLYNN: When does the County meet?

12 MR. HINES: It would have to be the
13 second meeting in November.

14 MS. LANZETTA: The second meeting or
15 the first meeting in December.

16 CHAIRMAN BRAND: Let's shoot for the
17 first meeting in December. We'll have that back
18 and time to make changes.

19 MR. NAPIOR: Certainly.

20 MR. FLYNN: That would be December 5th.

21 CHAIRMAN BRAND: Okay. Anything else
22 from the Board? Anything else?

23 (No response.)

24 MR. NAPIOR: Thank you all for your
25 time.

2 CHAIRMAN BRAND: Thank you.

3 There's no public participation
4 tonight.

5 MR. GAROFALO: I would like to make a
6 procedural question.

7 CHAIRMAN BRAND: You can ask me after
8 the meeting.

9 Is there a motion to close?

10 MR. CAUCHI: Motion to close.

11 MR. LOFARO: Second.

12 CHAIRMAN BRAND: All in favor, say aye.

13 MR. CLARKE: Aye.

14 MS. LANZETTA: Aye.

15 MR. CAUCHI: Aye.

16 MR. LOFARO: Aye.

17 CHAIRMAN BRAND: Aye.

18

19 (Time noted: 8:01 p.m.)

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

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5

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

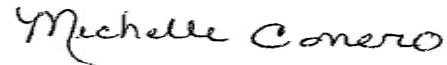
9 That hereinbefore set forth is a
10 true record of the proceedings.

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

15 IN WITNESS WHEREOF, I have hereunto
16 set my hand this 25th day of October 2016.

17

18



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MICHELLE CONERO

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