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

----- X

In the Matter of

CHESTNUT PETROLEUM

Project No. 15-8001
1417 Route 9W
Section 109.1; Block 4; Lot 14

----- X

PUBLIC HEARING
SITE PLAN

Date: December 5, 2016
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: LEO NAPIOR

----- X

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

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CHAIRMAN BRAND: I would like to call the meeting to order with a Pledge of Allegiance to the flag of our country.

(Pledge of Allegiance.)

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, December 5, 2016. Regular meeting 7:30 p.m. Approval of stenographic minutes for 11/7/16. Chestnut Petroleum, public hearing, site plan; Luvera Properties, sketch, site plan; Kenneth Borschel, sketch, lot line revision. Next scheduled meeting -- next deadline: Friday, December 9th. Next scheduled meeting: Monday, December 19th.

CHAIRMAN BRAND: I believe you all received the stenographic minutes for the November 7th meeting. I'd like to have a motion to approve those minutes.

MS. LANZETTA: I'll make the motion.

CHAIRMAN BRAND: Cindy. Is there a second?

MR. LOFARO: I'll second.

CHAIRMAN BRAND: All those in favor, say aye.

MR. CLARKE: Aye.

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MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye. Approved.

First up on the agenda, Chestnut
Petroleum.

MR. TRUNCALI: Legal notice site plan.
Please take notice a public hearing will be held
by the Marlborough Planning Board pursuant to the
Town of Marlborough Code 155-32 on Monday,
December 5, 2016 for the following application:
Chestnut Petroleum, at the Town Hall, 21 Milton
Turnpike, Milton, New York at 7:30 p.m. or as
soon thereafter as may be heard. The public
hearing will address issuance of a special permit
and a site plan approval for a gasoline filling
station/convenience store at the subject parcel
consistent with the plans on file with the clerk
of the Planning Board. The location of the
project is 1417 Route 9W, Marlborough, New York,
Section 109.1, Block 4, Lot 14. Any interested
parties either for or against this proposal will

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have an opportunity to be heard at this time.
Chris Brand, Chairman, Town of Marlborough
Planning Board.

CHAIRMAN BRAND: Before we start with
the public input, if you can give us a synopsis
of what we're looking at.

MR. NAPIOR: Certainly. For the
record, Leo Napior with the law firm of
Harfenist, Kraut & Perlstein. I have the public
notice slip.

CHAIRMAN BRAND: You can give them
right to Jen.

MR. NAPIOR: I was just trying to count
them quickly. I didn't get through them all
before the hearing got called. I can further
speak to that. Maybe when the public is
commenting I can count them up.

Briefly, the subject site is old
Dickie's Diner, 1417 Route 9W. The subject
property is a little under two acres.

The proposed action is to redevelop the
site with a new gas station, convenience store
and Dunkin Donuts with a drive-through feature.

There are five fueling pumps proposed

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as well as two diesel pumps. There are twenty-eight parking spaces also proposed, some of those being in front of the structure, some of those being off to the side. There is a model of the proposed development in the front here for the members of the public that are curious.

In addition, there is a highway improvement project that's proposed as part of this application, mainly for safe turning into and out of the site. That consists of a widening -- creation of a median lane in Route 9W both for receiving traffic coming northbound as well as the left-turn traffic leaving northbound. The taper for that highway improvement plan extends about five hundred feet in either direction from the northerly and southerly bounds of the subject property.

That's kind of a broad brush of the project summary. If I can address any of the questions of the Board or turn it over to the public.

CHAIRMAN BRAND: I'll turn it over to the public first. Due to the large number of people in attendance tonight, I'm going to try to

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limit you to about three minutes for comments. Anyone who is interested in speaking out for or against the project or who has questions, please stand up, state your name for the record and you'll be heard.

Mr. Garofalo.

MR. GAROFALO: James Garofalo, 3 Young Avenue. I hope at the end, after you listen to other people, I'll have more than three minutes. I have a lot of material that I'd like to go over. I know I'm not going to be able, no matter how fast I talk, to cover it in three minutes.

I'm hoping that the Board will consider carrying this public hearing over for several reasons, one of which is the traffic study that's on the website is the old one that still shows level of service F at the accesses and not the new one that was referred to in the executive summary letter that was sent to the Board.

I am not for or against this project but I do think that there's a lot of material that needs to be provided to the public for additional information and changes that need to be made. I will go over some of those changes,

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as many as I can.

SP-3, there are references to handicap spaces. These should be changed to accessible spaces. There's no place in the ADA regulations that you will see the word handicap.

There are no sidewalks in front of this project on the plans. I understand the Board has asked for new plans for them to look at sidewalks. This is certainly in the area that was identified in the safe routes to school project. I think this is different from the hardware store, both in the location, and therefore you need to look at having them provide part, if not all, of the sidewalks, particularly if they are on private land. Route 9W is a bikeway corridor. It is recognized by DOT as being a future corridor. It is certainly the only place there are decent shoulders to travel from north to south through the Town. This site should have bicycle parking. Clearly it has everything a bicyclist could need in terms of drink, food, restrooms, et cetera. I am going to provide the Board with a document, and I've included an extra cover page. If I may give this

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to you. It's for bicycle parking. The extra page --

CHAIRMAN BRAND: Give it to the secretary.

MR. GAROFALO: On SP-2 there's seven spaces along the southern part. The diagram says that there are twelve spaces. That needs to be fixed.

There's no provision for future connection between this site and the site to the north or to the south. Right now there is certainly a connection to the south. I don't know about the north. They should look at providing a connection to the south. This is good arterial management strategy, to have connections between different parcels, regardless of what the parcel is being used for now, because in the future it may be something totally different. Certainly they can gain one parking space by shifting their accessible spaces together and sharing the same corridor where -- particularly on the south side where they have an accessible ramp from the parking spaces to the facility itself, which they don't -- haven't

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shown on the north side, and I don't know if that's because there's no grade difference or what. They could gain one space by doing that.

CHAIRMAN BRAND: Mr. Garofalo, I'm going to stop you right there because you are well over your three-minute time. If time allows I may come back to you.

MR. GAROFALO: I have no problem with that.

CHAIRMAN BRAND: Thank you for your patience. I appreciate it.

Anyone else?

MR. ADAMSHICK: Good evening. My name is Steve Adamshick, I live in Milton, New York.

I agree wholeheartedly with Mr. Garofalo. Three minutes is nearly not enough time to spend tonight because there are a huge amount of issues that need to be addressed. We don't want this project to just be nice and marketable and easy. We want it to be accurate in every way.

It's two days before Pearl Harbor so I'd like -- the anniversary of Pearl Harbor, so I'd like to remember our men and women who

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sacrificed their lives for us.

Tonight is our right and your responsibility to listen to us. That's why I think we do need a lot more than three minutes of time to speak here.

I'd just like to begin by saying that the audio system in this place, it needs to be improved. It's hard to hear each Member of the Board. It's hard to understand the lawyer and hear the lawyer. It's hard to hear from Mr. Hines at times. I just feel an improvement in the audio system at this facility needs to be improved. I see our supervisor here tonight. I hope he can address that.

With respect to the project, whether it's a cup of coffee or a gallon of gas or any other convenience, or a hardware item, it will impact the existing businesses that are in our community to the detriment of it. I believe that.

A couple of things about Chestnut Petroleum. Chestnut Petroleum settled for a \$50,000 fine for price gouging during a time of Hurricane Sandy in Westchester, Rockland and

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Ulster County. They were also levied a fine for underpaying their employees, this corporation.

And finally and most importantly, whoever owns this property has not taken any personal responsibility for the unsafe, unsanitary, dilapidated and abandoned building. It's been over ten years since that building has been up. It needs to be torn down. Why hasn't it been removed yet? I just can't understand that.

And since the public has had no opportunity to -- I bet you all the meetings through the Zoning Board and all the variances that have occurred here, we have yet to address, the public anyway, the environmental assessment form. There's some inaccuracies in that form that I would like to address. I'm only getting five minutes here so I don't think I can -- I would truly like to address those. There's questions, there's items that are outright wrong. I'd love to address them but I'm going to try to limit my time here and hope that -- hopefully I'll be able to speak again.

One presentation I think should be very important here would be the economic impact

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presentation because this project is eligible for a ten-year incentive, ten years of reduction of fifty percent off of taxes, school and property. So here this entity is coming in and they're going to get fifty percent off of taxes. For the next ten years it will only go up five percent whereas the existing businesses in Town, for many, many years we've been carrying everybody in this Town. I just can't understand why that's happening here. So how about a tax reduction for the existing businesses.

There's issues relating to the septic system. I just can't understand why there's a tank and a pump and you're going to pump it up the hill to a septic system. How's that going to facilitate and work efficiently? Because prior years, before when the Dickie's Diner was in place, that's what shut this place down was the terrible, terrible septic system. I'd like to hear an explanation of what's especially involved on facilitating so that adjacent properties are not detrimented.

Also with respect to the drainage, all that water is going to the northwest corner which

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would go across the highway to the east, onto the Rusk property. I think it's behooving of Chestnut Petroleum to assure that the properties adjacent to this don't get harmed by the tremendous outflow of water that's going to result of the stormwater.

I'll stop there. I think my time is over. I appreciate your time and I hope I can talk again.

CHAIRMAN BRAND: I thank you.

Does anyone else wish to speak either for or against?

MR. RUSK: I will. My name is John Rusk, I live across the street from the proposed project.

I have great concerns, especially with regard to what I would call pollution. The water that flows from that site comes across the road, goes to our side of the property. It's a farm. Any petroleum spilled, whether it be from a tank leak, or an overfill, or a spill on that property, that's going to end up on our side. There's a pond that is fed from the stream that crosses there. That pond is used to supply water

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on the farm that Mr. Caradonna is currently farming. It's a great concern that we have.

The other is light pollution. Any lighting on that project is going to be seen by anybody going by. Those people who live across the street, it's going to be a constant problem that we're going to have.

The same with noise.

With regard to the specific design that's on there, and there was discussion I believe at the last meeting, I would like to have the proponents of the project show us how any tractor trailer tanker that's coming into that site to unload it's tanker truck is going to turn around and go back in the direction that it came. I don't think that with the way the site is designed, that that can be done in a viable manner. They talk about coming in one and going out the other. Many times the trucks, especially if they're filling up down in the Newburgh terminals, coming up and unloading, they're going to go back. I don't know how they're going to turn around on that site with any type of tanker truck or other large trucks coming in there to

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fill up at their diesel tanks. I'd like to see what they are proposing about how a vehicle is going to be able to do that.

With regard to the traffic study, at least the one that's online, and I'm assuming that's the one that they are proposing because that's the one that's posted on the Town site, they make assumptions of certain increases in traffic volume based upon what they call no-build volumes. That is that nothing else is going to happen in Town except this project. They do a calculation of a one-percent increase per year. In June of this year there was a joint meeting between the Town Board, the Planning Board and others with regard to the Bayside project. I'm assuming that project is still going forward. They're talking about twenty three-bedroom apartments, eighty-four two-bedroom apartments which is just south of where this location is. For the proponent to put in a project without including anything for sidewalks, to think that the people that are living very close by aren't going to walk up to this location if there's a coffee shop or a convenient mart, it's ignoring

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the realities of the situation. I think that it should require a further traffic study or a further explanation as to why that's not being included as part of the future assumption of what traffic's going to be, whether it's foot traffic or vehicles, because that's a large number of units very close by. Even assuming that what they are calculating in the future to be true, over the course of 2016 to 2022, with the calculations they have done at both the morning peak hours and the afternoon peak hours, over that period of time there are increases over one hundred cars an hour in the peak hour in both the morning and the afternoon. According to their figures, it's showing approximately eighty cars entering or exiting that site in the morning and sixty cars entering or exiting in the afternoon. You know what the traffic situation is coming through that section now. I suggest that a car trying to make a left turn out of that site at the peak hours is something that is extremely, extremely dangerous to the people in this Town and anybody driving through the Town. I think that that should really be re-evaluated by the

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Planning Board as to whether or not a project of this size and magnitude that they are proposing is safe for the people who live here.

CHAIRMAN BRAND: Thank you, Mr. Rusk.

MR. SHALEY: Mark Shaley, I'm the chairman of the board of the Marlborough Fire District.

MR. GAROFALO: Pete Garofalo, vice chairman.

MR. SHALEY: We are neither for or against this project. We only ask that the Planning Board, if this project was to go through, and any other commercial projects that have access to Town water, it be stipulated to have a fire -- a sprinkler system.

MR. GAROFALO: That's our only concern. That's what we're bringing up tonight.

Like Mark said, any new business coming in, this one coming in, it's in the water district, it should have sprinklers included in the plans. Thank you.

CHAIRMAN BRAND: Thank you.

Anyone else?

MS. MARCUS: Michelle Marcus, Milton.

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I just want a little clarification because Jim had mentioned that there was an additional study that was not on the website. If you could just clarify that for us, I'd appreciate it.

I would yield the rest of my time to Mr. Garofalo.

CHAIRMAN BRAND: We will go back to Mr. Garofalo.

MS. MARCUS: Okay. But is there a different study that's different than what's on the website?

MS. LANZETTA: What we have on the website was last revised in August. Since then there's been another revision that was done in September. We did not put that revised traffic plan on the site. We'll have to do that. We'll make sure that we get the revised plan up.

CHAIRMAN BRAND: In the back.

MS. WESTON: Elizabeth Weston. I live on Mount Rose Road.

I wanted to comment about our local businesses and as a resident. I want to support our local businesses that would be affected by

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this project. There are generational businesses. They're not just businesses that have sprouted up. To think that this will create competition to our local businesses and small businesses is like thinking that Wal-Mart coming into a neighborhood would give healthy competition to a general store. I think it would smash the local businesses. I think it will close the local generational businesses.

As a homeowner I have rights, as we all do, to enjoy the peaceful enjoyment of our property. Chestnut Petroleum has their right to develop their property, but at our expense. So that by them developing their property, we lose our rights as homeowners to the peaceful enjoyment of that property which we have enjoyed and paid into the system in this community for several generations.

The noise pollution, the light pollution, the garbage it is going to generate will all affect our quality of life.

Our property value, I was told, will suffer because of the presence of this business.

My homeowners insurance, when it's

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re-evaluated, having a source of emission this close to our home, will affect our homeowners insurance.

I would ask the Board to consider that probably not one person that wants this project lives near this project or will have a business that is directly impacted by the project.

Chestnut Petroleum has options. This is not their only business. They have options to construct in commercial sites at either end of the Town. They can give a nice run for their money to Stewart's by going right across the street. By placing it where it is, we lose our rights as homeowners. We cede them to Chestnut Petroleum. I would ask the Town officials to advocate first on behalf of the taxpaying public.

Thank you.

CHAIRMAN BRAND: Anyone else?

(No response.)

CHAIRMAN BRAND: Mr. Garofalo, I will grant you another three minutes.

MR. GAROFALO: That's a start I guess. Sheet 1-A on the front view shows two cars -- shows one car next to the drive-through window.

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There's actually two. I don't know if there are. Either way they are showing it on the same sheet.

The rear view showing a nine-foot overhang. It's not clear exactly where that overhang is. Clearly on the west side of the building it looks like vehicles can drive right against the corner of the building. Put bollards in there.

There is a height bar that is shown on the northern side. It probably is not large enough to cover the entire entrance like it should be. I'm not sure where that bar is being anchored or at what height that bar is, but I think those things all need to be clarified because you may not want to have trucks of a certain height going back there. I know the overhang of the building is twelve feet, but that may be far enough away except at the corners. They need to take a look at that.

They have a lighting plan which shows where they're putting their lighting posts but it really doesn't tell you what you really need to know, which is to see the lighting contours exactly -- which is like a contour -- a contour

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map showing heights of elevation. You need to see a lighting contour map so that you can see exactly what the lighting is all through the site, because the way that plan is there's nothing in the back, there's other areas that don't seem to be covered when actually they are partially covered. But you should see the lighting that's on the building as well as those lampposts and the entire lighting contour over the entire property.

The other thing about the lighting is there's been a lot of talk about the hamlets and designing a standard light pole which would be more classic or a colonial type of look to it. These are certainly very modern. If and when the lighting gets up this far, it's not -- those poles are going to be out of whack with whatever the Town picks. I think it would be very good for the Town right now to consider what kind of poles they want to start putting in in terms of the look and see if those can be adapted to this particular site.

I do not see any no left-turn signs on the plans. Clearly there is an area where

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there's no left turns out of the site. The site -- the signing plan should be complete, including any signs that go beyond the building and a detail showing what those signs are going to look like.

There's a planter where they have a digital sign. I don't know how high that planter is. I certainly would like to make sure that that planter is low enough that it's not going to cause a traffic hazard.

Certainly it would be nice to move the sign a little bit further back off the road. I don't know if they can do that or not. That's something that you can take a look at.

CHAIRMAN BRAND: I'm going to stop you right there for the second time. I'm sorry. I will give Mr. Adamshick the same bonus three minutes if he so requires.

Did you want another --

MR. ADAMSHICK: Thank you. Does the Board have a copy of their environmental assessment review?

MR. CAUCHI: A copy of what?

UNIDENTIFIED SPEAKER: Environmental

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assessment review.

MR. ADAMSHICK: Environmental assessment form part 1, project and setting. If you turn to -- on page 6 of 13 there's a question, will stormwater runoff flow to adjacent properties. How much clearer can that question be? The box is checked no. It's obvious. The water is all running north to Mount Rose Road and then east across the highway onto the Rusk property. I just don't understand how they can say no to that question.

Asbestos testing. Was asbestos testing done to the existing properties and is there evidence of it? There's no answer for that. They claim no.

With respect to potential contamination history, the reason that Dickie's Diner was closed down was because the sewage overflowed and Ulster County Health Department came in and shut it down because the sewage was running onto Mr. Rusk's property. On page 10 of 13 pages, potential contamin -- has there been a reported spill on the proposed project site. It's wrong. Yes, there has. Sewage shut that diner down.

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John, you affirm that; correct?

MR. RUSK: Yes.

MR. ADAMSHICK: And the question about endangered species or plants, does the project site contain any species of plants listed in the Federal blah, blah, blah. They checked no on one box. There needs to be further investigation into that.

With respect to the project must be submitted to the Ulster County Planning Board for review, I'm just curious as to whether they did review it. Did they okay it? I don't know the answer to that question.

Information pertaining to the competency of the proposed bedrock. Geo-technical report and testing should have been provided for review. I don't know the answers to that. According to the 2002 adopted Marlborough Comprehensive Master Plan, depth to bedrock is an important factor in the location of roads and utility lines, however it's critical in the proper operation of septic systems. Shallow bedrock does not have sufficient soil above it to filter contaminants out of the septic effluent.

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Contaminated water can then run along the soil rock interface and either enter the surface water or underground fracture, thus contaminating the groundwater. This is your 2002 Comprehensive Master Plan. I do not know, and Mr. Hines can perhaps explain, if test borings were done to see if there's solid bedrock, if the water can become contaminated, and the sewage flow if it's not properly addressed.

Also, approval of subsurface sanitary sewer disposal system from the Ulster County Health Department is required. I don't know what the answer to that is.

I'm going to stop right there and let somebody else have an opportunity. Thank you.

CHAIRMAN BRAND: Anyone else for or against the project?

(No response.)

CHAIRMAN BRAND: I think I would like to hear from Pat I guess next, --

MR. HINES: Sure.

CHAIRMAN BRAND: -- if that's possible. Mr. Hines, I'm sorry.

MR. HINES: We prepared the revised set

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of comments with today's date based on the most recent submission.

The Planning Board and the County Planning Department -- at the previous meeting County Planning Department's comments were received with some mandatory required changes, the most substantive of which was a recommendation for a sidewalk and pedestrian facilities on the site. The applicants, in the interim, have met with Central Hudson regarding widening of 9W. Central Hudson is standing pretty firm that they do not want widening to the east because of the presence of a large diameter, high pressured gas main. So the applicants are working towards revising the plans to address the Planning Board and County's concerns regarding pedestrian access along that corridor. We have not seen those plans yet.

DOT has conceptually approved via e-mail the concept layout for the access currently proposed which was subject to an addendum to the August traffic study that was dated September. We have submitted that traffic study to the Town's traffic consultant,

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Creighton, Manning. I will address those comments which we received.

The Ulster County Health Department is the agency that is jurisdictional to the sanitary sewer disposal system. We do have an e-mail approval of that septic system, however we don't have final approval. To address the comments we just heard, Ulster County has witnessed the soil testing of the new septic system. In addition, the Planning Board previously required a geotechnical report be prepared addressing issues associated with bedrock and blasting on the site, which was part of the Planning Board's record which was reviewed.

We have a comment for the Board that the applicant should address the status of the sidewalks. There are some comments from DOT regarding possible dedication of property along the roadway corridor regarding those sidewalks. I'm really not understanding that comment. If they can get the applicant to accommodate the sidewalks one hundred percent on their property, I don't understand why DOT is requiring an easement. The applicants may be able to speak

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better to that, they've had more input with the DOT.

Then our comment, as well as County Planning and the traffic consultant, has to do with internal traffic flow and cueing the vehicles on the site. That information is lacking on the revised plans for the layout.

If you want, I'll continue with Creighton, Manning's comments which we received.

CHAIRMAN BRAND: Yeah.

MR. HINES: We received comments back. My office submitted the updated traffic studies to Creighton, Manning who are very familiar with the Town. They've worked with the Town on other traffic-related issues on the 9W corridor, and the Planning Board brought them on board to review this project early on. The traffic study was updated to reflect the proposed changes in the site driveway and restricted turning movements. The existing movements under the proposed (approved) access configuration will operate at a level of service D at the north entrance, and these are exiting out onto 9W, not the 9W traffic; and a level of service C at the

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south driveway, which was an improvement over the previously proposed full access configuration. So the current access scheme before the Board, and the DOT did approve those turning movements leaving the site based on the provisions for left and right turn restricted access.

In addition, the Mount Rose/9W intersection shows that the eastbound approach operates at a level of service B/C during the a.m. and p.m. hours, which is also an improvement under the previous traffic study which identified a level of service E.

Level of service, for the Board, has to do with the amount of time it takes to make a turning movement rated from A to level of service F and E.

They know the applicant has been working with the DOT to develop an acceptable configuration for the Route 9W access and they will review plans as they are further clarified for the access and the pedestrian crossings.

The plan sheets do need to show the level of detail for traffic signs at proposed entrances and take into consideration truck

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turning movements with regard to those signs as truck turning movements will be restricted on the site and can impact the DOT required signage. They're looking for that signage plan to be developed along with that truck internal circulation flow.

They have a suggestion, number 5, which is to incorporate ADA ramps. I think we're going to hear from the applicant that the entire frontage will be provided with pedestrian access under the latest scheme.

So with that, there's some additional traffic information that Creighton, Manning is requiring. I think it would be a good point to bring the applicant up to identify to the Board how they have been working with the other outside agencies regarding addressing the County comments, DOT comments and my office and Creighton, Manning's comments.

CHAIRMAN BRAND: Great. Thank you.

I'll check in with Ron. Anything to add before we go to questions or comments from the Board?

MR. BLASS: Pardon me?

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CHAIRMAN BRAND: Anything to add?

MR. BLASS: No, I don't.

CHAIRMAN BRAND: Great. Anything from the Board? Questions, comments, concerns?

MR. CLARKE: We're kind of waiting for the results of the DOT for final approval. We really can't do much.

CHAIRMAN BRAND: Absolutely.

MS. LANZETTA: Could we encourage people like Mr. Garofalo to turn in their comments in writing so that they can be given to the applicant to address, as well as the comments from Creighton, Manning and Ulster County Planning Board?

I would assume that we would keep the public hearing open because there's still so much outstanding information to be had. Next, the applicants could come back and address some of the things that have been brought up tonight.

CHAIRMAN BRAND: I'm in agreement with that. I know one of the things that we talked about last time was the Ulster County Planning Board also recommended the idea of sidewalks. Maybe you could just speak to that a little bit.

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I know there was some movement in the decision, as far as that goes, as recently as today.

MR. NAPIOR: Certainly. So the plan that we had up on the board here, which has not been submitted formally to your Board yet, does contemplate a sidewalk area on the site. If Scott can get it up on the screen, we'll do so as well.

One of the potential issues with the sidewalk is that the sidewalk would be located partially within the right-of-way, the DOT right-of-way, and partially within our property boundary. The DOT had expressed an early interest that any pedestrian improvements adjacent to their right-of-way be on DOT owned land. After some further back and forth with the DOT culminating finally with an informal approval, they did say they would take a permanent easement for maintenance and sidewalk area. Certainly we could accommodate a sidewalk in front of the site if that was the direction the Board wanted to head.

One thing to note is that because we can not widen -- or Central Hudson has objected

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to the street widening taking place on the easterly side of 9W, all the widening would have to occur on the westerly side of 9W. There just isn't enough real estate to provide both a sidewalk and a landscaping area. That's something for the Board to consider as to if the preference is sidewalks or landscaping, or landscaping for the time being until such time as the Town wanted to do a sidewalk project. But there's only so much room we have. If we continue to extend the curbing, it would affect the travel aisles and the internal vehicle circulation.

CHAIRMAN BRAND: Just to clarify, that recommendation was from the Ulster County Planning Board and would require a supermajority from us.

MR. NAPIOR: Correct. Does that address the sidewalk question?

MS. LANZETTA: And also I want to point out that Creighton, Manning explained how it would be difficult to have any kind of landscaping there anyway with the amount of hard concrete, impervious surfaces and what not. They

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also recommended that we utilize that for pedestrian traffic as opposed to putting something else in that spot.

MR. NAPIOR: Understood. And the plans which will make their way into the package have crosswalks and ADA ramps all detailed. So they'll be compliant with all those recommendations.

MR. HINES: Just the nature of that corridor, it would be very difficult to have any landscaping survive with snowplowing and the salt and the traffic. Certainly the pedestrian safety probably should trump the need for the landscaping corridor there.

CHAIRMAN BRAND: I think most of the Members of the Board, correct me if I'm wrong, felt strongly about the sidewalk, not necessarily so the landscaping.

MR. NAPIOR: Understood.

CHAIRMAN BRAND: Anything else from the Board?

MR. NAPIOR: Would you like me to roll through responses to the public?

CHAIRMAN BRAND: If you have those and

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you're willing to do so, please do.

MR. NAPIOR: I can start with the County letter, or would you prefer I get all that in writing?

CHAIRMAN BRAND: Start at the top.

MR. NAPIOR: Okay. So with respect to the County letter, we did just briefly walk through the sidewalk. We'll have that on the next round of our plans.

In addition, I know there was a note as well as Mr. Garofalo requested or suggested lighting be included somewhere. We'll make provision for that somewhere on our plans.

The County had a comment with respect to internal traffic controls. I'm not really sure where they would be appropriate. There is a stop sign as well as well as a stop bar painted on the ground at the end of the drive-through lane. Then in addition, on this latest go around we've also added a pedestrian crosswalk area between the sidewalk and the front face of the building. More than that, I don't know where any other internal traffic controls would really be appropriate on the site.

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As far as leaving the site, there's been a repeated comment that there's no signage. I think there was just an issue on the site engineer and traffic engineer planning coordination. The site plan actually does incorporate signs, they're just -- the key wasn't dropped onto the plan. So there is both at the southbound entrance and the northbound entrance appropriate signage with respect to left turns, as well as across the street. I know it's hard to see on this plan but there are little labels there, they just haven't been appropriately noted on the key. We'll make sure we pick that up so there's no left-turn signage where it would be appropriate.

CHAIRMAN BRAND: Could you maybe, while you have the large map up, just go over for the members of the public that are here the internal traffic flow and the 9W access points as well?

MR. NAPIOR: Sure. So this is the southbound curb cut which would -- there's a receiving lane here as you come down 9W which would allow vehicles looking to make a left into the site to basically taper down their speed as

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they approach the site and make a left-hand turn into this curb cut. This driveway out would be a right turn out only. The middle median, as you cross the front of the property, would be a hatched area. There's no vehicles that are supposed to go into that area. Then as you hit the northbound entrance, this entrance would receive traffic coming southbound on 9W. Then for those vehicles looking to make a left and head northbound at the site, they would make a left here. There's another receiving lane that's proposed in the median that basically allows you to accelerate as you merge into traffic with 9W, that tapers down as you near away from the site. And then if you can make it out, this was one of the signs for no lefts or -- I apologize, no rights out, as well as over there. The same thing on this side here. You can kind of see there's a circle. We'll get that update on the plans.

CHAIRMAN BRAND: Thank you.

MR. CAUCHI: How long is that accelerating lane you have?

MR. NAPIOR: It's approximately 500

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feet northbound away from the site. And then the same thing on the incoming lane.

I know there were some questions with respect to truck turning maneuvers on the truck turning plan. We have that. I have Mark Petrillo from JMC Site Consultants if you'd like to go through that tonight. They haven't been formally submitted to you, otherwise we can get them in your package and we can speak about it at the next go around. How ever you want to do it.

MS. LANZETTA: They need to be submitted to Creighton, Manning and the County as well.

MR. NAPIOR: Understood. We can table that one for now. We'll get that in shortly. All the plans are virtually prepared. We couldn't get them in in time for this meeting.

CHAIRMAN BRAND: Okay.

MR. NAPIOR: With respect to the drive-through cueing, the County had a comment on that. The most recent plan, and it's hard to make out because they're in faint detail, but there are vehicles that are proposed or depicted in the drive-through lane. The drive-through cue can

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accommodate -- if Scott can zoom in, they're faintly shown here. The drive-through cue can accommodate thirteen cars, all the way up and down the north side of the building, wrapping around without impacting any of the traffic flow to and from the pumps.

There was a presentation before the ITE back in 2009 that did some analysis on both drive-through banks as well as drive-through coffee shops. The focus of that study with respect to coffee shop was in the Kansas City metropolitan area. They took a look at thirteen different -- they were all Starbucks sites in that case. The net results of that were their recommendations was that you have a cue length for full service operations, which is what this would be, of up to eleven cars. We have thirteen, so we meet those recommendations, as well as having four cars stacked between the menu board and the service window, which again we have a four-car stack there. We're in compliance at least with the recommendations for the ITE.

Finally, the County also had a comment on -- not finally -- wastewater and the septic

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system would need to be approved by County Health. As Mr. Hines mentioned, County Health has reviewed the septic system and granted the approval. I think we've spoken about that before. I'm happy to provide you with any information you need. I also have Tom Harvey, here who is our civil engineer, that maybe can speak to that if the Board had any questions. Aside from providing you with the County approval, I don't know what other details you need there.

With respect to the site lighting, all the lights that are proposed are LED lights and the fixtures are dark sky certified, which is what we are proposing here. That was one of the questions the County Planning Board had. The County had some comments that some of the foot candle measurements exceeded their guidelines or suggestions. The County guidelines seem to be based off of a parking lot where you can have gridded features, you have poles spaced intermittently at appropriate intervals to have the appropriate amount of spillage around your parking areas, sufficient lighting. As we don't

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have a gridded parking lot where we can layout a lighting plan, the areas where we exceed the foot candle measurements are really just directly below the pole, and that's to throw light throughout the rest of the site to light up kind of the middle of the travel aisles and everything. There is no spillage off site. Really the impact to anybody should be minimal. I believe the lighting plan was in -- I know Mr. Garofalo said he did not see a lighting plan. We'll make sure we have the lighting plan and all the appropriate details in our next submission. I believe that was already in there as the County also picked up on that. The alternative to having the intense spotlight on the ground would be adding more poles throughout the site, but trying to have that work and maintain a minimal level of safety lighting and not have poles in the middle of our travel aisles may be difficult. Certainly we can guarantee that there will be no spillage off site onto the neighboring properties.

With respect to the site signage, on the next submission we will have all the details

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from Dunkin Donuts with respect to their required signage. So we'll have hopefully a detailed signage plan that will be part of our next submission.

With respect to comments of the public as far as updating your website with the traffic study, that's out of my control. I'm certainly happy to provide anything in electronic form so it can be posted to your website.

We have no issue with relabeling handicap spaces accessible spaces. That's a no brainer.

We already spoke on the sidewalks. I'm not sure where Mr. Garofalo was heading with the connection to adjacent sites and how he would like to accommodate that. The sidewalk, we do contemplate, runs out to the boundary to our property. What the Town decides to do with it from there is really up to you all.

I think that covered the gist of Mr. Garofalo's comments.

With respect to Mr. Adamshick's comments, and I believe one of the other members of the public spoke to the impact on existing

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businesses. The subject site is in the HD, highway development, district. The proposed use is a special permit use. Court of Appeals, which is the highest court in the State of New York, has held that categorization of a proposed use as a special permit use is deemed, the legislative finding, that it's in keeping with the neighborhood and not a detriment to the neighborhood. If there's questions or issues with the use, really those would be more appropriate to the legislative body and not the Planning Board.

In addition, other special permit uses here would be a shopping center. If we're looking at the traffic impact of this project versus other special permit uses that would be allowed in this zone, actually a shopping center isn't even a special permit use, it's just a permitted use, they would still have to go through site plan approval.

The inaccuracies in the EAF. I already spoke to the economic impact.

The septic system, again, has already been approved by County Health.

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The questions regarding drainage, I have Tom Harvey from Morris Engineers here who can speak to our stormwater management plans. I believe Mr. Adamshick stated there was some mischaracterizations within our EAF. The concept of stormwater being discharged onto neighboring properties is not as straightforward as he made it sound. There is stormwater improvements and stormwater management proposed on our property. Ultimately any stormwater that is on our property is maintained and treated and discharged into the municipal system that is in 9W. That's the same as any other project along 9W that would be proposed.

MR. CLARKE: I think you should explain about the filtration system that's going to be used.

MR. NAPIOR: Certainly. I'll yield the floor to Tom.

MR. HARVEY: I'm Tom Harvey from Morris Associates.

Our office did the stormwater design on this project. Stormwater regulations for the State require that we design the site such that

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there's no increase from pre-construction to post-construction and the stormwater runoff quantity, and also provide water quality treatment for all runoff from all impervious areas on the site. What the site does is capture all the runoff from all the impervious areas, and it either puts it along the front of the site into the catch basins and through some water quality which are developed to treat hot spots, which are gas stations, for water quality. They would include treating that for water quality through various filters before it then will discharge into the municipal system. For the rear portion of the site, the building, the bottom of the rock cut around the perimeter of the building and the back of the site is a flatter area which is designed by the geotech to be a rock ash. As the rock cut may spall, no rocks are going to fall into travelways or pedestrian areas. That area has also been utilized as a bioretention filter with stormwater pipes throughout it. So that will have plantings and stormwater treatment filters throughout it to treat the stormwater in that whole area and

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further have essentially long pipes that will also store the stormwater and hold it back so it doesn't increase the flows coming off the site. By collecting all the runoff from all the impervious areas, treating it for quality and holding it back, we're able to discharge through the municipal system, with some improvements to the DOT conveyance system. The pipes and the catch basins for the stormwater are proposed to be replaced as part of this project, so there should be no impact to surrounding properties, no increase in stormwater runoff and no water quality issues.

MR. RUSK: How is that monitored? Who checks that to see whether or not that filtration system is working besides the animals that are dying at the pond or the trees that are -- or plants that are dying on the farm? Who is going to monitor that?

MR. HARVEY: The DEC. There's a permit requirement associated with it. There's monitoring.

MR. RUSK: So that requires me, the neighbor, to ask the DEC to come in and to

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monitor it? It's not done by the DEC on your side of the street?

MR. HARVEY: The permit has monitoring built into it. The permit process has monitoring built into it. It has replacement and it has periodic maintenance.

MR. HINES: I can address that. This project, being a stormwater hot spot, would be a candidate, under the Town's stormwater regulations, to have a stormwater facility control agreement between the applicant and the Town which would require the operation and maintenance of those stormwater facilities. Part of that agreement would be an annual certification report submitted to the Town as a regulated MS-4 stating -- by a New York State design professional stating that the project is operating as designed. Because of the proprietary nature of the -- some of the stormwater best management practices they've put in there, that's one of the best ways -- there's filter cartridges that need to be changed out and that periodic maintenance would then be assured.

MS. LANZETTA: We've never done that

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with any other business that you're aware of in Marlborough?

MR. HINES: We haven't, but I don't think we've had any of these stormwater hotspots. As a regulated MS-4 you certainly have the ability to do that.

MR. RUSK: Who monitors that? You say there's an annual check. How is that monitored? Who is on site to say okay, here's X number of parts per billion in this water that's being discharged across the street? Me, the neighbor, or you, the operator of the site who is discharging this? Who monitors that?

MR. HARVEY: It's ultimately the operator's responsibility. I would think if you had a concern you'd have someone to call.

MR. RUSK: So I'm monitoring it? That's really what you're telling me?

MR. HARVEY: No.

MR. CLARKE: Who is creating the annual report? Is Mr. Rusk creating the annual report?

MR. HINES: No. The annual report would be created by a licensed design professional retained by the property owner under

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the typical stormwater facilities maintenance agreement. The site does not qualify as a multi-sector -- in New York State there are certain users that require multi-sector permits. That requires actual stormwater monitoring. This facility does not fall under those regulations where there would be quarterly or annual monitoring of the discharge.

MR. ADAMSHICK: Even though it will ultimately reach the Hudson River?

MR. HINES: Correct. It's not addressed in the DEC regulations requiring that.

MS. LANZETTA: So in order to annually renew their permit they would provide the testing, you know, information?

MR. HINES: It's not a testing. It's a review and evaluation that the manufacturer's guidelines for the proprietary system would be followed. It would be a review of the site to make sure that the bio-retention beds are functioning as designed, and then that would be submitted to the Town as a regulated MS-4.

MS. LANZETTA: In order to renew a permit each year?

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MR. HINES: It's a contractual agreement filed between the Town and the users under the stormwater regulations. There's not an annual permit but it would be a filed contractual obligation. I may be speaking -- Ron may be able to speak to that.

MR. BLASS: Yes. We would do a covenant that would be recorded with the Ulster County Clerk that would lay out the obligations on the part of the site operator. There would be enforcement provisions within the agreement, such as, typically, if the stormwater management officer of the Town believed that there was noncompliance, then the Town would have the power to make whatever repairs or take whatever steps are necessary to bring the system into compliance and to lien the real property as a tax to cover the cost.

MR. HINES: I can provide the Board -- I can provide you a sample my office uses in other municipalities.

CHAIRMAN BRAND: I'm going to ask you to let him finish and then we can field them. Is that okay?

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MR. HARVEY: I don't have anything more. If you have any other questions.

CHAIRMAN BRAND: A question?

MR. RUSK: I guess how do you determine whether there's stormwater compliance to know whether or not any of this enforcement stuff takes place? That requires monitoring. It sounds to me that there is no monitoring being done. All there is is somebody comes in who has installed this system, they come in, they change a filter and they go on their way. Who is measuring the water that's leaving, that's entering adjoining properties to determine whether or not they're contaminating our water?

MR. HINES: There is no requirement for that. The New York State DEC design guidelines, which control the design of these facilities and the selection of those best management practices, have that. It's kind of a given that if you meet those design standards with these design practices, that you meet the requirements for the water quality control. That's why there's a document. I'm pointing to the Zoning Ordinance, but there's a design standard for New York State

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for implementation of best management practices, probably that thick, that the applicants have gone through in their stormwater report, selected those practices and designed them to be compliant with the DEC regulations.

As far as monitoring stormwater, there's not a gasoline station in New York State that I know of. There's some large fuel refineries and fuel storage areas, like down on the river, that do do monitoring. Individual gas stations are not required to do that in New York State.

They do have that additional level of treatment in the design guidelines that they are treating as the "hot spots", as the applicant's engineer stated. They have an additional level in the design guidelines, which is why they started implementing proprietary practices and techniques to protect the surface water.

CHAIRMAN BRAND: Thank you.

I'm going to let you finish going through.

MR. NAPIOR: Certainly. Playing off of that, there was a concern with respect to fuel

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spills as well. The subject property being developed as a gas station will be subject to a rigorous review by the DEC and the DEP. There will be all brand new monitoring equipment going in here. I hadn't spoken to my client about the make and model of the tanks. Certainly there will be a monitoring requirement. A lot of things are computerized right now, the lines are monitored, there's alarms that trigger, et cetera, all of which make these sites safer than an aged fuel site, so to speak.

With respect to asbestos testing on the property, just going back to Mr. Adamshick's comments, certainly as part of any demolition of the existing structure there would be asbestos testing performed. To the extent there's asbestos in the building, there will be an abatement plan in place. The Town requires that before the structure actually comes down.

With respect to the potential contamination, the septic system having failed, the EAFs nowadays are generated through the DEC on an EAF mapper. I believe

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the spills that the DEC is concerned with is fuel and oil products, not necessarily local County Health Department issues. That may be why the supposed septic system failure did not trigger on the EAF in the preparation of the long form EAF.

I think with that I've touched on everything.

MS. LANZETTA: Can you also make note, if you haven't already, about the request for the sprinklers by the fire department?

MR. NAPIOR: It's certainly not required by law or by New York State Building Code on this site. I could speak to my client, though, and give you a formal response in our next submission.

MS. LANZETTA: Okay.

CHAIRMAN BRAND: Anything else from the Members of the Board?

MR. NAPIOR: The fuel islands and everything will have fire suppression systems in them. I believe the comments relate to the building.

CHAIRMAN BRAND: Anything else from the

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Members of the Board?

(No response.)

CHAIRMAN BRAND: Obviously we're going to need to be seeing you again. We don't have all of the pieces of the puzzle in place yet. We will keep the public hearing open. If you have other questions or things, you can submit them to the secretary and we'll take them and we will try to address them as best we can -- or you will try to address them the best you can. We'll await your next submission.

MR. BLASS: Mr. Chairman, I think that the Board should be adjourning the public hearing to a date certain. Probably in that connection it would be wise to have the applicant commit, if possible, to a date by which the revised plans will be submitted.

MR. NAPIOR: The plans for the most part are ready to be filed at any time. I don't know when the Board's next meeting is but certainly there's no need to put it over for several months.

MR. BLASS: The next public hearing meeting of the Board is the first Monday in

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January.

MR. HINES: Which is a holiday. It would be January 2nd.

CHAIRMAN BRAND: Tuesday, January 2nd.

MS. LANZETTA: If you're going to --

MS. FLYNN: Tuesday, January 3rd.

CHAIRMAN BRAND: That would require having it at a different location because of court. I don't know if we have the facilities for that.

MS. LANZETTA: I also want to let you know that if you're going to be resubmitting additional information that the County asked for, they meet the first Wednesday of each month. I don't think --

MR. NAPIOR: Would it make sense to schedule something for the second week of January? I don't know how often your Board meets.

MS. FLYNN: That's the 19th.

MR. TRAPANI: The first and third Mondays.

MR. HINES: So it would be January 16th. I don't know if that --

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MR. NAPIOR: That's Martin Luther King Day.

MS. LANZETTA: That's also a holiday. Did we do that last year?

CHAIRMAN BRAND: I believe we did meet on that day last year. We should be able to have possibly the things back from Ulster County for then.

MS. LANZETTA: I don't know. You're saying --

MR. HINES: We have not had meetings on Martin Luther King Day.

CHAIRMAN BRAND: That brings us to the first Monday in February.

MR. HINES: February 6th.

CHAIRMAN BRAND: February --

MR. HINES: 6th.

CHAIRMAN BRAND: February 6th. Is that right?

MR. HINES: That's the first Monday in February.

CHAIRMAN BRAND: Is that acceptable to the Board?

MS. LANZETTA: We would have to find a

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different public space if we were to entertain another public hearing somewhere else.

MR. HINES: Certainly not that room upstairs.

CHAIRMAN BRAND: Definitely not that room upstairs.

Our hands are kind of tied. We're good February 6th.

MR. NAPIOR: Understood.

CHAIRMAN BRAND: I apologize for the delay.

MS. LANZETTA: I would encourage anybody in the audience that has any public input, to please, you know, get it to the Planning Board in written form at any time during that time so we can review it and be prepared for the next public hearing.

CHAIRMAN BRAND: We can accept public comments until some date.

MR. BLASS: If you take it one step at a time, I think we all start from the date by which the applicant would be filing the revised plans because those are going to go to the County for additional feedback from County Planning.

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Also, public comment on those plans would also be expected in the ordinary course of the business. So if we had a date by which the plans will be filed, then we could devise a date by which public comment might come in on those plans in written form. There will also be a public hearing as well on February 6th. So I think for the benefit of the public and for the benefit of the Board and the Ulster County Planning Board, if you could commit to some date for management purposes.

MR. NAPIOR: We anticipate being able to file by the end of this week. So December 9th.

MR. BLASS: Let's just say -- nine plus seven is sixteen -- by December 16th to give you an extra week?

MR. NAPIOR: Sure.

MR. BLASS: There's plenty of time.

MR. NAPIOR: For everyone else to review and comment. Absolutely. 12/16 works for us.

CHAIRMAN BRAND: So 12/16 your plans are in to us.

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MR. NAPIOR: We'll get them in earlier if possible.

MR. BLASS: And then there will be an opportunity for review of those plans by the public, and another public hearing on February 6th, and written comment would always be invited by the Board along the spectrum.

CHAIRMAN BRAND: Okay.

MR. NAPIOR: Just one matter of housekeeping. The general sense I got is that the sidewalk is preferable -- the sidewalk being preferable, the sidewalk installation itself or just reservation of the area for a future sidewalk? Sidewalk installation?

MS. LANZETTA: Yes.

MR. NAPIOR: Understood.

CHAIRMAN BRAND: Mr. Corcoran?

MR. CORCORAN: What is the date you said for the next meeting?

CHAIRMAN BRAND: February 6th. Monday, February 6th.

MR. CORCORAN: And the reason for that?

CHAIRMAN BRAND: We have no meeting space available.

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MR. CORCORAN: For two months?

CHAIRMAN BRAND: We could meet at your house.

MR. CORCORAN: There's definitely space in Town. We can find a meeting room I'm sure. And why can't we change the day? I just don't think the applicant should have to wait two months to get an answer on these things. Two months seems to be long. They've been waiting ten years.

CHAIRMAN BRAND: I agree. I agree and I apologize. I don't have the space. If you have some solution to that problem, I'd love to hear it.

MR. CORCORAN: Why don't we have space for two months? Why don't we have space for two months?

CHAIRMAN BRAND: Court and holidays.

MR. CORCORAN: How many people fit in the Milton Train Station?

CHAIRMAN BRAND: I don't know.

MS. LANZETTA: No more than a hundred.

MR. CORCORAN: There's no more than a hundred in this room. I'm pretty sure if we ask

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CHESTNUT PETROLEUM

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we can get the Marlborough Elementary School. You can do it at my house if you need to. We can use TOMVAC. We can use a bunch of locations.

MS. LANZETTA: That would be up to -- if the Town Board wants to make a --

MR. CORCORAN: There's three people from the Town Board sitting right here. We could make space available if you want a different date. That's all I'm suggesting.

UNIDENTIFIED SPEAKER: We can't make a decision.

MR. CORCORAN: You can't make a decision. I'm saying if you asked us we could probably make space available on a different date.

CHAIRMAN BRAND: That's going to be up to the Board. Is that something that --

MS. LANZETTA: Here?

CHAIRMAN BRAND: Is there anything else here on a Wednesday?

MR. CAUCHI: January 3rd?

CHAIRMAN BRAND: I don't have the schedule. Do we have a schedule for the meetings and happenings of this room? What date are you

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looking for?

MR. TRUNCALI: January 4th.

MR. HINES: That's a Wednesday.

MR. LANZETTA: Court is usually
Wednesday. Maybe at 7:30 it's finished.

MR. CORCORAN: Court is normally done
by 7:30.

CHAIRMAN BRAND: We've had -- I don't
want to have it on a court date at all. I've had
that problem where they've run over.

MR. LANZETTA: It's about logistics.
Let us see if there's an opening. If that's all
right with the applicant, we'll get back to the
applicant and get back to you by the end of this
week, or even tomorrow.

CHAIRMAN BRAND: I have no problem with
that as long as it works for all parties.

MR. BLASS: Well --

MR. LANZETTA: We have a lot of
issues --

MR. ADAMSHICK: There's legal notices
involved.

MR. BLASS: In order to obviate the
need for an additional legal notice or

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2 publication and posting and mailing, you would
3 need to pick an adjourned date certain and a
4 place certain so that the people here this
5 evening would be informed of both the date and
6 the place, otherwise there will be a need to
7 publish and post the public hearing notice. I
8 think you're targetting January 4th, which is a
9 Wednesday, for the use of this room?

10 MR. NAPIOR: The only issue with that
11 date I believe is Ms. Lanzetta mentioned that's
12 the date the County Planning Board meets.

13 MS. LANZETTA: I was thinking I'm doing
14 something that night.

15 MR. HINES: So we won't hear back from
16 County Planning by then.

17 MR. LANZETTA: I'll be there.

18 MR. NAPIOR: Any other date in January
19 we would certainly be amenable to.

20 MR. BLASS: We could turn to the second
21 -- the second Monday in January is also a
22 holiday. The second meeting is a holiday. So
23 what about the Tuesday following Martin Luther
24 King Day?

25 CHAIRMAN BRAND: Tuesday is court.

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MR. BLASS: We can't use this room.

Maybe the Wednesday following that day.

CHAIRMAN BRAND: The 18th?

MR. BLASS: 18th.

MR. LANZETTA: January 18th you're looking for?

CHAIRMAN BRAND: Possibly. I mean I'll ask the applicant, is the 6th a major setback for you? Are you rushing to break ground?

MR. NAPIOR: There are third-party considerations in play. Certainly getting a meeting in January would be better on our end if possible. I understand if there's no availability, then there's no availability.

CHAIRMAN BRAND: I'll leave the decision up to the Board. We could look for the possibility of the 18th and meet or we could wait until the 6th when we know we have the time and space.

MS. LANZETTA: I don't know. Ron looks upset.

MR. BLASS: No, I'm not upset. It's just the end result has to be a date and a place.

MS. LANZETTA: Tonight?

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MR. BLASS: Yeah. Hypothetically if you picked Wednesday, the 18th of January at 7:30 p.m. in this room, then you're good to go with respect to the adjournment of the hearing. If for some reason this room was not available on that particular Wednesday evening, you would then have to re-notice a different date and a different -- probably not a different place. You probably would be over to February 6th by default.

MR. NAPIOR: If it's amenable to the Board. I know you need feedback from the Town as to the availability of the room. If Wednesday the 18th works for you all from a personal level. We would agree to accept that understanding if that date gets shifted we have to re-notice the hearing for the 6th. Hopefully we'll find out in the near future whether or not we'd have to go through those additional measures. As far as re-posting, re-sending out notices, we're willing to take that chance.

MS. LANZETTA: I don't have any problem with doing January.

MR. LOFARO: I'm not available on

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Wednesdays. I wouldn't be able to.

MR. CAUCHI: I'm available.

MR. TRUNCALI: Yes.

MR. TRAPANI: I'm available.

CHAIRMAN BRAND: I'm not. Personally my opinion is, I know it's a hardship, I say we wait until the 6th. I know we have it. I know that's not a popular opinion. We plan on those nights, we know we'll be here, we know we have the space.

MR. NAPIOR: Understood. I don't want to have a quorum issue.

CHAIRMAN BRAND: Steve?

MR. CLARKE: I'm in Florida.

CHAIRMAN BRAND: On the 6th.

MS. LANZETTA: If we don't do it on the 6th we may have --

CHAIRMAN BRAND: So the 6th?

MR. TRAPANI: Yes.

MR. TRUNCALI: Yes.

MR. CAUCHI: Yes.

MR. LOFARO: Yes.

CHAIRMAN BRAND: The 6th.

MR. CAUCHI: I'm flexible.

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CHAIRMAN BRAND: It's a regular meeting.

MR. LOFARO: I'll be here.

CHAIRMAN BRAND: Monday, February 6th.

MR. NAPIOR: Thank you.

CHAIRMAN BRAND: Ron, when are we going to do the -- Ron, the hearing, we would accept public input until --

MR. BLASS: You're going to adjourn the public hearing until February 6th. That exercise will involve full opportunity for public comment. The applicant has promised to get the plans in by December 15th, if I recall correctly.

MS. LANZETTA: The 16th.

MR. BLASS: 16th. I don't think you need to set a definite timeframe for written comment. I think we should just be inviting written comment. In advance of the public comment would be more effective.

CHAIRMAN BRAND: Okay.

MR. CORCORAN: Just to clarify, there's no meeting in January at all for the Planning Board of the Town of Marlborough?

CHAIRMAN BRAND: No. There will be

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meetings but we can meet upstairs. We can't handle this crowd to go upstairs. We don't know if there's a place. So there will be meetings, it just won't be Chestnut Petroleum.

UNIDENTIFIED SPEAKER: When is the next meeting actually scheduled in January?

CHAIRMAN BRAND: Tuesday, January 3rd.

MR. CORCORAN: You don't think we can do it at the train station? That's a Town-owned building.

CHAIRMAN BRAND: I didn't say we can't do it there. I just don't know if it's available.

MR. CORCORAN: It's always available. TOMVAC is always available.

MR. ADAMSHICK: You already set the 6th. Leave it alone.

CHAIRMAN BRAND: I think what the Board decided and what we decided was the 6th.

We'll see you then. Thank you.

(Time noted: 8:48 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 22nd day of December 2016.

Michelle Conero

MICHELLE CONERO

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STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH PLANNING BOARD

- - - - - X

In the Matter of

LUVERA PROPERTIES

Project No. 16-9011

1987-1989 Route 9W

Section 103.1; Block 1; Lot 5

- - - - - X

SKETCH

SITE PLAN

Date: December 5, 2016
Time: 8:50 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike

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Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: RYAN DiSTEFANO

- - - - - X

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

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CHAIRMAN BRAND: Next up, Luvera Properties. Why don't you go ahead and tell us what it is you're proposing.

MR. DiSTEFANO: Sure. The property site plan amendment was for three retail locations, one of which is a Hispanic restaurant which currently exists, a split building -- framed building for a firearm store followed by an existing auto repair business which is being operated currently by Dean.

My name is Ryan DiStefano.

CHAIRMAN BRAND: Pat, do you want to go through your comments for this one as well?

MR. HINES: Sure. It looks like there's actually four businesses on the site that we're talking about.

CHAIRMAN BRAND: I have that as well.

MR. HINES: We talked about the Hispanic restaurant and the firearms. Now there's the -- there's the proposed firearm use, there's the Hispanic restaurant and then apparently a separate ice cream parlor.

MR. DiSTEFANO: Yes.

MR. HINES: And then on the opposite --

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on the northern end of the site it looks like there's an existing -- I don't know the building but on Google Earth it was an auto repair shop. Now there's a proposal to add 500 square feet of what is entitled frame building addition for retail office onto the auto repair shop on the site as well. So we're looking at the change of use for the retail use of the southernmost portion of the site, I think we're cleaning up what became the Hispanic restaurant at some point in the past as part of this approval, and then there's the 500 square foot addition to what is an existing auto repair shop, just to bring the Board up to where I think we are on this application that we received.

I know previously we talked about the restaurant and the retail firearm sales. That's the gist of my first comment is that there is another piece of this puzzle on the north end of the site. It's a mixed use site in the HD Zone.

The septic system on the site, because of the addition of the office space, needs to get looked at. There will be a need to submit to the Ulster County Health Department. The septic

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system looks quite complex on the site. There are manholes throughout the site. It has to do with the restaurant use of the site I believe.

MR. DiSTEFANO: The repair shop has it's own septic system.

MR. HINES: That's not shown. What is showing is one septic area.

MR. DiSTEFANO: Right. That's just for the ice cream stand and Mexican restaurant and the other place.

MR. HINES: Then the repair shop has its own. That's not depicted on the maps, so if you can show that.

MR. DiSTEFANO: Okay.

MR. HINES: Ulster County Health Department should weigh in saying they have no issues with the site. It's not having to do with the firearms, it has to do with the restaurant site and the addition of the square footage. The retail use on the south end is going in an existing structure.

Just a clean-up item. The proposed parking spaces are labeled as 9 by 18, which is pretty much the standard parking space. The Town

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Code requires them to be 10 by 20. The applicant's representative should clean those up and add one foot to each along with the detail for that.

Also, the parking calculations that the applicant's engineer -- I can provide these comments to your engineer -- doesn't have the repair shop use on the site. It only takes into consideration the parking for the 500 foot addition and not the square footage of the repair shop. I don't know why. It's just a clean-up item in the chart here.

What worries me most about this site, following the previous site, is that it's located on 9W and has one, two, three, four -- five access points into the site. It wouldn't worry me as much without the 500 square foot addition. Because you're filling in existing buildings under this, I think the 500 foot addition may raise some DOT red flags when you're adding square footage to this site.

You, as the Planning Board, need to send this to DOT anyway. I'm just worried that DOT comes back and has comments wanting one or

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more of those access points to be closed off. DOT typically wants more than one access. In working with the previous applicant, allowing them two, which control right and left turns. For your sake I hope they realize the intensity of the uses aren't such that they're looking at the last site. It's something the Board needs to do, as well as this needs to go to County Planning.

MR. TRUNCALI: When you say addition Pat, they're not putting an addition on the building.

MR. HINES: They are.

MR. TRUNCALI: They are?

MR. HINES: On the auto part.

MR. TRUNCALI: The gun shop location?

MR. HINES: The gun shop location, that building is the same. When we first talked last month about that, that was filling in an existing building. Now for some reason -- it's up to the applicant -- they're looking to put on an addition. On that northern building, the repair shop, there's a proposed, I think it's 20 by 40.

MR. DiSTEFANO: I think I can help with

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that. I think the intention of the plans was to kind of get everything done in one shot, both for Dean's location as well as my proposed locations.

MR. HINES: I'm okay with it. I just wanted to bring the Board along.

DEAN: It was 20 by 24.

MR. HINES: Okay. There's some additional lighting proposed on this site.

The long form EAF which was submitted, whoever filled it out left Xs in the square footage. That document needs to be updated. It will get kicked back from the County and the DOT.

Similarly, item 15, identify threatened or endangered species. I just wanted to address that comment. Every time you click on a site in Marlborough it comes up with threatened or endangered species. It has to do with a Federally endangered bat species, and also because of the proximity to the Hudson River, the two -- one endangered, one threatened species shows up. This site, while you click on the EAF off of the environmental mapper, it says there's threatened or endangered species. Those are the ones coming up. Nothing on this site will be

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impacted.

The EAF also identifies that pedestrian and bike routes are proposed for the project and I don't think that's the case. Just those couple of clean-up items.

The other issue is in checking out the site on Google Earth, there appear to be two either tractor trailers or overseas containers, one right up next to the building.

DEAN: We'll move that.

MR. HINES: Those would need to be eliminated. They're not permitted for use in the Town. Those need to go.

CHAIRMAN BRAND: Where are they?

MR. HINES: One is on the north end of the northerly most building and then to the rear of that building. It looks like they were associated with the repair shop use.

DEAN: So they're not allowed to be on that property at all?

MR. HINES: You're not allowed to use those for storage in the Town. Just to be shown to be removed is fine.

There's several dumpsters on the site.

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Now may be the opportunity to get a dumpster enclosure for those dumpsters. If you drive down 9W, there's one that looks like it serves the ice cream stand and then there's one further down -- this is from a Google Earth review -- further down on the southern end of the site. Maybe some chain link dumpster enclosure to organize those on the site and screen them.

That's what we have.

CHAIRMAN BRAND: Can I ask what is going on on that other building? It's listed as CSE. Right now it's an auto glass place.

DEAN: It was an auto glass place.

CHAIRMAN BRAND: What is it going to be?

DEAN: My repair shop.

CHAIRMAN BRAND: Just vehicle repairs?

DEAN: Vehicle repairs and sales, yeah.

CHAIRMAN BRAND: Does the sales part come into play, Pat, as well?

MR. HINES: Vehicle repairs and sales are an allowable use there. If it's going to be a change there, we're going to want to show on the map where the vehicles for sale are, where

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the vehicles for repair are. Just delineate what's going to happen there. It'll clean up the whole site and get it approved.

CHAIRMAN BRAND: Any other questions or comments from the Board?

(No response.)

CHAIRMAN BRAND: No?

MS. LANZETTA: If you could just clean those couple of things up and then submit it to County as soon as possible so that doesn't hold you up.

MR. DiSTEFANO: Do I assume the next step at that point is this getting submitted to County?

MS. LANZETTA: Clean up the EAF and give it to Jen and Jen will submit it to County.

MR. DiSTEFANO: Okay. That also includes the acceptable use of that building for a firearm store as well? That's sort of encompassing of the whole project or --

MS. LANZETTA: You're also going to want the Board of Health stuff. Right?

MR. HINES: It's got to go to County Planning, too.

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MS. LANZETTA: That's what I said. I'm saying we want to make sure that we give --

MR. HINES: There's not an interim approval --

MR. DiSTEFANO: That's fine.

MR. HINES: -- for one of the uses. It's going to be -- it complicated your use I think by adding the other uses, but it cleans up the whole site.

MS. LANZETTA: I just want to make sure -- we haven't been real good about making sure that all of our applications -- all of our application material going up to County is complete before we send it up.

MR. HINES: Which is why you need the comments on the EAF as well.

MR. DiSTEFANO: How soon would I need to get this information back to you to send it up to them? If I called them tomorrow and was able to fix everything and they get it back to you by --

MS. LANZETTA: The County meets the first Wednesday of each month.

MR. HINES: They wouldn't accept it

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this month for review.

MS. LANZETTA: No, no. It wouldn't happen this Wednesday. It would be the next Wednesday.

MR. CLARKE: For that meeting when do the materials have to be there?

MS. LANZETTA: They're usually pretty good. We'll try to take stuff up to a day or two before.

MR. DiSTEFANO: A week, two weeks to be safe.

MS. LANZETTA: The sooner, the better.

MR. HINES: We get it up there, you don't. You get it to Jen and Jen sends it.

MR. DiSTEFANO: At that point does the Board make contact with the applicant to get us on the agenda for a follow-up meeting at that point?

MS. LANZETTA: What you want to do is make sure you get a hold of Ulster County Board of Health and get the proper information concerning all of that in place, do your environmental impact statement and give that -- give all that information to Jen and then Jen

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will send it up to Ulster County Planning, then they review it. You're allowed to be at those meetings but you won't have an opportunity for any input. If you want to be at that meeting you can, or you can just wait until they -- they release their statements usually within the week afterwards.

MR. DiSTEFANO: Okay. And then they'll be in contact with this Board to schedule a meeting for us?

MS. LANZETTA: They send us the information.

MR. DiSTEFANO: In other words, we're just going to wait to hear from this Board in terms of our new meeting?

MR. HINES: When you get us new plans they'll schedule you as well. They'll go parallel to each other. In other words, the County will review it and this Board. You have to have your plans in ten days before the meeting, which is the first and third Mondays. In the case of January we just found out it's going to be a different date.

MR. DiSTEFANO: We don't need that

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large of a meeting space so we should be fine.

MS. LANZETTA: I'm a little confused myself now. Do we approve this as a sketch and wait for the preliminary map to come in? Is that what we do next? Or no, this is site plan.

MR. HINES: I think we just continue on.

CHAIRMAN BRAND: Go to County, we'll wait to hear from them.

MR. HINES: They have my comments. I think if they get them to Bernier & Larios, their representative, they'll be able to do the clean-up work. As soon as they have those available, if the Board is authorizing Jen to submit the revised plans to the County and to the Town, the Town will schedule you at the next available meeting based on your submission ten days prior to, when ever that is. I don't know if that clarified it at all.

CHAIRMAN BRAND: Okay.

MR. DiSTEFANO: Thank you much.

(Time noted: 9:03 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 22nd day of December 2016.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

KENNETH BORSCHEL

Project No. 16-9012
555 Lattintown Road
Section 108.2; Block 2; Lots 3 & 4

----- X

SKETCH
LOT LINE REVISION

Date: December 5, 2016
Time: 9:03 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: KENNETH BORSCHEL

----- X

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

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CHAIRMAN BRAND: Next up, Kenneth Borschel.

MR. BORSCHHEL: I'm just here for a lot line revision. I want to consolidate my property. That's it.

MR. CAUCHI: They're both owned by you; right?

MR. BORSCHHEL: That's correct.

CHAIRMAN BRAND: So you're just combining these two pieces?

MR. BORSCHHEL: Right. The parcel next door.

CHAIRMAN BRAND: Pat has no exceptions to the lot consolidation; right, Pat?

MR. HINES: Yeah. This is clean. Ulster County is going to require a Planning Board stamp. You typically require a public hearing.

It's two lots that are just under 2 acres to be combined with each one. One of them has a serious length to width ratio which would have been difficult to construct anything on anyway. By combining them it's taking that issue away and making one lot just under 3.7 acres.

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KENNETH BORSCHER

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CHAIRMAN BRAND: Any questions or
comments from the Board?

(No response.)

CHAIRMAN BRAND: It's pretty straight
forward I think. So we will schedule this for a
public hearing for -- I'm sorry.

MS. LANZETTA: Is this a case where we
would say then that we accept the sketch as the
preliminary and we schedule the public hearing?

MR. HINES: This is not a -- it's a lot
consolidation, which your ordinance treats it as
a subdivision. This is both sketch and
preliminary at this point.

MS. LANZETTA: Do we have to do that by
motion?

I would make a motion to accept this as
-- this sketch as our preliminary map and
schedule a public hearing at the next possible
meeting.

CHAIRMAN BRAND: Which would be June --
January -- Tuesday, January 3rd.

MR. BLASS: January 3rd upstairs.

CHAIRMAN BRAND: Yes. Do I have a
second for that motion?

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KENNETH BORSCHHEL

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MR. TRAPANI: I'll second.

CHAIRMAN BRAND: All those in favor,
say aye.

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: That motion carries.
We'll have to do the mailings. You
just call the office tomorrow, Jen, and she'll
let you know.

MR. BORSCHHEL: Talk to Jen you said?

CHAIRMAN BRAND: Yes. Is that good?

MR. BORSCHHEL: Yes. I just have to
send out these mailings to my immediate
neighbors?

CHAIRMAN BRAND: It's 500 feet.

MR. HINES: A 500 foot radius.

MR. BORSCHHEL: Do I get those names

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KENNETH BORSCHEL

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from --

MR. TRAPANI: She'll let you know.

MS. FLYNN: Come in the office. You have to write down the addresses.

MR. BORSCHEL: Just send them out?

MR. HINES: You send them out certified mail.

MR. BORSCHEL: Okay.

MR. HINES: I think that is also ten days before the 3rd they have to go out.

MR. BORSCHEL: All right.

MR. BLASS: Certified mail, return receipt.

MR. BORSCHEL: Certified mail, return receipt. Okay.

CHAIRMAN BRAND: Thank you.

(Time noted: 9:07 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 22nd day of December 2016.

Michelle Conero

MICHELLE CONERO