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

----- X

In the Matter of

EMPIRE LANDSCAPING

Project No. 15-8006
1609-1611 Route 9W
Section 103.3; Block 4; Lot 20

----- X

SKETCH - SITE PLAN

Date: June 15, 2015
Time: 7:33 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Acting Chairman
BEN TRAPANI
CINDY LANZETTA

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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EMPIRE LANDSCAPING

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MR. TRUNCALI: All rise for the Pledge.

(Pledge of Allegiance.)

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, June 15, 2015. Regular meeting 7:30 p.m. Approval of stenographic minutes for 5/4. Empire Landscaping, sketch, site plan; Brody Ridge, extension, six-lot subdivision; Kedem Winery, sketch, amended site plan; Dockside, sketch, site plan. Next deadline: Friday, June 19th. Next scheduled meeting: Monday, July 6th.

I'd like to table the approval of the minutes until Mike is here.

Empire Landscaping, do you want to come up?

MR. BROWN: This is my first time in this new facility. I didn't bring an easel.

Do you want to come up and hold this, Kim? I have a human easel.

This is an existing facility that has to go through this process due to the Building Department citing them. It's in the HD Zone.

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This is our first appearance before the Board, so we're here to get comments and hopefully proceed forward.

My client is here. If you have any questions for him about the nature of the business, he can answer those, too.

MR. TRUNCALI: Can you just explain the operation a little bit?

MR. BROWN: He's got a yard there where he keeps trucks and stores materials for landscaping, gravel storage, sand storage, mulch, a garage where he services the trucks. He does not have any clients coming out to the site. It's all for his workers and his equipment. He also has a tool storage shed, a water storage tank and two field storage tanks, one gas and one diesel.

He's right on the two acres. I did see Pat's comments, he wants us to do a boundary survey to confirm that. This property has been in the family for some time. Apparently there was a lot line done years ago, but they couldn't seem to find a record of that, to bump the acreage up to come right to the two acres.

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There's also an existing house there that the employees live in.

MR. DILEONARDO: Yes.

MR. TRUNCALI: So this is an existing operation that's here for approval of the site plan?

MR. BROWN: Correct.

MR. TRUNCALI: Pat, would you like to go over your comments?

MR. HINES: Yes. Because it's on Route 9W, DOT will need to be involved in the access roadway. I know we're hearing it's existing but I don't know if the DOT ever approved that access or if this is a business that just grew on it's own.

We're looking for the topography, especially the access roads.

This is in the HD Overlay Zone. I believe it needs to go to the Town Board.

MR. BROWN: Yes.

MR. TRUNCALI: Before this Board can do anything there's a process. This is the first one this Board has received in that new floating Overlay Zone. I believe it goes to the Town

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Board for them to approve.

MR. BROWN: The code does say that.

MS. LANZETTA: Let me just clarify.

What is the underlying zoning right now?

MR. HINES: Probably an R.

MS. LANZETTA: All right.

MR. HINES: R-1. It would be RAG-1 I'm guessing.

MS. LANZETTA: Which is it?

MR. BROWN: I think it's RAG-1. I'm not sure. This is the first, as far as I know, time going through this process with the Town Board and Planning Board.

MR. HINES: As you're moving forward with that, there's an issue here with the pre-existing single-family residence, for lack of a better term to call it, employee housing. Assuming it's a single-family residence, with the commercial use there's a need to address that issue, too. In the HD Zone -- once they enter the HD Zone as a floating zone, the HD Zone does not permit single-family houses. It kind of creates -- the business is okay in the HD Zone but the single-family residence isn't. Before it

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was the other way around.

MR. BROWN: I thought because the residence was existing and the zone was a residential zone, that it was pre-existing conforming.

MR. HINES: It is. That makes the business nonconforming. By not allowing a conforming business here it creates the single-family residence being nonconforming.

MR. BROWN: I follow that logic.

MR. HINES: I think you're going to need ZBA approval. I haven't been through this process before. The Town Board can address that mixed use, for lack of a better term, on the site.

MR. BLASS: There's no intention to convert the residential use to commercial use?

MR. BROWN: No.

MR. BLASS: Okay. I'll take a look at that.

MR. HINES: This is the first one we're seeing.

MS. LANZETTA: It does say in the code, it says the use of existing structures for

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commercial or light industrial activities are the type that are currently allowed within the HD Zoning District.

MR. HINES: I'm good with that.

Single-family residences are not allowed in the HD Zone.

MS. LANZETTA: That's what I'm saying.

MR. HINES: Beyond that, the stormwater from the site needs to be addressed. I'm not aware of how much of the improvements are here. It looks like there's some fairly large vehicles that I thought were larger than what landscape vehicles would look like.

Water, sewer, septic systems should be shown for all of the locations.

An easement from the adjoining property. It looks like access is gained through the lands of Eckerson next door. There needs to be some sort of an easement to allow that access. I don't know if that exists and you can provide that to the attorney to review.

Details on the proposed signage.

The building labeled as existing garage does not meet the rear yard setback. I believe a

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variance for that would also be required.

The height of the proposed retaining wall should be identified and a building permit for when that was constructed. It's more than four feet in height.

The actual lot size should be depicted. It says two plus or minus acres. It needs to be two or more.

Hours of operation, equipment, material storage, lighting and other things on the checklist need to be provided on future submissions.

MR. BROWN: Pat, everything on this plan except the sign is existing at this time. We will get a survey, we will get the information on the wall.

Again, we're the first project, to my knowledge, going through this HD Zone, and so what I would really like to get -- of course your comments, Pat -- but how do we proceed? Obviously we have to go to the ZBA and the Town Board and the Planning Board. That's a little fuzzy to me. Is that something Ron can answer?

MR. BLASS: The Town Board first.

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MR. BROWN: When we submitted they said to come to you guys first and then go to the Town Board. Is the Town Board the lead agency?

MR. BLASS: Who said that?

MR. BROWN: The building department.

MR. BLASS: Okay.

MR. BROWN: Tom didn't know either, you know. He said I presume you go to the Planning Board first. Probably to get Pat's comments, maybe.

MR. BLASS: Maybe. But the floating zone needs to be dropped down on any particular piece of property before it has affect, and only the Town Board can drop it down. Then it will be dropped down subject to Planning Board site plan approval. That's the batting order. If you need variances, probably the Town Board. Dropping it down would also be conditioned on the obtaining of whatever area variances.

MR. BROWN: The variance referral comes from the Planning Board then. So Town Board next, back to you guys.

MR. BLASS: Town Board first, then the approval of the Town Board should be conditioned

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on Planning Board site plan approval and whatever variances are needed from the ZBA.

MR. BROWN: Okay.

MR. BLASS: On your question of who is going to be the SEQRA lead agency, I hadn't thought about that.

MR. HINES: I think they defer it to the Planning Board.

MR. BLASS: I don't think so. I don't think so. It gets a little cumbersome if the first agency to act is the Town Board and then the SEQRA review is being done by the second agency to act. It's a little bit out of whack.

MS. LANZETTA: It seems to me, reading the code, that the Town Board expects you to come with a full application, with everything that you would bring to us, --

MR. BROWN: Mm'hm'.

MS. LANZETTA: -- your sketches, all of the information, and they want to see what it is that you're proposing and see if they feel it's something that should, first of all, even be considered in that zone. Then if they -- by looking at a complete application with all the

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different items that they have enumerated here in the code, if they feel it's complete, then they will send it on to us with a referral saying --

MR. BLASS: With a recommendation.

MS. LANZETTA: -- with a recommendation we should do the site plan, you know, for that.

MR. BROWN: Okay.

MS. LANZETTA: And then I would assume that they would prefer that we would be doing the SEQRA review as well.

MR. BLASS: The Town Board would probably prefer that.

MR. BROWN: Because you're equipped to do the technical reviews here. Okay.

MS. LANZETTA: I do have a question, though.

MR. BROWN: Sure.

MS. LANZETTA: It's my understanding that -- well, from the comments, that the adjacent property where you're seeking to have your ingress and egress is also nonconforming property, the businesses. Should they come to us for site plan review as well, I'm wondering if it wouldn't -- first of all, I don't know that we

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can really legally be looking at this because we know that the other site is nonconforming, and so --

MR. BROWN: We have -- I'm sorry.

MS. LANZETTA: -- for us to entertain you using their property in a sense might be an issue for us. If they want to come to us and talk about what they want to do on the property, if they were done in conjunction, then we might be able to look at both pieces of property and say well where is going to be the best place to put this for both businesses. My fear is that even if we were allowed to consider all this and say okay, you can have that ingress and egress, if the other nonconforming people come to us and say this is what we want to do and now we say boy, that would be the best place for you to store your trucks. I don't know. You know, I'm just saying --

MR. BROWN: Cindy, in response to that; number one, the entrance is not dictated by the Town but the DOT because it is on a State highway. If push comes to shove where my client is either going to have to divert his entrance

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from the common entrance with his neighbor or team up with him, correct me if I'm wrong, but he would prefer to put his own entrance in. We have no control over the neighbor. To kind of require that, it would be -- how could you do such a thing? We have no control over him. I don't know if the building department has cited him and required him to make the same application or not. I don't know anything about that. We're here for this property and this property only. If it requires going to DOT and moving our entrance over, then that's something that we will do.

MR. TRAPANI: Is this property right next to Eckerson's Well Drilling?

MR. HINES: Yes.

MR. TRAPANI: In the back of it?

MR. HINES: Yes.

MR. TRAPANI: There's a lane that comes from back there, right on the south side of Eckerson's right to 9W.

MR. BROWN: Mm'hm'.

MR. TRUNCALI: That's the concern, sharing that driveway.

MR. TRAPANI: They're sharing that

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driveway. Is that the main entrance in and out of the parcel in back that you have, Vinnie, or not?

MR. DILEONARDO: Yes.

MR. TRAPANI: That residential property you have, is that going to be owned by you or somebody else or --

MR. DILEONARDO: My employees. I'm part of the HTV program, similar to the apple orchards. The workforce, you're allowed to -- they come here on a program for nine months out of the year. So they occupy the house from April until December and then it's empty. Correction, it's a two-family house, it's not a single. I don't know if that means anything or not.

MR. TRUNCALI: Are rentals or apartments allowed in that zone?

MR. HINES: No. There's residential uses in the HD Zone.

MR. TRUNCALI: Does the Board have any other questions, comments?

MR. BLASS: If I could just throw something in. I'm not sure why this is here, having listened tonight. It's possible that it's

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here because the floating zone legislation says that upon submission of a complete application, the Town Board shall refer the application to the Planning Board for a recommendation on whether or not to create the floating zone. That may be why you are here. That would make some sense to me. But if that's not why you're here, I would -- my gut tells me it's premature to be here.

MR. BROWN: Well I do appreciate the technical review. I mean I don't have a problem with that. I'd rather get that out of the way before we go to the Town Board.

MR. BLASS: So the only reason I can see it being here in front of the Planning Board is for the Planning Board to ultimately consider the submission and to have a recommendation thumbs up or thumbs down with conditions for the creation of a floating zone, after which you come back to the Planning Board for full --

MR. BROWN: Site plan approval.

MR. BLASS: -- site plan approval.

MR. HINES: He hasn't been to the Town Board yet.

MR. BLASS: You haven't been to the

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Town Board yet?

MR. BROWN: No. We submitted one copy to the building department and they contacted my office and said submit additional submission copies and an application to the Planning Board. Again, Tom wasn't sure either, the building inspector. We're the first one; right?

MR. BLASS: I guess you've gotten a technical review.

MR. BROWN: I did. I'm ready. I got it.

MR. BLASS: Now you need to go to the Town Board and the Town Board will refer you back to the Planning Board for a recommendation, and the Town Board will schedule a public hearing and make a decision.

MR. BROWN: Very good. I thank the Planning Board.

MR. HINES: When you come back you'll know what we'll be looking for.

MR. BROWN: Thank you.

(Time noted: 7:45 p.m.)

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

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

DATED: July 6, 2015

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

----- X

In the Matter of

BRODY RIDGE

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

----- X

EXTENSION- SIX-LOT SUBDIVISION

Date: June 15, 2015
Time: 7:45 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Acting Chairman
BEN TRAPANI
CINDY LANZETTA

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: JAY SAMUELSON

----- X

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BRODY RIDGE

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MR. TRUNCALI: Next up is Brody Ridge.

MR. SAMUELSON: Good evening. Jay Samuelson, Engineering Properties.

We're here to request an extension for the Brody Ridge project.

MR. BLASS: This is running on a cycle of the 5th of February through the 5th of May to the 5th of August. I think the applicant missed the request for the ninety-day extension upon expiration of the earlier extension on February 5th and is asking for the Board to retroactively give a ninety-day extension covering the period February 5th through May 5th and then, in addition to that, to give an extension from May 5th through August 5th.

MR. SAMUELSON: I couldn't have said it better myself.

MR. SMITH: That's correct.

MR. TRAPANI: How many extensions have we done so far?

MR. HINES: Since 2012.

MR. SAMUELSON: Since 2012.

MR. TRAPANI: We can just keep giving

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them three-month extensions each time or is it
six months or --

MR. SMITH: There's no limit.

MS. LANZETTA: Three months at a time.

MR. BLASS: There used to be a limit in
the State statute of one six-month extension or
two ninety-day extensions, but that was amended a
few years ago to make the availability of
ninety-day extensions unlimited within the
discretion of the Board.

Typically what happens, in my
experience, is we're in a real estate recession
and most applicants ask for these extensions to
defer out into the future the conditions of
approval, such as bonding and rec fees and things
of that nature. That's the reason for the
requests typically.

MS. LANZETTA: So it also would affect
the assessment and the taxes you're paying on the
property?

MR. BLASS: I would say the assessed
valuation of land with a filed plat would be
higher than the assessed valuation of land
without a filed plat. So it does have that

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affect.

MR. TRAPANI: Due to the economic conditions, though, we have been granting these extensions to this project and others.

MR. BLASS: That's true.

MR. HINES: You have three or four that are running parallel.

MR. TRUNCALI: Do I have a motion to grant the extension -- two extensions -- two ninety-day extensions?

MR. TRAPANI: I'll make that motion.

MR. TRUNCALI: Do I have a second?

MS. LANZETTA: I'll second it.

MR. TRUNCALI: All in favor?

MS. LANZETTA: Aye.

MR. TRAPANI: Aye.

MR. TRUNCALI: Aye.

MR. SAMUELSON: Thank you.

(Time noted: 7:49 p.m.)

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

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

DATED: July 6, 2015

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

----- X
In the Matter of

KEDEM WINERY

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

----- X

SKETCH - AMENDED SITE PLAN

Date: June 15, 2015
Time: 7:50 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Acting Chairman
BEN TRAPANI
CINDY LANZETTA

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: DENNIS LYNCH

----- X

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Wallkill, New York 12589
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MR. TRUNCALI: Next up is Kedem Winery.

MR. LYNCH: Good evening. Dennis Lynch with Day Engineering.

As you mentioned, we're here to discuss the amended site plan for the Kedem Winery. It's an existing 28.3 acre parcel with some -- the existing warehouse and other out structures. There's also -- the site also consists of a smaller one-acre parcel. We're going to be combining the two parcels as part of this for a total buildout condition of approximately 29.3 acres.

What we're proposing to do is an approximately 6,250 square foot proposed storage building. This is the existing one-story building here and an existing one-story building here that's going to remain. This is the larger office and warehouse that's existing.

We're also going to be proposing access from the existing asphalt drive and small parking area here. That's really the extent of the improvements to the site.

I know the project, I believe, was in front of the Board in October of last year.

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Since then we've taken over the project and they're anxious to get going on it.

MR. TRUNCALI: There were some existing comments. There was existing drainage concerns.

MR. HINES: This site is very sensitive to drainage. There's been some reputed impacts to the residential properties to the south of this project. Although the project only is disturbing .8 acres, we are suggesting that the applicants take a look at the stormwater discharge locations, where that's going to go. There's impervious surfaces associated with the roofs and parking lots and we need to know where that water is going. At the public hearing you're going to have every family from McLaughlin Drive at this site and those questions need to be answered. It needs a more definitive plan for the drainage. DEC regulations would not require a stormwater management plan, but knowing the existing drainage issues on the site, other portions of this site have been developed with lack of any consideration for drainage.

The Town retroactively worked with the applicant probably a year-and-a-half ago to

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institute some stormwater management facilities on the site, including a pipe network, providing the easement in favor of the Town and McLaughlin Drive, and putting a stormwater management pond in the rear of the existing facility. So there is some history with drainage here that they need to take a hard look at.

DOT is going to be an involved agency. The project accesses the State highway, so the Board should declare it's intent for lead agency.

I'm not clear if there's going to be any bathroom facilities or runoff discharge to the sewage treatment plant from this building. There is an existing sewage treatment plant facility on the site. Any flows from this would require a modification to that permit. I'm not sure what they're going to do here. If it's just dry storage and there is none, that may be the answer.

MR. LYNCH: I can get clarification. Right now I believe it's going to be dry storage. I can get clarification on the modifications we would need to make for the existing.

MR. HINES: Based on the existing and

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proposed grades, the northwest side of that building is going to be about eight to ten feet in the ground and the drainage comes right down there, so we need to take a look at what's going to happen to that drainage that comes down the hill and runs into that building. We're going to need to install some drainage systems there as well.

The drainage to the parking lot was discussed.

Then a narrative report as we just discussed, what is this building going to be utilized for, the number of trucks. You're going to need that for DOT submission anyway. Just a better description of the intensity of use on the site.

The Board may want to address landscaping in the future. You're going to put that parking lot in front of the site. I don't know if there's a spot around the back where that parking may be tucked in around the back a little better and not out in the front along 9W. Take into consideration the visual impacts along 9W there.

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MS. LANZETTA: Is this going to -- will this reach a threshold where the County will be reviewing it?

MR. HINES: Yes.

MS. LANZETTA: I'll tell you right now they don't like parking lots up front, so you might want to take a look at that.

MR. LYNCH: There is an existing driveway along the site back here and there's gravel parking here. The way that the site is, the natural topography is a little steeper back here. We're trying to agitate that building and work around the existing grade, leaving this area here. Like we mentioned, the building in the back is going to be basically buried underground. The entrance would be along this side. So that's where, you know, that parking came from, the location of that. We'll definitely be open to that.

MS. LANZETTA: They'll probably ask you to at least examine it. If you can do it right upfront, you can show you're taking it into consideration.

Is there going to be any geothermal

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benefit to putting it into the ground like that?

MR. HINES: I think it's just a grading issue.

MR. LYNCH: There's an existing building here. There's a lot of existing structures on here that we need to kind of work around and work the new proposed building into the existing site. Obviously it's a little less disturbance to the surrounding property.

MR. TRUNCALI: Is there going to be a loading dock here for tractor trailers that will be backing in there?

MR. LYNCH: I don't believe there's -- it will be smaller trucks.

MR. HINES: There's one loading dock proposed on that building because of the grading.

MR. LYNCH: This area.

MR. TRUNCALI: Why do they need such a big parking lot area there in the front?

MR. LYNCH: I think it would be for whoever was working in this building. There is an existing building located here and located here that they're going to utilize that parking for.

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MR. HINES: More for the customers for wine tasting?

MR. LYNCH: I believe so.

MR. TRUNCALI: I believe the existing house is condemned and not being used at this time.

MR. LYNCH: I'm not aware. I can look into that.

MR. HINES: There's one house going away in the parking area.

MR. LYNCH: There is. There's a small barn here that's going to be removed.

MR. TRUNCALI: The one in the front I believe is -- hasn't been used in years.

So Pat, does the Planning Board need to declare --

MR. HINES: I would recommend you declare lead agency and we can circulate to the DOT. We'll include County Planning as an interested agency as well.

MS. LANZETTA: I'll make that motion, to declare lead agency on this project.

MR. TRUNCALI: Intent for lead agency.

MR. TRAPANI: I'll second.

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MR. TRUNCALI: Ben seconds. All in favor?

MS. LANZETTA: Aye.

MR. TRAPANI: Aye.

MR. TRUNCALI: Aye.

MR. LYNCH: Thank you.

(Time noted: 7:57 p.m.)

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

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

DATED: July 6, 2015

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

----- X

In the Matter of

DOCKSIDE

Project No. 15-8004
Route 9W and Dock Road
Section 109.1; Block 3; Lots 13& 14.200

----- X

SKETCH - SITE PLAN

Date: June 15, 2015
Time: 7:58 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Acting Chairman
BEN TRAPANI
CINDY LANZETTA

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: JAY SAMUELSON

----- X

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

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MR. TRUNCALI: Next up is Docksides.

MR. SAMUELSON: Good evening. Jay Samuelson with Engineering Properties again.

We were here last month to discuss the proposed grading and filling of the DMK site located on Route 9W and Dock Road. We had several discussions last month about what was going on. We submitted a narrative and a sample of the actual material that we would be proposing to use as fill. It's my understanding that we also submitted a letter withdrawing all previous applications the next day.

So we're here tonight to look for you to declare your intent to be lead agency and circulate.

MR. HINES: I don't believe that letter was received by the Town.

MR. SAMUELSON: The letter for?

MR. HINES: Withdrawing the previous application.

MS. NATLAND: Did you send it to the Planning Board?

MR. SAMUELSON: I was pretty sure it went out the next day. I will confirm it. I was

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pretty sure that went out the next day.

MS. NATLAND: I never got it.

MR. SAMUELSON: All right.

MR. TRUNCALI: Pat has some comments.
Would you like to go over those for us?

MR. HINES: We received a long form
EAF. I do concur that it is appropriate to
circulate lead agency. Other involved agencies
are going to be the DOT and the DEC. County
Planning will be an interested agency.

I have a concern regarding -- we
received a copy of a report from American
Analytical Laboratories with a single soil sample
and the analysis associated with that that comes
from a company called Evergreen Recycling up in
Corona with a New York City address. There's
some -- there looks to be some issues with the
sample. There's some heavy metals and volatiles
in the sample. I don't know what or how this
material was generated. Maybe somebody can fill
us in on --

MR. SMITH: What did you just say, Pat?

MR. SAMUELSON: There's heavy metals
and volatiles in the sample itself. Do you know

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exactly what this material consists of?

MR. ROBERTS: It's just they dug up the blacktop underneath the dirt. It's foundations. They dig up the foundation, dig for new foundations. It's the dirt.

MR. SAMUELSON: It's material that's -- it doesn't include the actual blacktop or the foundation, it's just material underneath it?

MR. ROBERTS: Right. It's under.

MR. SMITH: Were those levels under the acceptable level?

MR. HINES: It doesn't appear to be. There's high levels of led.

MR. SAMUELSON: I saw a couple that were above that forty percent level but I didn't think they were out of the range.

MR. ROBERTS: The DEC clarified it and certified it as clean fill, that's why they sent the --

MR. HINES: We'll forward this information on with the DEC circulation, but there's semi-volatile and volatile compounds.

The other issue I have is how will that be monitored at the site? This was originally

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presented that it was going to be "clean fill."
The material trucked up from New York City gets
me a little concerned. So I think -- and that
goes back to my original comment of how the site
was going to operate and who was -- if this is
truly exempt C&D material. There's a DEC
permitting registration process that will need to
be done as we work through this.

MR. SAMUELSON: We'll have more further
discussions with the DEC about the material.

MR. HINES: Then again, this was just
one sample.

The stormwater pollution prevention
plan. Our comments from the 18th, as Mr.
Samuelson acknowledged, are still outstanding on
the stormwater pollution prevention plan.

We're going to request some information
from the DEC regarding the mined land reclamation
permit.

MR. SAMUELSON: I believe we'll get
that information. It's my understanding it was
reclaimed way back when. It may be eroded in
areas now. It gets very sandy at the bottom.
It's my understanding it was signed off on. That

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we'll clear up when we go through the DEC.

MR. HINES: I'm very interested in a narrative as to how the material is going to be inspected, controlled, reviewed. It's very easy in a 100,000 yards of material to get a "bad load", and I don't think the Planning Board is interested in having that happen in the center of Town there.

The reclamation details are lacking, what the site is going to look like in the interim, how it's going to be reclaimed as it progresses forward. Right now it looks like it's one-single phased project. We're going to need details on how much topsoil, what it's going to look like when the project is done.

I note that in your cover letter you're requesting that the permit be issued for one year. Again, we discussed that last time.

MR. SAMUELSON: It's six months with two three-month extensions, if I remember correctly. Right?

MR. HINES: I think it was only one three-month extension.

MR. SAMUELSON: That was my fault. I

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remember it being two three-months. We'll revise that to nine.

MR. HINES: The problem with that is it improvises your traffic counts. I think your traffic counts are based on twenty-one loads a day for a year. So you have to add one third again.

MR. SAMUELSON: I don't think we're -- I don't think we have any intention of getting the full 100,000 yards in nine months. I'll be happy to say right now we will be back seeking additional approval at that point in time. We'll probably have to apply all over again but I don't think -- we're not intending to bring in a hundred trucks a day to get that amount of fill to get us up to that level that quick. This is not a --

MR. HINES: I understand what you're saying. I don't know how the Board can approve half a plan. You may need to come up with a plan --

MR. SAMUELSON: A revised grading plan.

MR. SAMUELSON: -- of 50,000 yards or fifty percent of the site. Something that fits.

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Once the Board approves the 100,000, then the trucks start coming --

MR. SAMUELSON: Got you.

MR. HINES: -- at that rate to accomplish that. It's in the ordinance.

MS. LANZETTA: Do we have to be concerned with our own SPDES permit with the outflow from the wastewater treatment plant, that there could be an affect?

MR. HINES: If there's an affect on that there's a big problem. This should not affect that. The sewage treatment plant sits above the elevation.

MS. LANZETTA: Where they measure our outflow, is that -- that's above this?

MR. SAMUELSON: It's above this.

MR. HINES: Yeah. Discharge wouldn't commingle with that. But they do need to get -- based on how it's described, they may need both a construction and stormwater SPDES permit and a multi-sector permit. I don't have a good grip on what this material is going to be and how it's going to -- I'm concerned what it looks like after six months and then winter comes.

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MR. SAMUELSON: Do you know where else the material is being taken?

MR. ROBERTS: I do not know but I can find out.

MR. SAMUELSON: Find out what it looks like.

MR. ROBERTS: Bring samples.

MR. SAMUELSON: Additional samples.

MR. ROBERTS: See how they want to monitor and we can do that also.

MR. SAMUELSON: We can find out where it goes now and the procedures they have in place and see if we can possibly propose the same and let you guys review those procedures.

MR. HINES: The narrative, it doesn't -- it says that it meets Department of Health and the lab standards but it's not telling you anywhere it's "clean fill." It's coming through their laboratory analysis telling how they did it. To read this, it looks like they're saying -- they're saying the test results meet the requirements of New York State Health and the NELAC standards, but that's just the laboratory testing standards, not a standard for someone to

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say okay, this is exempt C&D.

MR. SAMUELSON: We will contact DEC and get a response from them on the material.

MR. HINES: There's several of the semi-volatiles and volatiles, there's some PCB. I don't know which -- one of the components of PCB is in there, there's DET and DEE. Again, we're talking parts per billion, but added up -- Those components make me believe that it's not "clean." There's led in the 76 parts per million, not billion. Times ten on there. There's quite a bit of semi-volatiles in there. It probably has to do -- a piece of asphalt will cause it. I just don't -- until you said asphalt, I didn't know where that was coming from. Some of these components would show up having asphalt there.

MR. TRUNCALI: Do you have anything else, Pat?

MR. HINES: That's all I have. If the Board wishes to declare it's intent for lead agency, I will circulate to the other involved agencies.

MR. SAMUELSON: Subject to me getting

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you that letter tomorrow morning.

MR. HINES: Yeah.

MS. LANZETTA: Lead agency. We're working off of an EAF. You're talking about reducing the project to basically half of what is being projected here. Shouldn't we have all of the updated figures and everything before --

MR. HINES: As lead agency I guess we'll start out with the worst case.

MS. LANZETTA: We're going to start out with the full project?

MR. SAMUELSON: I think it's -- I think it's in our best benefit as well as yours to analyze if we were going to do 100,000 yards in a six-month period.

MR. HINES: Nine months.

MR. SAMUELSON: Six to nine months. If we feel through the process that we can't achieve that, we have the right to amend the application and provide lesser plans prior to approval. I'd like to start at that 100,000 level, I understand it's a nine-month time limit, and let us back off if we feel we can't do that. Then we're analyzing the worst case scenario and we know

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anything less is -- should be less.

MS. LANZETTA: Okay.

MR. TRUNCALI: Ron, do you have any comments?

MR. BLASS: We decided last time to hold off the circulation until receipt of the letter. So that's really --

MR. SMITH: I can have it delivered tomorrow morning.

MR. SAMUELSON: I know he prepared the letter. I was ninety-nine percent sure it went out. If it didn't go out, I apologize. That's my fault.

MR. SMITH: It went to the Town Board. Maybe it never made it's way to the Planning Board. That's possible.

MR. SAMUELSON: Because the official application was to the Town Board. I will go -- I honestly admit that it's my mistake if it didn't go out, it's not the applicant's. I would request on my behalf that -- I don't know if you can do it subject to receipt. There was no motion made last month.

MR. BLASS: I think we made a motion to

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declare intent to be lead agency and to withhold circulation pending receipt of the letter. So I think -- we have the minutes right here and that's exactly what we did. We're sort of doing it again.

MR. SMITH: The same exact thing.

MR. BLASS: I had one thought. Is there any value to having a meeting among Pat, the Part 360 DEC regulator Region 3 New Paltz and a representative of the Mined Land Reclamation agency/division of the DEC Region 3 New Paltz to deal with all of these issues?

MS. LANZETTA: I would also want to include DOT if they want to attend.

MR. BLASS: If they want to attend. I see significant Part 360 solid waste management issues which is regulated by DEC. There may be a reclamation, post mining reclamation issue or not. That's also another division of --

MR. HINES: I believe even the transport of this much material needs a waiver from the DEC mined land. Just a fill of this size. So they are involved.

MR. SAMUELSON: I have no problem.

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MR. BLASS: It's possible this could be a modification of the reclamation plan that was put in place with respect to the mining. Maybe so, maybe not.

MR. SAMUELSON: We're going to find out. Absolutely. I have no objection to getting all those parties together. It's only going to help everything move along.

MS. LANZETTA: I agree.

MR. SAMUELSON: I guess -- if that motion was actually made last month, I guess there is nothing we need to do actually then for me to do my job.

MR. SMITH: All right.

MR. SAMUELSON: Pat, do you want to set that meeting up or do you want me to?

MR. HINES: Yes, I will.

MR. SAMUELSON: Thank you.

MR. TRUNCALI: Is there any other business from the Board?

(No response.)

MR. TRUNCALI: Pat, Ron, anything else?

MR. HINES: Nothing.

MR. TRUNCALI: If not, I'll entertain a

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motion to close the meeting.

MS. LANZETTA: I'll make that motion.

MR. TRUNCALI: Ben?

MR. TRAPANI: I'll second.

MR. TRUNCALI: All in favor?

MS. LANZETTA: Aye.

MR. TRAPANI: Aye.

MR. TRUNCALI: Aye.

(Time noted: 8:13 p.m.)

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

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

DATED: July 6, 2015