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

----- X

In the Matter of

TWIN POND

Project No. 16-9013
155 Mahoney Road, Milton
Section 103.1; Block 1; Lot 3

----- X

PUBLIC HEARING - SITE PLAN

Date: July 1, 2019
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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MR. TRUNCALI: I'd like to call the meeting to order with the Pledge of Allegiance to the flag.

(Pledge of Allegiance.)

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, July 1, 2019. Regular meeting 7:30 p.m. Approval of stenographic minutes for 5/20 and 6/3. Twin Pond, public hearing, site plan; Brooklyn Bottling, site plan; Garone's Mountain Fresh Farm, sketch, site plan; Top Seed Landscape, sketch, site plan. Next deadline: Friday, July 5th. Next scheduled meeting: Monday, July 15th.

Do I have a motion to accept the minutes from the May 20th and June 2nd meetings?

MR. CLARKE: So moved.

CHAIRMAN BRAND: Do I have a second?

MR. CAUCHI: I'll second it.

MR. TRUNCALI: All in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

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TWIN POND

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MR. LOFARO: Aye.

MR. TRUNCALI: Aye.

Opposed?

(No response.)

MR. TRUNCALI: So carried.

First up, Twin Pond.

MS. BROOKS: Good evening. We sent out fourteen certified letters and received twelve of them back.

We had requested a public hearing this evening for this application knowing that we still have outstanding comments from DOT, the fire department.

I brought an extra copy of the map tonight again. We had sent it back in September. If I can give it to Mr. Kneeter and ask him to pass it along.

MR. KNEETER: I received one Wednesday. Thank you.

MS. BROOKS: Great. So we're waiting for DOT comments. It was submitted to DOT on April 15th. As of today John Riley is still waiting -- he's from Kingston regional. He's still waiting from comments back from George

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Caroli who reviews it in the Poughkeepsie office.

Central Hudson, we're waiting for them to draft the documents. They have a new management team in real property so they're a little bit behind in getting us those documents.

We do understand that we have a few items outstanding but we were looking to make sure that the Planning Board was happy with the revised landscaping plan that had been revised in accordance with the recommendations of the Ulster County Planning Board and to see if there was any public comment that we should address and incorporate into any final revisions we make to the plan.

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

MR. HINES: I think the applicant's representative just did one by one.

The only one we didn't hit was the Planning Board previously reviewed the proposed screening on the site regarding -- I think there's opaque fencing provided around the pallet storage area. There's a note on the plans limiting the pallet storage to 20 feet in height.

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TWIN POND

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Obviously the fence is not going to be 20 feet. That's going to exceed that limit. We talked about that several times. I just wanted to go over that again with the Board, that the Board feels it meets the zoning requirements for outdoor storage screening.

In addition, there's a fence on the northern property line that's going to be reconstructed and provided with the screening slats along the commercial property, the common property line there.

A fence has been provided along the frontage as well.

Is there still a fence on the pallet storage?

MS. BROOKS: No. We got rid of the fence on the pallet storage because once they put the fence along the highway, because of the elevation of a vehicle looking up at that fence, the pallet storage is shielded already. I thought that at the last meeting the Board had been satisfied with that.

MR. CLARKE: It has to be 150 to 200 feet off the road. Your eye should not be

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TWIN POND

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wandering that far off the road.

MR. HINES: Just to make sure the Board is good with all of that, that visual issue along with the other comments, the DOT, the jurisdictional fire department.

There's an easement in favor of Central Hudson. That will need to be reviewed by --

MS. BROOKS: Right. There's a swap in here. Central Hudson actually is preparing all the documents because they have very specific language that they use in all of their easements. They're preparing the easement document which obviously can --

MR. HINES: I think we're looking only at the easement right now. If there's a potential lot line change or something in the future, that will need to come back.

MS. BROOKS: Yes. We're hoping -- again, right now we're here for the site plan. Until I have a contract of sale or some sort of written agreement from Central Hudson I don't want to call this a lot line to be removed. Ultimately we would be coming back for a second action for that minor lot line revision.

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TWIN POND

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MR. HINES: That's what I have.

MS. BROOKS: If that doesn't happen, then nor will the easement. Those will happen together. It will be a swap.

MR. HINES: Those documents will have to go to Jeff's office.

MS. BROOKS: Correct.

MR. TRUNCALI: I would agree that when you drive up 9W, with the new fence you don't see the pallets from 9W.

MR. LOFARO: I agree. I drive by there all the time.

MS. BROOKS: Great.

MR. TRUNCALI: This is a public hearing. Does anyone from the public have any comment? James.

MR. GAROFALO: James Garofalo. Can you pull that back so I can point to it and they'll be able to see what I'm talking about ?

The line of disturbance ends right here. It's not clear if this follows the woods, follows the stonewall. There should be a note or that line should be extended to show where that line is going from this point to the property

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line.

MS. BROOKS: I'm sorry, I'm not understanding.

MR. GAROFALO: Do you see this limit of disturbance?

MS. BROOKS: Mm'hm'. That was Central Hudson's when they just came through and did some additional work here. We showed that area of disturbance, which is the tree line, because obviously there couldn't be trees here if it was disturbed. Right?

MR. GAROFALO: Well is this their line or is this your line where you're going to be disturbing it?

MS. BROOKS: No. That was an area that was already cleared when Central Hudson just came through and did some work there. We showed the limits of it on the map because the engineer needed that in order to do his proper calculations. That is not proposed. Anything that we show proposed is in red and generally has the word proposed in front of it. That was an existing area of disturbance that we needed to calculate for the engineer so he could do his

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proper engineering calculations for stormwater.

MR. HINES: The majority of that disturbance was done two years ago, before the application.

MR. GAROFALO: It's good that you showed an accessible parking space, however it looks like the aisle is the size for a car and not van accessible. That should be much wider.

In this area here; one, I have a question about the fence line. The fence line seems to go on one side of the property then on the other side of the property. Who owns this fence along the northeastern border and is that something that's going to be moved so that it's along the property line or is there an agreement that that's where it's supposed to be?

MS. BROOKS: No. We show where the existing fence is. We're showing that this existing fence from here coming down to here and into here with the gate is to be replaced with a slatted chain link fence.

I will address the Board with that comment. That fence there was not put up by the applicant. I don't know who owns the fence. We

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TWIN POND

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show it on the map because it is existing but it's not part of anything that's planned as part of this project.

MR. GAROFALO: Okay. The waste disposal is over here, that's the northern part. Is there enough room for a truck to get through here when you have this tractor trailer parked here, to get by along the property line?

MS. BROOKS: Mr. Manesse is currently using --

MR. GAROFALO: It would be nice to see what the dimension is so the Board would know exactly what the dimension is on the plan. I'm talking about the space between the tractor trailer and here and the property line. It would be nice if on the plan that were to be shown --

MS. BROOKS: Right.

MR. GAROFALO: -- to make sure there's enough room.

MS. BROOKS: Basically what we did there is we showed the possible location that box trailers can be. I agree with you a hundred percent, if there's a box trailer parked right there somebody is not coming out in that

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direction.

MR. GAROFALO: Or going in.

MS. BROOKS: They don't go in that way. They come in this way, they go around, they go out. They're not parked there all the time. That's an illustration of what the size of a box trailer is relative to the dock area.

MR. GAROFALO: Okay. But somebody might infer that yes, they can park there. Maybe it needs to be clear by --

MS. BROOKS: Okay.

MR. GAROFALO: -- striping that you can't block this area.

MS. BROOKS: I'll remove that.

MR. HINES: Or they can move the truck for the garbage truck to come in.

MR. GAROFALO: Your parking space number 11 should have another line there because it's basically --

MS. BROOKS: Thank you.

MR. GAROFALO: -- open.

There's no indication on the plan whether the trees that are being put in are native or not native. That's one thing that the

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Board is supposed to review as part of their review process, to look at native and non native plants and say yes, this is okay or no, it isn't. Nobody does that. It makes it hard for you to make a determination. If at least there is some note on there saying these are native and these are not native --

MS. BROOKS: We did show Boxwoods which are native. I'll change that to deciduous native trees. Did you see them in the legend?

MR. GAROFALO: Yes.

MR. CLARKE: Jim, how long does a species have to be here to be native?

MR. GAROFALO: I am not -- this is not my area of expertise. I just know in the code it's supposed to say that. I don't know who makes the determination of what is native.

MR. CLARKE: If a species has been here for 300 years like the rest of us, or some of us, does it become native after a certain time?

MR. GAROFALO: I don't know. You'd have to ask the experts on what they consider to be native and what they consider not native. That's what the consultants are for, to be able

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to tell you if these are native or not native.

MR. CLARKE: All of us sitting in this room are not native.

MR. GAROFALO: Right. You're not all traffic engineers, you're not all lawyers, you're not all planners.

MR. CLARKE: All right.

MR. GAROFALO: These are things you need help with.

That goes to another point. You have these tables with the requirements. Most of those requirements are indicated somewhere on the map. It would be so much better for the Board if next to the requirement there was what it actually is. If it's a requirement of 2 acres, is it 3 acres, and to list these right next to it so it would be very easy for you to see what these requirements are and what's being provided. If it's not being provided, maybe an asterisk saying they need a variance to make it very clear. And then if you want to say oh, there's a 5 foot setback on the side yard, you can go and look and see where it is. You shouldn't have to be going and looking to see all these things

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TWIN POND

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here. It should be easy for you, it should be easy for the planner. They should all be right there in the table.

MR. CLARKE: Then we would be overpaying our engineer.

MR. GAROFALO: Not if they were on the table. Now he's being overpaid because he has to look at everything.

MS. BROOKS: Generally speaking, when it's something proposed that's new we show existing and proposed. When we have a pre-existing nonconforming structure, I think it actually makes it more confusing if we show every single one of the setbacks not conforming because they're pre-existing nonconforming. Again, certainly I appreciate your comments.

MR. GAROFALO: You can indicate it's pre-existing nonconforming and then the Board would know --

MS. BROOKS: I appreciate the comment.

MR. GAROFALO: -- that is the case.

Whenever there's poles in the middle of pavement I like to see something done to either protect the poles or make them very visible,

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especially when you have truck drivers backing trucks up and stuff, to make those poles visible so they don't end up hitting them.

It's very good they put the sight distances in there. They have the speed limit in there.

I certainly would like to see the Board start requiring that they put the AASHTO requirement in there also so you know what these two -- how these two things meet together.

MR. HINES: DOT is going to make the decision on that. Regardless of what this Board says, that road is under the jurisdiction of DOT. While the information is there for them, I'm sure they have the ability to make the determinations.

MR. GAROFALO: Yes. There are also times when it's not --

MR. HINES: I heard you.

MR. GAROFALO: That's why I said I think it would be good if they were on all the plans.

MR. HINES: I heard your thought.

MR. GAROFALO: I'm certainly somewhat concerned about this gate here. When you look at

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the size of the tractor trailer, he comes in -- I don't know if this is the actual size of the trailer unit -- he's going to be sticking out into Route 9W. I think you should take a look at that and see if that gate needs to be pulled out so that a truck could make the turn and be sitting there and say oh, the gate is closed.

MS. BROOKS: That gate actually is gone. That gate has been removed since.

MR. GAROFALO: That gate is gone?

MS. BROOKS: Yes.

MR. GAROFALO: Okay. It would be nice to see a note to take it off the plan --

MS. BROOKS: Thank you. I will do so.

MR. GAROFALO: -- saying being removed.

It looks like from the plan that there might be some stonewall here. Is there a stonewall there and is it being --

MS. BROOKS: I'm sorry?

MR. GAROFALO: Is there a stonewall along the frontage? I couldn't tell.

MS. BROOKS: No.

MR. GAROFALO: I would like to thank you.

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MS. BROOKS: Thank you. I appreciate it.

MR. GAROFALO: If you can make the changes. I think it's certainly a worthy project. Thank you.

MR. TRUNCALI: Any other comments from the public?

(No response.)

MR. TRUNCALI: So are we adjourning the public hearing or what is the --

MR. HINES: I think Board heard the comments, and the applicant's representative has them as well as the stenographer. I don't anticipate there being any new information provided in the future.

MR. TRUNCALI: Even on the information that we're waiting for?

MR. HINES: It's really outside agency information. It's up to you.

MR. CLARKE: Conditional final?

MS. BROOKS: No, no. We're not looking for any approval this evening. We were just looking for getting the public comments so I knew if there were any other issues that I needed to

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address, that needed to be done. We understand that this Board can not make a decision until you hear from those outside agencies.

MR. TRUNCALI: Right. We can close the public hearing.

MS. BROOKS: You can close the public hearing as far as I'm concerned.

MR. HINES: With the caveat that the applicant waives the 62 day timeframe.

MS. BROOKS: The applicant will waive the 62 day timeframe.

MS. LANZETTA: Do you think that there would be anything significant from the DOT? Is there a likelihood of them having issues with the present access?

MS. BROOKS: The only thing -- they don't have an issue with the access. My e-mail from John Riley today said Hi, Patti. Yes, this morning he is reviewing it and will get back to me ASAP. He lapsed and forgot about it. As soon as I receive his comments, if he has any, I'll let you know. They were not anticipating but because they issue the permits for -- they look at the things like sight distance and access in

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TWIN POND

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Kingston regional but the stormwater gets reviewed in the Poughkeepsie office. That's the only thing we're really waiting for.

MR. CAUCHI: How about the comments from the fire department? Did you see those?

MR. KNEETER: I'll give you an answer and have it in writing in another week. The fire department has no comments. Thank you.

MS. LANZETTA: I personally don't anticipate anything that would make a huge difference in this as far as changing the actual site plan itself. Based on the present site plan and the public input, I would make a motion to close the public hearing.

MR. TRUNCALI: Do I have a second?

MR. LOFARO: I'll second.

MR. TRUNCALI: All in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

MR. TRUNCALI: Aye.

All opposed?

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(No response.)

MR. TRUNCALI: So carried.

MS. BROOKS: Hopefully we'll be back to you very shortly with comments from the other outside agencies.

What we may end up doing, if it looks like it's going to take awhile with Central Hudson, we'll remove the proposed access easement for purposes of site plan approval. Once we are able to resolve the issues with them, we'll come back to the Board, because we have to anyway for the lot line revision portion of it, and we'll add the access easement at that time so we can expedite the site plan approval.

The Board has been very patient for a long time while we've been going through this process.

MR. TRUNCALI: Thank you.

MR. TRAPANI: Would it be possible when somebody has a certain number of comments we have to address, if we could get them ahead of time so we would know the answers to some of the questions, like what kind of species of trees are out there, whatever? If they have a large number

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of comments, that way we can --

MR. CLARKE: It's a public hearing.

MR. TRAPANI: I know it's a public hearing. Sometimes it's a little much.

MR. LOFARO: Limit the time.

MR. TRAPANI: We're paying a stenographer.

MS. LANZETTA: We're not paying. The applicant is paying.

MR. TRAPANI: I don't want to put it on the applicant. If somebody has that many questions, maybe that will help out.

MR. TRUNCALI: I forgot to read the legal notice for the public hearing.

MR. HINES: I think that's something you do, I don't know if it's required.

MR. COMATOS: It's been posted and published. You don't have to read it at the beginning of the meeting. It's been duly noticed.

(Time noted: 7:48 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 15th day of July 2019.

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

BROOKLYN BOTTLING

Project No. 19-3006
9 Riverview Drive, Marlboro
Section 109.1; Block 2; Lot 5.111

----- X

SEQRA - SITE PLAN

Date: July 1, 2019
Time: 7:48 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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MR. TRUNCALI: Next up, Brooklyn Bottling.

MR. HINES: Brooklyn Bottling is here tonight for the sole purpose of the SEQRA review. The applicants have some outside funding agencies that are awaiting SEQRA before they can complete their funding process.

I believe the Board has reviewed the project. Jeff Battistoni has prepared a SEQRA finding, a draft negative dec for the Board to utilize. That's the only action it's here for tonight.

MS. BROOKS: The other thing; Mr. Troncillito, if you have anything that you would like to add.

We have not gotten anything in writing yet from the jurisdictional fire department. We have been working with the fire department. We do have the hydrant flow test report from Albany Fire. I believe you perhaps met with them today. If you had anything that you wanted to add?

MR. TRONCILLITO: There seems to be a little bit of discrepancy in regards to what that says and the information that I have in regards

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to -- our biggest concern, and this is for fire protection in the proposed building and for the safety of our firefighters, we want to loop the system and have another hydrant in the northwest corner of that complex.

What Patti sent me isn't exactly what it is. What they were saying is that yes, if you had a hydrant supplying the twin 8s then it would increase the flow, which we want, which we said from the beginning, and then this guy here said being that it's not there, you know, it wouldn't help us. Well guess what, the 12 supplies the 10 which goes off to the 8s. Somewhere along the line he doesn't have the right information and what he's saying is kind of contradicting.

MS. BROOKS: If I can just go back. When I had originally spoken to Charles he had told me that he believed it was an 8 inch coming off Riverview and then splitting to an 8 inch. He did call me two days later and said they went out and investigated and he was mistaken. When I sent you that information it was not incorrect, it was the information supplied to me at that point in time.

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MR. TRONCILLITO: That's what I sent back, the correct information.

MS. BROOKS: It now has been corrected. My understanding was that you had been involved in conversations today with Albany Fire and that their thoughts were that based on the new building design and the current pressures and flow rates, that the best solution would be the addition of a fire pump because --

MR. TRONCILLITO: Who was in contact? Nobody contacted me. I was talking to my chief a little while ago and nobody contacted him. I don't know where that's coming from, Patti.

MS. BROOKS: Okay.

MR. TRONCILLITO: That's what I'm saying.

MS. LANZETTA: It sounds like we need more time for you guys to be on the same page.

MS. BROOKS: I'm sorry, I thought it had been resolved. I wanted to give the opportunity for the Board to hear that. Now I'm hearing that it wasn't resolved. Again, we are here this evening for the SEQRA.

MR. HINES: What we are here for is

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SEQRA.

To circle this back to what we're looking for, I'm looking for your engineer to take this information that you got from a hydrant test company to give us a report identifying what your proposal is and a map showing what hydrants were tested. This is just base information. There should be a hydrant where they got their static pressure, a hydrant where they got their residual pressure, a map of the existing system. Your engineer should give us the analysis showing your proposed improvements and the benefits of that.

MS. BROOKS: It may be through a different engineer who is more involved with fire service.

MR. HINES: That's fine. An engineer.

MR. TRUNCALI: Are we still doing the resolution of the negative dec?

MS. LANZETTA: Yes.

MR. HINES: Yes. I don't see any significant environmental impact coming out of the technical issue regarding fire protection and water flow.

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MR. TRUNCALI: Do I have a motion for approval of the negative declaration?

MR. TRAPANI: I'll make that motion.

MR. CLARKE: I'll second it.

MR. TRUNCALI: All in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

MR. TRUNCALI: Aye.

MS. LANZETTA: Don't we usually do a roll call?

MR. TRUNCALI: Could you poll the Board?

MS. NATLAND: Member Truncali?

MR. TRUNCALI: Yes.

MS. NATLAND: Member Trapani?

MR. TRAPANI: Yes.

MS. NATLAND: Member Lanzetta?

MS. LANZETTA: Yes.

MS. NATLAND: Member Lofaro?

MR. LOFARO: Yes.

MS. NATLAND: Member Cauchi?

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MR. CAUCHI: Yes.

MS. NATLAND: Member Clarke?

MR. CLARKE: Yes.

MS. BROOKS: Thank you very much.

(Time noted: 7:54 p.m.)

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 15th day of July 2019.

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

GARONE'S MOUNTAIN FRESH FARM

Project No. 19-3009
17 Baileys Gap Road, Highland
Section 95.4; Block 1; Lot 30.100

----- X

SKETCH - SITE PLAN

Date: July 1, 2019
Time: 7:54 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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MR. TRUNCALI: Next up, Garone's Mountain Fresh Farm.

MS. BROOKS: We did receive Pat's comments on this. There is no proposed gravel parking area. Everything that is here is existing. I did bring some photographs to show what the existing site is now.

MR. HINES: That would be relatively new existing then.

MS. BROOKS: No, no. This has been here. I mean here's the sign at the entrance. The agricultural building was constructed in 1997 and it has been operating as Mountain Fresh Farm since 1997 and has an existing site plan. It did come back at one point in time for a modification, I believe for the installation of the heli-pad.

The reason that we're before the Planning Board at this point is the building inspector made a determination that since we were previously a seasonal business and now it was going to be a full-time landscaping business, twelve months out of the year, that that triggered a review for a revised site plan.

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That's the reason that we are before the Board.
Everything is existing right now.

MR. HINES: Can you just check on the
timing of that? I looked at some aerial photos
and it wasn't there.

MS. BROOKS: What wasn't there?

MR. HINES: The gravel parking area.

MS. BROOKS: It's always been there as
far as I know.

MR. CORCORAN: Where is the gravel
parking area? In front of the heli-pad? Closer
to the road?

MR. HINES: Yeah.

MR. CORCORAN: I haven't been up there
in awhile to be quite honest with you. They
might have cleared trees. The building was
existing.

MR. HINES: I understand the building
and heli-pad and the trees --

MR. CORCORAN: I haven't been up there.
There's an additional pad now in front of the --

MS. BROOKS: It looks like it's been
there forever. If you look at that gravel
parking area --

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MR. HINES: It's new.

MS. BROOKS: It's been there as long as I knew because that's where they park the people when they pick the Christmas trees. Right? People who have been there that live in the community, that has always been there.

MR. HINES: Just check. Unless it was grass covered in the pictures. It didn't look like this, certainly.

MS. BROOKS: It must have been.

MR. HINES: The heli-pad shows up perfectly in the ones I looked at.

MS. BROOKS: That's blacktop.

MR. HINES: The rest looks like lawn. Certainly the landscape -- in the photos I have, the landscape bins weren't out there.

MS. BROOKS: The landscape bins were not out there. Absolutely. Those are new. They are in the photograph.

MR. HINES: If we can just get a timing on that.

That's all I have.

MS. BROOKS: It could be that because it was seasonal use, that during the summertime

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grass might grow up in there. That gravel has been there for twenty years.

MR. HINES: It was more of a snowplowing business then?

MS. BROOKS: No, no. He sold Christmas trees.

MR. HINES: Right. Understood. There wasn't a landscaping company?

MS. BROOKS: Correct. There was not a landscaping company. That is what's triggering the site plan.

MR. CORCORAN: That's the additional impact I sent it in for. That area to the left that you're talking about was probably all grown over because it hadn't been in business for a few years. Being a seasonal Christmas tree farm, it was probably grown over. That whole area was pretty much just a little pasture. There's probably gravel underneath that grass.

MR. HINES: That looks pretty industrial.

MR. CORCORAN: He probably cleaned it up.

MR. HINES: We're looking for

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information on the septic system if you have that.

The current water supply. There's a proposed well. I didn't know if there was a well there now.

MS. BROOKS: I asked the owner if he could try to find out. Again, the septic system was constructed twenty years ago when the building went up. I don't know whether there could be something. I could look in the building department and see if they have any records of the septic system at that point in time. When the buildings were originally put up they were in common ownership with the lands of George and Carol Primvaroli. The water supply for the agricultural building is actually their well. The new owners are proposing obviously to drill their own well.

MR. HINES: Okay.

MS. LANZETTA: If anybody is interested, there's the Google picture.

MR. TRUNCALI: It looks like grass to me.

MR. HINES: It looks very much like

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gravel now.

It's very well screened from the road, so I don't see an issue with that. There's a heavy row of trees along the roadway.

It does need to go to County Planning. I don't see anything significant here.

MS. BROOKS: I saw there's a corner of it that's within 200 feet of the County road.

MR. TRUNCALI: I guess that's it for tonight.

MS. BROOKS: Does anybody on the Board have any questions or concerns?

MS. LANZETTA: Is there lighting, existing lighting?

MS. BROOKS: No. And they are not -- generally the field crew shows it on the building if there is any. I'll check on that. I know that will be a question. Yes, thank you. I appreciate it. Before it gets up there and I get asked.

Obviously it's too late for the July meeting because that's Wednesday night.

MR. TRUNCALI: July 5th is the deadline.

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MS. BROOKS: I'm saying to get it to the Ulster County Planning Board. I'll put a package together for Jen, if that's acceptable to this Board, once I get the lighting, if there is any. If not, I'll make sure that the narrative clearly distinguishes that it's only going to be open during daylight operations.

I guess until we get Ulster County Planning Board's comments back, which won't be until sometime in August, what's the Board's pleasure with how you want to proceed with the public hearing?

MS. LANZETTA: I think we can set a public hearing.

MR. HINES: Especially if the gravel parking is truly there, there's no construction.

MR. CAUCHI: I agree.

MS. LANZETTA: That would be for August.

MR. HINES: The first meeting in August.

MR. TRUNCALI: Let's see when the first meeting in August is. That would be August 5th, the first Monday.

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MS. BROOKS: Thank you very much.
(Time noted: 8:02 p.m.)

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 15th day of July 2019.

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

TOP SEED LANDSCAPE

Project No. 19-3008
1943 Route 9W, Milton
Section 103.1; Block 1; Lot 18

----- X

SKETCH - SITE PLAN

Date: July 1, 2019
Time: 8:02 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: GERARD J. COMATOS, JR., ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: STEVEN RIVIECCIO

----- X

MICHELLE L. CONERO
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MR. TRUNCAL: Next up, Top Seed,
sketch, site plan

Would you like to explain to us what
you're doing?

MR. RIVIECCIO: Sure. I just want to
take a piece of property we have on 9W and put up
a 40 by 66 building.

MR. HINES: The use of the building?

MR. RIVIECCIO: We went through this
last time. I have no idea. I mean what --
anything that I can do that's industrial.

MR. HINES: It's set up as a garage.
It has garage doors on the front.

MR. RIVIECCIO: Yeah.

MR. HINES: It says retail.

MR. RIVIECCIO: So what happens if a
guy wants to move in there and tint windows?

MR. HINES: That's fine.

MR. RIVIECCIO: Or a guy wants to move
in there and do car radios?

MR. HINES: That's more automotive use.
That's --

MR. RIVIECCIO: How is tinting windows
and detailing cars automotive use?

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MR. CAUCHI: Is it for your use?

MR. RIVIECCIO: It might be for my use. If I could stop paying Planning Board charges and build it cheap enough, I might just store my trucks in it. Inside, nothing outside. I don't know what I want to do with the building.

MR. HINES: The reason I ask is because the different uses have different parking requirements. You're limited by your amount of parking. It says retail but the building really does not look retail. It has two bay doors and a small office area. This Board is looking at what they are approving. It's not a carte blanche approval for buildings because there's different uses. There's different septic loads for different buildings. If it is retail there could be a very different septic system design.

MR. RIVIECCIO: The septic was designed for a restaurant. The biggest commercial septic you could put in. I mean septic wise we're fine.

As far as what's going in the building, I have no idea. We might want to rent it to a plumber. We might want to rent it to whatever. I mean just because there's garage doors in there

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-- maybe a farm market wants to go in there and open up the garage doors to let produce out.

MR. HINES: That would require different parking.

MR. RIVIECCIO: So what can I do? Let me ask you.

MR. HINES: You can't work backwards through the code. That's one of the problems. We keep asking this same question. You seem to be getting frustrated but we're just as frustrated. Once again, I have ten comments for you tonight.

MR. RIVIECCIO: What's your comments to? You want striping, handicap, dumpster. It's all right there.

MR. HINES: No, it's not.

MR. RIVIECCIO: What is this?

MR. HINES: It's a picture of the striping. You need to have a detail on how to stripe it. When you have a site plan it has a detail showing the striping. When you have a dumpster, this Board would typically require a dumpster enclosure. It just says dumpster there. They're not going to have a dumpster sitting out in the middle of the parking lot on Route 9W.

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MR. RIVIECCIO: No?

MR. HINES: Not on a new site plan, no.

MR. RIVIECCIO: Okay. All right. That will all be fixed.

MR. HINES: Also, since our last comment we commented on the fact that there was a drainage pipe --

MR. RIVIECCIO: That drainage pipe -- like I said last time, I will send you my original survey of the property. The homeowners next door to me illegally put that in there without my knowledge. That drain will be removed tomorrow.

MR. HINES: But this plan depicts work on an adjoining property.

MR. RIVIECCIO: No.

MR. HINES: Yes, it does.

MR. RIVIECCIO: We were going to move -- that's fine. That drain is going to be out of there.

MR. HINES: That requires an easement.

MR. RIVIECCIO: Tomorrow there will be an excavator there. That drain will be ripped out.

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MR. HINES: I don't know if I recommend that. You may have issues with that.

MR. RIVIECCIO: Why would I have issues?

MR. HINES: Your plan now shows that you're going to relocate the pipe.

MR. RIVIECCIO: That is just being nice to my neighbors.

MR. HINES: That's fine.

MR. RIVIECCIO: They put it in illegally. Why should I have to deal with something that's illegal on my property?

MR. HINES: Because you're proposing to change it now.

MR. RIVIECCIO: It was put in illegally. It shouldn't be there anyway.

MR. HINES: You're proposing to change it on your plan. It says new pipe, rerouting it. It has no pipe sizes, it has no inverts, no --

MR. RIVIECCIO: We were going to take the same exact pipe we used there and just move it.

MR. HINES: That's not the way -- you have an engineer who is supposed to be designing

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plans that show pipe sizes, catch basins, rims and inverts so that whoever comes and builds this knows what they're doing.

MR. RIVIECCIO: How do I have to deal with this if it's there illegally?

MR. HINES: That's between you and your neighbor.

MR. RIVIECCIO: If I bring you my survey that shows when I first bought the property that drain was not there, can I remove the drain?

MR. HINES: I'm not saying you can or can't remove the drain. When you're showing a site plan showing it being changed, when you come in for that site plan, prior to you getting a building permit that pipe would have to be replaced as depicted on this plan.

DOT comments are going to be needed because it has a DOT access drive. This needs to go to DOT for approval.

MR. RIVIECCIO: DOT. We put in for a standard DOT road cut and the DOT guy told me he can't give me any permits or anything until we have a planning -- a site plan.

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MR. HINES: That's a site plan.

MR. RIVIECCIO: What?

MR. HINES: They'll certainly give you comments on the proposed site plan, similar to the last applicants we talked about. They move forward, they submit the plans, they get comments back from DOT.

MR. RIVIECCIO: We submitted everything.

MR. HINES: We don't have anything from DOT. Typically this Board gets comments from DOT that say yes, this plan meets our requirements.

I'd be surprised if DOT doesn't require curbing on that access road. I'd also be surprised if DOT doesn't ask what's the use. They're going to want to know the intensity of use based on what driveway detail they're going to approve.

We have the site development details we talked about.

I'm requesting a note on the plans. You're putting the building right at the minimum setbacks for the side yards and front yards which is fine but kind of a buyer beware. If you move

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that building an inch while you're building it it will need a variance. We're suggesting a note be put on the map there be a plot plan submitted to the building department because it is at both 25 foot setback side yards and the 75 foot front yard. Unless that building is built exactly as is depicted on the plans, you could potentially have a variance issue. In order to avoid that we're suggesting that a note be placed on the map.

We talked about the use of the building.

It's noted that only two employees will be in the building, so you're kind of restricting yourself to that use because there's a note on the plans saying two employees.

There's an area in the front that says 10 foot wide easement for future Town improvements. That information, the metes and bounds description and that easement information, need to be submitted to the Planning Board attorney for review.

You show no proposed grading on the plan. I'll grant you the lot is flat. There's a

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note on the plan that says building finished floor 1 foot higher than existing grade. That makes it very difficult to get a vehicle in and out of your garage when it's 1 foot higher than existing grade. We're suggesting spot elevations and a finished floor elevation be shown on there so you can show the site functions. Also DOT is going to want that to know which way the drainage goes. Does the drainage go to the back, the front. Right now it's very flat. You're going to want to add some material to get that parking lot to drain appropriately.

The next one has to do with use.

Ulster County Planning review will be required.

Along with that the lighting plan as well. They'll want a lighting plan, Ulster County.

MR. RIVIECCIO: Can we talk about the culvert again? You got me hung up on the culvert. What do you want me to do with this culvert?

MR. HINES: I don't want you to do anything with the culvert. You need to move the

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culvert to make your septic work. Your engineer that designed your septic apparently --

MR. RIVIECCIO: Can I just -- I'll talk to him about moving it.

MR. HINES: You may have an issue with your neighbors. I don't know what rights they have. I don't know how long the culvert has been there. You're showing work on their property now to relocate that culvert. This Board can't approve you working --

MR. RIVIECCIO: These people aren't even there anymore. These people were two homeowners ago. I can't even go back to them.

MR. HINES: Right now this Board can't approve a project that shows you digging on someone else's property and putting in drainage improvements. That's not something we're going to recommend.

MR. RIVIECCIO: We'll leave the culvert there. If I have to move it we'll come right to the property line, bang a 90 at the property line so we don't go out to the other property, and then we'll show you your pipes that you want.

MR. HINES: That's up to your engineer

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to figure out.

MR. RIVIECCIO: Okay. At least it wasn't my first born this time.

MR. HINES: I don't know how much progress we made. That's the frustration I'm feeling. I'm feeling your frustration too.

MR. RIVIECCIO: My frustration is he got that this morning.

MR. HINES: That's the way the Board wants that.

MR. RIVIECCIO: That's ludicrous.

MR. HINES: We don't want them changing the plans. Then someone is going to walk in tonight and roll out a set of plans and say I'm done, approve it.

MR. RIVIECCIO: But then how does somebody prepare for it? You're talking about someone that's new at this whole thing that comes into this Board with no rhyme, no reason.

MR. HINES: You're new at it but you hired two design professionals that should be working for you.

MR. RIVIECCIO: Yeah. I don't know. It just seems a little backwards to me as an end

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user.

MR. HINES: If I got these to your engineer a week ago he would have sent me new plans today and then I would be here saying I don't know. That's the process. You submit them, we have a submission deadline, my office reviews them, the Board gets them the Friday before the meeting. The applicants get them the day of the meeting or the day before. The meeting is on Monday. Typically we send them out on Monday. That's been the process for a long time because we don't want someone rolling out the plans for us that night.

MR. RIVIECCIO: Okey doke.

MR. HINES: Here's a copy for you.

MR. TRUNCALI: Does anyone else have anything?

(No response.)

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

MR. CLARKE: So moved.

MR. TRUNCALI: Is there a second?

MR. LOFARO: I'll second.

MR. TRUNCALI: All in favor?

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MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

MR. TRUNCALI: Aye.

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

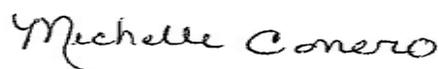
C E R T I F I C A T I O N

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 15th day of July 2019.



MICHELLE CONERO