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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, Highland
Section 95.4; Block 1; Lot 30.100

----- X

PUBLIC HEARING - SITE PLAN

Date: August 5, 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
STEVE CLARKE

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

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 to our flag.

(Pledge of Allegiance.)

MR. TRUNCALI: "Agenda, Town of Marlborough Planning Board, August 5, 2019. Regular meeting 7:30 p.m. Approval of stenographic minutes for 7/1. Garone's Mountain Fresh Farm, public hearing, site plan; Buttermilk Spa Expansion, preliminary, site plan. Next deadline: Friday, August 9th. Next scheduled meeting: Monday, August 19th."

"Legal notice, special use permit and site plan approval. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the Town of Marlborough Town Codes 155-31 and 155-32 on Monday August 5, 2019 for the following application: Garone's Mountain Fresh Farm LLC, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is asking for a commercial site plan approval and special use permit for the storage of materials and equipment related to a landscaping business at an existing tree farm on lands located at

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2 Baileys Gap Road, Section 95.4, Block 1, Lot
3 30.100. Any interested parties either for or
4 against this proposal will have an opportunity to
5 be heard at this time. Chris Brand, Chairman,
6 Marlborough Planning Board."

7 MS. BROOKS: We sent out fourteen
8 certified letters and received ten returned.

9 Again, this is a commercial site plan
10 of a 6.69 acre parcel of land located at Baileys
11 Gap Road. It's been utilized as an agricultural
12 tree farm with seasonal sales.

13 The Building Department supplied us
14 with a letter of determination that this is an
15 existing business with an existing site plan
16 continuing the same or similar use, and the
17 expansion of the use to the property as it
18 relates to the operations requires an updated
19 amended site plan.

20 MR. TRUNCALI: Okay. Pat, you had some
21 comments.

22 MR. HINES: We're awaiting County
23 Planning comments. I think they meet two days
24 from now.

25 MS. BROOKS: Wednesday night.

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MR. HINES: We'll receive those in the future.

It is a change of use. Four landscape bins have been identified on the site which we requested they show.

The site will operate as a contractor yard along with the other uses.

We discussed last time the gravel parking lot. I believe the applicant's representative confirmed that the parking lot is grown up vegetation within the existing gravel. There's a substantial gravel parking lot under that existing vegetation. They plan on using that same gravel parking lot. We discussed that last time. I don't know if the Board has any other comments on that.

We requested information on the septic system. That has been provided.

We want to identify the number of vehicles for the landscaping business so the Building Department has some idea of the scope and magnitude of the project, is it three dump trucks and a loader, just so it doesn't end up -- whatever that is should be noted on the

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plans.

MS. BROOKS: We limited the proposed equipment parking to the four spaces that are delineated on the plan as being 12 by 30. I thought that was --

MR. HINES: If that's all, that's fine.

MS. BROOKS: -- sufficient. I mean the majority of equipment will be at job sites because it's not making any money if it's sitting in the yard. They're not planning on having equipment in the yard on a regular basis but obviously sometimes it's there.

MR. TRUNCALI: Okay. Does anyone on the Board have any questions, comments?

MS. LANZETTA: I'm just curious. It says existing heli-pad. I'm just wondering about the status of that, because under our Town Code I don't believe this meets the requirements.

MS. BROOKS: We submitted the information Mr. Battistoni had requested. With our resubmission we said the heli-pad was previously determined to be allowable for personal use only. I did submit the documentation. I do have copies of it here.

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MR. TRUNCALI: Saying that they were not going to use it but they were going to leave it for emergency use?

MS. BROOKS: Right. The previous owner had a personal helicopter and he did apply to the Zoning Board of Appeals to be able to use it on a commercial basis and that was denied. It was after that that the regulations were changed in the Town to require I believe 50 acres for a heli-pad. This heli-pad was installed before then. They don't use it. The signage on it is not great anymore. Still the blacktop pad is there but the H for the helicopter is pretty well worn out. They're not planning on utilizing it but they said they were not planning on removing it because they would like to continue to make it available for emergency services if it were ever required. So the heli-pad use itself is not part of this application. We have to show existing conditions. If it would help matters I can call it existing blacktop pad as opposed to heli-pad. It was previously approved. We have documentation for personal use it's approved.

MS. LANZETTA: The Zoning Board of

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Appeals did approve it?

MS. BROOKS: For personal use only. He wanted to have a commercial business. The owners have no helicopter.

MR. TRUNCALI: Should we have a note on the map for emergency use only?

MS. BROOKS: Whatever --

MR. HINES: The gravel pad makes it better because you're not approving the heli-pad. If emergency services want to land --

MS. BROOKS: I can change it to say existing blacktop pad and remove the heli part. I'm fine with that.

MR. HINES: That way you're not approving a use, if someone shows up and starts landing a helicopter there.

MR. TRUNCALI: Anyone else?

(No response.)

MR. TRUNCALI: This is a public hearing. If anyone in the audience has any questions or comments, please state your name for the Stenographer. Go ahead.

MR. TYLER: Members of the Board, my name is Ron Tyler. I and my wife occupy and own

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2 the lands to the north of the applicant. We're
3 not against anyone using their land for the
4 highest and best use they can get from it. We
5 support strong relationships with our neighbors.
6 We of course aren't land use planning experts or
7 attorneys and we rely on and trust the Board's
8 ability to determine what the appropriate use for
9 lands are.

10 We would ask the Board in consideration
11 of this permit, if they issue the permit, that we
12 be considered as residential landowners abutting
13 what is now becoming a light industrial or a
14 semi-industrial property, and that any impact to
15 us in a residential area be mitigated by standard
16 means such as setbacks, noise abatement,
17 environmental assessments, things of this nature.

18 I hadn't thought about the heli-pad.
19 My wife's family has owned this property for 58
20 years. Since the heli-pad was mentioned, I know
21 there's an enormous amount of land greater than
22 what's in question here necessarily for a
23 heli-pad. Since it was brought up, we wouldn't
24 be too keen on an active heli-pad next door. Of
25 course that stands to reason.

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We are in favor of our neighbors getting the best that they can from their property, and we feel the same way. We want the Board to know that out of hand in principle we don't have any particular complaints to make that would prohibit such a thing.

Basically I'm here to let the Board know how we feel, render our support to our neighbors in the efforts that they're trying to make apparently to make a living with their land, which of course is a great use for it.

We appreciate the Board asking us to give our opinion on how we feel. Thank you.

MR. TRUNCALI: Thank you.

Is there anyone else?

(No response.)

MS. LANZETTA: I did receive an e-mail, which the Board was copied on, from Mr. Garofalo. He put it rather succinctly, his comments. I would like to read them into the public record.

He requests the following be added to the record: One, even if the parking spaces are on gravel, the drawing should show the space and dimensions.

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Two, no accessible spaces are shown.

Three, accessible spaces should be paved and have a paved access route shown.

Four, I believe one or more parking spaces are too close to the heli-pad and a helicopter approach is 15 degrees.

Five, no drive aisle or driveway should pass through a heli-pad landing zone. Most vehicles have zero visibility above them, nor are most helicopters fitted to see through floors.

Six, the site improvement may require State approval as modification of a private heliport. See attached.

Seven, I believe it is appropriate, given the specific expertise regarding heli-pads, that the State or an independent professional consultant with specific expertise should be contacted. The Town's professionals do not have this expertise.

Eight, the height of the building should be shown.

I urge the Board exercise caution in approving this project and suggest consulting independent professional advice. Even though I'm

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not an expert in this field, commonsense suggests here. There were two attachments with more information about heli-pads.

MR. TRUNCALI: If we do away with the heli-pad thing, that answers most of that.

MS. BROOKS: Right. And we will show the dimensions of the parking spaces, we will show the location of the handicap spot within the blacktopped area, because there is blacktop area, and we will add the height. I believe that covers all the rest of the items. That's fine.

MR. TRUNCALI: Is everybody good with that?

MR. CLARKE: Taking away the heli-pad just makes it so much simpler.

MS. BROOKS: Yes. Easily done.

MR. TRUNCALI: If there's nothing else, I'll take a motion to close the public hearing.

MR. LOFARO: I'll so move.

MR. TRAPANI: I'll second.

MR. TRUNCALI: All in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

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MR. LOFARO: Aye.

MR. TRUNCALI: Aye.

Any opposed?

(No response.)

MR. TRUNCALI: So carried.

So we're still waiting for the County
Planning Department. That's outstanding.

MS. BROOKS: Are we back on the agenda
for the 19th?

MS. FLYNN: The 19th.

MS. BROOKS: Thank you very much.

(Time noted: 7:44 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 16th day of August 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

BUTTERMILK SPA EXPANSION

Project No. 18-2012
220 North Road, Milton
Section 103.1; Block 2; Lot 13

----- X

PRELIMINARY - SITE PLAN

Date: August 5, 2019
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
JOSEPH LOFARO
STEVE CLARKE

ALSO PRESENT: JEFFREY S. BATTISTONI, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: THOMAS KENTOP

----- X

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

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MR. TRUNCALI: Next up is Buttermilk Spa Expansion.

Do you want to start with Pat's comments?

MR. HINES: I don't have any new and outstanding comments other than we had some comments at the public hearing. I know the Board had some questions and some notes to be added to the plans regarding clearing and limits of clearing.

We did just recently receive the County Planning comments, which we didn't have last time, which were regarding the septic system which is being addressed with Ulster County.

The accessible parking spaces we also heard about at the public hearing.

We didn't receive any new submittals. The information from the public hearing has yet to be addressed.

The County comments did come in.

MR. TRUNCALI: We don't have any new maps with the changes on there?

MR. KENTOP: I'm sorry?

MR. TRUNCALI: Do we have any new maps

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with those changes?

MR. KENTOP: I submitted the changes.

MS. LANZETTA: You submitted new maps?

MR. KENTOP: Yes. The maps that you have now represent the comments.

MR. TRUNCALI: We're not seeing any maps here.

MR. HINES: The last we have is July 17th. I believe that was before the public hearing.

MR. KENTOP: I hand delivered them myself. It was probably the following day.

MR. HINES: So the public hearing would have been on the 15th. These are the revised ones.

MR. KENTOP: The meeting was the 15th. I modified the drawings on the 16th and hand delivered them.

MR. TRUNCALI: Let's see what we have.

MS. LANZETTA: These are new.

MR. KENTOP: Do you have the rendition that says 7/30/19?

MR. HINES: We have a 7/16 revision.

MS. LANZETTA: 7/16, revised as per

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BUTTERMILK SPA EXPANSION

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Planning Board meeting of the 15th.

MR. HINES: That says June 15th. Maybe that's the confusion. I think the meeting was actually July 15th.

MR. TRUNCALI: It says 7/16.

MS. LANZETTA: No. This is even newer than what we have.

MR. KENTOP: This included the comments from the Ulster County Health Department.

MS. LANZETTA: We don't have this. This is newer than what we have here.

MS. FLYNN: I don't have that.

MS. LANZETTA: We have the one that's prior to this.

MS. FLYNN: I have May.

MR. CLARKE: This one was 7/17 that you just gave us.

MR. HINES: Revision date of July 16th, which was the day after our last meeting. I think you have one that's even more updated. This map does reflect -- it has a note spa expansion shall not cause disturbance to existing vegetation. It will respect the view scape from the Hudson River. It has the accessible spot

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depicted with signage. It looks like it may have been the intent to address the comments. I'm just opening it now. I think that is what the Board was looking for, the vegetation comment and the accessible parking.

We did receive the County comments. With this submission and the County comments I think the Board would be in a position to authorize Jeff's office to prepare a neg dec and approval for the next meeting if so desired.

MR. TRUNCALI: Does anyone on the Board have any questions?

MR. CLARKE: Where is the handicap parking?

MR. HINES: It's shown on the far -- I can probably point it out. It's on the far left of the parking area.

MR. TRUNCALI: Is everybody good?

MS. LANZETTA: Mm'hm'.

MR. LOFARO: Good.

MR. TRUNCALI: If everybody is good, I guess we'll ask Counsel to prepare a neg dec.

MR. BATTISTONI: Okay. For the next meeting.

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MR. TRUNCALI: That should be it.

MR. KENTOP: When is the next meeting?

MS. FLYNN: August 19th. They're on the agenda for August 19th.

MR. TRUNCALI: We forgot about the approval of the stenographic minutes for 7/1. Did everybody have a chance to look at those?

MS. LANZETTA: I'll make the motion to approve those minutes.

MR. LOFARO: I'll second.

MR. TRUNCALI: All in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

MR. TRUNCALI: Aye.

Opposed?

(No response.)

MR. TRUNCALI: So carried.

Does anyone have any other business?

MS. LANZETTA: I want to point out that we have an appendix F on access management. The Town approved a referendum management plan, and so now as we look at projects that are on Route

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9W we need to take into account this access management plan. It's something now that we have to additionally factor in when we look at site plans. The supervisor sent copies for everybody's use.

MR. TRUNCALI: Everybody got a copy of that.

Anything else?

(No response.)

MR. TRUNCALI: If not, I'll ask for a motion to end the meeting.

MR. LOFARO: I'll make a motion to close the meeting.

MR. TRUNCALI: A second?

MS. LANZETTA: I'll second that.

MR. TRUNCALI: All in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. LOFARO: Aye.

MR. TRUNCALI: Aye.

(Time noted: 7:53 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 16th day of August 2019.



MICHELLE CONERO