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

----- X

In the Matter of

GREINER BSD REALTY NY

Project No. 19-3013
96 Idlewild Road, Marlboro
Section 108.3; Block 1; Lots 21.113 & 18.12

----- X

PUBLIC HEARING
SUBDIVISION/LOT LINE CHANGE

Date: February 18, 2020
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO

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

APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

----- X

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

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

(Pledge of Allegiance.)

CHAIRMAN BRAND: Agenda, revised 2/14/20 for the Town of Marlborough Planning Board, February 18, 2020. Regular meeting, 7:30 p.m. Approval of stenographic minutes for 1/21. On the agenda this evening, Greiner BSD Realty, 96 Idlewild Road, a public hearing for a subdivision/lot line; Smith Subdivision, First Street, Milton, extension for a subdivision; Young, David and Susan, 50 Millhouse Road, Marlboro, sketch, subdivision; Chestnut Petroleum, SWPPP, site plan. The meeting obviously is held upstairs. The next deadline is Friday, February 21st. The next scheduled meeting is Monday, March 2, 2020.

I'd like to have a motion to approve the stenographic minutes for 1/2.

MR. CAUCHI: I'll make that motion to approve the stenographic minutes for 1/21.

CHAIRMAN BRAND: Is there a second?

MR. GAROFALO: I'll second.

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CHAIRMAN BRAND: Any discussion?

(No response.)

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MR. GAROFALO: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So moved.

Before we begin, I would just like to read into the record that I do have some professional training hours completed by Member James Garofalo. He took the one-hour Aging In Place course, he took the two-hour Planning Board Overview, and he took the one-hour Public Meetings and Hearings. He has documentation for all of those courses.

First up, Greiner BSD Realty, public hearing, subdivision/lot line.

"Legal notice, subdivision application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the

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GREINER BSD REALTY NY

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State Environmental Quality Review Act, SEQRA,
and Town of Marlborough Town Code Section 134-9
on Tuesday, February 18, 2020 for the following
application: Greiner BSD Realty NY, 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 seeking approval of a four-lot
subdivision application for lands located at 96
Idlewild Road, Section 108.3; Block 1, Lots
21.113 and 18.12. Any interested parties either
for or against this proposal will have an
opportunity to be heard at this time. Chris
Brand, Chairman, Town of Marlborough Planning
Board."

So the ball is in your court first.
The mailings. I know we just talked about them.

MR. SCALZO: Mr. Chairman, I have 24
out, 19 back. I will hand these off to Jen.

CHAIRMAN BRAND: Thank you.

Since this is a public hearing, if you
want to go over very quickly what it is you're
doing. I'm not sure if anyone is here for the
public hearing.

Is anyone here for the public hearing?

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(No response.)

CHAIRMAN BRAND: All right. I guess we can go ahead and skip that.

Pat, did you want to run through your comments?

MR. HINES: Sure. A lot of them are addressed in Jeff's resolution.

There's a common driveway access and maintenance agreement that's required.

Three of the lots share the existing access road off of Idlewild Road into the lots, as well as there's some cross utilities that need to be addressed through easements as well.

CHAIRMAN BRAND: Just to interrupt. We received that today?

MR. SCALZO: You did not.

MR. HINES: Those are going to be subject to -- usually that's a condition of approval.

MR. SCALZO: The information I provided was just what had been requested for proof of the Schlager and --

MR. HINES: Which is my comment 3.

MR. SCALZO: -- Kalfa lots.

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MR. HINES: There are a couple roadway dedication parcels. Similarly, those will need to be approved. There will be need for offers of dedication for those as well, reviewed by Jeff's office.

My comment 3 has to do with there were comments from the Planning Board regarding the rights of Kalfa and -- however Darrin just said that word.

MR. SCALZO: Schlager.

MR. HINES: Those easements. They've been provided to Jeff's office, and there are actual filed instruments giving those folks rights of access. I'll let Jeff speak to that.

There's a metes and bounds missing. It may just be a projection of that line. It just needs to be on the filed map.

And then the highway superintendent sign off on the access drive. I believe we did receive something.

MR. SCALZO: Yes. At the last meeting I gave the correspondence from Gael Appler to Jen.

MR. HINES: With that, our comments are

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addressed with the exception of those which are post-approval conditions.

CHAIRMAN BRAND: Jeff.

MR. BATTISTONI: I did review the deeds for Kalfa and Schlager. There is access for both of those parcels to this right-of-way.

There is a roadway maintenance agreement, so I'm satisfied with that. That doesn't need to be a condition of the resolution, and it's not a condition in the resolution I submitted to you.

Other than that, I have a neg dec resolution ready and an approval resolution. I built into it the comments from Pat's letter.

CHAIRMAN BRAND: Great. Anything from the Board at this time?

MR. LOFARO: No.

MR. GAROFALO: No.

MR. CAUCHI: No.

MR. TRAPANI: No.

CHAIRMAN BRAND: No. So I would like a motion to close the public hearing.

MR. TRAPANI: I'll make that motion to close the public hearing.

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MR. GAROFALO: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MR. GAROFALO: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Jeff had prepared for us and we have the shortened EAF form, part 2 impact assessment that basically says there is no impact or a small impact. He's already completed the SEQRA negative declaration and notice of determination of non-significance for the application of the Estate of Ernest B. Greiner and BSD Realty NY, LLC for a four-lot subdivision.

Jen, would you poll the Board.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

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MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: You also have before you the resolution of approval by the Town of Marlborough Planning Board for the application of the Estate of Ernest B. Greiner and BSD Realty NY, LLC for the four-lot subdivision.

Jen, would you poll the Board again, please.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Cauchi?

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MR. CAUCHI: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

CHAIRMAN BRAND: We also have, in accordance with this, recreation findings for the Town of Marlborough Planning Board. Whereas the Planning Board has reviewed a subdivision known as Greiner BSD Realty with respect to real property located at 96 Idlewild Road, Marlboro in the Town of Marlborough; Chairman Brand offered the following resolution which was seconded by Member Cauchi. Thank you. It is hereby resolved that the Planning Board make the following findings pursuant to Section 277 of the Town Law. Based on present and anticipated future need for park and recreational opportunities in the Town of Marlborough and to which the future population of the subdivision will contribute, parkland should be created as a condition of approval of this subdivision. However, suitable park of adequate size to meet the above requirement can not be properly located within the proposed project site. Accordingly, it is appropriate that in lieu of providing parkland, the project

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sponsor render the Town payment of a recreation fee to be determined in accordance with the prevailing schedule established for that purpose by the Town of Marlborough. This approved subdivision known as Greiner BSD Realty resulted in three lots for a total of \$6,000 in recreation fees, present parcel excluded. Whereupon the following vote was taken:

Jen, would you poll the Board.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

I believe you're all set, sir.

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MR. SCALZO: Thank you very much.

Will I need to appear before the Board
again or is it just submission to the engineer?

MR. HINES: Just the sign off.

CHAIRMAN BRAND: I'll review the map,
sign them and you're on your merry way.

MR. SCALZO: Thank you very much.

(Time noted: 7:40 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 26th day of February 2020.



MICHELLE CONERO

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

----- X

In the Matter of

SMITH SUBDIVISION

Project No. 17-1017
First Street, Milton
Section 103.1; Block 4; Lot 47.130

----- X

EXTENSION - SUBDIVISION

Date: February 18, 2020
Time: 7:40 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO

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

APPLICANT'S REPRESENTATIVE: DOUG SMITH

----- X

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

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CHAIRMAN BRAND: Next up, Smith
Subdivision, extension, First Street in Milton.

Pat, do you have anything for this?

MR. HINES: I don't. We looked at the
timeframes and the conditions of approval. Most
of the conditions of approval have been
addressed.

I think we're waiting for Health
Department, is the only outstanding --

MR. SMITH: Ross is going to get that.
I've given Jen the rec fees, the performance
bond. All the improvements are complete. We're
just pretty much waiting on Dan Rusk to finish it
up and file the maps.

CHAIRMAN BRAND: What is the extension
you are seeking?

MR. HINES: It's a 90-day.

CHAIRMAN BRAND: 90-day. And that
would be dated to the approval date?

MR. HINES: Yes. It's their second
one.

CHAIRMAN BRAND: Right. You look like
you're questioning it.

MR. BATTISTONI: It is their second 90-

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SMITH SUBDIVISION

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day extension, yes.

CHAIRMAN BRAND: Do they have another
90 after that?

MR. SMITH: That's not necessary. I'm
just pretty much waiting on Dan Rusk to file the
maps.

MR. BATTISTONI: There isn't a limit.

CHAIRMAN BRAND: No limit. Just for my
own knowledge.

Can I have a motion to approve -- I'm
sorry, Mr. Garofalo.

MR. GAROFALO: Can I comment?

I think it would be a good idea,
because there was some ambiguity in some of the
letters about the date, that it's made clear to
the applicants exactly when the first date
starts. I'm not sure if the application for the
extension has to be in before that date or we
have to vote before that date. I think it should
be made clear exactly what the process is to the
applicants in the future so that they know
they've got to get this in in a certain time. If
an extension is ever going to be denied, the
chances are it's going to be denied because they

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didn't file it on time. I think it would behoove us to make sure that the applicants know when that date is so that when they make the application they can refer to the specific date and the specific extension. Is it the first extension, the second extension. That it be made clear in their letter. I think that would also help our legal counsel because he's not going to have to go look it up, it will be right there because we've told him this is what it is. It will be in the record. They have to get a piece of paper telling them when the clock starts. I think --

CHAIRMAN BRAND: That's the first approval. Generally as long as their request is in before that expiration date, then we honor that as the extension.

MR. SMITH: If I may. It was clear when the expirations and dates were. It was just a matter -- this was a last-minute request because Dan Rusk just didn't have the time to physically go do the paperwork and file the maps before this date. I think it was yesterday.

MR. GAROFALO: I'm not complaining

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SMITH SUBDIVISION

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about yours.

MR. SMITH: We were clear. The Planning Board made it clear what the dates were, what the 90-day period was. It was very clear. This request was last minute just because Dan Rusk wasn't going to have the time to physically get them filed before yesterday.

CHAIRMAN BRAND: That was the purpose of my comment as well. Just so you know the 90 days would go from when the last 90 days extended. Jen has all of those dates.

MR. GAROFALO: Thank you.

CHAIRMAN BRAND: That being said, can I have a motion to grant the Smith Subdivision a 90-day extension?

MR. LOFARO: I'll make that motion.

CHAIRMAN BRAND: Member Lofaro.

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: A second. Any further discussion?

(No response.)

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MR. GAROFALO: Aye.

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SMITH SUBDIVISION

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: So moved.

MR. SMITH: Thank you, everybody.

MR. BATTISTONI: Chair, you just took a motion. There's a resolution in the file. Was the motion to pass the resolution?

CHAIRMAN BRAND: I apologize. I looked over that. I do have that.

MR. BATTISTONI: I'll slide it up to.

CHAIRMAN BRAND: We do have an application of Douglas Smith for a five-lot subdivision. The resolution is to grant extension of the conditionally approved plat by the Town of Marlborough Planning Board. It does include all the dates.

Jen, would you poll the Board.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Lanzetta?

CHAIRMAN BRAND: Absent.

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SMITH SUBDIVISION

MS. FLYNN: Mr. Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Mr. Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Mr. Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Mr. Clarke?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Mr. Cauchi?

MR. CAUCHI: Yes.

CHAIRMAN BRAND: Now we are official.

Thank you, Jeff.

MR. SMITH: 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 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 26th day of February 2020.

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

DAVID & SUSAN YOUNG

Project No. 20-4002
50 Millhouse Road, Marlboro
Section 108.4; Block 5; Lot 20.21

----- X

SKETCH - SUBDIVISION

Date: February 18, 2020
Time: 7:45 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO

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

APPLICANT'S REPRESENTATIVE: JAY SAMUELSON

----- X

MICHELLE L. CONERO
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CHAIRMAN BRAND: Next up, Young, David and Susan, for the sketch of a subdivision for 50 Millhouse Road, Marlboro.

How are you tonight?

MR. SAMUELSON: I'm good. How are you?

CHAIRMAN BRAND: I'm well. Thank you.

MR. SAMUELSON: For the record, Jay Samuelson, Engineering Properties.

We have, I'll call it another unique application. There are two current residential dwellings, one here in the Town of Newburgh, one here in the Town of Marlborough, all owned by one family.

CHAIRMAN BRAND: That diagonal line?

MR. SAMUELSON: This is the county/town line that runs diagonal through the two pieces of property.

We're proposing to create four residential dwelling lots by the time we're done.

We have made the application to the Town of Newburgh, appeared there last week, two weeks ago. We had a brief discussion with them.

So we have an existing dwelling here. We're proposing a new lot to the east of that

1 with a completely -- wholly the lot would be
2 within the Town of Marlborough. This existing
3 dwelling would retain this piece here in the Town
4 of Newburgh. This existing dwelling would
5 maintain its existing driveway that comes out to
6 Milton Turnpike through -- not Milton Turnpike,
7 Millhouse Road through Marlboro. We would have a
8 fourth lot here. We do have it labeled not as a
9 building lot on this map, but based upon Pat's
10 comments we will pursue getting an approved
11 building septic and well location. To make
12 things simpler, we will locate that building, and
13 lot, and house, and everything within the Town of
14 Marlborough so we can just stick with the Ulster
15 County Health Department rather than trying to
16 get two septics approved, one in Ulster, one in
17 Newburgh. We will revise the plan to show a
18 house and septic within the Town of Marlborough
19 for this lot.

21 At this time it's just a conceptual
22 subdivision. It's our first initial application
23 to show you what we're planning.

24 MR. CAUCHI: What would you do, pay
25 taxes to both counties?

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MR. SAMUELSON: That's currently what happens now. Currently there's a tax lot here, a tax lot here and a tax lot there. There are three tax lots now. This is one tax lot.

MR. HINES: One deed.

MR. SAMUELSON: This is one deed. This is a separate deed.

MR. GAROFALO: Marlboro is to the north?

MR. SAMUELSON: Marlboro is to the north of the page, yes.

Like I said, there's an existing dwelling here in Newburgh. It gains its access from Millhouse, through a driveway that cuts through the piece in Marlboro.

This house here is completely within Marlboro. They're looking to retain part of the piece in the back just for their own privacy. No intentions to build on it. I don't think it's actually buildable anyway. That's just for them to maintain some privacy and seclusion.

CHAIRMAN BRAND: Do you want to run through your comments, Pat?

MR. HINES: Sure. I provided you a

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copy of the Town of Newburgh comments. They are different because there are different regulations and procedures in both municipalities and counties.

Our first comment just says exactly that, it's the town line for both municipalities, as well as the county line running through there.

All the proposed driveways are in the Town of Marlborough, or enter the streets in the Town of Marlborough. The highway superintendent in Marlborough should weigh in on those.

Jay talked about lot 4. It was labeled as not a building lot. It's less than 5 acres in size. By definition it would become a building lot, so a well and septic, a house location and driveway and such needs to be shown on there.

The Town of Newburgh did have a brief discussion regarding lead agency for the project.

Jay just eluded to the fact that the house on lot 4 is going to be located in the Town of Marlborough. More of the structures are now located in the Town of Marlborough. I'll leave that up to the Board to discuss. I didn't know where the house location was going to fall. It

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was kind of a fifty/fifty split there before.
With what I heard tonight, the house may be in
Marlborough, it would make more sense that
Marlborough be the lead agency with Newburgh an
involved agency.

We're recommending that the parcels
expanding municipal lines be connected with some
form of recorded instrument. It's the very issue
you said, how do you pay taxes in both
municipalities and counties. If you don't pay in
one they will tax foreclose on a portion of your
lot which then may create an issue for access.

MR. SAMUELSON: Especially for lot 3.
I agree.

MR. HINES: There needs to be some kind
of filed instrument that the lots are together
and forever. I don't know how you're going to
run a county tax foreclosure issue if it does
occur.

MR. SAMUELSON: I have talked to the
applicant's attorney and they're looking into it
and will try to come up with something.

MR. HINES: They're going to have tax
sections, blocks and lots in both municipalities

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and both counties. I've seen it done before where people did such a thing because they had wetlands across a town line and subdivided it off. Now you get a swamp parcel in the back. That's not the case here. We just want to make sure we can somehow tie these together in perpetuity.

The septic for lot 1 needs to go to Ulster County.

It appears now lot 4 will also go to Ulster County for their septic approvals.

The EAF identifies the project as in an archeologically cultural sensitive area. Obviously it's in close proximity to the Gomez Millhouse, which is why the lead agency coordination comes up, because that makes it a Type 1 action, within 200 feet of that national historic registry site. We will be reviewing this as a Type 1 action which requires coordinated review. If you decide that you're going to exercise your lead agency tonight. I'm not saying that Newburgh won't also.

Lot 3 has a similar comment, insufficient lot width. We need to show it's not

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a building area where it isn't sufficient.

The project will have to go to Orange County Planning. Orange County does review subdivisions. I believe Ulster County does not. Orange County Planning will have to review that, and that will be submitted through the process in the Town of Newburgh. As I just said, Ulster County Planning doesn't review subdivisions for residential lots. They have that agreement with you folks. It does need to go to Orange County Planning.

Just for your use, there are similar but not exactly the same comments I gave to the Town of Newburgh. The comments I prepared for them as well as for your use.

The only action you could take tonight would be possibly to declare your intent for lead agency and circulate that, now that you know the houses are both new structures that are in Ulster County, Town of Marlborough.

MR. SAMUELSON: There are no new improvements in Newburgh. It would be my preference that you guys are lead agency.

MR. HINES: I didn't have that

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information until five minutes ago.

MR. SAMUELSON: That's fine.

CHAIRMAN BRAND: Jeff.

MR. BATTISTONI: I was going to recommend to you that you declare your intent to be lead for those reasons. The driveways are all in Marlborough as well. You would declare your intent to be lead agency. You circulate a notice to the Town of Newburgh. If the Town Planning Board of Newburgh wanted to challenge you on it, they could. I don't know that they would.

MR. HINES: I know their consultant.

Not only that, because it's a Type 1 action it has to get circulated to DEC by default, and also Parks, Recreation and Historic Preservation. Ulster County Health Department as well. So there will be -- I'll do the notice, once you decide that, to help Jen with the circulation.

CHAIRMAN BRAND: Does the Board feel as though we should declare ourselves lead agency for this application based on what was discussed?

MR. CAUCHI: I think so.

CHAIRMAN BRAND: I'd like to have a

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motion to declare the Marlborough Planning Board
as the lead agency.

MR. HINES: Your intent.

CHAIRMAN BRAND: My intent.

MR. GAROFALO: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MR. GAROFALO: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

MR. HINES: If within 30 days of
mailing that notice no one objects, you become
it. Or they can weigh in and say they're okay
with it.

CHAIRMAN BRAND: I would think we do
want the Ulster County Planning Board to look it
over.

MR. HINES: It is a unique situation.
You always have the ability, which is what I had

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in my comment.

CHAIRMAN BRAND: I would think we definitely would want to do that, see their comments, due to the proximity and the situation. This is the first that I've ever --

MR. HINES: That's really the role of County Planning, to look at intermunicipal issues. You can't come up with one better where two towns and county lines come together as an intermunicipal issue.

CHAIRMAN BRAND: Any other comments from the Board?

(No response.)

MR. SAMUELSON: Before you circulate I'd like to revise that to show the house in Marlborough and circulate that plan. I can get you that by later this week.

MR. HINES: Whenever. It's in your court then. I'm okay with it.

MS. FLYNN: Do you want to get back to me to send to Ulster County?

MR. SAMUELSON: I will get you whatever number of copies you need. Yes.

CHAIRMAN BRAND: Okay. Thank you.

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MR. SAMUELSON: Thank you.
(Time noted: 7:50 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 26th day of February 2020.



MICHELLE CONERO

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

----- X
In the Matter of

CHESTNUT PETROLEUM

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

----- X

SWPPP - SITE PLAN

Date: February 18, 2020
Time: 7:50 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
JOSEPH LOFARO
MANNY CAUCHI
JAMES GAROFALO

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

APPLICANT'S REPRESENTATIVE: THOMAS HARVEY, PAUL JON

----- X

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

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CHAIRMAN BRAND: Next up, Chestnut
Petroleum, SWPPP, site plan.

MR. HARVEY: Good evening. My name is
Tom Harvey, I'm with CPL. I'm the civil engineer
to the project. This is Paul John.

I've got plans. There haven't been any
big changes but I can go over it if you'd like.

CHAIRMAN BRAND: Yes.

MR. HARVEY: Based on the comments we
had, we prepared a response letter on how we were
going to address those comments. There weren't
too main things. Mainly cleaning up the parking
flow or the drive flow inside the site so it
corresponds with the highway flow, one way in
coming south, one way out going south.

We also adjusted the plantings to
provide a mix of trees in the back there, in case
something died they didn't all die.

Beyond that, we're expecting to receive
the approval for the water and sewer as soon as
they issue a letter for us. I guess the water
department was going to issue that letter.

I don't think there are any other
significant comments to address.

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CHAIRMAN BRAND: Did you clarify the sidewalk issue?

MR. HARVEY: We're showing the proposed sidewalk all the way across the front of the expanse of the site.

CHAIRMAN BRAND: The actual site?

MR. HARVEY: Yes.

CHAIRMAN BRAND: Pat, why don't you run through your comments first.

MR. HINES: Our first comment is the detail regarding the modification to the stormwater pollution prevention plan. They had originally identified a proprietary product called a Jellyfish which is a filter product. They ran into the rock issue that I think everyone is aware of having driven by the site. That would have required extra blasting and additional rock removal in the vicinity of the Town's water main and some other infrastructure there. They've provided a different proprietary product which is a swirl concentrator product. It is listed on New Jersey's approved list which New York adopts as their approved list.

In addition to that, they're going to

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place stormwater filters, the filtering product, from, of all things, of New Pig Corporation. It is a nationally known manufacturer of proprietary oil and spill management products. So they're going to put those in there.

We're suggesting the stormwater facilities maintenance agreement be executed which protects the Town as a regulated MS-4 and ensures that there's periodic inspection and maintenance of those facilities. Those documents will be filled out and filed with the Ulster County Clerk's office which become enforceable for the Town and allow for inspections and annual reports.

We did receive Ulster County Planning's comments. One regarding the lighting, which was a comment we heard previously on the site, and that lighting was adjusted pursuant to that comment. They have not changed the lighting on the site since your previous approval and previous review of the plans. That addresses that County comment.

As well, the County commented on, as the applicant's representative just said, there

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was two-way parking arrows throughout the site which were a remnant of the two-way parking. Now it's right in and right out only southbound.

MR. HARVEY: All the interior parking, except where you're exiting the drive-thru which comes east, is all pointing south.

MR. HINES: Which will assist the people in knowing that it is a right in/right out only.

The retaining wall comment I have is more for the building department. They did change the retaining wall. Previously there was a combination of segmented block and a soil nail system where they would drill in and grout kind of rods in to hold the material. They did do geo-tech work, but when they exposed the actual work in that area the rock was higher up in elevation.

MR. HARVEY: It varied. It was higher up.

MR. HINES: They were able to modify that. We're suggesting the building inspector be given an as-built certification from the designer of that.

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The water and sewer plans by Brinnier & Larios. We received a letter from Charlie Muggeo, the water superintendent, stating that he had been out there and witnessed the installation of those utilities. That was from the water superintendent actually. Brinnier & Larios' final sign off of the sewer should be done. Brinnier & Larios did a lot of design work for the Town on that sewer line.

We commented previously on having all the one species of Colorado Blue Spruce. They have now put a mix of evergreens in the rear of the property where the septic system previously was in order to provide some screening. The mix is there in case one of the species doesn't do well there or has some sort of disease or other pest issues that may impact them, you don't lose all of your landscaping all in one fell swoop there.

CHAIRMAN BRAND: That's creating a buffer all across the back?

MR. HARVEY: All the way behind the building.

MR. HINES: Again, it takes a little

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while for a buffer to fill in. Smaller trees do better than bigger trees. They often don't do as well. Eventually it will be a thick buffer. When the septic was there there was going to be nothing.

CHAIRMAN BRAND: Correct.

MR. HINES: The removal of the septic gave them the ability to do some planting back there.

CHAIRMAN BRAND: Jeff, did you have anything on this?

MR. BATTISTONI: I'll mention a few things. You have an amended resolution of conditional approval in front of you. It states that the old resolution continues except as amended by this one.

You are waiving a public hearing.

You're not conducting any further environmental review, which says so here in the resolution, and that's okay.

You've already issued a neg dec, and these changes are not viewed as creating any larger impacts as to what was approved before.

You are technically overriding the

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recommendations by the Ulster County Planning Board, so you will need a majority plus one vote in order to do that. So you have five people here tonight. All five have to vote in favor in order for this to pass.

Those are my comments.

CHAIRMAN BRAND: What specifically, other than the lighting -- I know the only other question --

MR. HINES: That's the one.

MR. BATTISTONI: It's the lighting. You had addressed that previously. I think they made that comment previously and you overrode it then. It is still in their letter.

CHAIRMAN BRAND: The new one also indicates that recommendation is -- under required modifications it was recommended that the applicant and Town consider an angled approach to the canopy. Obviously the canopy is already built.

MR. BATTISTONI: It's already been built.

CHAIRMAN BRAND: That would be considered something to override as well?

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MR. BATTISTONI: I think so. As a matter of fact, my resolution doesn't say that. We may want to add that at the end, that the canopy has already been built and you don't want to require the applicant to change it.

MR. HINES: It was built under the original site plan approval.

CHAIRMAN BRAND: You're comfortable with the traffic movement the way --

MR. HINES: Right in/right out. It was just the directional arrow that changed.

CHAIRMAN BRAND: I mean they wanted it angled. You're satisfied that --

MR. HINES: We looked at that. We looked at the traffic coming in and out previously.

MR. HARVEY: Also to add to that, there are lanes on either side of the island -- on either side of the pump canopy. There's a good chance they'll be entering that from either the front or the back. That allows to keep everything moving to the south.

MR. HINES: You want them to do that. Keep those pumps running.

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MR. HARVEY: If you angled it that way you wouldn't be able to do that.

CHAIRMAN BRAND: Comments or questions from the Board?

MR. GAROFALO: I have some comments.

CHAIRMAN BRAND: Please.

MR. GAROFALO: On drawing 1 of 12, thank you for putting in some additional information on the data table. You indicate two areas where the proposed did not meet the required and that there was a variance granted. However, on the rear it says there's a requirement of 75 feet and you're proposing 47 feet. It's not indicating that a variance was granted. I'm concerned about what's going on there with the fact that the existing is 104 and now it's saying you're going to go less than the required distance.

MR. HINES: That's not the case. The rear yard is way back.

MR. GAROFALO: Okay. There may be an error in the --

MR. HARVEY: We can fix that. That's surprising to me.

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MR. HINES: It's significant because the septic system and the wall and all that is in between.

MR. HARVEY: There's probably over 100 feet back there.

MR. HINES: There is at least.

MR. GAROFALO: Okay. The height limitation bar, which is shown on 12, is shown at 10 feet high. I believe that part of the reason for that height limitation bar is, because on the other side you have the awning that's sticking out, so vehicles know that they can't go under because they'll hit the awning. Unfortunately the limitation bar is at 10 feet and the awning is 9 feet 4 inches, which means you could easily pass underneath that bar and still hit your awning. So I think that that needs to be adjusted.

MR. HINES: There was a piece hanging down from that, wasn't there?

MR. GAROFALO: Yes. That's what's at 10 feet. That's being shown as being at 10 feet and it should be lower than that. Ideally -- I mean the way it's drawn you could drive around

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that. I don't think that's really a good idea. I think it would have been better off actually covering more of that so that someone couldn't just drive around it, which is what normally happens. You put a speed bump and people drive around it.

CHAIRMAN BRAND: What's the height of the canopy?

MR. GAROFALO: 9 feet something.

MR. JON: If I may help in that regard. The way Dunkin Donuts has the window, there will be an awning over it. So it's one piece that is covered. The window sticks out and it's covered. There is no separate awning.

MR. HINES: You're not driving over anything.

MR. JON: You won't be driving or hitting anything.

MR. HARVEY: You won't be driving under anything.

MR. GAROFALO: It's not really clear from the drawing that there's a curb there, that they're not driving under that awning.

The Town, in their highway design for

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Route 9W, looked specifically at the idea of making connections between properties. In their document they specifically look at this property making a connection to the north, although I think it's perfectly valid to make one to the south. You don't have to show those connections now but I think there should be an easement in there for the future, that if these properties are developed differently, that you could make those connections. If you don't have any kind of an easement there, the next person will come in and they can't make the connection because there's no easement. I think there should be an easement in both directions. The fact of the matter is they have two more parking spaces than they need. Certainly that would be one of the things you would look at. An easement to the south, if they really need the parking spaces then you're not going to force them to have that connection. Certainly to the north, which is specifically in the Town plan, I think there should be an easement put there so that a future connection could be made when this other property is developed. We don't know when it may be

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CHESTNUT PETROLEUM

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developed. It may be thirty, fifty years.

CHAIRMAN BRAND: Isn't that the road there?

MR. HINES: It's a very steep grade.

MR. GAROFALO: We don't know how this is going to be developed. I think it's a very good idea to put that in just in case.

CHAIRMAN BRAND: Am I mistaken in thinking the Dunkin Donuts property goes right to the street?

MR. GAROFALO: No.

MR. HINES: It doesn't. There's 150 some feet.

CHAIRMAN BRAND: Is that a significant buildable space?

MR. HINES: I don't know. I don't know how this easement works because it doesn't get you anywhere. I understand if the two parties cooperate, I'm with fine with that. Otherwise they would need an easement across the entire parcel to get anywhere.

MR. GAROFALO: We don't know how this other parcel is going to --

MR. HINES: I understand what you're

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saying.

MR. GAROFALO: When they get developed, even if it's fifty years from now, if there's an easement which says --

MR. HINES: An easement where?

MR. GAROFALO: An easement --

MR. HINES: You don't know where the easement is going to be. As you just said, we don't know how the parcel is going to develop.

MR. GAROFALO: Well the easement is going to be here. It's obviously not --

MR. HINES: It would have to go out to a public street in order to be a functional easement. They wouldn't have a right. Their right would stop at someone else's parking lot.

MR. GAROFALO: You'd have cross easements into the different parking lots so that you could go from one --

MR. HINES: You would have to get an easement across the whole parcel.

MR. GAROFALO: You make an easement here so the people here can go this --

MR. HINES: I know what you're saying. The easement would have to go across the entire

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parcel to a public street. You're giving a neighboring property a right to traverse someone else's property to where?

CHAIRMAN BRAND: If the next parcel was developed and they proposed --

MR. HINES: If they got along together and proposed something and each parcel thought it was a good idea, it could be done. To put a legal encumbrance on a property that you don't own --

MR. TRAPANI: You don't own.

MR. HINES: You may not want to own. I'll let Jeff speak. You need to get them from wherever you want to put this proposed easement out to a public street in order for that easement to function, because otherwise they could block off the whole rest of the parking lot. You'll have a 20-foot wide easement to nowhere.

CHAIRMAN BRAND: And to the south.

MR. GAROFALO: It would have to be done with agreement from both parties.

MR. HINES: We don't have both parties here, though.

MR. GAROFALO: But in the future there

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would be no reason for this party to agree to any kind of connection.

MR. HINES: There may be if it increases their business. There's always reasons to do it. I think it might make sense to them in the future. I worry about putting a perpetual easement on a plan that may or may not function and that may or may not get them to where they can use it.

MR. GAROFALO: Okay. Next, on 3 of 12 you've moved the bicycle parking. I understand why you moved the bicycle parking with that piping that's going to go there. It probably is a good idea.

MR. HARVEY: The sewer pump station is going to be there.

MR. GAROFALO: It is a good idea to move the bicycle parking. What I think was misunderstood was when I asked for bicycles to be able to be locked to it, I did not intend for there to be a locking mechanism on the bicycle parking. I intended the people with bicycles would come with their own lock and would lock up to it.

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MR. HARVEY: Okay.

MR. GAROFALO: The only time that you have the locks actually on the bicycle parking is when you have a system like in New York City where they physically rent the bicycles and you pay to get it unlocked. That's when you have that kind of system. I'm not looking for locks to be on it. Certainly the Wave isn't the best one because it's only got one point of contact with the bicycle and therefore it's more likely for it to tip over. It's better to have two points of contact with the bicycle than one. I think that's something for the Board to think about in the future. My idea was not that there would be a lock on the rack but that the people will bring their own locks to lock up the bicycle, which is the normal thing that occurs.

I wasn't sure whether you intended to have that on grass or if that was going to be a paved area.

MR. HARVEY: Our intention right now is that would be a grass area.

MR. GAROFALO: Okay. On drawing 4 of 12 you've put the crosswalk in. What I wasn't

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sure of was at the end near the building, whether there was going to be a ramp here or whether that was going to be flush.

MR. HARVEY: It's going to be flush. We detailed that on the grading plan with spot grades to show that. Now the whole front parking is all flush. That's how we got bollards there. That's CBD's new standard, the whole sidewalk in front of the building will have a flush transition. People won't be tripping over the curb cut.

MR. GAROFALO: So the part next to the accessible ramp is going to be --

MR. HARVEY: I don't know if you can see that dashed line there. That represents a dropped curb. It will be a flush transition there.

MR. GAROFALO: Okay. On 6-12 you show what looks like the access to the back part, which I'm not sure you're going to need to get up there or not. I'm not sure what you're going to be planting up there. Before it was going to be -- you were probably going to have it grassed because of the septic system. I was wondering

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whether or not you wanted to have the curb there or not so that if you're going to bring up a mower or something you don't have to go over the curb. Whether you would want to not have that curbed.

MR. HARVEY: I do believe we show a curb stopping right by the welcome sign. There is a place where there is no curb.

MR. GAROFALO: Where you have the --

MR. HARVEY: Right by the W in the "Welcome Back."

MR. GAROFALO: Where you have it going up --

MR. HARVEY: Right. It doesn't show any curb from there up until the curb starts at the bottom of the rock, right past the bike rack. Where there's a double line, there's a curb. Where there's a single line, there isn't.

MR. GAROFALO: I want to thank you for making those changes with regard to the accessible parking.

On drawing number 2 you put in the sign table. Two of the signs, the do not enter and the stop sign, you show at a height of 114.

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You're showing the maximum regulation at 60. I don't think that the 114 is bad because the uniform traffic control devices, even though it doesn't apply to your site, suggests keeping those signs high so the people don't hit their head on them. What I am concerned about is what our regulations actually say, if they're actually saying they should be at 60 inches. That is something that I'm concerned about within the sign regulation table.

MR. HARVEY: When we identified those as directional, my understanding was directional signs didn't need to meet those regulations.

MR. GAROFALO: Right. They're noncommercial signs. I think there's a footnote in one of the tables -- in one of the zoning tables that may refer to something that may not even be in the tables. What I'm concerned with here is that you're showing that the maximum should be 60 and I'm questioning whether or not that's actually true. I'd like to have that clarified, whether that actually is 60 or not 60. I don't have any problem -- I don't actually have a problem with the sign being at 114, but I'm

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concerned whether or not our regulation is saying it's actually 60.

MR. HARVEY: Perhaps for all those directionals it would make more sense if we did the NA instead of the 60 when we're talking about directional heights. Would that make it more clear?

MR. GAROFALO: I think that would make it more clear. I don't know if that's actually the case, because I think they specifically have a note on noncommercial signs. Maybe you should take a look at that and see what the regulations actually refer to.

The stop sign on 8-4 -- 8-12, I'm sorry, shows a stop sign being embedded with a footing of concrete and a galvanized post. Being a traffic person, I hate to see signs like this because I know if somebody hits that they're probably going to damage their car, even at a low speed. I certainly prefer to see what's used on normal streets, which is a post that's connected to another post, so that they can just be knocked over without any damage, and it's easy to put up. I am a little concerned about the design of that

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sign. I think you might be better off not doing that because when somebody hits that they're going to hurt their car, and you're probably going to have a harder time putting that sign back up if they actually knock it over, which would not be an easy thing to do.

MR. HARVEY: I don't see us having any objection to changing out that detail.

MR. GAROFALO: That's it. Thank you.

CHAIRMAN BRAND: Jeff, did you have anything to add?

MR. BATTISTONI: I would like to add a sentence to the resolution that I prepared. If you flip to the last page, the only full paragraph there begins "The Ulster County Planning Board recommended." Right at the end of that, if we can add the following words, "The canopy has already been built pursuant to the original approval, so the Board does not want to require a change to the approach."

CHAIRMAN BRAND: A change to the approach.

MR. BATTISTONI: Right. The Ulster County Planning Board had recommended an angled

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approach. You're saying you're not going to require that.

CHAIRMAN BRAND: Okay.

MR. GAROFALO: What's the distance from the parking, in facing the building, back to where cars would be parked? What is that distance that was -- it was made to be two-way. Something that looks like it's going to be two-way, people are going to drive it that way. Certainly you need distance to back up. I guess what I'm getting at is is there an opportunity here, if that's going to be one way, for you to move it a little further away from the building and maybe actually get you some room to do something in front of the building?

CHAIRMAN BRAND: What are you referring to? Moving what?

MR. GAROFALO: In other words --

MR. HARVEY: The canopy or the building?

MR. GAROFALO: In other words, here this is supposed to be two-way. You're going to have the cars coming in and pulling in to your pumps.

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MR. HARVEY: The canopy pumps. Yup.

MR. GAROFALO: Is there enough room here in terms of their backing up -- being able to back up, that if this were one-way, that you could move this another foot away from the building and maybe get yourself a little bit more room on your --

MR. HARVEY: I think that the amount you'd need to back up, I think it was around 24 feet. I can confirm that. I don't think you could get away with much less than that and still be able to make your turn backing out without running into cars parked at the pump. That's a typical number for backing out of a spot.

MR. HINES: The dual drive-thru lanes were 24.

MR. HARVEY: Right. We didn't change any of that. I think you need all of that to back up, especially with the size truck I have, a Tundra.

MR. HINES: I have a Suburban.

MR. GAROFALO: If I don't ask the question, I don't get the answer.

MR. HARVEY: Understood.

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MR. GAROFALO: Thank you.

CHAIRMAN BRAND: Anything else from the Board?

MR. TRAPANI: This was all -- we had passed this --

CHAIRMAN BRAND: Correct.

MR. TRAPANI: -- quite a long time ago; right?

CHAIRMAN BRAND: Correct.

MR. TRAPANI: I think maybe the next time something should be done, that it's not passed without having to come back and change fifty different things. Myself and one other person, with the coming in one way and going out the other way, I would not have approved it. There's one other person that's not here, he felt the same way when I talked to him. The reason is if you're coming from Marlboro, what are they going to do? Turn around in his driveway? Go up to CVS and turn around? You have a truck coming up that's delivering that's got to go in there. Where are they going to go and turn around? They have to go up and turn around and come back down. It's approved now, and I would never say no now.

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It should have been -- something should have been done before we approved both ways to get in there.

CHAIRMAN BRAND: I think the approval said based on DOT's approval, but --

MR. HINES: Any changes by DOT would have to come back.

CHAIRMAN BRAND: Right.

MR. HINES: We had commented many, many times on that access.

MR. LOFARO: I think we were sold on the extra lane and all that stuff. I think that's what made it okay.

MR. GAROFALO: I think ultimately you have to leave that decision to the Department of Transportation since it's their road and their responsibility to make sure that there is a safe access. I agree with you, I would much rather have nice roundabouts on either side where people can do left turns, where people can do U-turns. I would love to have that. That's not happening. I think DOT has to make that ultimate decision.

MR. TRAPANI: I would have voted no and somebody else would have voted no. I'm just

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voicing my opinion so it can go down on the record. I wish them all the luck in the world. I'm not against you, that's for sure. Who comes from Marlboro? You come from Milton. I come from Milton.

CHAIRMAN BRAND: I come from Marlboro.

MR. TRAPANI: I don't want to see you making a left-hand turn there.

MR. HINES: On your way home you may want to stop. I think local traffic kind of figures that out. If that turn is difficult, they just don't make it. Although you will get offbeat people making right turns, left turns in there.

MR. LOFARO: Whoever is making left turns right before CVS is doing 55 instead of 40. It's just a tricky spot. Our concern is those people making that turn, they're going to create a traffic issue over time. It has nothing to do with right at the Mobil because it's already 300 yards past.

CHAIRMAN BRAND: That stretch is the most dangerous stretch on 9W.

MR. LOFARO: We just added a hazard to

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it is what the problem is. That's all.

MR. GAROFALO: Ultimately you will have people who will do things against the law, speeding and looking at their cell phones and other things. Other than designing the laws to prevent these kinds of things --

CHAIRMAN BRAND: It's an enforcement issue.

MR. GAROFALO: -- it becomes an enforcement issue.

I have to agree with DOT and the applicant on their both making this decision. It's certainly hard on the applicant because he knows he's going to lose some business because there will be people who are just going to drive by it. I can understand this is a decision that, you know, they had to make together. I have to respect the DOT, having worked with them for thirty years in this region, that there aren't always perfect solutions to the issues.

MR. CAUCHI: It is a problem because we're trying to promote this corridor here. You're going to have other business coming in this corridor and, you know, there has to be a

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solution.

MR. HINES: There was a solution in the plan you originally approved, but it was extremely costly with issues regarding -- I think you ran into the issues with Central Hudson and their Tuxedo to Poughkeepsie gas main that was going to need to be constructed nearby. I think it's a 700 psi gas main running along the front of the Rusk property there.

MR. HARVEY: There were easement issues.

MR. LOFARO: What happens in the future? Now the Town is going to widen that road? Twenty years down the road they want to widen that road?

MR. HINES: The Town is never going to. DOT may.

MR. LOFARO: DOT is going to widen that road. Now that expense comes to everybody else other than the applicant who should have did it in the beginning. That's just --

MR. HINES: I don't know if you would have seen the project with the cost to this one project to improve the whole hamlet. That's why

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DOT is looking at the entire hamlet and the entire corridor. It's more of a way to get this done so that it's not piecemealed.

MR. GAROFALO: The fact is DOT is even unwilling to narrow the road where it needs to be narrowed because they can't afford to do that. That's why we're just going to get a paving job.

MR. TRAPANI: Too bad Youngs went out of business -- didn't go out of business a little earlier. They could have put it up there. You have a light there and everything right in Milton. Right across from Stewart's.

MR. HINES: Is Youngs closed?

CHAIRMAN BRAND: I don't think they want to go through this again.

MR. TRAPANI: That would have been the perfect place. We would have had Stewart's and Dunkin Donuts.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: Jen, would you poll the Board on the amended resolution of conditional approval for the application of

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CHESTNUT PETROLEUM

Chestnut Petroleum Distributors, Incorporated for
the special permit site plan approval from the
Planning Board of the Town of Marlborough.

MS. FLYNN: Chairman Brand?

CHAIRMAN BRAND: Yes.

MS. FLYNN: Member Garofalo?

MR. GAROFALO: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

CHAIRMAN BRAND: Absent.

MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Clarke?

CHAIRMAN BRAND: Absent.

So moved.

MR. HARVEY: Thank you.

MR. JON: Thank you.

MR. HINES: You'll get us a set of
plans with the changes that were discussed
tonight and we'll authorize the Chairman to sign
them.

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MR. HARVEY: I'll look at the sign code with regard to the heights and how to represent that. I may have to call with questions on that if I can't make it clear on here. We'll do the break-away sign detail. Was there anything other than that?

MR. GAROFALO: You're going to look at the --

CHAIRMAN BRAND: Bulk table.

MR. GAROFALO: -- bulk table, that one setback in the rear which is probably not correct.

MR. HINES: I'm going to wait for Michelle's minutes. We'll itemize those.

MR. HARVEY: What about the bicycle parking?

MR. HINES: You're going to go with a generic bicycle rack other than the E-bike rack I think you proposed.

CHAIRMAN BRAND: Clarify on drawing number 2, the table with the sign height at 60 inches. The stop sign you mentioned. That was it.

MR. HARVEY: Okay. We'll address any

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CHESTNUT PETROLEUM

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conditions that require plan revisions as well.

CHAIRMAN BRAND: Thank you.

MR. LOFARO: When do you plan on
serving doughnuts?

MR. JON: The end of March, beginning
of April. Something like that.

CHAIRMAN BRAND: That's it for the
agenda. Anything before we close?

(No response.)

CHAIRMAN BRAND: I'd like to have a
motion to close.

MR. CAUCHI: I'll make the motion to
close.

MR. GAROFALO: Second.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MR. GAROFALO: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

(Time noted: 8:30 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 26th day of February 2020.

Michelle Conero

MICHELLE CONERO