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

----- X
In the Matter of

NEW CINGULAR WIRELESS PC, LLC

Project No. 14-7005
10 Ann Kaley Lane
Section 108.2; Block 4; Lot 43.410

----- X

CONTINUED PUBLIC HEARING
SITE PLAN

Date: November 2, 2015
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Chairman
CINDY LANZETTA
STEVEN CLARK
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND
JEN FLYNN
MICHAEL MUSSO

----- X

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

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CHAIRMAN TRUNCALI: We're going to start. If everyone could please rise for the Pledge to the flag.

(Pledge of Allegiance.)

CHAIRMAN TRUNCALI: Agenda, Town of Marlborough Planning Board, November 2, 2015. Regular meeting 7:30 p.m. Approval of stenographic minutes for 9/8 and 9/21. New Cingular Wireless, public hearing, site plan; Kedem Winery, public hearing, amended site plan; Empire Landscaping, sketch, site plan; Chernobyl Light & Power, sketch, site plan; Robert Pollock, discussion; Brody Ridge, extension, six-lot subdivision; Nieco, extension, site plan. Next deadline: Friday, November 6th. Next scheduled meeting: Monday, November 16th.

New Cingular Wireless I believe is not here tonight.

MR. BLASS: I was under the impression, or the misimpression, I'm not sure which, that the public hearing was going to be continued tonight and that AT&T was going to be here to make a brief presentation to the Board about alternative sites.

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MR. HINES: It was scheduled for tonight. We have to keep it open or close it and re-announce it.

MR. BLASS: Then I guess Kathi got a phone call today from AT&T's attorney, --

MS. NATLAND: Kim.

MR. BLASS: -- Kim Nason, indicating they wanted it off until December. On Friday I told Mike Musso, who just came in, that it would be a good idea to be here to participate in the brief presentation of alternative sites to the Board.

I have a suggestion. If you recall, when the Board last entertained the alternative sites I think you had two in favor of relocating to alternative A and two abstentions among the four who were in attendance. I know Mr. Clark had just come on the Board and said he wasn't up to speed as of yet and abstained. We have two new Members who have joined the Board since that time. AT&T's willingness to do a re-presentation is to some degree fueled by the recomposition of the Board. They understand.

Do you want to steal five, ten minutes

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and have Mike, since he's here anyway, review the alternative sites for the new Board Members?

CHAIRMAN TRUNCALI: Sure.

MR. MUSSO: Sure. Members of the Board, members of the public, thanks for having me here. Different digs but this is a cozy room. I like it.

What I'd like to do is rehash our methods and main findings from our July 15th memo. The application at hand is for 10 Ann Kaley Lane, a 130 foot monopole. AT&T is the applicant for this.

MS. LANZETTA: Mike, could I ask you to maybe stand by the Stenographer, and that way the people out there can hear as well?

MR. MUSSO: Yeah.

CHAIRMAN TRUNCALI: Mike, if you could just let everyone know that you represent the Town as our telecom advisor.

MR. MUSSO: Right. I work for a firm called HDR and we work on behalf of the Town of Marlborough. We work on behalf of a number of New York State municipalities. We do not work for the wireless industry. There's obviously a

1 perception there that we wouldn't want to cross.
2
3 In this case, and as we've done on other
4 applications over the years, we're back working
5 on behalf of the Town Planning Board.

6 We received a number of application
7 submittals, I guess going back to 2013. The
8 Board over time has requested, as has HDR, more
9 detailed information. I guess the most
10 significant of that is an alternate site
11 analysis, meaning there are other locations in
12 the Town that could also work and perhaps are
13 better for different reasons to accommodate a
14 cell tower or a wireless facility.

15 Over the spring and summer of this year
16 the applicant, after about a year hiatus, put
17 together a very detailed alternate site analysis.
18 They looked at about twenty-three different
19 properties, Town owned and otherwise, within the
20 Town of Marlborough. Our significant
21 deliverable, I guess to this point, is our July
22 15th submittal. I presented that at the
23 July 20th Planning Board meeting that Ron Blass
24 had just referred to. I had this projected on
25 the screen, a number of our analyses. AT&T's

1 people were there too, their attorney, their site
2 acquisition person and also their radiofrequency
3 expert, their engineer. That put together all
4 the information about these alternate sites.

5 What do I mean by information? Well, we talked a
6 little bit about the zones, the zoning that they
7 were located in, the topography where these
8 twenty-three candidates were situated. It talked
9 extensively about AT&T's target area, which I
10 think is important. Cell sites normally are not
11 going to cover a blanket synonymously with the
12 Town's order. AT&T is interested in really the
13 southern portion of the Town, really the hamlet
14 area.
15

16 We looked in detail at all the
17 information submitted, and it was voluminous.
18 They provided coverage maps from existing
19 facilities in Marlborough and in the area even
20 across the river. We saw where there's gaps in
21 coverage in service. Out of the twenty-three
22 candidates, really the alternate that was
23 presented at the high school, Marlborough High
24 School property, rose to the top in terms of
25 coverage -- service and coverage.

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Now, there are other things to obviously look at. You look at visual impacts, potential visual impacts that a site would have, how tall is it, what might it look like. You look at things like zoning as I mentioned, land use within the area, are homes nearby, are ecological resources nearby. Our memo looked really in detail at the Ann Kaley road site, which the application is still for, and at the detailed -- at the high school property as well.

Although I'm not projecting it, one of the exhibits in our report lay down the coverage that would be provided by AT&T at both of these sites, Ann Kaley Lane and at the high school. As shown, I overlaid this target area of interest, the southern part of Marlborough and the hamlet area, and really from either site a lot of synonymous coverage from one site or the other.

What I also highlighted in there was well, where would the Ann Kaley road site provide coverage that the high school would not, and vice versa. There is an exhibit which I'll lead the new Board Members to. If you need copies of anything, I can get those to you later on. It

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did look at what the benefits in terms of coverage were, pro and con, from the two sites.

As I said, I think both sites are viable. I think the discussion at the July 20th meeting with AT&T present also noted that they feel both sites are viable.

A couple issues that we brought up in the report, however. At the Ann Kaley Lane site at 130 foot, this would be a monopole at 130 feet, probably a little better service to the hamlet area and to within the target area. As you can see in my exhibit also, the high school site does provide a little better service outside their target area, specifically some areas to the west, a little bit up the topography. Ann Kaley road at 130 feet also has, in my opinion, a better opportunity for co-location. We've all driven by cell towers in the area and you notice there's several antenna arrays. AT&T, since they are the applicant, they would be at the top slot. I think there's a very high probability that other carriers, Verizon, Sprint, T-Mobile, would have a lot of interest in this if it is built -- if it was approved and built. The Ann Kaley site

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I think has better potential for co-location. The high school monopole, the alternative was looked at at 110 feet. Slightly lower but still above the tree line. I think there's some uncertainty about how many co-location -- how many co-locators could be accommodated on that.

The other significant point are visual assessments. Within the application materials the applicant has prepared a number of submittals, including what are called photo simulations. They provided a map of Marlborough. With computer modeling and also with field confirmation they'll highlight what neighborhoods the tower would be visible from, where it won't be visible based on tree line or topography, and where it might be visible during part of the year, like when the leaves start falling. That's been provided for the Ann Kaley site in the detailed application info. Really that has not been provided yet for the high school site. In our July memo we did do some imaging but it's really not the same robust study that an applicant would do. I think that's an important point, that that's something that hasn't been

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assessed yet for the high school property.

Other than that, we did look at a few other pros and cons. We did some confirmation of the coverages from the site. Where in the hamlet area -- confirming the coverage maps provided by AT&T, where the high school site doesn't provide, where Ann Kaley would, and a little bit of vice versa.

We also had discussions I think that were led by the applicant back in July. Our understanding is there is some agreement in place with the high school, but we really don't know all the details of that. 110 feet is comparable coverage, but the question would come up should it or can it be constructed taller at the high school property to allow co-location in the future. I think that's a very important point, because if a tower is built at 110 feet and then Sprint comes into Town and says we want to co-locate, well we looked at that 110 foot site but we can't go below it, it's just not enough height. These are some things that I think haven't been hashed out about the high school property yet.

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I think that's a general summary of where we stand with the application.

One thing I'll add is on the high school property -- to give you a reference, the alternate site that was looked at is on the south end of the high school, south of the ball fields. There's about a six-acre wooded area that the school owns. That's where they did their modeling from. There's also a ridge to the north and east, the practice fields that are elevated. I met with the applicant and with some reps from the school. I'm not sure whether or not there's an actual agreement to use other places on that property. I think that's for the applicant, or perhaps Ron if he has any insight, to answer that. What we did bring up in our report, going up to that practice field probably opens up other significant visual impacts. You can picture that a 120, 130 foot monopole up on that ridge is probably going to have views to homes and areas further to the north, and probably to the east and west as well. So I think that's one of the big things that we don't know or don't have the information yet is visual assessment. That's

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very important in weighing out these two sites.

CHAIRMAN TRUNCALI: On the location by the practice field there, would you need that tall of a tower there, because that is a much higher site there and that would actually service the hamlet and the western and southern part of the Town better?

MR. MUSSO: Right. They did provide a coverage map and they noted it was very hypothetical whether or not that would be permitted by the school or not. I believe the map they have is on the order of 170, 1-7-0, feet. I think you take that a little bit with a grain of salt because that matches up synonymous coverage with Ann Kaley. It perhaps could be dropped a little bit. Even with it sitting up high like that, I don't think you're going to get lower than the Ann Kaley proposed height. You'd still need 120, 140, whatever the coverage map would shake out as, to get synonymous coverage or coverage that AT&T would accept from that.

CHAIRMAN TRUNCALI: But the elevation there is higher than the Ann Kaley site?

MR. HINES: It has some intervening

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topography.

MR. MUSSO: The ground elevation is about equal. They're both around I think 350 base elevation. I should be able to put my finger on that.

MR. CAUCHI: The ground elevation from the south side to the ridge side you're saying are even, are equal?

MR. MUSSO: From the Ann Kaley site to the practice field site.

MR. CAUCHI: This site right here?

MR. MUSSO: Yeah. They're approximately 350 feet above sea level. Pretty close. Which to me at first was counterintuitive. Looking at maps, that's about right.

The northern area where they are proposing at the high school, that wooded area, the ground elevation is about 320. It's another 30, 35 feet up.

MR. CLARK: What is it at the ridge?

MR. MUSSO: The ridge is about 350.

MR. CAUCHI: So there's 30 feet difference.

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MR. MUSSO: About 30 feet. Ann Kaley is at about 356.

CHAIRMAN TRUNCALI: At the Ann Kaley site there is a ridge behind it to the west that would block any help to the western part of the Town.

MR. MUSSO: Correct. But their coverage objective, what they refer to as the target area shooting down into the village -- into the hamlet rather, that's really their objective.

MR. CAUCHI: This map, what is the footprint of this?

MR. MUSSO: The compound, the tower?

MR. CAUCHI: Yes.

MR. MUSSO: You would probably be looking at a leased area. They'll have an equipment shelter that's about 12 feet by 30 feet long. You'll have the base of the tower or monopole, usually four foot in diameter. What they'll do is leave a leased area for those other co-locators that come along. You're probably looking at 60 by 60.

MR. HINES: That's usually the minimum,

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then they can go to 100 by 100 based on their lease.

UNIDENTIFIED SPEAKER: They actually leased 100 by 100.

MR. MUSSO: So 10,000 square feet.

MR. CAUCHI: 100 by 100 or --

MR. BLASS: 10,000 square feet, 100 by 100.

MR. MUSSO: I assume that's somebody from the school, so they would know the details on the leased area. That's what I see in my experience something on that order, 60 by 60 to say 100 by 100, to allow the base equipment that you probably see driving by cell towers. Small buildings or shelters or slabs with equipment on them.

MR. BLASS: The speaker is a representative of the applicant for Ann Kaley drive. She would know.

MS. LANZETTA: Mike, back in July we had asked you about co-location and you said that the high school -- you mentioned that the high school would be a fine site to co-locate and that even at 110 it still would be a prime spot for

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co-location. There's really no reason we would even have to keep it at 110. Certainly we could go to 130. Doesn't it say that if we went up to 190 we would get the same coverage as Ann Kaley Lane?

MR. MUSSO: Their modeling was just putting everything even. 190 I think is something that this would have severe visual impacts. But as you suggest, going from 110 upward to 130, 140, still the coverage is comparable. We saw 110 at the high school versus 130, generally comparable against the two. I laid out the pros and the cons. I think what I wanted to imply, if I didn't, back in July is that 130 Ann Kaley has greater co-location potential than 110 at the high school.

MS. LANZETTA: But 130 at the high school would be the same opportunity for co-location?

MR. MUSSO: I would say it would be very close to that because you are above the tree line, obviously, at 110 feet. Trees are in the neighborhood of 50 to 60 feet at most around. There needs to be some tree clearing, by the way,

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for construction in that area. But it's just that idea. There has to be a setoff distance from future co-locators. So the 130 versus 110, I would have to say 130 is a little better for co-location. If that 110 is modified, then there's probably a similar -- very similar opportunity.

CHAIRMAN TRUNCALI: How many feet is it that they need to have to co-locate?

MR. MUSSO: Normally 8 to 10 feet separation distance. That has to do with interference between carriers' signals.

CHAIRMAN TRUNCALI: Ron, did you review the contract with the high school?

MR. BLASS: I have read it. There is an existing signed lease agreement between AT&T and the Marlborough Central School District which has, as you said earlier, a ground area of 10,000 square feet to accommodate the facility where shown and where discussed at the high school site. AT&T has about two years option period during which to get necessary governmental approvals for the tower at that site. We're only about three or four months into that two-year

1 window I would say. The lease incorporates
2 drawings of both the location and the height of
3 the tower. I read this lease as fixing in place
4 a 110 foot tower at the specific location that
5 we've been discussing until and unless there's a
6 modification between AT&T and the school
7 district. So in order to move the footprint of
8 the tower there needs to be at least
9 modification. In order to increase the height of
10 the tower, there would have to be a lease
11 modification between the parties.

13 MS. LANZETTA: But they also could
14 understand -- the school could understand there
15 would be additional leasees possibly if they were
16 to increase the height of the tower. They might
17 be inclined to consider that.

18 MR. BLASS: That is certainly possible.
19 Nobody in this room has had any participation in
20 the past discussions between the school and AT&T.
21 I don't know whether -- I certainly personally
22 have absolutely no idea whether the school
23 administration or the school board would be
24 interested in pursuing further discussion. That's
25 something that would need to be found out.

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MR. MUSSO: Ron, I believe the lease agreement the applicant attested to at the July meeting, I think it does allow for co-location. I don't know if it said that in there specifically.

MR. BLASS: I didn't read it for that purpose.

MR. MUSSO: I think that's something they noted. That was a question that came up. If the lease agreement is only for a monopole, one carrier, that's important I think for the Board to consider. I believe the applicant reported that co-location is possible at the school site.

MR. CAUCHI: Ron, to answer your question, I did contact the school district. I contacted the superintendent. I wanted to know their position. He addressed last month the school board and they said they are favorable in entertaining the proposal and the options, and they still want to explore and are open to explore the possibilities. So he would like me to convey that to the Board, that they are open. I wanted to know for myself, you know, what's

1
2 their position, so I contacted them and they said
3 yes, they are open.

4 CHAIRMAN TRUNCALI: Open to the both
5 sites at the high school?

6 MR. CAUCHI: Open to both sites at the
7 high school. They said yes, that both sites are
8 on the table. So they're not promising anything
9 but both sites are on the table.

10 CHAIRMAN TRUNCALI: Does anyone else
11 from the Board have anything?

12 (No response.)

13 CHAIRMAN TRUNCALI: This is a
14 continuation of the public hearing. If there's
15 any comment from the public, now would be the
16 time.

17 Please state your name for the
18 Stenographer.

19 MR. BRANDS: Chris Brands. I asked the
20 representative that was here for AT&T to give us
21 a typical lease agreement on something like this
22 and he refused to do so. As someone who works
23 for the Town, could you enlighten us on what the
24 acquisition fee and typical lease agreement might
25 be like for this? Not specific to either of

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these sites but just in general what are we looking at for something in the area?

MR. MUSSO: It's hard for me to say. These are real specific. Sometimes there's a number of years and they're refreshed every year. Sometimes they're contingent on co-location. I honestly really don't even want to speculate on that.

MR. BLASS: Let me jump in. There is a lease agreement and it's available to everybody to read. It's actually on the school district's website. So if you were interested -- the lease agreement, as I just said, is between AT&T and the Marlborough Central School District for the high school site for a 110 foot tower. I got my copy off of the Marlborough Central School District's website. The easiest way to do it is just -- if I had a copy tonight extra I'd give it to you. Just call up the clerk of the Board of Education and have her point you in the direction of where it is on the website and you'll have it within three minutes.

MR. BRANDS: Thanks, Ron.

MR. BLASS: Sure.

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CHAIRMAN TRUNCALI: Would anyone else from the public like to make a comment, question?

(No response.)

CHAIRMAN TRUNCALI: Then I guess at this time we would entertain a motion to adjourn this public hearing to the December 7th meeting I believe.

MR. BLASS: That's at the request of the applicant apparently.

MS. LANZETTA: Yes.

I'll make that motion.

MR. CLARK: I'll second that.

CHAIRMAN TRUNCALI: All in favor?

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

MR. BLASS: In the meantime, if the Board doesn't mind, I will contact representatives from AT&T and basically brief

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them on what happened tonight and suggest that if
-- and share the information regarding the school
board and suggest that they pursue that and be in
a position to report back to the Planning Board
on December 7th and see what happens.

MR. CAUCHI: Okay.

CHAIRMAN TRUNCALI: Thank you, Mike.

(Time noted: 7:55 p.m.)

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

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

DATED: November 30, 2015

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

----- X

In the Matter of

KEDEM WINERY

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

----- X

CONTINUED PUBLIC HEARING
AMENDED SITE PLAN

Date: November 2, 2015
Time: 7:55 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Chairman
CINDY LANZETTA
STEVEN CLARK
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND
JEN FLYNN
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: DARREN SCALZO

----- X

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KEDEM WINERY

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CHAIRMAN TRUNCALI: Next up is Kedem Winery.

MR. SCALZO: Good evening. My name is Darren Scalzo, I'm here this evening representing the Kedem Winery.

We were here last month. This is a continuation of the public hearing. We're here for a site plan for a 16,250 square foot prefabricated storage building for use at the existing winery operation at 1519 Route 9W.

The site is in an RAG-1 zoning district. The site is 29.29 acres. The lot is sizable. All the bulk requirements will be satisfied. The proposed storage building will also need the plans to be reviewed and approved by the building department.

At the last meeting we were asked for a rendering of what the building would look like. It's a very basic building. It's a rendering. It's not a rendering as it's going to appear within.

MS. LANZETTA: I appreciate you doing this, but the whole idea is I want to see what it's going to look like when I'm traveling on 9W

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and going by it. I want to see how it is set into that specific property.

MR. SCALZO: Okay.

MS. LANZETTA: You should be able to do a photo simulation fairly easily.

MR. SCALZO: I will let my clients know that that's what you're seeking.

MS. LANZETTA: Then it gives us a real idea of what kind of landscaping needs are going to be necessary and how the visual impact is going to be.

MR. SCALZO: Okay. I don't know if you'd like to pass those. They're pretty basic.

MS. LANZETTA: That's not what I'm asking for.

MR. SCALZO: I understand.

MS. LANZETTA: Thank you.

MR. CLARK: They're going to pay taxes to me, they look good.

MR. SCALZO: Most of the technical questions that were asked at the public hearing I thought were satisfied. I really thought the intent of the continuation of the public hearing was there were a lot of questions from the

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public. That really is what I'm here to answer.

MS. LANZETTA: Can I ask you, did you get a response from the firehouse yet about closing off that entrance way?

MR. SCALZO: I have not.

MS. LANZETTA: Did you send it?

MR. SCALZO: I did not. I must not have taken that particular note at the last meeting.

MS. LANZETTA: Okay.

MR. SCALZO: When would the meeting minutes -- if there are additional information, when would those meeting minutes be available to me?

THE REPORTER: They were all sent in.

MR. SCALZO: I'll put a request in for those. Could you just clarify what it is you're looking for?

MS. LANZETTA: You were going to be closing off one of the streets and we were wondering if you were going to send that to the firehouse to make sure that they had adequate --

CHAIRMAN TRUNCALI: The driveway to the house I believe.

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MS. LANZETTA: -- access to the property so that if anything happened. I'll have to go back and look through the minutes but we did ask you for -- to send that to the firehouse. There was a discussion as to whether the Board does that or if you do that. We had asked if you would do that, if you would send that to the firehouse and get a response.

MR. SCALZO: Ms. Lanzetta, that was last month or a previous meeting?

CHAIRMAN TRUNCALI: It was at the last meeting I believe.

MR. SCALZO: I will follow up on it. I apologize. I did not copy that in my notes.

There was a comment from the -- I'm sorry. Were there any other technical questions or other --

MS. LANZETTA: The hours of operation?

MR. SCALZO: Actually, the representatives of the winery are here this evening. If I could ask them -- if you'd like to ask them any questions directly, they can come up.

Gentlemen, please.

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MR. HERZOG: Good evening.

MR. SCALZO: Mr. Herzog, the question is the hours of operation for the winery.

MR. HERZOG: The whole year it's Sunday through Thursday from 9 to 5, 9 to 5:30. October -- September, October, that's when we have the harvest, it's like from something like almost twenty-four hours from Sunday through Friday, except the holidays and the weekends it's always closed. That's September, October.

UNIDENTIFIED SPEAKER: Could you talk louder please? We can't hear back here.

MR. HERZOG: September, October is like when we have the production. That's when we are open from Sunday early morning until Friday morning. The whole year is Sunday to Thursday, 9 to 5:30.

MS. LANZETTA: These should be noted on the site plan; right? The hours of operation.

MR. SCALZO: We can add those. It currently does not appear.

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

MR. HINES: Our first comment was just

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addressed. I guess it's the nature of the facility being -- it's an agricultural facility, it's processing agricultural products, which is the September to October busy time.

I think the majority of the comments we heard last time was for the applicant's representative to perform an investigation of the odors and the functioning and permitting of the on-site sewage treatment plant that was before this Board some eighteen, twenty-four months ago. We heard many comments from the public regarding the odor issues and the issues with the stream that receives flow from the on-site sewage treatment plant. We had asked the applicant's representative to come up with some information identifying that.

MR. SCALZO: And I have actually -- we have a report of noncompliance through the DEC. There was an issue with the aeration blowers. The aeration blowers have since been serviced. The mechanical issues were due to the processing. Subsequent testing showed a major reduction and additional samples are still being taken. So there obviously was an issue at the time, however

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that has been mitigated from what I understand from the -- I can submit these reports for Mr. Hines if he would like to review them.

MR. HINES: I would. Yes, please.

MR. SCALZO: Okay.

MR. CAUCHI: My question is are you processing your product or are you just doing storage? What kind of storage facility is this going to be? What are you storing?

MR. HERZOG: Grape juice. Mostly grape juice. Right now we don't have enough room and we truck it away to storage at other facilities. Actually, we have more trucking now than we are going to have when we have the storage facility. We don't have enough room to produce what we need. It will only be more tanks. Like 25,000, 30,000 gallon tanks to hold the grape juice.

MR. CAUCHI: Okay.

MR. SCALZO: There's no water or sewer in this. It's electric only.

MR. CAUCHI: Storage area? That's it?

MR. SCALZO: Storage.

CHAIRMAN TRUNCALI: Will there be heat in there?

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MR. HERZOG: Not heat but cooling rather. If you put heat it's going to start fermenting, the grape juice. It's going to be cooling.

MR. SCALZO: Mz. Lanzetta, to go back. I don't have the paperwork with me but Jacob -- they have reached out to the fire department.

MR. VIZEL: I think that was in the first public hearing they asked about the fire. Mr. Hines asked it.

MR. SCALZO: The fire inspector, I'm not sure of his name.

MR. VIZEL: Building inspector.

MR. HINES: Tom Corcoran.

MR. VIZEL: Actually he reviewed it and he told me he gave his answer for Mr. Hines, that he worked out that we should have excess and everything should be fine. I'm almost positive he gave it in a letter. I didn't think it was relevant so I didn't bring a copy.

MR. HINES: I think the issue they're discussing now is access to what is an existing abandoned or vacant single-family residential structure that's losing it's access under this

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proposal. It's not the new proposed building but the existing house on the site that's going to be combined. I did ask that original question. The question they're looking at now is the loss of the access drive. By combining the lots the single-family residence is losing it's access from 9W.

MR. VIZEL: They're supposed to close the access. Okay. We can ask. I think he's the right person, though.

MR. SCALZO: We will reach out to Mr. Corcoran.

MS. LANZETTA: You should contact the fire chief at the Marlborough Fire Company and ask them to assess the site.

MR. SCALZO: Currently the house is not used so it's not an imminent danger at this time, however we will work that out.

MS. LANZETTA: That leads me to another question. In the minutes I was reading you had mentioned that in the future you were looking to move wine offices into that building. On the site plan right now the well and the septic are not identified on the map. If that building is

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going to be used and people are going to be using it, you're going to want to identify the sites to make sure that the parking is not encroaching on the septic tanks or the wells. Then again, I don't even know if that's a future use, if we should be considering that at this point.

MR. HINES: Any future use of that structure is going to have to come back for approval. We stated that early in our comments.

MS. LANZETTA: We do want to make sure that we're not covering a septic if that's what they're relying on for their waste.

MR. HINES: If they do in fact do that they would have to redesign a new septic system and/or tie it in.

MS. LANZETTA: If you can identify where the septic is.

MR. SCALZO: There has been septic design done for that site. It does not appear on the site plan map. We can show it on a subsequent map for final site plan approval.

MS. LANZETTA: Thank you.

CHAIRMAN TRUNCALI: Pat, what else do you have?

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MR. HINES: The rendering was our other comment we noted.

The confirmation of the bulk use. The previous maps submitted identified the maximum height as 30 feet and you were going to evaluate with the code enforcement officer whether it was actually 35 foot in that zone.

MR. SCALZO: We got confirmation from the building department that it was 35. I may have a typo on my site plan.

MR. HINES: I think that is the case looking at it further.

The question last time was their bulk table. It says 30 max height and the building they submitted was in excess of that. I think it was 33 feet. It would comply at 35 feet.

Just looking at the two DMRs, daily monitoring reports, that they submitted, there was a violation both in September and in August of these reports. I don't know the DEC status. This is just their self-reporting to the DEC. I don't know if there's been any follow up on that.

CHAIRMAN TRUNCALI: Are there any questions from the Board?

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(No response.)

CHAIRMAN TRUNCALI: We could open it up to comments from the public. Please state your name.

MS. ANDERSON: My name is Karen Anderson, I live at 12 McLaughlin Drive. My property borders the winery.

I have many concerns. Since the last Board meeting I'm concerned about the noise. I've been woken up at 1:30 in the morning with your trucks backing up. Also 5:45 in the morning I hear them beeping. I have to work.

Also the smell. We've came -- getting in the car, there's still an odor. It has not gone away. It's at night.

Okay. I want to know what time the legal operations are of this building. Is there going to be lighting that's going to come through over to our side of the road?

MR. SCALZO: Regarding lighting, I don't believe that there was any additional lighting planned other than building mounted areas over the accesses.

MS. ANDERSON: I'm very concerned about

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the noise with the trucks, the backing up all night long. Since the last Board meeting it's still doing that.

Also another thing. In back of our property is where the stream goes through the next site, and there was all foam in the stream. There was foam in the water. I called the DEC and I spoke to a Chris Hertel and he told me that the winery is not agricultural. Are they zoned agricultural? I told the gentleman at the DEC it's not agricultural -- I mean he told me it was not agricultural. I said at the Board meeting they said it was zoned agricultural. I would like some clarification on that.

MR. SCALZO: The bulk table falls in the geographic area that is RAG-1, rural agricultural 1. That is the zoning that the Kedem Winery sits in, as well as surrounding properties.

MS. ANDERSON: Okay. The other thing was Central Hudson came through and put new poles and in the stream was all branches and brush. That's all going to get clogged up again. They left all the branches in there, in the stream in

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back of our property where the water was foaming.

We're just concerned about this noise. Nothing has been -- you know, you keep having new proposals but the old problems are still there. It's an ongoing thing and nothing is being done about it. We're just very frustrated and we want to know what's happening.

CHAIRMAN TRUNCALI: The odor hasn't gotten any better since the last meeting?

MS. ANDERSON: It was there tonight when we left. It was still there.

And about the trucks. I can't get to sleep. I have to work.

MR. SCALZO: We'll continue to investigate the odor. I stopped at the site myself, I smelled many things. Fermenting apples.

MS. ANDERSON: You said your hours of operation are from 9 to 5:30. Why are trucks at 1:30 in the morning backing up?

MR. HINES: They said twenty-seven/ seven in September and October. They did identify that.

MS. ANDERSON: Is it legal to do that

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KEDEM WINERY

40

at 1:30 in the morning, the noise?

MR. HINES: I don't think there's any restrictions on vehicle traffic that I know of in the zoning.

CHAIRMAN TRUNCALI: I guess that would be a good question for the building code enforcement officer.

MS. ANDERSON: I mean there's a big difference with Route 9W traffic when you hear that all night and it wakes you up. It's in the back of your property.

MR. HINES: Is it back-up alarms that you're hearing?

MS. ANDERSON: When the trucks back up.

MR. HINES: The back-up alarms.

MS. ANDERSON: Yeah, the back-up alarms.

MR. HINES: There is technology -- we were just talking amongst ourselves. There's technology to eliminate that back-up noise. They have infrared sensors and they also have more of a white noise they use in a lot of construction areas that have that constant back up. That is a provision.

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I don't know if you own your vehicles or have the ability to control that.

CHAIRMAN TRUNCALI: Thank you. Anyone else?

MR. JOLLIE: My name is Jay Jollie, I live at 7 McLaughlin Drive. My prior history with the bottom of our house being destroyed by flooding that came through the stonewalls, as this Town Board is very aware of. Seven years later we finally have repaired the downstairs of our home. I've got tons of video with the water pouring through the wall from your property, not down the street through the drainage. I have major concerns for a new building. Modified topography. How does that change the water flows again? Are we once again at risk after I invested about \$25,000 in repairs on our house and got no repercussion from anyone in this Town? That's a major concern to me.

I understand we also had an understanding that prior to this event there were trees that were supposed to be put up to border the property. Some of the neighbors told me that never happened. On the property.

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There also was supposed to be a retention pond put in. I don't know if that ever happened. That was part of the agreement that came back to this Board several years ago. Did that ever happen? Was a retention pond ever put on the property?

MR. HINES: Yes. The drainage improvements were performed. There was the pipe located to the rear of the property, the north side of the property that borders this. Through the last project that they did there the Town investigated and found that there was an existing drainage pipe 99 percent clogged as you're aware. That pipe has been opened and an easement has been provided in favor of the Town. Drainage improvements were installed, the detention facility you referenced as well as additional piping on the site.

MR. JOLLIE: Does this new modification change the topography that could possibly affect the drainage in any way?

MR. HINES: They had supplied a stormwater management report. The runoff from this building is directed towards Route 9W, and

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there's an existing depression between their access drive there that's going to be converted into a detention pond facility through the installation of small diameter pipes.

CHAIRMAN TRUNCALI: You're talking about the north side. The south side is where the real drainage issues are.

MR. HINES: North of McLaughlin, south of this site. Correct.

CHAIRMAN TRUNCALI: All right.
Someone else?

MS. JOLLIE: I'm Shirley Jollie, 7 McLaughlin Drive.

The only easement I'm aware of is the easement that we gave to them so the Town could put the pipes through our driveway and put those pipes coming down McLaughlin into our driveway to the back. That's the only easement that I know of. The pipe that still comes from the other side which connects to Karen Anderson's property, that has never been repaired. It's still there. We ourselves, the neighbors, have cleared it off. Nobody from the Town, nobody from Kedem has ever taken the opportunity to go back there and clean

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it. We have done it ourselves.

MR. HINES: There has been an easement filed in favor of the Town on that parcel, the access to that pipe.

MS. JOLLIE: Also, Central Hudson, that road that they put behind Karen where it actually runs behind the McLaughlins all the way back, when I talked to Tom Corcoran he said it was just supposed to be a clearing so they could put the poles in. They actually put in a road which is all shale back there. We would like to know what is that for? What is the purpose of that road back there for? Actually, it stops by Karen's house, but I guess they've gone around it, and then it comes out on the other side from 9W. They also put in another road to go so the trucks can go in there. What is the purpose of that? We were under the understanding that the poles that were supposed to be replaced were supposed to be on McLaughlin, and none of the poles have been replaced. They're all brand new poles in the back. We want to know who are they benefiting?

MR. HINES: I'm not familiar with that

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KEDEM WINERY

45

at all.

MS. JOLLIE: This has been going on for weeks. We were told they were supposed to be for the other side, which the other side falls for Kedem, it doesn't fall for us.

CHAIRMAN TRUNCALI: Where was this shale road put in?

MS. JOLLIE: If you go up McLaughlin and you make a right, you can see it right there before the apple orchards. It's all -- it was dirt, now it's all shale. It's very clear. It borders the back. All the poles that they put are on the people's property. None of them were on that road that they cleared off. You can clearly see it.

CHAIRMAN TRUNCALI: Did you put a road in?

MR. HERZOG: No.

MR. VIZEL: The property is serving another property. Nothing with us. We don't even know -- this is the first time we heard that.

MS. JOLLIE: Their property borders -- their property borders their property.

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MR. VIZEL: It's behind, behind,
behind.

MS. JOLLIE: And the smell that we're
getting, you can actually go up there right now.
You can drive just close and it's like a bad like
septic, sewer bad smell. It gets stronger at
night. It gets stronger at night. Actually, if
you go up and you can actually -- it just wreaks.
I mean even during this time of year. During the
summer it was bad but even now during the winter
you can still smell it.

MR. SCALZO: During the last public
hearing I had asked if the odor was a seasonal
thing. This is the first I'm hearing that it's
been continuous. We had thought perhaps it was
from the processing at this time of year, however
this is the first I'm hearing that.

MS. JOLLIE: It's been going on for
awhile, the odor. I've even called and spoken to
Tom Corcoran about it. Just numerous of things.
I've even come down to the police station because
the alarm systems will go off at 1:30 in the
morning and the police can't even get on the
property because it's gated. They have to sit

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there. Sometimes nobody shows so the alarm system will go off for hours, and we have to deal with that.

So I mean I'm against the building going up due to the fact that if simple things like this is happening and nobody is doing anything about it, why do I want a 16,000 square foot building that's going to be 35 feet high that I can see from my house? I don't want that. I don't know about the other neighbors but that's -- with all the problems that we've had, we've never had any repercussions from the Town or anybody else. That's where I stand.

CHAIRMAN TRUNCALI: Thank you.

Anyone else?

(No response.)

CHAIRMAN TRUNCALI: Ron, do you have anything?

MR. BLASS: No, I don't. I think there is an interesting question as to whose trucks are backing up. Who owns the trucks? Who operates the trucks?

MR. HERZOG: He's bringing the grapes in.

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MR. BLASS: Pardon me?

MR. SCALZO: He's bringing the grapes.

MR. BLASS: The question I have is who owns and operates the trucks? Is it Kedem Winery?

MR. HERZOG: No.

MR. BLASS: Who is it? Contractors, vendors?

MR. VIZEL: It's not even the farmers.

MR. HERZOG: Contractors bring in the grapes.

MR. BLASS: Okay. Some customers --

MR. HINES: Contractors.

MR. BLASS: So they're contract truckers. Who do they have a contract with? Kedem Winery?

MR. HERZOG: They're brokers of the grapes. The broker who brokers the grapes. I have a broker who gets all the grapes.

MR. BLASS: Maybe there's too many moving pieces for me to get to the bottom of it. One of the issues the Board might want to consider by way of noise mitigation is the infrared technology which would cause the back-up

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KEDEM WINERY

49

beeper to go off only when something is in the field of vision so to speak, and to potentially require that as a mitigation measure for noise.

Now the complexity increases to the extent that these trucks are not under the control of Kedem Winery. That's what I'm trying to get at. Does that make sense?

MR. HERZOG: Yeah.

MR. BLASS: Under whose control are these trucks?

MR. HERZOG: The guys who bring the grapes. I can find out. I can find out.

MR. CLARK: Ron, they're probably individual truckers contracting with the broker. So you could have sixteen or twenty different individuals that have -- brokers call them, can you take a load up to Kedem tomorrow.

MR. BLASS: Grapes coming in and product going out.

MR. CLARK: This time of year they're harvesting the grapes. They're processing the grapes. The grapes are harvested out in western New York on Lake Erie, Lake Ontario and brought down here.

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MR. BLASS: Okay. So --

MR. HINES: Is there a schedule? Can they do it during the day?

MR. CLARK: My understanding is they process about ten percent of New York's concord grape crop.

MS. LANZETTA: It's going to be hard to make sure all of those trucks have the proper technology.

MR. HERZOG: I can find out.

MR. VIZEL: These farmers are also having truck companies. We can try.

MS. JOLLIE: I just have one quick question. Under the understanding of agriculture, I thought many years ago if you didn't grow grapes or apples you weren't considered agriculture. How -- if they -- I mean they used to have apple trees and grapes along the side. I remember when we first moved there twenty-seven years ago that used to be there. It's no longer there. I thought that in order to be agriculture that you had to have that. You have to grow apples, you have to grow grapes, you had to, you know, be like a farm to be

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agriculture. Why are they an exception?

MR. CLARK: Because they process agricultural products. I'm not sure if I'm right if that falls underneath processing or agriculture. My guess is that they're probably regulated by the Department of Agriculture by a lot of things they do. That would make them agriculture.

MS. JOLLIE: The DEC doesn't consider them an agriculture because they're not --

MR. CLARK: That person in DEC who didn't consider that, he may not be an authority. That may be a legal decision, too.

MS. JOLLIE: We thought many years ago when we started investigating we were under the understanding to be agriculture you had to grow, you know, apples. You had to be somewhat like a farm to be considered agriculture and also get the tax break. They don't service our community. They don't service our community at all.

MS. LANZETTA: Under the zoning, and that's all we're talking about on the Planning Board is zoning, not the ag & markets standards which is something separate. Under zoning it

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says light industrial activities or businesses of a kindred nature engaged in the manufacturing, processing, packaging or warehousing of agricultural and related products. So they fall under that for the zoning where they are.

MR. CAUCHI: My question to you, is the odor all year long? Is that what you said? Is it stronger --

MS. JOLLIE: It's not all the time but lately it's been continuously. We thought maybe it was a seasonal thing but it's not.

MR. CAUCHI: This is year after year you've been having this odor?

MS. JOLLIE: Oh, yeah. Yeah. We thought it was something because they're running -- you know, doing whatever they are doing over there. It's just to the point now it's getting worse. It's getting where I even called to have my septic cleaned out thinking it was me, because the smell is so bad, and the guy comes out and says you could have went a couple more years, not knowing.

MR. CAUCHI: How far does this odor travel? Who else is around there? Do you hear

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KEDEM WINERY

53

it? Do you get the odor?

UNIDENTIFIED SPEAKER: No, I don't. I smell it. I'm next to. I'm right behind them.

MR. CAUCHI: 200 feet, 300 feet?

MS. JOLLIE: As soon as you make the right-hand turn, I'm on the left and we can smell it right there. We're on the south side. We can smell it. They're right behind them, we're across the street. If you go up to Baccus house, they're not here but they can smell it. The Hadleys can smell it. The guy that bought Porco's house, he can smell it. I think everybody knows where Porco lives.

MR. CAUCHI: You say the odor is from? Repeat that.

MR. SCALZO: We did have a violation with the aerators. Perhaps we can submit the monitoring reports to the town engineer. At the last public hearing I was under the impression it was a seasonal odor which led me to believe it was from the processing. Again, this is the first --

MR. CAUCHI: I can understand that. For something that is going on, you know,

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throughout the years --

MR. HERZOG: It's not.

MR. SCALZO: Had I been prepared -- had I had that information at the last public hearing I might have had a chance to prepare a little better for that.

MR. CAUCHI: Because I mean people should not be smelling in their own homes this kind of stuff. I mean that's something that needs to be addressed. So that's -- I mean people are upset because, hey, these little small things, then all of a sudden they start picking everything else. Just take care of this and then --

MR. SCALZO: That I understand.

MR. CAUCHI: -- it's a win/win situation for everybody.

MR. SCALZO: I wouldn't look for a wait and see type attitude here but I would really like to see if when the pressing season was over, if those odors dissipate.

MS. JOLLIE: Didn't he say through September and October? We're in November. No offense but we're in November right now.

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MR. CAUCHI: November just started.

MS. JOLLIE: I'm just making -- my whole thing --

MR. CAUCHI: Give some slack.

MS. JOLLIE: We've been through a lot. We had over \$100,000 worth of damage downstairs. My house is still not to par. My land is worth more than the house, unfortunately. That's why I've got a major concern. My whole thing is you put the 16,000 square foot building there, if we go and say okay with it, what are the chances that this is not going to get taken care of? We want -- I know it's a small thing but we want this taken care of before you go ahead and want to build another building or take the other house next to it and do it. That's our main concern. We've been living here for over twenty years.

MR. JOLLIE: It took over six years to do something about our flooding.

MS. JOLLIE: We've been flooded so many times. Right now we just spent thousands of dollars redoing our driveway, doing our house, fixing a little bit of the downstairs. What are the chances that this is going to happen again?

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We don't want that. We want concrete. We want something that's going to tell us you're going to take care of this, this is going to happen. We want to know before you go ahead and start building and digging holes and everything. I mean you guys build that so-called septic. You were halfway done with it, whatever, the water retention. It looks like a septic anyway, half in the ground, half above the ground, and it's humongous back there. We still don't know as neighbors what that is. You guys got the okay to go ahead and finish it and we still don't -- as neighbors that live on that street we don't know what it is. We just want answers. We want things to be corrected before things happen again.

CHAIRMAN TRUNCALI: Do you have --

MS. JOLLIE: We're taxpayers. Do they pay taxes?

CHAIRMAN TRUNCALI: Do you have continual visits from the DEC for like monitoring --

MR. HERZOG: Sure.

CHAIRMAN TRUNCALI: -- on a regular

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basis?

MR. HINES: It's self-reporting.

MR. VIZEL: This comes from the DEC site.

MR. SCALZO: To have an on-site sewer system you need to have a certified --

MR. HINES: Operator.

MR. SCALZO: -- operator.

MR. VIZEL: A licensed operator reporting every day.

MR. HERZOG: Every day.

MR. BLASS: Breaking it down into some smaller pieces, I think the issue is what is the problem, what is the cause of the problem, what is the solution to the problem and what is the verification of the solution. Who is going to verify it. I think the burden is on you guys to report to this Board on all of those elements. Right now what I've heard tonight is that there's been a self-reporting of an aeration problem to the DEC by somebody. I don't hear that that is the problem, that that is the cause of the problem. I don't hear what the solution to the problem is. I don't see any verification of the

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solution. Seemingly, verification of the solution would be by the DEC, or certification by some engineer who is willing to put his license on the line that this is the solution.

MR. HINES: There's odor control technologies that can be implemented on processing as well. As Ron said, is it the crushing, is it the fermenting process, is it the sewage treatment plant, is it a combination of all of those? I don't know.

CHAIRMAN TRUNCALI: I guess that's your job, Darren, to take care of that for the next meeting.

MR. SCALZO: I understand. As the public hearing is open, have we -- this could be a very long -- people have had the chance to speak at two separate meetings at this point. Can we address these afterwards? Can we close the public hearing and address these with the Board at the subsequent meeting?

MS. ANDERSON: I know you stated it's a certain season. That's too much. I can't sit out at my own home in September. I know that's when you process the grapes. I can't even go outside

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of my own home from the stench. Who is responsible to clean out the stream back there? We've been doing it. We shouldn't have to clean it out. There's all brush there. My husband's been cleaning it out. Isn't it their responsibility to clean that stream out so it doesn't get clogged?

CHAIRMAN TRUNCALI: It's on their property or your property?

MS. ANDERSON: Their property.

MR. CLARK: If the Town has an easement, it sounds like the Town has taken the responsibility to maintain --

MS. ANDERSON: No.

MR. HINES: They have the ability but not the responsibility.

MR. CLARK: Okay.

MR. HINES: I'll make that clear. They have the access to it.

MR. CAUCHI: Well said.

CHAIRMAN TRUNCALI: I think we know what all the issues are. I think we could close the public hearing.

MR. CLARK: Let me ask you this

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question. Is this part of a so-called storm water management plan?

MR. HINES: When the previous addition to the building was constructed we heard similar comments. Some field investigations did identify an existing pipe from this site. Actually, the pipe itself is not on this site, it's on the private properties of the McLaughlin -- the rear of McLaughlin Drive. The stream traverses this site. Right at the property line where the McLaughlin Drive subdivision was built this stream was piped. There's a headwall there, a 24 or 30 inch, I don't recall exactly what size pipe. During that investigation at a similar public hearing we went out, the pipe was 98 percent full of debris. That's been cleaned out. The easement was provided for the ability for the Town to clean it, and a stormwater -- an outlet control structure was placed behind the large building on the site to turn the wetland area on the northern portion of the site into a detention facility. It has an multi-orifice outlet control that allows more and more water as the flows increase.

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MR. CLARK: My understanding is as you create those water management districts someone is responsible for maintaining them.

MR. HINES: This is private property. The district is created when we do like a subdivision.

MR. CLARK: The Town has the choice of either doing it themselves and charging the landowner or, you know, saying the landowner has the responsibility. I just wondered if that's defined here, who has responsibility.

MR. HINES: When it's an individual landowner it's that individual landowner. The Town forms drainage districts when the Town takes on the ownership of a larger tributary to Town roads where there's multiple owners conveying. Drainage districts are formed so that drainage districts can operate and maintain those. On private property here that burden is on the individual private property owners, it's not the Town. Not to say the Town doesn't have some jurisdiction as a regulated MS-4 community that they can do some enforcement of those individual drainage districts. Often the larger projects

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such as this have agreements with the Town that they will operate and maintain these systems.

MR. CLARK: It looks like to me this was just bad planning by some other planning board. Maybe those lots in that drainage area should not have been approved.

MR. HINES: Yeah.

MS. LANZETTA: You think?

MR. HINES: I don't know when McLaughlin Drive was built but I don't know if they looked at those kinds of issues. If there was pipe size calculations. I don't know back then. Certainly there should have been provisions for easements throughout that subdivision, which there was not. I did work with the Town on the Jollie site and get those other easements to continue the pipe through there. There is no easement on what's on this map, Gosic and Anderson. The Town doesn't have an easement there. It's still through private property. The Town was able to obtain from Kedem an easement at the inlet to that, and so improvements were made at that location. The Town does have the ability, if there is an issue, to go in there and

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maintain that now.

 This project, the stormwater from
this --

MR. CLARK: This goes someplace else.

MR. HINES: It goes to the front.

MR. CLARK: That's fine. I can see
that.

MR. HINES: It is not tributary to that
drainage course that we're talking about.

MR. CLARK: Yes.

MS. LANZETTA: Just for clarification,
on the firehouse recommendations that was in the
September 21st minutes, you said that you would
get a hold of the fire department and ask them
about the closing of that.

MR. SCALZO: I'll have to review those.
I personally wasn't here for that meeting.

MS. LANZETTA: I saw that.

MR. HINES: That was a different
engineering company at the time.

MR. SCALZO: I will certainly. I
apologize.

MS. LANZETTA: No problem. That's why
you looked so confused.

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MS. ANDERSON: In the middle of the night when the trucks start beeping at 1:30 in the morning should I call the police? Is that allowable?

MR. CAUCHI: We do have a noise ordinance? I don't know if the truck back-up exceeds the noise ordinance that is in place in the Town. I guess calling the cops is the right thing to do.

MR. KNEETER: There's no noise ordinance. Not in the Town.

MR. HINES: 65 decibels.

MR. KNEETER: Show me where it's at. I've had situations myself throughout the Town and I was told there wasn't any.

MR. CAUCHI: Sorry if I misspoke there.

CHAIRMAN TRUNCALI: Ron, do you think we can close the public hearing?

MR. BLASS: The issue is for the Board to consider closing the public hearing or not.

CHAIRMAN TRUNCALI: Do I have a motion to close the public hearing?

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

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CHAIRMAN TRUNCALI: Do I have a second?

MR. LOFARO: I'll second.

CHAIRMAN TRUNCALI: All in favor?

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

Opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

MR. SCALZO: I've got some work to do.

I understand that. Our next submission will have some answers for you.

CHAIRMAN TRUNCALI: Thank you.

MR. HERZOG: Thank you, everybody.

(Time noted: 8:38 p.m.)

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

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

DATED: November 30, 2015

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

----- X
In the Matter of

EMPIRE LANDSCAPING

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

----- X

SKETCH - SITE PLAN

Date: November 2, 2015
Time: 8:39 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Chairman
CINDY LANZETTA
STEVEN CLARK
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND
JEN FLYNN
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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CHAIRMAN TRUNCALI: Next up is
Empire Landscaping.

MR. BROWN: I'm Charles Brown, I'm the
engineer for Empire. We're apparently the first
job under this new overlay district. Nobody
could really tell us how to proceed procedurally,
so we went to the Planning Board first and got a
bunch of comments from Pat.

Thank you, Pat.

We addressed all of those and then I
submitted to the Town Board with a cover letter
asking them to inform me of when this project
would be on their agenda. Next thing I know I've
got Tom Corcoran calling me and saying what's
going on with the job. I said we're waiting for
the Town Board. He said the Town Board approved
it and so did the Planning Board. We submitted
to the Planning Board for your approval.
Apparently this Board has no record of the Town
Board approval. Possibly they didn't follow
procedures. I'm here tonight.

MS. LANZETTA: Have we gotten anything
from the Town Board? I know we had that meeting.

MR. BLASS: We had the joint meeting.

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MS. LANZETTA: Have we gotten anything in writing?

MR. BLASS: No. We had the joint meeting. At the joint meeting I was commissioned to do a flow chart of how this business corridor overlay process worked. I did provide that to the Town Board and maybe to the Planning Board, I can't remember.

MS. LANZETTA: We haven't gotten it.

CHAIRMAN TRUNCALI: I did get an e-mail about the flow chart.

MR. BLASS: You got the flow chart?

CHAIRMAN TRUNCALI: Yes.

MR. BROWN: I'd like to get a copy of that too, if possible.

MR. BLASS: This is a site specific zoning process where the first step is for the Town Board to hold a public hearing for the purpose of dropping down a floating zone -- business corridor floating zone by zoning map amendment basically. I think the Town Board has previously sent representatives to this Board admitting that they were not following that procedure, admitting the mistake of that, and

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asking for the flow chart which would in fact create a guide.

So I could ask you, Charlie, did this applicant have a public hearing to amend the zoning map?

MR. BROWN: Again, I have no idea. In my submission letter to the Town Board I asked them to inform me of the meeting date so I could be present at the meeting. Again I was not informed of any meeting.

MR. BLASS: I'm going to venture a guess that the Town Board probably hasn't held a public hearing on amending the zoning map on this particular specific project. When and if it does schedule that public hearing, the process is to get comment from the Planning Board in the nature of a recommendation based on conceptual plans. I don't know whether you want to conceptually share your plans with the Planning Board in anticipation of that process or --

MR. BROWN: Sure.

MR. BLASS: -- go home early.

MR. BROWN: Sure. We came before this Board before. I know it was a much different

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Board. Some of Pat's comments were to show the septic, which we have on there; hours of operation, which are up here next to the zoning schedule. The big one was to submit to DOT because we actually had a shared driveway with the property just to the north of us.

We have since met with the DOT and they signed off on this plan. They're ready to issue a permit when we get done with the various Town of Marlborough agencies.

What this is is a landscaping operation and a snowplowing operation.

I have another set of comments here from Pat. We will have to amend the hours of operation because they applied to the landscaping portion of the business. However, when it comes to the snowplowing, obviously it's going to be when it snows like crazy he's going to be working like crazy. I'll have to put it down for both businesses and probably leave it wide open for the snowplowing.

MR. CLARK: They don't have trucks with beepers when they back up?

MR. BROWN: Yes, they do.

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MR. HINES: Yes, they do.

MR. BROWN: You can't get a DOT permit without them.

It is a fairly large operation. Again, we're here to, you know, again move this thing along and --

MR. CLARK: I was just looking at your map. I've got one question. It says employee parking over here and on that same square it says approximate location of office septic. It's kind of unusual that you would put parking on top of a septic.

MR. BROWN: The septic is infiltrating units which are low graded for vehicles. I just confirmed with my client, who is here tonight, and he says no, that's not where it is. I'm going to have to move that one.

As far as the garage; Pat, that doesn't have any bathroom facilities so there's no septic for that.

MR. HINES: It has no well? I'm wondering where that goes.

MR. BROWN: The well is by the office.

MR. HINES: There's a well behind the

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garage.

MR. BROWN: You're right.

UNIDENTIFIED SPEAKER: There's a well on the back side of the garage.

MR. BROWN: There's no bathroom facility in the garage?

UNIDENTIFIED SPEAKER: No.

MR. HINES: Where does any water used in the garage go I guess is the question?

MR. BROWN: What do you use that well for? Washing trucks?

UNIDENTIFIED SPEAKER: It's a hose outside. There's no faucets in the garage.

MR. HINES: Just to clarify that. Do you want me to continue with my comments?

CHAIRMAN TRUNCALI: Ron, I do have a copy of the flow chart here. Does the Planning Board have to issue a neg dec on this project before they can actually go to the Town Board for their change?

MR. BLASS: Well somebody has to issue a negative declaration. It could be the Town Board that takes that role on, it could be the

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Planning Board that takes on that role.

CHAIRMAN TRUNCALI: In your flow chart it says Planning Board to issue SEQRA determination of significance, either a negative dec or --

MR. BROWN: If I have any say on that I would prefer the Planning Board because they're much more qualified to do that.

MR. BLASS: In that flow chart, which I don't have with me, that step may have followed a public hearing in front of the Town Board. I mean there were three columns in that flow chart.

CHAIRMAN TRUNCALI: The columns go across and they go up and town. Which way are you supposed to go here?

MR. BLASS: I don't know how you can read it on the Smartphone. I know I couldn't.

CHAIRMAN TRUNCALI: Do you want to look at it?

MR. BLASS: Up and down is the timeline. It's a timeline for each Board. The rows are the steps.

CHAIRMAN TRUNCALI: Okay.

MR. BLASS: Some of the steps have

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options along the way. They overlap.

CHAIRMAN TRUNCALI: On the top all it says is Town Board may reject the application at this stage or any earlier or later stage because it is a legislative rezoning exercise.

MR. BLASS: Right. What that means is there's no obligation on the part of the Town Board to review the matter. That doesn't seem to be the case here. It seems to be that the Town Board would review the matter, and would hold a public hearing, and would potentially amend the zoning map to create a business corridor overlay. Before the Town Board could do that, however, you're absolutely correct that some agency is going to have to make a negative declaration under SEQRA. I think that at the joint meeting both the Town Board and the Planning Board thought it was a good idea that the Planning Board handle the SEQRA process, if I recall correctly.

CHAIRMAN TRUNCALI: Correct.

MS. LANZETTA: Yes.

MR. BLASS: So is your thought that the Board might want to do a negative declaration as

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early as tonight?

MS. LANZETTA: No.

MR. BLASS: Okay.

MS. LANZETTA: Because the other thing that I think we were unsure about was as part of their deliberative process, the Town Board, they're not as bound to the zoning requirements as we are possibly. We had talked about that HD zoning and the fact that he wants to have this -- employee housing would not normally be allowed, but you said that the Town Board could factor that in as part of their deliberations and forward that on to us so whereas I would think that if we review it initially without their suggestion of what they would like to see, we can't be as lenient as perhaps they could be in what they want done.

MR. BLASS: So in the process the Town Board does have a legislative function. It's the legislative body. It's an elected body. What it does is act through legislation. It could be legislating a change of the zoning map to accommodate this use on this site where the use is not currently accommodated by zoning. In that

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context I think it has broad jurisdiction to structure the types and numbers of uses that would be in that legislation. Then the Planning Board would follow on a site plan review of the wisdom of the layout to follow those -- to follow those purposes.

I think where we are right now is seemingly the Town Board is interested in this project going forward and will schedule a public hearing eventually to amend the zoning map to create a business corridor overlay. That process requires some Planning Board feedback or recommendations in addition to a SEQRA negative declaration before the Town Board could act.

So I think what we're really doing tonight is putting the Planning Board in a position to make recommendations of an advisory nature, nonbinding nature, to the Town Board with respect to its review of the matter. One might say that's what we're doing. One might also say what we're doing is dealing with a process which is off the tracks and needs to be put on the tracks. The applicant is here to basically hear that unfortunate news, number one.

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MR. BROWN: I'm an engineer.

MR. BLASS: What?

MR. BROWN: I'm an engineer. Tracks.
Never mind.

MR. BLASS: Okay. And so that it's not a total waste, Pat's done comments and these comments will theoretically inform your decision-making eventually on recommendations and eventually on SEQRA. So --

MS. LANZETTA: Again I just feel we -- when we talked with the Town Board we said we wanted a formal referral to take this project under advisement, that it was ready, that they felt that they had all of the appropriate requirements that are listed --

MR. BLASS: Full application.

MS. LANZETTA: -- in the law and that based on their review that they were ready to have us review, and then --

MR. BLASS: Make a recommendation.

MS. LANZETTA: -- we would do the neg dec and make a recommendation.

MR. BLASS: Exactly.

MR. BROWN: How do I proceed? When I

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submitted it to the Town Board my cover letter was clear I wanted to be notified when it was going to be discussed at the meeting, and that was ignored.

MR. HINES: The Town Board has had some guidance on how this process works since then.

MR. BROWN: Okay. Okay.

CHAIRMAN TRUNCALI: We have Pat's comments. Why don't we go over Pat's comments at this time and we can move forward from there.

MR. HINES: Our first comment just notes that the DOT has issued an e-mail that conceptually approves the relocated driveway. The current condition the driveway accesses off the neighbor's lot, so they're proposing to realign that and construct a new DOT compliant driveway. DOT said that's acceptable. A highway work permit will be required. They have a streamlined process that seems to be working to accomplish their highway work permits.

They have put in a landscape island between this and the adjoining property in order to close off what previously was a common access drive. I'm just looking for some details on

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that. It looks like it's going to be curved. There's no detail there. Just show what that's going to look like for the Planning Board and the building department.

MR. BROWN: No problem.

MR. HINES: Our third comment has to do with what we previously talked about, the subsurface sanitary sewer disposal system being delineated in the same area as the employee parking lot and being under the pavement. We did just speak of that. The actual location of that sanitary system should be shown.

The hours of operation need to be on the plans.

The site sign does identify the snowplowing operation. That can result in similar comments that we heard from the previous application before us tonight. We do need to get a handle on the intensity of that use, number of trucks, hours of operation, how you're going to control them coming and going, and if that will impact any of the properties along there. There's a commercial property immediately next door. I don't know what's around it.

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Site lighting is going to need to be addressed on the plans.

MR. BROWN: The site lighting is actually mounted on the building. We'll make that more clear.

MR. HINES: Stormwater runoff. That gravel parking area has been constructed recently I would say. That seems to direct all the flow in a northerly direction off site. We're going to need someone to take a look at the impacts of that. I'm sure that will come out at the public hearing if we don't address it.

The septic system serving the garage we just discussed. We would like a note on the plans saying that that building is dry and there are no fixtures within the building.

MR. BROWN: Okay.

MR. HINES: The employee parking, you show some of the parking in front of the single-family residence. I know it's the intent of this applicant, at least it's been alleged to be their intent, that they're going to use that for employees. That's unenforceable for this Board. I think that parking needs to be shown as a

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residential use.

MR. BROWN: Okay.

MR. HINES: We have no way of knowing who works for that business, nor does the building department. You do need to show the adequate parking under the zoning for that.

MR. BROWN: Okay.

MR. HINES: Number 9 is the big one we discussed tonight, the status of the Town Board's referral which we know has not been completed to date.

The number of vehicles stored as well as the potential number of employees on the site. There's some fairly large vehicles there, not what I would consider, at least last time I went by there -- it's not pick-up trucks and one-ton dump trucks. They look larger than that. I think the Board needs to get a handle on what this operation is and how big of an operation. So the number and types of vehicles stored.

MR. BROWN: He's doing DOT work.

MR. HINES: It's not, for lack of a better term, a mom and pop landscaping, one truck and a trailer. It's a large operation.

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There are two what I refer to as storage trailers. The building department's comments on those. I don't believe the zoning code allows use of overseas containers and trailers for storage. That's probably going to be an issue on the site.

Then along with the snowplowing there are some mulch bins and gravel bins. There's nothing depicting where any ice control material would be stored on the site. That needs to be indoors and covered to address the water quality issues of that.

MR. BROWN: Okay. I'll go over that with my client.

I don't see any issues here on our end. I guess based upon this -- I mean if the Board has anything else. Based upon this we go back to the Town Board?

MR. BLASS: Yeah. I think the first thing I would do is get a copy of the business corridor overlay zoning law.

MR. BROWN: I have that.

MR. BLASS: It's not that obscure.

MR. BROWN: Okay.

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MR. BLASS: There's also a flow chart now that's floating around the town hall.

MR. BROWN: How do I get a copy of that?

MR. BLASS: Send me an e-mail tomorrow and I'll send you a copy of it.

MR. BROWN: Okay, Ron. Thanks.

MR. BLASS: I'll also send a copy for distribution to the Planning Board Members in case you don't all have one, or some don't have one.

CHAIRMAN TRUNCALI: I can send it to Jen and you can send it out to the rest of the Members.

I thought we had just said that the applicant was looking for direction from the Planning Board and comments from the Planning Board before they went to the Town Board.

MR. BLASS: Well, I've got to say I agree with Cindy. She refreshed my recollection that the biggest issue that we've had with these applications is whether or not the application requirements laid out in the code have all been submitted somewhere for review as to completeness

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and adequacy so that the Town Board is now in a position to schedule a public hearing, if it wants to move forward, and refer the matter to the Planning Board as an active, real live and complete matter that is what -- that it wants to move forward on. I am sitting here not having any clue as to whether all of the application requirements of the business corridor overlay zone have been complied with or not. I don't know that. No one has asked either Pat or I to --

MR. CLARK: Whose responsibility is it to review and approve that? I would think the building inspector.

MR. BLASS: I would think it's probably in the first instance the building inspector's office. If they need help or feedback, then refer it out to a consultant to go down the checklist.

CHAIRMAN TRUNCALI: The Town Board did say that they did not want to do SEQRA, and --

MR. BLASS: Right.

CHAIRMAN TRUNCALI: -- so they can not schedule a public hearing until we do that.

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MR. BLASS: They can schedule a public hearing. Here's the flow chart in the simplest sense. A complete application is received by the Town. The Town Board is convinced that this is something it wants to move forward on. It has no obligation to move forward at all. You guys have to review site plans and subdivisions that come in front of you. The Town Board has absolutely no obligation at all to entertain any one of these business corridor overlays. The landowner's task is to submit a complete application and convince the Town Board it move forward. If the Town Board wants to move forward, the next thing they would do is refer it to the Planning Board for review and recommendations back and for a potential SEQRA determination in the nature of a negative declaration theoretically. When that negative declaration takes place, it could take place before the Town Board holds it's public hearing, it could take place after the Town Board holds it's public hearing. So the public hearing is not in any way subject to when the SEQRA process begins or closes. What it is subject to -- what

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it does require is closing of the SEQRA process, the Town Board taking an action to amend the zoning map to create the business corridor overlay zone for this site specific project. Once the Town Board -- so the Town Board would not do that until the Planning Board issued a negative declaration. Once the Town Board approves it and amends the zoning map to change the use fabric, it will come back to the Planning Board for site plan approval.

MR. BROWN: Would that require another public hearing?

MR. BLASS: Yes.

MR. BROWN: I'm exhausted.

MR. BLASS: Well, you know, this shouldn't really be all that foreign. It's done all the time. It's done everywhere when somebody wants to take a project, a site specific project and put it where the zoning doesn't allow it. It's a pretty uniform procedure.

MR. BROWN: I would rather go for a use variance.

MR. BLASS: You could go for a use variance but --

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MR. BROWN: Not on this job. I'm saying in general.

All right. I've got my direction. Anything else from the Board?

(No response.)

MR. BROWN: Thank you.

CHAIRMAN TRUNCALI: Thank you.

(Time noted: 9:00 p.m.)

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

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

DATED: November 30, 2015

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

----- X
In the Matter of

CHERNOBYL P&L

Project No. 15-8011
30 Main Street
Section 103.9; Block 2; Lot 28/29

----- X

SKETCH - SITE PLAN

Date: November 2, 2015
Time: 9:00 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Chairman
CINDY LANZETTA
STEVEN CLARK
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND
JEN FLYNN
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: ROBERT POLLOCK

----- X

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

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MR. POLLOCK: Does everyone know what we're doing?

CHAIRMAN TRUNCALI: Are you part of Chernobyl Light & Power?

MR. POLLOCK: I am Chernobyl. When I first came to Milton there was -- I was saying it's an interesting Town.

What we're doing is taking an as zoned commercial building. We're basically -- Tommy said I have to come in front of you.

We have about fifty parking spots in the rear of the building. All I need is -- basically from what I'm doing I need about twelve spots out of the fifty. For the bakery I allowed twenty-seven spots, for -- it's three spots per seat. That's what you're supposed to -- if you're doing square footage as in a laundromat, it's one car for every 300 square feet. So basically I'm -- I have a lot of parking for what I need it for.

What I plan on doing is the ground -- I don't know if -- do you guys want pictures of the ground floor? We're taking a three-story building -- we're taking a three-story existing

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2 building -- we have two apartments upstairs
3 already that are existing. The basement we're
4 using as a commissary for the bakery. We just
5 basically ran out of space in the bakery. I
6 didn't know at the time you needed so much room
7 for bread. The story is I need freezer and
8 refrigeration space. I'm adding on to the
9 basement of the building. The rest is dry
10 storage and a small bread baking area in the
11 front of the building. I'm not using extra
12 employees.

13 This is the basement of the building.

14 Okay.

15 I'm not using any extra employees. I'm
16 just taking the bread people from the bakery and
17 bringing them over to the basement of the
18 building.

19 We have all the egress.

20 We're using Town sewer and water even
21 though we're thinking of doing an ag window
22 manufacturing company. Just kidding. Seeing if
23 you're awake.

24 So we're not doing anything different.

25 Upstairs we're considering doing a cafe

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which is going to be -- it's going to be more of a farm to table Chinese. We need something else in the Town.

All I'm asking you for is the approval for the -- we have the parking we need for 33 seats or 35 seats that we're going to be using, which we already have. We have to come in front of you because Tommy can't just say you have it already.

MR. HINES: You identified the addition as retail on this map.

MR. POLLOCK: Correct. If it's retail it's 300. Right now I don't know what we're doing. All I'm asking is for enough for thirty something people. If we do retail, that means we need less parking spaces than I'm asking for. So it's either retail or cafe.

MR. HINES: My --

MR. POLLOCK: The problem is for me to hire a chef and to try to get someone to make the right food, or we change it into retail and say -- you'll give me the right to say I'm allowed to have thirty-three people in the ground floor space any time. Either it's retail or it's the

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cafe.

MR. HINES: You may have enough parking. I'm saying right now it's seven spaces dedicated to the retail.

MR. POLLOCK: Where do you see seven spaces?

MR. HINES: In your parking chart here. I'm just saying that may need to be revised.

To summarize, he has the existing bakery and laundromat, basically a lot -- two lots down -- two lots up I guess it would be towards the center of Town. He's proposing a 24 by 24 addition to the rear of a neighboring commercial structure.

MR. POLLOCK: It's really 20 by 20. Sorry.

MR. HINES: We have done this before in the hamlet.

What I will note is that the parking calculations provided don't take credit for the hamlet area parking district. He's allowed five spaces per building on the site.

MR. POLLOCK: That's another ten spots.

MR. HINES: Correct.

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MR. POLLOCK: That means I'm -- I have about 150 parking spots -- 150 people I'm allowed to have there.

MR. HINES: In order to do that, and we've done this before in - not in this hamlet but the Marlborough hamlet, the Falcon facility and the Brickhouse when it was open also, when it did a second floor expansion, they executed legal agreements to allow for that shared parking and cross use, which I'm okay with here. That's something Ron's office will have to work with to do that. I'm thinking you would need an amended site plan on this lot as well for the addition.

MR. POLLOCK: We already built a ground floor addition. Tommy gave me the permit to do that. We're just building a second floor addition now because this is basically a commissary for storage. I have the first floor addition done already and now I'm asking --

MR. HINES: That didn't come to the Board.

MR. POLLOCK: It didn't come to the Board. Tommy said because I'm using it for storage so --

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MR. HINES: Now you're proposing a second floor restaurant?

MR. POLLOCK: Either a restaurant or more storage area.

MR. HINES: I believe in your code that anything that requires more than five parking spaces requires site plan approval is the way your code --

MR. POLLOCK: Why am I here?

MR. HINES: I'm trying to guide the Board as to why you're here. You seem to think you want the Board to approve your parking but I believe that you need to get site plan approval as well.

MR. POLLOCK: That's all I need is the site plan approval?

MR. HINES: Correct. Part of that site plan will be the whole shared parking that we just talked about.

MR. POLLOCK: All right. So you need my attorney to write up something to give to you?

MR. HINES: That's one of the steps.

MR. BLASS: You need a site plan approval. A site plan application form --

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MR. POLLOCK: What does the Town do for us for municipal parking so we can do this so we don't --

CHAIRMAN TRUNCALI: You have the wrong Board.

MR. HINES: It's not as of right.

MR. POLLOCK: You're the Planning Board. You have to plan the future of this Town. You can't keep going back and forth. As of right I'm a commercial space. I'm allowed to have what I'm doing here. You can't just tell me that I need site approval on this.

MR. BLASS: So go to Tom Corcoran, he makes the call, and --

MR. POLLOCK: He told me to come to the Planning Board.

MR. BLASS: Okay.

MR. POLLOCK: Now you're asking me to do something else. I thought it was a simple thing. As I said, we have room for 150 people to be here. I'm asking for 33 people. You're telling me this Board can't do it?

MR. HINES: We're not telling you the Board can't do that. We're telling you that

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there's a process. You're here tonight for a sketch plan on this. If the Board is okay with this concept, then you would apply for a site plan for lot 28.

MR. POLLOCK: Correct.

MR. HINES: As part of that site plan review we're going to tell you there's inadequate parking on this lot. In order to address that you have to come up with a solution that the Board has entertained in other places in the Town. So we have a path to follow for that. But in addition you need a site plan approval. As part of that site plan approval there's a public hearing. There's steps in this process to accomplish this.

MR. POLLOCK: Do you believe this?

MR. HINES: I know you're familiar with this because you've been through it before.

MR. POLLOCK: I've gone through it. But I've done -- we didn't have to do -- we have as of right I would assume as a commercial. I'm not asking you to go from ag to --

MR. HINES: If you're building an addition on the building you have certain uses

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that are allowed.

MR. POLLOCK: What am I allowed to use?
It was a bank before. I'm allowed to put a bank
there?

MR. HINES: No, because that use has
lapsed for more than a year. Almost any use you
put in there is going to result in a change in
use.

MR. POLLOCK: Do you understand when
it's a commercial building it should stay as a
commercial building?

MR. HINES: I understand what you're
saying. What the code says --

MR. POLLOCK: I know what your code
says.

MR. HINES: The Board is an
administrative review board and can only do what
the code allows it to do.

MR. POLLOCK: Do you understand the
irony of this whole thing?

MS. LANZETTA: I'm trying to understand
because you have put in for a site plan but your
site plan is just for the addition?

MR. POLLOCK: I didn't add on to the --

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yes.

MS. LANZETTA: So basically you would be doing the same thing only you'd be coming to us with the whole building? Is that correct?

MR. POLLOCK: Correct. Now I have to go for a public hearing and --

MR. HINES: I'm only going for the addition. I'm okay if the existing uses are in the building. It's the addition and the "restaurant" that would -- the code says anything that takes more than five parking spaces requires site plan approval. Any change of use or addition, too, would require that. So he's --

MS. LANZETTA: He's filled out a site plan application.

MR. HINES: I understand. He's here for sketch. If the Board is okay with sketch we will continue that process. There's a public hearing required.

MR. CLARK: I'm a little confused as to where the Chinese restaurant is going to be, where the commissary is going to be, where the bakery is going to be.

MR. POLLOCK: It's not a bakery.

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MR. HINES: The bakery is on the adjoining lot.

MR. POLLOCK: It's on the ground floor. The ground floor which is now the ground floor.

CHAIRMAN TRUNCALI: Look at this map. This is the upstairs apartments.

MR. POLLOCK: This is the basement. Around here is going to be storage and refrigeration.

CHAIRMAN TRUNCALI: So that leaves the first floor, ground level floor --

MR. CLARK: This is the original bank building.

CHAIRMAN TRUNCALI: Which he wants to get approval to do something in there.

MR. POLLOCK: Do you understand the problem of getting a tax base in this Town now? You're fighting a fight that --

MR. CLARK: You do realize there's a huge book of law there.

MR. POLLOCK: I know we need to change that law.

MS. LANZETTA: That's the other Board.

MR. POLLOCK: Education is going up

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twenty percent. Education taxes are going up another twenty percent. Does anyone have a solution for that? I'm trying my best to help you guys but you've got to help us.

MR. CAUCHI: We're not saying that we're not going to allow you to do this. We're just saying we have a certain protocol. Just do the protocol. I know that time is of the essence for you but you need -- we need a protocol that we have to put in place.

MR. CLARK: Are we doing two different things or just one? Are we approving a change of use or --

MR. POLLOCK: No.

MR. CLARK: -- the proposed addition?

CHAIRMAN TRUNCALI: It's an allowed use.

MR. HINES: First of all, I don't know what a commissary is. I don't know how it got there. Apparently that's functioning and on the site.

MR. POLLOCK: It's not working. I haven't -- right now it's not working. It's basically a vacant space waiting to hear what

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happens at this meeting.

MR. HINES: Let's get this whole thing approved all in this one process. If you're going to put the bakery storage in there, the first floor will go for the change of use, the basement whatever it is for that. Whatever the first floor addition was used for and the subsequent use, I think the Board will be flexible and say it's retail of that square footage or a thirty-three seat restaurant.

MR. POLLOCK: I have to come back before the Planning Board?

MR. HINES: Yes.

MR. POLLOCK: As soon as we come back to my friends over here.

MR. HINES: I've got no where else to send you.

If the Board is okay with the concept -- I think the biggest hurdle here is the shared parking. I think we're okay with that. We've done it before.

What you haven't done is identified there are those ten parking spaces. Whether they exist or not, the code allows you to have five

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per use on the public street. There is obviously some parking on the public street. You may want to update your parking table.

MR. POLLOCK: We will update the parking table.

MR. HINES: I think rather than putting yourself in as retail -- you put the worst case. I think the thirty-three seat restaurant which would be eleven seats then would be -- I think you're going to be right at forty-seven then. So you'll still --

MR. POLLOCK: 47 plus.

MR. HINES: You haven't taken the ten for parking on the street. With the parking table updated, the Board could schedule a public hearing, which is required, as long as they think this map has sufficient information. There's items like topography. This is an existing built-up portion of Town. The Board has the ability to waive a lot of requirements. I don't see a drainage increase on the footprint. I'd like to nail down what your uses are as you changed them, so --

MR. POLLOCK: I told you ag and window

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manufacturing.

The downstairs is basically --

MR. HINES: We don't have a commissary use in our --

MR. POLLOCK: The downstairs is mostly storage.

MR. HINES: I think that's fine. Call it storage.

MR. POLLOCK: We'll call it storage with some accessory baking. I don't know what to say. The ground floor, we're trying to do a cafe up there.

MR. HINES: The whole ground floor is going to become a cafe?

MR. POLLOCK: Most likely. There will be a lot of storage. We need more storage.

Steve knows how much room a bakery needs.

MR. CLARK: You have a lot more customers.

CHAIRMAN TRUNCALI: You're going to put a kitchen in this new section?

MS. HARTWELL: Basically we want to expand it to our wholesale outlet and we can't do

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so with the current refrigeration and freezing that we have in the existing bakery.

MR. CLARK: He's confusing the whole issue by talking about a Chinese restaurant.

MS. HARTWELL: Right. That's on a different floor.

MR. HINES: Let's get a building layout in the corner of this plan. Take this building, program out what uses you're going to have and that will give this Board the ability to approve what it is you're going to use it for.

MR. POLLOCK: When can we date --

MR. HINES: The submission deadline I think is Friday for the next meeting, or the first meeting in December is certainly available. At that point the Board could be in a position to schedule a public hearing.

MR. CLARK: He'll have it built by that time.

MR. POLLOCK: I'll have it built by that time. I'm not going to do it without your blessing.

MS. LANZETTA: You should have it back for our next meeting so we can schedule the

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public hearing for the following meeting.

CHAIRMAN TRUNCALI: The public hearing is the first meeting of the month.

MR. POLLOCK: December whatever. Monday.

MS. LANZETTA: You have to be back before then.

MR. POLLOCK: We'll be back. That's two weeks from now.

MS. LANZETTA: You have to get the stuff in by Friday.

MR. POLLOCK: We have it all done already. Everything is done, it's just on this paperwork.

CHAIRMAN TRUNCALI: You have to fill out a site plan application.

MR. POLLOCK: My engineer will do that. He'll take care of the site plan.

(Time noted: 9:15 p.m.)

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

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

DATED: November 30, 2015

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

----- X
In the Matter of

ROBERT POLLOCK

7-20 Sands Dock Road
Section 103.1; Block 2; Lot 23

----- X

DISCUSSION

Date: November 2, 2015
Time: 9:15 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Chairman
CINDY LANZETTA
STEVEN CLARK
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND
JEN FLYNN
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: JAMES REYNOLDS

----- X

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

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ROBERT POLLOCK

109

MR. POLLOCK: The next thing we have before the Board is an extension of -- what do we have?

MR. HINES: We have a discussion item.

MR. POLLOCK: We're discussing something right now.

MR. REYNOLDS: Good evening. My name is James Reynolds, I'm an architect doing some work with Bob. We're here for a discussion/workshop meeting just to introduce you to Bob's next project which is for a proposed thirty-room hotel structure. I understand that -- Barry Medenbach, who is the engineer that prepared these plans, was not able to be here tonight so he asked me to step in and just do the preliminary presentation. What I have from Barry is that the existing Town zoning would require a 10 acre parcel for the hotel. What we'd like to present for your consideration is that the parcel in question would be contiguous, across a Town road, with the existing Buttermilk Falls Inn & Spa facility.

MR. POLLOCK: Basically Evelyn's View, we're going to try to combine it with Buttermilk

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ROBERT POLLOCK

110

Falls.

MR. HINES: Did you say contiguous
across a Town road?

MR. POLLOCK: Sort of.

MR. REYNOLDS: I did. I think that's
what I said.

MR. HINES: It's contrary to contiguous
I believe but --

MR. POLLOCK: We just have a little
obstacle.

MR. HINES: A road.

MR. REYNOLDS: It would necessitate
crossing the Town road, otherwise there would be
direct --

MR. BLASS: Are these intervening
properties?

MR. HINES: Who are these?

MS. HARTWELL: These are Buttermilk
Falls.

MR. BLASS: This is Evelyn's View.

MR. REYNOLDS: Correct.

MR. BLASS: This is Buttermilk Falls
and this is a bunch of intervening property.

MS. HARTWELL: These are all

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ROBERT POLLOCK

111

incorporated because they're all owned by Robert but are separate lots.

MR. POLLOCK: These are separate lots. He's buying this piece of property here and creating --

MR. HINES: What's the aversion of getting a ZBA lot variance from the 10 acre --

MR. REYNOLDS: Is it required?

MR. BLASS: It's a big variance.

MR. POLLOCK: A couple years ago Evelyn's View tried to get through -- did they come in front of this Board? What happened?

MR. BLASS: They applied for a B&B.

MR. HINES: But they didn't want to be owner occupied, if I remember correctly.

MR. POLLOCK: They didn't want to be owner occupied. We're not -- we're just trying to extend. Right now we're turning away too much business at Buttermilk Falls. We need a place for people to stay.

(Inaudible discussion.)

MR. HINES: I've got to call a timeout here. You're driving the Stenographer crazy here.

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ROBERT POLLOCK

112

MR. POLLOCK: I'm not going to spend a hundred million dollars if it's not going to work.

Manny, I told you you should be partners.

CHAIRMAN TRUNCALI: You did show us how it's contiguous.

MR. POLLOCK: It's not as clear on this map as it is on the other one. This is the easement right here, and then it goes on to a turn around here, and this is the beginning of the falls over here.

MR. REYNOLDS: So there would be constructed an access route that would cross these two existing -- that former residence. There's a tennis court down in here.

MR. POLLOCK: The tennis courts were over here. The golf club. This is strictly for housing. There's nothing outside except what's going on inside the building.

CHAIRMAN TRUNCALI: This is a new structure here.

MR. POLLOCK: This is a new structure.

MR. CLARK: How many stories is it

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ROBERT POLLOCK

113

going to be?

MR. POLLOCK: Twenty. It's going to be thirty-five feet high.

It's like Manny's house. It's a manor house. It goes great with the Town of Milton.

MR. CAUCHI: Where is the existing house compared to that?

MR. POLLOCK: We're knocking down the existing house and building it. We're also excavating -- right now there is one floor that's underground on the existing house. We're going to excavate that all the way back and put it -- put that underground for the common area in the building to be underground so it meets the 35 foot. So we'll do it that way.

(Inaudible discussion.)

MR. POLLOCK: Cindy, what do you think? It's up to you.

MS. LANZETTA: I want to know about this contiguous -- the legalities --

MR. BLASS: I think the zoning law has a 10 acre minimum lot size for a hotel and this is an effort to play around with that concept. Obviously the site of the hotel structure is on

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ROBERT POLLOCK

114

less than 10 acres.

MR. HINES: 5.9.

MR. BLASS: 5.9 acres. So there's a desire to somehow borrow land which is really not contiguous land, nor is it under common ownership, to the north of the hotel site and to accumulate the acreage into more than 10 acres. So the rule is minimum parcel size for a hotel is 10 acres. The proposal is to put a hotel on 5.9 acres. The suggestion is that other land can be borrowed and moved over and attached to the 5.9 acres to make up 10 acres. Ordinarily one would go first to the building inspector and say I would like that interpretation of the zoning law, may I have it. The building inspector would say yes or no. The odds are that the building inspector would probably say no. Then the remedy would be to go to the Zoning Board of Appeals to somehow vary the minimum 10-acre lot size rule for this particular project. If one got an area variance allowing the 10 acres to be reduced to 5.9 acres by the ZBA, there wouldn't be any need to borrow land that's not contiguous.

MR. CLARK: Is there a difference

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ROBERT POLLOCK

115

between a hotel and a bed and breakfast?

MS. LANZETTA: Yes.

MR. BLASS: Yeah. Bed and breakfast is owner occupied with certain limitations on size.

MS. LANZETTA: The definitions are here.

MR. BLASS: There's a whole chapter in the code.

MR. POLLOCK: Four bedrooms max per building code.

MR. BLASS: This is a proposed hotel. It looks like it's a hotel that needs about a 4-acre variance.

MR. POLLOCK: Well the idea was to have a second means of egress for the fire department at the same time, which I think would be a lot of help to that spot, Evelyn's View. It's basically having a second means of egress.

MR. HINES: I think that's okay.

MR. POLLOCK: At the same time --

MR. KNEETER: Evelyn's View redid the driveway for us.

MR. POLLOCK: We were going to buy back the old driveway that's north of it and this way

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ROBERT POLLOCK

116

we have 15 feet on both sides of the building.
We're fully -- of course we're fully sprinklering
this building and we're fully sprinklering the
other building in town. We're going to have a
hydrant right there on the premises.

MR. KNEETER: I don't know what the
water main is there as well. I don't know what
the size water main is.

MR. POLLOCK: It's not going to be
higher than 35 feet.

MR. KNEETER: The water main I'm
questioning. I don't know what the size is.

MR. HINES: When you say the building
is 35 feet, you need 26 foot access for it too
when you start getting that height in the
building code. You may want to take a look at
that height.

CHAIRMAN TRUNCALI: One side is going
to be underground?

MR. POLLOCK: Part of it is going to be
underground.

MR. HINES: I don't have any topography
here or anything. When you say 35 feet, it could
change.

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ROBERT POLLOCK

117

MR. POLLOCK: It could be 29 feet.

MR. HINES: Yup. That would be better for you I think under the building code.

I concur with Ron's analysis that they need to -- I think the easiest way would be to go to the ZBA and get relief from that and/or obtain some truly contiguous property from Kent or something here.

CHAIRMAN TRUNCALI: You'll never get anything from Kent.

MR. POLLOCK: You'll never get anything from Kent.

MR. HINES: I have faith in you.

MR. POLLOCK: They can't give up anything. I don't know. Okay. So we're at the Zoning Board now.

CHAIRMAN TRUNCALI: First you're going to have to go to the building inspector for an interpretation.

MR. POLLOCK: I'll go to Tommy and see him.

CHAIRMAN TRUNCALI: If he says no then you would go to the Zoning Board of Appeals for a variance for the acreage.

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ROBERT POLLOCK

118

MR. CLARK: That would be the easiest thing.

MS. LANZETTA: Yeah.

MR. REYNOLDS: And presumably if we were able to go through that process and gain approval, we'd come back here for a site plan approval. Would the Board have any preliminary disposition with regard to this kind of application?

CHAIRMAN TRUNCALI: Did anybody have any problem with it?

MR. CAUCHI: I don't see any problem.

MR. LOFARO: Not at all.

MR. POLLOCK: We could put it in Google Maps if you want and show you.

MS. HARTWELL: We do have it.

MR. POLLOCK: We have it in Google in fact. We can actually show you how it fits with the topo. It's pretty cool. We're not set on that design exactly. Maybe we'll play with it if you guys don't like it.

MR. CLARK: Are you going to the Architectural Review Board?

CHAIRMAN TRUNCALI: How many rooms are

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ROBERT POLLOCK

119

you looking to put in?

MR. POLLOCK: We're looking at around 30 rooms. How many hotels do we have now in Marlborough?

CHAIRMAN TRUNCALI: Zero.

MR. POLLOCK: We have a lot of motels. The Raccoon Saloon.

MS. LANZETTA: I will say in the State's economic development plan they say that there's a great need for facilities like this.

MS. HARTWELL: We're turning away business unbelievably. The potential for corporate clients --

MR. CLARK: They're also filling up all the other bed and breakfasts in the valley.

MR. POLLOCK: There's a demand. Everyone is going to the B&B right now.

MS. HARTWELL: Peak weekends in October, just in the New Paltz area in airbnb.com, there were a thousand listings and only a hundred of them were vacant. They don't have the rooms. There's definitely a need for properties like this. People are looking for the higher end experience. They want something

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ROBERT POLLOCK

120

unique and I think Buttermilk Falls definitely offers that.

MR. BRANDS: I know where there's a great 18 acre parcel next to Purdy Avenue where this would be a fantastic spot.

MR. POLLOCK: I know. Is that Dino's spot? We need it all close to the same. We're expanding on the spa also.

CHAIRMAN TRUNCALI: All right. Thank you.

MR. POLLOCK: Thank you.

(Time noted 9:30 p.m.)

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

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

DATED: November 30, 2015

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

----- X

In the Matter of

BRODY RIDGE

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

----- X

EXTENSION - SIX-LOT SUBDIVISION

Date: November 2, 2015
Time: 9:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Chairman
CINDY LANZETTA
STEVEN CLARK
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND
JEN FLYNN
MICHAEL MUSSO

----- X

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

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BRODY RIDGE

123

CHAIRMAN TRUNCALI: Next we have an extension for Brody Ridge. I have a letter. "Dear Chairman, conditional final approval for the Brody Ridge subdivision was extended through October 2015. As you're aware, the law regarding extensions was amended in 2010 and no longer limits the number of extensions. On behalf of the owner we would respectfully request the approval be extended for three months. This extension is necessary as the owner has not been able to complete the required public improvements. Ross Winglovitz representing Doug Smith."

MS. LANZETTA: Is this the same one we already voted to --

MR. HINES: You do it every three months.

CHAIRMAN TRUNCALI: Every three months we give them an extension, and there is no law that says you can't give them whatever forever.

MR. BLASS: Right. This would be an extension to February 5th of 2016.

MS. LANZETTA: We have another one to entertain, too. I'm just wondering why they

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changed the law in 2010. Do either of you guys know?

MR. CLARK: Are you a developer? You put half a million dollars in a property. You don't want to finish it and pay the taxes.

MR. HINES: It was economically driven. Before you only had 180 days and two 90-day extensions to complete a subdivision. After that it lapses with no provision for extension.

MR. CLARK: You start all over again.

MS. LANZETTA: I understand the economic situation for the developer but at the same time the Town is losing tax potential.

MR. HINES: I believe the law said that you can grant but you're not obligated to.

MS. LANZETTA: Yeah, because they would be getting more taxes.

MR. CLARK: Getting more taxes. The property would go into default and it would be sold in a tax sale.

MS. LANZETTA: Not necessarily.

MR. CLARK: How many subdivisions have been bought by farmers in the last five years and replanted? That's a lower tax rate than a

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BRODY RIDGE

125

subdivision rate.

MS. LANZETTA: We're not getting it for the subdivision anyway.

MR. CLARK: That's what I'm saying. It's a potential. You're getting taxes, you're just not getting it at a higher rate. If the guy goes broke, what good does that do?

MS. LANZETTA: On the flip side, why move forward on anything until you're -- it just seems like they're playing it both ways.

MR. CLARK: Exactly.

MS. LANZETTA: Well --

CHAIRMAN TRUNCALI: The applicant has told me that they are getting estimates on the project and that they're going to be moving forward on it very soon.

Do I have a motion to extend -- to give an extension for Brody Ridge?

MR. CLARK: I will make that motion.

CHAIRMAN TRUNCALI: Do I have a second?

MR. CAUCHI: I'll second.

CHAIRMAN TRUNCALI: All in favor?

MS. LANZETTA: Aye.

MR. CLARK: Aye.

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MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

(Time noted: 9:35 p.m.)

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

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

DATED: November 30, 2015

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

----- X

In the Matter of

NIECO (LARKIN)

Project No. 13-6003
Highview Road
Section 103.1; Block 2; Lot 87.300

----- X

EXTENSION - SITE PLAN

Date: November 2, 2015
Time: 9:35 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Chairman
CINDY LANZETTA
STEVEN CLARK
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHI NATLAND
JEN FLYNN
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO
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Wallkill, New York 12589
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NIECO (LARKIN)

128

CHAIRMAN TRUNCALI: Next is Nieco, an extension for site plan. We also have a letter from Talcott Engineering.

MR. BROWN: Charles Brown. That's me. Charles Talcott Brown. This one my client got involved with some other things and again didn't have the money to finish this up. He has since come back to me. I hadn't heard from him in probably nine months. He came back to me two weeks ago and now he's ready to get this thing finished up and put his building up.

It also helps that Frank Sotile bought the lot right next door that controls the road. The two of them are in discussions now to take care of the road and the entrance that DOT wants.

The only thing we had outstanding, if I remember right Pat, was a drainage thing which has since been exasperated by what the car dealer is doing on the mountain, unabated without any permits as far as I know. The drainage from our site drains the other way. Pat and I met out in the field probably a year ago.

MR. HINES: Yeah.

MR. BROWN: That's what we determined.

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NIECO (LARKIN)

All that flooding in front of the bank and what not has nothing to do with this particular property.

MR. HINES: There are drainage improvements that are going to be constructed as part of this project as well.

MR. BROWN: Yes. We're putting in a small detention pond to offset the impervious area from our building.

CHAIRMAN TRUNCALI: Wasn't there also some water that was going to be directed out to Milton Turnpike?

MR. HINES: Correct.

MR. BROWN: Right out this way again.

MR. HINES: Through an easement on the adjoining property there. It used to be Ross's property there.

CHAIRMAN TRUNCALI: This is a site plan approval. What is the extension for site plan approval?

MR. BLASS: The code says that site plan review shall be void if construction is not started within one year and completed within two years of final site plan approval. Each of these

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NIECO (LARKIN)

130

periods may be extended by the Planning Board for up to two additional periods of one year each. So this would be I think the first --

MR. BROWN: First year.

MR. BLASS: -- one-year extension of the need to start construction. So that would be -- we don't have the file in front of us so we can't pick the specific date, but it would be one year --

MR. HINES: From the date of approval.

MR. BLASS: It would actually be two years from the date of approval by which construction must now start because the one year has just about run out theoretically. So I think the motion would be to extend the date for commencement of construction to the second anniversary of the date of final site plan approval.

MR. BROWN: I think April 2016.

MR. BLASS: The site plan was approved when, Charlie?

MR. BROWN: March 31, 2014. So I'm thinking April 2014 was final.

MR. BLASS: We're not really sure.

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NIECO (LARKIN)

131

Since we're not sure we can make the resolution just the second anniversary of the date of final site plan approval.

MR. BROWN: Which would be enough for my client.

CHAIRMAN TRUNCALI: Okay.

MS. LANZETTA: I'll make that motion.

CHAIRMAN TRUNCALI: Do I have a second?

MR. CLARK: I'll second it.

CHAIRMAN TRUNCALI: Steve seconds. All in favor?

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

MR. BROWN: So the procedure for this, since that was a conditional and now -- that was the only condition is to bring how many maps to the Town to get them signed for site plan?

MR. HINES: You'll have to check. I don't know.

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NIECO (LARKIN)

132

Kathi, do you remember how many are required for site plan?

MS. NATLAND: I think we keep like three copies.

MR. BROWN: Okay. Three plus how ever many. Okay. Thank you.

CHAIRMAN TRUNCALI: The Stenographer's minutes, we had just received those tonight so we're going to postpone those for approval until the next meeting.

Is there any new business?

MR. CAUCHI: No.

CHAIRMAN TRUNCALI: If we have no new business, I'll entertain a motion to close the meeting.

MR. CAUCHI: I'll make a motion to adjourn the meeting.

CHAIRMAN TRUNCALI: A second?

MR. LOFARO: I'll second it.

CHAIRMAN TRUNCALI: All in favor?

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

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NIECO (LARKIN)

133

CHAIRMAN TRUNCALI: Aye.
Closed.

(Time noted: 9:41 p.m.)

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

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

DATED: November 30, 2015

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