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

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In the Matter of

CHESTNUT PETROLEUM

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

----- X

SKETCH - SITE PLAN

Date: November 16, 2015
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: LEO NAPIOR, ESQ.

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

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CHAIRMAN TRUNCALI: If you would please rise to say the Pledge.

(Pledge of Allegiance.)

CHAIRMAN TRUNCALI: Agenda, Town of Marlborough Planning Board, November 16, 2015. Regular meeting 7:30 p.m. Approval of stenographic minutes for 9/8 and 9/21. Chestnut Petroleum, sketch, site plan; Taddeo/Pollock, sketch, lot line revision; Levesque, sketch, amended site plan; Estate of E. Greiner, sketch, subdivision; Shirley Sarinsky, sketch, subdivision; Buttermilk Falls, extension of amended site plan; Chernobyl Power & Light, sketch, site plan. Next deadline: Friday November 20th. Next scheduled meeting: Monday, December 7th.

First up is Chestnut Petroleum.

MR. NAPIER: Good evening, Mr. Chairman, Members of the Board. For the record, my name is Leo Napior, I'm a lawyer with the law firm of Harfenist, Kraut & Perlstein. We're here on behalf of Chestnut Petroleum.

It's been some time since this application has been before you, so I'm just

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going to give you a quick summary. The applicant, in the seven months intervening since you last saw this, has gone out and in response to the Village Planning Consultants' comments a geotech study has been performed. A copy of that was submitted to your Board.

In addition, the applicant has met with the DOT and has performed the traffic study, which was also submitted to your Board.

One major change to the plans since you last saw it was the inclusion of a proposed left-turn lane into the site as well as an acceleration lane making a left out of the site on Route 9W. The applicant is still in conversations with the DOT, so those plans are conceptual in nature.

In addition, we've submitted a stormwater plan and report. Just to give you the gist of the stormwater, it will be a series of diversion swales as well as drain lines up the rock embankment. Those will divert water down around the edges and then into a bio-retention filter which will be in the rock catch area at the base.

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In addition, there are a series of catch basins as well as filters proposed in the front of the property to pick up any dirty water filtered before releasing it into the municipal stormwater system.

In addition, we submitted a lighting plan, which basically it's your standard lighting plan these days. It's downward facing LED lighting, minimum spillage off site.

I think the last piece of information is the proposed septic system up on the top of the rock embankment has been approved by County Health.

With that, I'm happy to address any comments or questions you guys have on our recent submission.

With me I have Pete Setaro, who is our project engineer, as well as Ciro Interrante who is our project architect.

CHAIRMAN TRUNCALI: Our Town Engineer has a list of comments. Did you receive those yet?

MR. NAPIOR: I did see a copy of those. I understand we're going to have to respond to

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those comments. If the Board has anything on top of that, if you'd like to speak about anything specifically, I'd be happy to do that, otherwise we'll address those in the next submission.

CHAIRMAN TRUNCALI: Usually we go through the comments at this time.

MR. NAPIOR: Sure.

MR. HINES: I have extensive comments on the stormwater management plan. They're technical in nature. I don't know if the Board wants to hit every one of those. There's a lot of comments on the stormwater management plan. So with that said, there are revisions required and some supplemental information in order for us to review that report.

Some of the other issues: The traffic study was submitted and it's under review by DOT but I have a concern. The traffic study identifies that the exiting out at the left-turn lanes will operate at a level of service F during the a.m. and p.m. peak hours. That's a substantial delay as vehicles make that left turn to go northbound on 9W. There's only one spot to do that on the site. The northerly most access

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is a right in/right out only, and then the southern access is proposed to have a right in -- left in from 9W and a left and right out lane, three lanes there. The lane making the left operates at a level of service F. The problem with that is as people cue in that level of service F, which I believe is ninety seconds per vehicle or more turning out, they're going to become frustrated with that. There's the idea if you're cueing in that traffic, let's go up to the northbound one and force the left turn out of there. With that, the site is not operating at an optimal condition and can have some traffic issues associated with it. I want to bring that to the Board's attention. I'm sure DOT is looking at that as well. The reason I brought it up is that it appears the northerly most entrance, the right in/right out only, is relying on painted curb islands to say this is a right in/right out only, not a definitive, for lack of a better term, pork chop curb which would physically prevent that. Those can be designed to physically prevent the attempt of a left turn out. We're suggesting that should be evaluated

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rather than what appears to be the painted lines that just kind of encourage right in/right out but don't physically prevent it, especially considering the southerly left turn out, both the a.m. and p.m. peak traffic.

There are a couple other comments on the traffic report as well. Truck deliveries. There are diesel fuel pumps proposed and we want to see how -- if a large tractor trailer type vehicle is going to access those diesel pumps, how it gets in and out of the site and what impacts a large truck parked in that area will have on the internal traffic flow as well as the vehicles delivering -- the gas delivering trucks, how they're going to access in and out of the site. They had previously, with the three-driveway submission, provided that truck turning lane to the site. I think that's important for the Board to look at. Also scheduling of those delivery times. If there is a large tractor trailer delivering the product to the site when that site is busy, it can seriously impact the operation of the site. So we need to look at that as well.

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I'm just hitting the high points of our comments.

The septic plan. We have not seen the septic plan. That should be submitted for the Board's use as well. We don't have anything from the County. We have the plans that said the previous septic system was going to be adequate for the site. Now with the revised grading and the blasting reports, that septic system will now be impacted by the proposed grading so a new system is proposed. We haven't seen that.

There is a water line which apparently crosses the site today that needs to be relocated servicing the nearby parcel. We don't have any information on that other than the water line can be relocated by someone. I don't know who. I don't know who that water line services. It looks like it's a three-quarter water main coming off 9W in a westerly direction through the site, serving maybe a house. It says to be relocated. I don't know -- we don't have any information on that.

We're suggesting that the location of all curbing be clearly depicted on the plans.

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They brought several consultants in and there needs to be coordination as to where that curbing is shown.

There are two free-standing signs proposed on the site. The code enforcement officer should weigh in on that, having two free-standing signs on one parcel.

We're suggesting the Board may request an architectural rendering.

The grading in the back of the site is, shooting from the hip about, 24 feet, maybe a little less or more than that. There's a significant rock cut there. Rather than straight up and down it's been laid back on the current property. It's still going to look like a quarry as you go behind this building. You're not going to get any vegetation to grow. They're relying on the rock face where the rock face is not competent rock. There should be an engineered system to hold the soil in place on the back of the site. It is graded from the north side across the west end and all the way to the south in a southerly direction. There's substantial rock cut being undertaken there.

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In addition, there's a geotech report identifying there will be required blasting for the utilities and the petroleum storage tanks. Anything underground on the site with substantial depth is going to also require blasting.

So with that, with the discussion on the rock, I'm sure the Board is going to want to see a rendering of how the site is going to look on Route 9W.

Those are the substantial comments. Again, there are many technical comments in here that I know the applicant's representatives have.

Unless the Board has any questions on the comments.

CHAIRMAN TRUNCALI: Does anyone on the Board have comments?

MR. CLARK: I just wondered, what's the total amount of material that's going to be removed from the site?

MR. NAPIOR: As far as a cut and -- I don't believe that's in the report. I don't believe we've analyzed the cut and fill numbers at all. We can certainly add that to the list.

MR. CLARK: I guess my other concern

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would be with stormwater management. How much water are you expecting to be able to handle on this site? It would appear with that rock cut there's going to be very little area on the site that's going to actually capture water. It's going to be either all asphalt roofs or bare rocks. That's going to shed a lot of water.

MR. NAPIOR: I can have our project engineer address that. There will be an eight foot or nine foot rock ledge. It's going to take the water --

MR. CLARK: My question was can you absorb an inch an hour for three hours?

MR. HINES: We don't have that information. We didn't get those calculations in the report.

MR. SETARO: Good evening. Pete Setaro, Morris Associates. I know that Andy from my office, I believe Pat, had reached out to you today and discussed some items --

MR. HINES: Yes.

MR. SETARO: -- with you.

But in terms of an answer to your question, what we're proposing in the rock catch

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area, which is the area beyond the curb behind where the drive-through is, there's going to be an eight-foot area that's going to be sloped back and then it will slope up. We're proposing on the plan to over excavate down approximately five to five-and-a-half feet and we're going to put in a series of three fifteen-inch storm drainage pipes throughout the entire length of this rock catch area that will act as a storage system. In addition to providing some water quality treatment, this is also going to act as an underground stormwater system that will control, you know, the water. So we're going to have this water in the front of the site, it's going to go right to the catch basins in the front, and then it will be treated by a mechanical device here, and then all this water will end up coming back into here. We've got stormwater calculations for the required -- the stormwater calcs on the pre and post weren't in the report.

MR. HINES: No.

MR. SETARO: That will be, Pat.

MR. HINES: They were not. The majority of the appendices are missing. A, B, C,

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D, G, H were not included.

MR. SETARO: That will be in the submission on Friday. We'll have the pre and post development calcs. I believe that we've met all of the required design storms. I think the hundred year storm we still need to do a little bit of work on. Again, that's information that Pat's office will look at. That will be in a submission on Friday.

MR. TRAPANI: Where is all that water going to drain to eventually?

MR. SETARO: It will drain to the DOT system out here. Again, after we're done coordinating with Pat's office, that's going -- that will be part of the overall highway work permit submission that will go to the Department of Transportation along with the widening of the highway. We'll also have a report, the same report that's --

MR. TRAPANI: That will eventually go across the street to the property across --

MR. SETARO: It's going to come down the street and then there's a crossover. We're required to meet pre and post, you know,

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development. We can not increase the amount of water running off the site after the site is developed. That currently goes to the design point.

MR. TRAPANI: That used to flood out real bad on the north side. We always had problems with water there, right at the north side of Route 9W. Right there. And then I think it used to go across the street and mess up across the street there, too. That's going to be an issue that's going to have to be addressed.

MR. SETARO: That's fine.

CHAIRMAN TRUNCALI: Any other comments from the Board Members?

MS. LANZETTA: I know that the applicants met with County Planning, DOT and members of the Marlborough Town Board about this project up in Kingston, and it was a meeting of the various stakeholders to take a look at this before we got too far into the planning stages and see what would be more acceptable to the Town in terms of aesthetics, and pedestrian access, and traffic flow and all of those kinds of issues. I got a very good report both from our

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Town representative and from County Planning as to those discussions. I was very disappointed to see that the new plans don't reflect much of anything that was discussed up there as far as the aesthetics of the building, the possibility of changing things on that footprint so that it would be more in keeping with the Town's hope to have this as a gateway project as we're coming into the community, the fact that it's across the street from a historic residence. I'm getting the feeling that it looks like it's come from other projects similar to this where it hasn't even been -- the words haven't even been transposed to fit our community. I'm getting the feeling that you're trying to put something in that you've done all over Dutchess and other places in Ulster and you're trying to shoehorn this into our community without taking into account some of our concerns.

I would like to see some alternatives to this building, what it could look like if you were to incorporate some of the things that were brought up at that discussion. I would like to see an alternative of what it would look like if

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you put the pumps behind the building and brought the building closer to the front.

The fact that there's no sidewalks. The Town is currently talking to some developers. There's a possibility of there being additional community development adjacent to this, not too far from that site. How are people going to be able to walk to this -- you know, to this convenience store? You know, those are all things -- concerns that I have.

I had thought that perhaps you would show some alternatives or take into account some of those discussions in bringing something back to us, and I'm not seeing any of that reflected in the new submission.

MR. NAPIOR: So I was not privy to that meeting. I can certainly speak to my client about some of the aesthetic comments.

I did see the comment about the pumps being located behind the structure. We have taken a look at that. Internally from a business model standpoint, it doesn't really work for our plan. In addition --

MS. LANZETTA: Why not?

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MR. INTERRANTE: I can answer that. I'm
Ciro Interrante, the Architect for the project.
I was at the meeting. We did show three
alternative layouts at that meeting. The problem
is the circulation of cars into the site, and
trucks into the site, and truck deliveries. The
proposal that the county planner suggested showed
the pumps in the back and on the side, and it was
almost impossible for the larger vehicles to get
behind the building. We did discuss it at the
meeting, and everyone there, including the county
planner and his staff, realized that this is the
only way it would work on the site. That's why
it hasn't been changed.

As far as sidewalks, I think we can
probably work the sidewalks into it.

As far as building aesthetics, I think
the major comment that the county planner, I
think his name is Dennis --

MS. LANZETTA: Dennis Doyle.

MR. INTERRANTE: He wanted grills in
the windows. We haven't shown any yet. We
prefer not to have them because it's better to
have visibility into the building as well as out

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of the building to keep an eye on the pumps for the person who is managing the pumps and the gasoline sales. That's something I'm sure we can work with the Town with.

MS. LANZETTA: I spoke with County Planning today and they did not tell me that you had made the case that you could not get those vehicles --

MR. INTERRANTE: We showed them three alternatives at the meeting. We discussed it at the meeting.

MR. BAKER: I was at the meeting.

MR. INTERRANTE: Yes, you were.

MR. BAKER: I would say you were reluctantly -- very reluctant to show us the alternatives. I don't think the Ulster County planners agreed with your assessment. I don't know that it's fair to say that they agreed with it.

On the aesthetics of the building; yes, I think we talked about grills in windows, but I think we also talked about perhaps changing the exterior design of the building to be more compatible with the most historic site we have in

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the entire Town --

MR. INTERRANTE: We did talk about that.

MR. BAKER: -- right across the street, and also the law office that's not far from this, and trying to make it more like that on the outside. You seem to have a standard format for the exterior of the building, and I think the discussion was can we make it more local like it's surroundings which are extremely historic.

MR. INTERRANTE: We are showing the traditional clapboard siding, the traditional corner trim.

MR. BAKER: I think we talked about making it more of a stone facade.

MR. INTERRANTE: We can introduce that in the front. We're willing to do that. We haven't revised the drawings since that time. We can do that. The stone, we're showing traditional trim. We can actually put the grills in the windows if that's going to help this project get approved.

MR. BAKER: I think that's a significant factor in this project of the people

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from the Town Board's perspective, and I think the Planning Board. This is a very sensitive area to the Town so we have to really have an appreciation for that and try to reflect that.

MR. INTERRANTE: We understand that. The building is of a certain size which it has to be for heights and, you know, the size of the building. We'll work on trying to work in some features. We'll scale it down somewhat so it looks more in keeping with the community.

We did discuss the layout on the site and I thought we made the point pretty clear as far as circulation, safety. You know, the vehicles and pedestrians crossing each other's path on the site, that this was a safer layout. But we can --

MR. BAKER: The thing that came out of that meeting I thought was most significant was the DOT's traffic concerns. Again, it's a two-lane highway and between 16,000 and 30,000 cars come through there a day, so --

MR. INTERRANTE: It's a 55 mile-an-hour speed limit, if I'm not mistaken.

MR. BAKER: We talked about a permit 33

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CHESTNUT PETROLEUM

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application that the DOT is going to require. Is that what you're working on?

MR. INTERRANTE: What was the application?

MR. BAKER: Permit 33. I don't know what that means.

MR. NAPIOR: It was actually submitted. That's what started this whole review process and that's how we met with DOT.

MR. HINES: A permit 33 is the DOT's new streamline application process. That's an acronym for it.

MS. LANZETTA: The DOT says that they received nothing since the discussions back in May regarding the traffic. If you've already done those alternative site plans, I'd like to see them. If you could submit them to our office, I would appreciate that.

UNIDENTIFIED SPEAKER: Those alternatives would mean a completely different business plan for us. There would be no drive-through. We wouldn't be able to do a drive-through anymore. We wouldn't be able to facilitate larger trucks. Really showing that

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option would show you something that we wouldn't go forward with as a project.

MS. LANZETTA: So you're saying unless you can have the drive-through for the Dunkin Donuts you basically are not interested in a gas station/convenience?

UNIDENTIFIED SPEAKER: A gas station/convenience store doesn't really work. The cost that it's going to take to develop this property, the gas station and convenience store really isn't going to cut it. I guess that's where we need to --

CHAIRMAN TRUNCALI: Any other comments from the Board?

MR. CAUCHI: What I'm trying to understand is what you were saying before Cindy, is that we're looking at the elevation of this building, that we want a little bit more upgraded building materials is what I'm trying to understand. So instead of having vinyl siding around the building, if you could have like a little knee wall of bricks and then maybe some more decorative siding or maybe stow to enhance this building more for the community. That's

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something that we would like to see to enhance that building elevation instead of just Mary Jane siding.

MR. NAPIOR: Sure. We can work -- we'll work with the project architect to see what we can do to up the facade.

MR. CAUCHI: We really do care about the appearance and, you know, being able to be like all the buildings that are around, the brick structure and a lot of other structures, this way it will be all together.

MR. NAPIOR: Understood.

If I could just briefly respond to a couple other comments Pat had.

CHAIRMAN TRUNCALI: Okay.

MR. NAPIOR: The traffic study was done prior to the meeting with the DOT and prior to the introduction of the -- that was actually the initial submission to them with the introduction of the left-turn lane. The level of service on that egress, the left in -- right in/left out, the curb down there should be slightly improved with the acceleration lane going north on 9W. There will be an updated traffic study that we'll

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get in to your office.

MR. HINES: It's relative new.

UNIDENTIFIED SPEAKER: I spoke to the traffic consultant today. What you have does not take into account that acceleration lane. They're saying it's dropping it to at least a D and maybe better. We don't have the final number yet.

MR. NAPIOR: We'll get that into your next package.

MS. LANZETTA: I think you should double check the roads that you have listed. James Street --

MR. HINES: James Street. I caught that one.

MS. LANZETTA: I think that's supposed to be Mt. Rose.

MR. HINES: Mt. Rose is listed as James Street on Google Maps or Earth. I didn't know where James Street was. The first 200 feet of Mt. Rose is listed as James street. I guess it's based on Google Maps.

CHAIRMAN TRUNCALI: When it turns to the left it becomes James Street.

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MR. HINES: That's where that report was. I couldn't for the life of me figure out where James Street is. It comes out as the first section.

MR. NAPIOR: Along those lines, on the Mt. Rose/James Street discussion, the water line only services one property to the rear behind us. The applicant is aware of that, has met with the water department. The water line runs up the street. So the applicant will be relocating and giving this property owner a new water line to connect into the water main that runs along that street.

MS. LANZETTA: What type of septic system do you have there?

MR. INTERRANTE: In ground septic system, leach field, septic tank.

MS. LANZETTA: So the outline we're seeing to the right there, to my right, is the -- where would the tank be located?

MR. INTERRANTE: The tanks are located in front of the building. One of these is a pump chamber. It pumps the effluent up and goes to the leach field by gravity. That's already

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approved by Ulster County.

MR. NAPIOR: We can get you a copy.

MR. HINES: The Board has lead agency. Coordination of the submittals would be helpful because the traffic report came with the new layout, the left turn and acceleration lane.

MR. NAPIOR: Understood.

CHAIRMAN TRUNCALI: Anything else from the Board?

MS. LANZETTA: Are you going to provide us with the historic resources information, too? You say it's currently being done in the plan.

MR. SETARO: Yes. The answer is yes.

MR. NAPIOR: Yes.

CHAIRMAN TRUNCALI: Ron, do you have anything?

MR. BLASS: I don't. I think there's a -- what's the submission deadline for the Board on this material? This Friday?

MR. HINES: Yes.

MR. BLASS: I guess that may raise an issue as to whether it is reasonable to expect this to come together by Friday.

MR. NAPIOR: We're going to do our best

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to have a submission put together. A lot of the comments with respect to the stormwater plan are relatively minor in the grand scheme of things. Some of the appendices are missing but were prepared. Some of the typographical errors are cleaned up. We're going to endeavor to have a submission to you by Friday. If not, I'll certainly advise Ron where we stand and when we anticipate that.

MR. BLASS: I think what we're heading for is at that next meeting, whenever that is, I think this Board has an obligation to go through the part 2 environmental assessment form promulgated by the DEC for purposes of SEQRA review. Right now you have, as you requested, a long form part 1 environmental assessment form. The part 2 form is the obligation of the lead agency to fill out. It is a chinese menu impact identification exercise which I think you will need to do to complete the SEQRA record before you make your determination of significance, a negative dec or a positive dec. That's probably an exercise where Pat will make recommendations to you regarding the part 2 form. That probably

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CHESTNUT PETROLEUM

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will be the next order of business. But I think Pat is going to agree with me, it's difficult to make those recommendations until he gets the updated material.

CHAIRMAN TRUNCALI: All right. Thank you.

(Time noted: 7:59 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: December 14, 2015

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

----- X
In the Matter of

TADDEO/POLLOCK

Project No. 15-8008
Main Street
Section 103.9; Block 2; Lots 29 & 30

----- X

SKETCH - LOT LINE REVISION

Date: November 16, 2015
Time: 8:00 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: WILLIAM EGGERS

----- X

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

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TADDEO/POLLOCK

CHAIRMAN TRUNCALI: Next up is
Taddeo/Pollock.

MR. EGGERS: My name is Bill Eggers,
I'm a land surveyor with Medenbach & Eggers in
Stone Ridge.

We have here an application for what
we're terming as a lot line adjustment. This is
located on Main Street between the lands of
Pollock and Taddeo. This is adjacent to the new
bakery/deli there, on the right side of that.

This began as basically a disagreement
between the deeds of the two properties. We had
about a five-foot discrepancy in the property
lines. After various negotiations the property
owners were able to come to terms on coming up
with a line between them that worked to their
satisfaction and established a line for that,
brought that application in.

I was in here, I'm not sure what month
that was, July, August. The application was
brought forward and a point was brought up that
the zoning side yard setback requirement was five
feet in the zone. We have less than ten feet
between the buildings, so it was impossible to

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have five feet to begin with. It was determined that the Board could not approve that with having less than five feet as it would be substandard and it would require a variance. Just a little history here. What happened then is it was found out that Mr. Taddeo happened to be in the Town zoning office and was speaking with the building inspector about this and found out in fact the zoning had changed and the new zoning code in that area was a zero setback. So rather than a five-foot there was actually a zero setback. There is no setback requirement at all in that zone, so we shouldn't have a problem. We're back again.

MR. HINES: I concur with that analysis. Apparently there was a bulk table change in 2011 that never made it into my set of the code. It is truly zero now. There is no side yard setback in there.

I did discuss it with the building inspector and he sent me the updated bulk table for that zone.

I concur with that analysis. It now meets that requirement.

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I guess it's a lot line change and would require a public hearing. At this point it would be appropriate to schedule that public hearing.

In order to file a map they're going to need a stamped plan from the Planning Board, and that would need the appropriate process I believe.

CHAIRMAN TRUNCALI: All right. Do you want to have a motion to schedule this application for a public hearing?

MR. TRAPANI: I'll make that motion.

MR. CLARK: I'll second.

CHAIRMAN TRUNCALI: Ben, and Steve seconds. All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

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MR. EGGERS: No other questions or
comments?

(No response.)

MR. EGGERS: All right.

(Time noted: 8:03 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: December 14, 2015

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

----- X
In the Matter of

LEVESQUE

Project No. 15-8010
1100 Route 9W
Section 108.4; Block 5; Lot 27

----- X

SKETCH - AMENDED SITE PLAN

Date: November 16, 2015
Time: 8:04 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: LOUIS DuBOIS

----- X

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

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LEVESQUE

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CHAIRMAN TRUNCALI: Next up is
Levesque, an amended site plan.

MR. DuBOIS: The last time we met we
got our comments from Pat and I responded to them
on October 12th.

We also were waiting for the Ulster
County Planning Board, which met November 4th,
which is obviously bad, but we now have their
recommendation. I assume you have a copy of it
also.

Basically the only thing we had from
them was the required modification as far as
after we're done, you know, to bring the site
back to -- you know, so it's not looking like a
construction site basically is what it boils down
to. That's what Rob told me over the phone. He
told me we just don't want that to end up being a
junkyard. I can do that one of two ways. I can
either give you guys a copy of the lease which
would have that requirement or I can put a note
on the plans. There's two ways I can handle
that. The lease, obviously the owner is going to
really be more concerned with it than anyone
else. We've done it that way in other towns. If

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LEVESQUE

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you wish, I'll just put this note right on the plans. Other than that, I think we're ready to move forward.

I would like to request a public hearing for December so we can get those comments squared away and move on.

CHAIRMAN TRUNCALI: Pat, do you have --

MR. HINES: I don't necessarily agree with that. We got a letter back that basically said this is the way we're going to operate the site and it's going to be a construction site. We're going to use temporary lighting because that's what we want to do. I think the letter that we got was exactly the reason why I think the site needs to be looked at as a long-term operation. The applicant's response states that it's going to be many years long use of the site, the hours of operation extend significantly to where a site plan would be required. The response was that it is going to be utilized for several years.

You're approving the site for storage, and that approval, at least until tonight, goes on in perpetuity. We don't have temporary

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LEVESQUE

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approval. There is or is not. We don't have any sunset clause on any of our approvals. I think it's a long time permit. I think the use of construction on the site for a project that's going to span many years is just not appropriate.

Our other comment is that we want a note regarding the height of the storage. We continue to hear the twenty-four pipe sections are going to be brought into the site. I don't know how that fits under bridges in New York State. That will be the people trying to transport twenty-four foot diameter pipe sections.

MR. DuBOIS: They're sixteen.

MR. HINES: Okay. That's --

CHAIRMAN TRUNCALI: I thought they were going to be pieces put together.

MR. DuBOIS: They're fabricated in Louisiana and brought up here by barge.

CHAIRMAN TRUNCALI: At the last meeting didn't you say --

MR. HINES: I was under the impression that they were coming in pieces.

MR. DuBOIS: Right. That's not true.

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LEVESQUE

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MR. HINES: The other is County
Planning.

And then your comment 5 in response to
the stormwater management said that in accordance
with SEQRA only one acre will be disturbed at a
time. That's actually -- I don't know how that
involves SEQRA at all. I think what we're trying
to say is as a regulated MS-4 you can disturb one
acre or less or not have the DEC regulations kick
in. That doesn't mean you get to disturb one
acre at a time and another acre at a time. It's
the project total, cumulative, and not one acre
at a time. The regulations specifically address
that you can't do it in that manner. It's the
project as a whole. The majority of that project
has grown up into an old field. It's been vacant
that long. I think there is definitely
disturbance greater than one acre. The Town is a
regulated MS-4 community and I think stormwater
management on this site is going to need to be
addressed. I think we're mixing up SEQRA and the
MS-4 regulations. The MS-4 looks at the project
as a whole, if the project disturbs greater than
one acre for how ever long the project is going

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LEVESQUE

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to be.

CHAIRMAN TRUNCALI: I think most of the site could be just mowed and brought down without disturbing --

MR. HINES: They're going to cover the whole site with gravel under the current plan.

MR. DuBOIS: You've got an area there which is where the piles of mulch or whatever, then you do have the grass area on the perimeter. Obviously the grass area will have to be removed. We can't transport, you know, pipes, even if we just place them there on the trucks, until they get used. We need some type of study. That's probably -- we'll either mow and then either top dress with an item 4 or something like that. We're not going to go in and make a new parking lot. That's not the intent here.

As far as the drainage goes, the drainage is sheet flow now. It's going to be sheet flow after we're done. We're not going to get involved in any new drainage basins. The flows, the rain is going to fall the way it is right now and it's going to drain the way it is right now. We're not going to increase drainage.

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As far as the lighting goes, these operations are going to be -- they may not happen for like a period of like six to eight months. You may get one delivery and then there's going to be a considerable amount of time. The feeling is from the clients involved and all the people involved, when the shipments come in you're going to have a flurry of activity. The trucks will be coming in, they'll be unloaded and so forth and so on, and then they'll be parked. To put in permanent lighting for an entire site like that doesn't make sense. It doesn't help us as far as where our operations are going to be and where the light is going to be.

Also right now the DOT may only require the deliveries to be between 2 and 4 a.m. You know, we don't know this. There's a lot of unknowns as far as the lighting goes and the deliveries. That's not really part of this. All we're asking for is we be able to store the pipe there once it gets there. How it gets there we don't care. Bring it in by helicopter. That's not part of this application. That's our position. That's why I think we can move

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LEVESQUE

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forward.

I'd like to get the public's comments so I can start getting some closure here.

MS. LANZETTA: I would be concerned about lighting for security purposes because you're going to have those big pipes there. That's just going to be a draw, you know. I can see where kids --

MR. DuBOIS: That's the one reason they don't want them. They don't want the attention that public -- you put in perimeter lighting, they don't want that.

MS. LANZETTA: Well I think just sufficient to --

MR. DuBOIS: First of all, we don't have to worry about security. Nobody is going to steal them. We don't have to worry about people stealing them.

MS. LANZETTA: I'm not worried about people stealing them. I'm worried that young people might find that a playground, and if you don't have some type of security lighting --

MR. DuBOIS: There's going to be a daily security run. That's during the daytime.

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LEVESQUE

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You think young people are going to be there at night?

MS. LANZETTA: I think that there's a good possibility that that could attract some young people.

MR. DuBOIS: It would happen once and then the police will be called. It's all going to be secured.

MR. HINES: There's only the existing fence. There's no new proposed fence.

MR. DuBOIS: We're trying to make this as unobtrusive --

MS. LANZETTA: Kids can be in there. I just think -- not a lot, but I think for there to be some type of downcast security lighting so that if the police want to drive up there and look around --

MR. DuBOIS: They won't be able to get in.

MS. LANZETTA: They can see something in there.

MR. DuBOIS: They won't be able to get in.

MS. LANZETTA: They can get in. That's

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LEVESQUE

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not a very secure fence.

MR. HINES: It's only fenced on one side where the landscaping is. It's a screening fence, it's not a security fence.

MS. LANZETTA: There you go.

CHAIRMAN TRUNCALI: Pat, do you consider disturbance say if they just mowed and put down gravel, that --

MR. HINES: There's new areas where they're impacting the site. Any change in the impervious nature of the site is considered disturbance.

I went by there the other day. It looks like a field and they are going to -- the plan shows the entire area being re-coated with a layer of gravel.

CHAIRMAN TRUNCALI: That's what I'm trying to get at. Do you consider that disturbance?

MR. HINES: You're changing the impervious nature of the site. Simply removing that vegetation that's there now, it has to, by definition, change the runoff.

MS. LANZETTA: I have security issues

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LEVESQUE

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with that site.

MR. DuBOIS: Security in what respect?
From kids playing?

MS. LANZETTA: Either it has to be
fenced securely or some type of lighting. It's
going to attract people.

MR. DuBOIS: Onlookers because nobody
has ever seen anything around here like this. We
know that. I mean we can't hide it.

MS. LANZETTA: I don't think you should
hide it. You have to take into account you have
to make sure that it's going to be as secure as
possible.

MR. DuBOIS: Doing that, that means my
lights are going to go way up high, and that's
going to -- you're creating another problem with,
you know, your exposure to the residents in the
back.

MS. LANZETTA: Not if it's the proper
kind of lighting that's downcast. I'm saying I
disagree with you.

CHAIRMAN TRUNCALI: That would attract
kids more to it than if it's not lit. I don't
know how the rest of the Board feels.

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LEVESQUE

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MR. CLARK: From a business perspective, you're going to be occasionally unloading trucks. I would agree with you, I think it makes sense to have that temporary lighting you would need to unload trucks. I don't see it as an attraction. Maybe kids are attracted to twenty-four pipes. I don't know. I don't know what that attraction would be.

MR. DuBOIS: We don't either. Anyway, that's why I'm -- I'm trying to close this up and be done and move on. That's why I'm really asking let's get on to the public hearing so at least we can get any comments from the neighbors or whatever.

CHAIRMAN TRUNCALI: Well, according to Pat I think we're going to have to address the stormwater management before we can do that.

Right, Pat?

MR. HINES: Yeah, I believe so. I mean if Mr. DuBois wants to write a letter or narrative report identifying there is no increase in the impervious surfaces and the Board is willing to accept that, I'll leave it to him to address that comment I guess.

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LEVESQUE

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MR. CLARK: I wouldn't think it was a concern so much. You're putting a lot of impervious there. I don't know what percentage. The water is going to come off the pipes, what's it going to do then? Before it had the whole area to go off, now it's going to be funneled into streams as it comes off those pipes.

MR. HINES: The Town is a regulated MS-4 community. The DEC can come after the Town, not the applicant. We're looking to protect the Town here.

MS. LANZETTA: The stream adjacent to that site, is that classified in any respect?

MR. HINES: I don't know the classification of the stream. I can look it up. It's a simple computer operation.

We don't have the County Planning letter in our hand either.

MR. DuBOIS: Here, I have a copy for you. The only concern they had basically was the fact of the post-site condition.

MR. BLASS: Is one of the issues this evening a request by the applicant to have the Board or the Town as an MS-4 community waive the

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LEVESQUE

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preparation of a stormwater management protection plan?

MR. DuBOIS: No. I'm more than willing to provide one.

MR. BLASS: Okay. So that takes care of Pat's comment number 4.

MR. DuBOIS: I can do that in a matter of an hour. That's not --

MR. BLASS: So would you agree --

MR. DuBOIS: I can have that back to you by Friday.

MR. BLASS: So you don't have a problem with Pat's comment 4?

MR. DuBOIS: I have a concern about it but I will address it.

MR. BLASS: Okay. There's no dispute that I can identify.

Okay. Is there a plan for the site post activity? That seems to be what the County --

MR. DuBOIS: We're not clear exactly what Rob will say. That's good for a phone call.

MR. BLASS: As part of any approvals for the project the site should be required to be

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LEVESQUE

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restored to it's pre-site plan amendment
condition.

MR. DuBOIS: Which would be like right
now?

MR. BLASS: Yeah. Restore it to it's
pre-existing condition.

So my question on the table is has the
applicant presented a post-use remediation plan
or restoration plan? I think I heard you suggest
that the Board might want to rely upon the lease
between the private parties in that regard.

MR. DuBOIS: That's been done in the
past.

MR. BLASS: It would be my
recommendation not to do that. If we all did
that why would you be sitting here?

MR. DuBOIS: Then we would put the note
on the plans.

MR. BLASS: The note on the plans that
would say what?

MR. DuBOIS: Exactly what the County
just said, that the site would have to be
returned to -- now the question is we're going to
-- this is going to be an amended site plan.

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LEVESQUE

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What happens is now if you amend a site plan --

MR. HINES: That's my point. The Board is approving this in perpetuity, whether it's got sixteen-foot diameter pipe or something else could go in there.

MR. DuBOIS: In four years or five years from now, you know, we're going to have this empty lot again.

MR. HINES: Or something else.

MR. DuBOIS: Well --

MR. HINES: We don't have the ability to say we're approving this for three or four years.

MR. DuBOIS: I'm saying this lease is for that purpose. The owner and -- if there's going to be any changes it will have to come back to you anyway.

MR. HINES: No, he won't.

MR. DuBOIS: Don't you approve all commercial site plans?

MS. LANZETTA: You could store anything you want on that site. Once we approve it to be more or less a warehousing site, you could --

MR. DuBOIS: It's not a warehouse.

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LEVESQUE

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MS. LANZETTA: I didn't say -- I mean warehousing, a place of storage.

MR. DuBOIS: It's only for storage. It's for outdoor storage only.

MS. LANZETTA: It's a storage area. So you could put cement block there. You could put anything that you could think of that --

CHAIRMAN TRUNCALI: Is there a way of doing it just for this project? Then it loses it's --

MR. DuBOIS: I mean this is such a unique scenario that we're trying to dovetail into our regular standard and it doesn't happen.

MR. BLASS: What if the applicant were to stipulate that the approval, if given by the Board, would be no longer than an agreed duration and that upon the expiration of that term the site would be restored to it's existing condition?

MR. DuBOIS: I think that's basically what the County said.

MR. BLASS: Well, what I'm doing is throwing out a proposal for you to consider as to whether or not the applicant will stipulate --

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LEVESQUE

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MR. DuBOIS: I'll tell you right now
I'll agree to it.

MR. BLASS: So the only thing that's
missing -- it would also be an agreement which
would bind future owners. So we have to record
this in a title as a covenant, that any further
use of the site would require renewed site plan
approval by the Planning Board.

MR. DuBOIS: Yes.

MR. BLASS: I agree with Pat.

MR. DuBOIS: When you change the use --

MR. BLASS: Unless something like this
is concocted, the approval would last forever and
would open the door for future storage
activities.

MR. CLARK: Give the approval
specifically for twenty-four foot pipes for this
water project.

MR. BLASS: Yeah. I would want to lock
that up in some sort of recordable document so it
binds not only the current owner but all future
owners of the site.

So the only issue that I can think of
would be whether or not the Board wants to see a

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LEVESQUE

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post-use remediation or restoration plan as a part of the submissions to you, whether you need that or don't need that.

MR. CLARK: We didn't require it of the last person.

MR. HINES: The last person went out of business.

MR. CLARK: What happened? Nature took over. It's going to happen here.

MS. LANZETTA: Can't that be part of your agreement?

MR. BLASS: A depiction of the plan, just a narrative.

MS. LANZETTA: The agreement is that at the end of the agreement it will be put back to it's original state?

MR. BLASS: Yeah. It's just a question of identifying, taking a snapshot of what that actually is for purposes of that agreement if you have a future dispute. Right now there is no changing of existing field conditions.

MR. DuBOIS: There is.

MR. BLASS: We would incorporate that drawing with the conditions as the goal of the

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LEVESQUE

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agreement for restoration upon the end of this.
That's the only way I can think of of putting a
cap on the end of the approval.

MR. DuBOIS: We would remove and then
we would restore vegetation and --

MR. BLASS: Well, if you're going to
get into a vegetative restoration exercise, then
how can you define what that is without a plan?

MR. DuBOIS: Well you would have it on
the plan. What you're saying is we have the
original plan which is out there right now.
We're going to amend that. We're going to expand
that and change all that stuff. What you're
saying is at the end of our tour you want us to
bring -- take the gravel away and bring that back
to a vegetative state.

MR. BLASS: Typically if I heard
something like that it would be a vegetative
plan.

MR. DuBOIS: Yeah. That's the plan
you're hearing basically.

MR. BLASS: I'm hearing it but I'm not
seeing it is the issue.

MR. DuBOIS: It's written.

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MR. BLASS: Okay. So it's up to the Board as to whether or not you want to see a remediation plan, a planting plan, or what you should rely on for restoration to the existing site as reflected in the current pre-activity plan.

MR. HINES: You want to make sure they don't order five extra pieces and they sit there in perpetuity.

MR. LOFARO: I think we can stipulate it be redone when it's over with.

MR. DuBOIS: The cost of these things, I guarantee --

CHAIRMAN TRUNCALI: I think a narrative is all we really need.

MR. BLASS: Okay.

CHAIRMAN TRUNCALI: Pat?

MR. HINES: You've addressed all of my comments. I think you can schedule a public hearing. You may want to hear what the neighbors have to say. The previous use of this site brought out some public comment. There was concern with back-up alarms, with runoff, drainage, hours of operation.

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CHAIRMAN TRUNCALI: I think that
neighbor moved away.

MR. HINES: I'm sure someone lives
there now.

CHAIRMAN TRUNCALI: We need the
stormwater thing.

MR. HINES: I think you should schedule
the public hearing to see if there are any other
issues that come out.

CHAIRMAN TRUNCALI: Do I have a motion
to schedule this application for a public hearing
at the December 7th meeting?

MR. CAUCHI: I'll make a motion to
schedule a public hearing for December 7th.

CHAIRMAN TRUNCALI: Manny.

MR. LOFARO: Second.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

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LEVESQUE

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(No response.)

CHAIRMAN TRUNCALI: See you then.

MR. DuBOIS: Thank you.

(Time noted: 8:27 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: December 14, 2015

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

----- X
In the Matter of

ESTATE OF E. GREINER

Project No. 15-8013
96 Idlewild Road
Section 108.3; Block 1; Lot 21.111

----- X

SKETCH - SUBDIVISION

Date: November 16, 2015
Time: 8:28 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

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CHAIRMAN TRUNCALI: Next is the Estate of E. Greiner.

MS. BROOKS: We are proposing a two-lot subdivision of approximately 30 acres of land -- 33 acres of land located on the southerly side of Idlewild Road, westerly of Burma Road.

We've received Board of Health approval for the lot.

Did you have comments, Pat?

MR. HINES: Yes (handing).

MS. BROOKS: Thank you. So I have Pat's comments. Highway superintendent's comments on the proposed driveways should be received. I'll reach out to Gael and get comments from him.

Ulster County Board of Health approval we did receive and I'll submit to the Board. The applicant is actually dropping it off to us tomorrow I believe.

I did show the agricultural building that the applicant is proposing to construct on the property initially. He's going to be working with the Greiners, so I believe at this point in time they are going to be farming together. I

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don't know that they were planning on having any formal easements or right-of-ways over the farm lanes. I can certainly check with them.

Ron, do you have any --

MR. BLASS: Do they want to do away with the farm lanes or --

MS. BROOKS: No. I think they're going to be maintaining the farm lanes because the agricultural building is going to be -- the purchaser of the site is going to be doing some agricultural work, farming, storage.

MR. BLASS: There could conceivably be a new owner in the future?

MS. BROOKS: There will be. Yes.

MR. BLASS: Now and in the future. You probably want to reduce those farm lanes to a covenant, a record, so it finds future owners.

MS. BROOKS: In other words, with the current people as a covenant and not the easement runs with the land.

MR. BLASS: It would be -- well, run that by me again. They don't want to have --

MS. BROOKS: I don't think that ten years down the road, twenty years down the road

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they want a perpetual easement so that the landowner, the 2.61 acres, could forever go over the farm lanes of Greiner, nor the opposite.

MR. BLASS: Would the small lot be created to use the farm lanes to cross the lands of Greiner?

MS. BROOKS: Possibly.

MR. BLASS: This is like the prior application. If there's a period of time after which --

MS. BROOKS: I'm going to say it would be an agreement between these two landowners, the purchaser of this lot at this point in time and the Greiners.

MR. BLASS: To extinguish upon sale.

MS. BROOKS: To extinguish upon sale.

MR. BLASS: So we could have an agreement that doesn't run with the land and a note -- you have to record that.

MR. HINES: Extinguished between the next sale, not this current sale.

MS. BROOKS: It would be created as part of this sale. I'll check into the deeds that I have. We do have wording in some of the

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deeds that say that they're personal agreements between the landowners and that the ability to use the farm lanes does not run with the land.

I guess here's another question. If they do nothing at all but mutually agree between themselves that they can each be going on each other's property, do you have a formal easement agreement?

MR. BLASS: Well usually we do that, you know. If there's access -- cross-access activities going on we usually memorialize it in some way in the approval.

MS. BROOKS: Right. In this particular instance I don't know what their agreement is. Certainly both of those lots could stand alone. Both of those lots have their own adequate ingress and egress. As part of the sale, if they say we don't want to do anything but they have a handshake with each other that yeah, you can go across my property to get to your property, or whatever it is, that would be a license agreement between them as individuals. It would not have to be part of this subdivision approval because it's not a necessity.

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MR. BLASS: What about a note on the map that says that the farm lanes shown on lot number 1 are not -- do not create an easement or other rights of access for either party and are shown for illustration purposes only?

MS. BROOKS: Okay.

MR. HINES: The only other issue is there is a proposed 7,000 square foot barn proposed on the site. I guess it's accessory as a farm. It's awful large.

MS. BROOKS: Yup. Basically the reason that we showed it on there was, A, I wanted to make sure that it fit, I wanted to put it where the applicant was proposing -- they're going to be putting farm equipment in there, pallets in there, and I did send it off to the building inspector as well. I wanted to make sure they were going to be able use the ag building and construct that prior -- they're planning to construct that prior than constructing the dwelling, which was acceptable because they're in the RAG-1. I wanted to be clear on everything we were doing.

CHAIRMAN TRUNCALI: Any questions from

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the Board?

(No response.)

CHAIRMAN TRUNCALI: Should we schedule this for a public hearing?

MR. HINES: Yes.

CHAIRMAN TRUNCALI: Do I have a motion to schedule this application for a public hearing at the December 7th meeting?

MS. LANZETTA: I'll make that motion.

MR. CAUCHI: I'll second it.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

MR. HINES: The other item on this one and the previous one is that I believe the applicant is requesting the Board to waive the requirements on the balance of the

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parcel. They're only showing the proposed improvements on the two smaller lots. The Board has, in the past on these large farm lots, just had the applicant representative survey the two or three-acre part. The Board has consistently done that but it is a waiver that the Board has to grant.

MS. LANZETTA: Do we have to do that by motion?

MR. HINES: You normally do, yes. It's prior to final approval. You can do it tonight or you can do it later. The code requires that you show topography on the entire site. Obviously they don't need thirty acres of topo for no reason.

CHAIRMAN TRUNCALI: We'll do it at the next meeting.

(Time noted: 8:33 p.m.)

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

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DATED: December 14, 2015

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

----- X
In the Matter of

SHIRLEY SARINSKY

Project No. 15-8012
Ridge Road
Section 108.2; Block 3; Lot 8.200

----- X

SKETCH - SUBDIVISION

Date: November 16, 2015
Time: 8:34 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

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SHIRLEY SARINSKY

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CHAIRMAN TRUNCALI: Shirley Sarinsky.

MS. BROOKS: Shirley Sarinsky has an approximate thirty-acre parcel of land situated on the easterly side of Ridge Road on which her personal residence is located. Part of the estate of Lewes was that Shirley was to get this two-acre parcel separated out in her own name. The rest of the property is going to be going into a trust. So to be able to effectuate those terms of the will, we are at this point looking to separate out Shirley's personal residence on 2.03 acres and leave the remaining acres of 27.9 acres which will be conveyed to a family trust.

All improvements are existing. It does not require Board of Health approval. The driveway is in place.

CHAIRMAN TRUNCALI: Does anybody have any questions?

MS. LANZETTA: You saw Pat's comments; right?

MR. HINES: She hasn't. I'm just looking for the septic system, to make sure it's on there. Most likely it is.

MS. BROOKS: Yup.

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SHIRLEY SARINSKY

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MR. HINES: This also needs a public hearing.

All improvements are existing. The driveway is there. There's an existing agricultural building.

MS. BROOKS: Yes.

MR. HINES: It mirrors the last one.

CHAIRMAN TRUNCALI: If we have nothing else, do I have a motion to schedule this for a public hearing on December 7th?

MR. CLARK: So moved.

MS. LANZETTA: I'll second it.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

Opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

(Time noted: 8:36 p.m.)

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

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DATED: December 14, 2015

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

----- X
In the Matter of

THE CARRIAGE HOUSE

Request for an Extension of Approval until
December 17, 2015

----- X

BOARD BUSINESS

Date: November 16, 2015
Time: 8:36 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS, ESQ.

----- X

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

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CHAIRMAN TRUNCALI: The Carriage House.

MR. HINES: The agenda I have doesn't have the Carriage House on there.

MS. BROOKS: Mine either. That's why I went to sit down.

The Planning Board approved the site plan of the Carriage House located on 44/55 across from the Route 44/5 Deli back in December of 2012. The applicant has been busy starting a new restaurant down in Florida the last years so he has not started construction on the site yet and has requested an extension. I was granted one extension on July 7, 2013 which expired actually in July of 2014. He thought he was going to be starting construction and he didn't. We did receive an extension from the DEC for the fresh land waters permit which I have a copy of for the Board.

At this point we're asking for another one-year extension.

Here is a copy of the permit which he received in October. I'll give it to Jen for the file.

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MR. BLASS: We went over this last meeting. The provision of the code dealing with extensions of site plan approval provides that the Planning Board has the authority to issue up to two one-year extensions of the time to start construction. So the maximum period of extension of the time to start construction is the second anniversary of the approval. So the approval occurred in 2012, if I heard right?

MS. BROOKS: Right. The approval was granted in December of 2012 and they have two years to start construction. So you don't need an extension until December of 2014.

MR. BLASS: So the code provision says that site plan review and approval shall be void if construction is not started within one year.

MS. BROOKS: I thought it was two years. I apologize. So that would bring us to '13 and then two extensions.

MR. BLASS: December of '14 would be the maximum. December of 2014 would be the maximum period of extension.

MS. BROOKS: Because we're only six-month extensions?

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MR. BLASS: No. Two one-year extensions.

MS. BROOKS: So December 2012, they should have started construction by `13. They got an extension to `14.

MR. BLASS: I see what you're saying.

MS. BROOKS: The maximum you're saying they would be able to get is December of 2015, which is like in two weeks.

MR. BLASS: That's right.

MS. BROOKS: Is that in the code?

MR. BLASS: Yeah. It's at 155-31(K). So the remedy for running out of extension opportunity is to apply for a re-approval.

MS. BROOKS: And go through the entire process again?

MR. HINES: You're talking streamlined.

MR. BLASS: It's somewhat quicker.

MS. BROOKS: That would be up to the applicant to decide whether he wants to do that.

MR. BLASS: Bring in the same application work and one public hearing and, you know, following the precedent we shouldn't have a problem with it, the precedent that exists in the

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form of the Planning Board.

MS. BROOKS: Right. Well except everything would need to be updated based on whatever state of facts occurred over the three-year period. That's up to the applicant to decide whether or not he wants to do it.

MR. HINES: If they are not going to build maybe they want to wait.

MS. BROOKS: Exactly. He has it on the market. If he has somebody else that comes in that doesn't necessarily want to build the exact same project, he's going to be need to come in from scratch anyway.

MR. BLASS: It's not the second anniversary of the approval, it's the third anniversary of the approval that marks the end of the opportunity to get extensions. The third anniversary is December of 2015.

MS. BROOKS: Yes. The plan is dated the 17th. He's got a month from today.

MR. BLASS: The Board would have to vote to grant the extension to December.

MS. BROOKS: Yeah. I don't think that's -- okay. I will advise the applicant and

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ask him what he wants to do. Obviously a month is not going to buy him the time -- well, I guess unless -- well, that's it. If he decides now let me get a building permit, then, you know, what does that do? He has a year to start construction. I mean I know there's a window in the building permit as well.

MR. HINES: There is also the same two-year extension.

MS. BROOKS: Okay. So I guess based on that I will ask the Board if they would consider granting the extension for one month which would give the applicant the opportunity to decide if at this point in time he wants to jump in and get a building permit and start construction or if he wants to wait. If he's going to pursue the sale of the property he may decide not to do that.

MR. BLASS: That would be an extension to December 17, 2015.

MS. BROOKS: Right.

CHAIRMAN TRUNCALI: Any questions?

MR. CAUCHI: No.

MS. BROOKS: This way it gives me the opportunity to give him the option.

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CHAIRMAN TRUNCALI: We have no questions, so I'll entertain a motion to give a one-year extension which will end on December 17, 2015.

MR. HINES: Retroactively going back to last year.

CHAIRMAN TRUNCALI: Do I have a motion?

MR. CAUCHI: I'll make a motion to have an extension for one month --

MR. TRAPANI: I'll second that.

MR. CAUCHI: -- to December 7, 2015.

CHAIRMAN TRUNCALI: Do I have a second?

MR. TRAPANI: I'll second it.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

MS. BROOKS: Thank you very much.

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(Time noted: 8:43 p.m.)

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

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DATED: December 14, 2015

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

----- X
In the Matter of

BUTTERMILK FALLS
Project No. 13-6016

220 North Road
Section 103.1; Block 2; Lot 13

----- X

EXTENSION - AMENDED SITE PLAN

Date: November 16, 2015
Time: 8:36 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

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. This is for an extension of the spa that we got previous approval on and I didn't pull the permit on it. I'm asking you guys for hopefully for an extension so I can pull a permit now. I was just going to pull it and I didn't realize I'm late.

CHAIRMAN TRUNCALI: When was the approval on this project?

MR. BLASS: I think it was January 6th or 7th.

MR. HINES: January 6th of '14.

MR. BLASS: January 6th of 2014. You could give an extension to January 6th of 2016. This extension would be retroactive to a degree. If construction wasn't started by January 6th of 2016, there would be the entitlement to ask for one additional year extension to January 6th of 2017.

MR. POLLOCK: That sounds good.

CHAIRMAN TRUNCALI: Does anyone have any questions?

MR. BLASS: You might want to assert a condition to the extent the request for the next one occurs in advance of expiration.

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MR. POLLOCK: I'm sorry about that. I was pulling the permit, that's why. I asked Tommy and he said oh, it expired already. That's why I'm here. We're ready to pull a permit now.

MR. CLARK: I'll make that motion that we extend the permit.

MR. CAUCHI: I'll second it.

CHAIRMAN TRUNCALI: To January 6, 2016.

All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

Opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

(Time noted: 8:45 p.m.)

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the 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: December 14, 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; Lots 28/29

----- X

SKETCH- SITE PLAN

Date: November 16, 2015
Time: 8:45 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

----- X

MICHELLE L. CONERO
10 Westview Drive
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CHAIRMAN TRUNCALI: Chernobyl Power,
site plan, 30 Main Street, Milton.

MR. MEDENBACH: This is a site plan.
This is the building that's just up to the east.

MR. POLLOCK: It's the bank building.

MR. MEDENBACH: I guess it was formerly
known as the bank building.

He has a permit right now to put a one-
story addition on the back for extension of the
walkout basement area for storage and the coolers
and stuff related to the bakery. At the same
time of construction he'd like to put a second
floor on that addition which would add to the
first floor from the street to the back with the
intent of using that floor for a cafe/restaurant
type of facility.

CHAIRMAN TRUNCALI: Just north of the
bakery?

MR. MEDENBACH: Just northeast. You
know, the driveway is in between them.

MR. POLLOCK: The driveway is in
between.

MR. CLARK: Let me get this straight.
You're just tonight looking for our approval to

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add a second story?

MR. MEDENBACH: Yes.

MR. CLARK: Okay.

MR. MEDENBACH: An extension.

MR. CLARK: That's fine.

MR. POLLOCK: That's all we're looking
for.

MR. HINES: They actually never got the
first story approved.

MR. POLLOCK: Tommy said it was okay.

MR. MEDENBACH: The building permit was
issued. I guess technically we should have had
site plan approval.

MR. HINES: Yeah. If you need it for
the second floor you'll certainly need it for the
first floor.

MR. POLLOCK: At the time we didn't ask
for it. Anyway, what you're approving here is to
clean up that.

MR. HINES: They've provided a parking
calculation.

They've identified a table of uses in
the building which we asked for previously.

Parking calculations have been

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identified on the plan. It shows a shared parking arrangement with this subject property and the bakery property. There will need to be some connection of that. I'll leave that to Ron Blass.

MR. MEDENBACH: There's actually a parcel in between.

MR. HINES: Under the same ownership. They need to share that access and agreement.

MR. MEDENBACH: We have it on the notes here.

MR. HINES: There are notes on the map but there needs to be an agreement. They did what we requested at the last meeting and got it to us in a timely manner.

I believe that it's ready for the public hearing.

The cross access and parking agreement will need to be submitted to Ron Blass for his review.

I believe the jurisdictional fire department showed some interest, so that should be submitted between now and the public hearing for their input.

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CHAIRMAN TRUNCALI: Any questions from the Board?

MR. MEDENBACH: Do we need a County referral for this?

MR. HINES: What?

MR. MEDENBACH: County Planning Board referral?

MR. HINES: I don't think so.

MR. POLLOCK: Don't make any suggestions, I don't want to come back in another month.

MR. MEDENBACH: Let's come back in a couple of weeks and finish this I hope. That will be great.

MR. HINES: I think you're good.

MR. POLLOCK: What's next?

CHAIRMAN TRUNCALI: Do I have a motion?

MR. POLLOCK: Aren't you curious about the restaurant or the cafe?

MR. HINES: You told us last time.

MR. POLLOCK: But I gave you a set of plans now.

MR. CLARK: We're not approving them.

CHAIRMAN TRUNCALI: Do I have a motion

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to schedule this application for a public hearing
at the December 7th meeting?

MS. LANZETTA: I'll make that motion.

CHAIRMAN TRUNCALI: A second?

MR. CLARK: I'll second it.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

MR. MEDENBACH: We'll be back in
December.

Who makes the referral to the fire
department? Does the Planning Board do that or
do we need to do that?

MS. LANZETTA: You do that.

CHAIRMAN TRUNCALI: Ask Pat.

Does anyone have any new business?

(No response.)

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CHAIRMAN TRUNCALI: We forgot to approve the minutes. Do I have a motion to approve the minutes for September 8th and September 21st?

MS. LANZETTA: I'll make that motion.

CHAIRMAN TRUNCALI: Do I have a second?

MR. CAUCHI: I'll second.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

Opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

MS. LANZETTA: Can I just -- we have both of the fire chiefs here. Can we just ask them how we can work more closely with them to make sure that they have an opportunity to look at the projects that come before the Town?

CHIEF KNEETER: In the past we used to get the plans. Somewhere along the line there

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was a little bit of miscommunication, to be polite here. I would love to get them. We'd like to review them, make some comments, especially on a place that possibly might end up in my district.

The sprinkler, there should be a lock box. Little things. I sure would appreciate it, whatever you can give us.

MS. LANZETTA: Could we have that as part of like a checklist?

MS. NATLAND: We'll send them copies.

MS. LANZETTA: Do you send them?

MS. NATLAND: We will.

MS. LANZETTA: Then we don't have to ask the applicants to do that.

MS. NATLAND: The applicants used to do it.

MR. HINES: It's more streamlined if it comes from the Town when they get an application in.

MS. NATLAND: We'll do it automatically.

CHIEF KNEETER: I can stop by. As long as we get them. That's the main thing. Thank

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you.

CHAIRMAN TRUNCALI: Any other new
business?

(No response.)

CHAIRMAN TRUNCALI: If not, I'll
entertain motion to close the meeting.

MR. CLARK: I'll make that motion.

CHAIRMAN TRUNCALI: Do I have a second?

MR. CAUCHI: I'll second it.

MR. BLASS: Are you having a joint
meeting? Maybe you want to keep rolling. You can
stop the Stenographer but continue the meeting
for purposes of this discussion.

CHAIRMAN TRUNCALI: Okay.

(Time noted: 8:55 p.m.)

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

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DATED: December 14, 2015