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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

PUBLIC HEARING
SKETCH - LOT LINE REVISION

Date: December 7, 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
EMANUEL CAUCHI
JOSEPH LOFARO

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

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

----- X

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

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TADDEO/POLLOCK

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CHAIRMAN TRUNCALI: Would you
please rise for the Pledge to the flag.

(Pledge of Allegiance.)

CHAIRMAN TRUNCALI: "Agenda, Town of
Marlborough Planning Board, December 7, 2015.
Regular meeting 7:30 p.m. Approval of
stenographic minutes for 10/5. Taddeo/Pollock,
sketch, lot line revision, public hearing;
Chernobyl Power & Light, sketch, site plan,
public hearing; Levesque, amended site plan,
public hearing; Estate of E. Greiner,
subdivision, public hearing; Shirley Sarinsky,
subdivision, public hearing; Chestnut Petroleum,
sketch, site plan; Marquis, sketch, subdivision.
Next deadline: Friday, December 11th. Next
scheduled meeting: Monday, December 21st."

Is someone here for Pollock/Taddeo?

MR. MEDENBACH: Barry Medenbach,
Professional Engineer. I have an office in Stone
Ridge. I'm here --

CHAIRMAN TRUNCALI: We have to read
the public hearing notice first.

MS. LANZETTA: "Legal notice for lot
line revision application. Please take notice a

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TADDEO/POLLOCK

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public hearing will be held by the Marlborough
Planning Board pursuant to the State
Environmental Quality Review Act and Town of
Marlborough Town Code Section 134-33 on Monday,
December 7, 2015 for the following application:
Taddeo/Pollock lot line revision, at the Town
Hall, 21 Milton Turnpike, Milton, New York at
7:30 p.m. or as soon thereafter as may be heard.
The applicant is seeking approval of a lot line
revision for lands located at Main Street,
Milton, New York, Section 103.9; Block 2; Lot 29
and 30. Any interested parties either for or
against this proposal will have any opportunity
to be heard at this time. Joel Truncali,
Chairman, Town of Marlborough Planning Board."

CHAIRMAN TRUNCALI: Thank you.

MR. MEDENBACH: Do you want me to give
a little presentation?

CHAIRMAN TRUNCALI: Sure.

MR. MEDENBACH: This for the public and
the Board. I'll turn it this way so you can see
it.

It's a very simple situation. It's two
buildings that are located on Main Street in

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TADDEO/POLLOCK

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Milton. The boundary between them is somewhat in dispute just because of the records and surveys. There's been an overlap. The two owners have come together and come to an agreement as to where the boundary should be. This map represents that boundary line agreement. So it's very straightforward.

MR. HINES: We don't have any outstanding comments regarding this.

We previously commented that it didn't meet zoning because of a bulk table separation issue. It turns out the bulk table was revised in the hamlet zone, so that's not an issue any more. Both of the lots meet the bulk requirements under the hamlet zone.

We would recommend a negative declaration for the lot line change.

CHAIRMAN TRUNCALI: This is a public hearing. Does anyone have a comment on this application? Please state your name.

MR. GARAFALO: James Garafalo. I have a more general comment, not only on this but it actually applies to some of the other ones. On the web where you have your listing, you have

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TADDEO/POLLOCK

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LLR. The public isn't going to know what that means. I wish you would spell out, you know, lot line revision, as well as some of the other ones, whether it be site plan or site design. Whatever it is, spell it out. I think it's good to use a nice big font so people could read it.

It would also be helpful if there was maybe a one-line description of what was being proposed in terms of, you know, the size or what have you. This one is pretty clear. I think on some of the other ones, you know, it would be helpful to know if it's a million square foot development or, you know, a single-family house. Just a one-line description.

This one, I think the Board is pretty clear where it is. I think for some other ones, having an aerial photo, large scale, would be helpful. I don't think it's needed in this one but I think in general, procedural wise, to ask them to come in with one so the public can see exactly where it is. Maybe color it up with a nice colored line. Thank you.

CHAIRMAN TRUNCALI: Thank you for your comment.

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Anyone else?

(No response.)

CHAIRMAN TRUNCALI: If not, I'll ask for a motion for a resolution of a negative declaration on this application.

MR. CAUCHI: I'll make a motion for a negative declaration on this application.

CHAIRMAN TRUNCALI: Do I have a second?

MR. TRAPANI: I'll second it.

CHAIRMAN TRUNCALI: Ben seconds. All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

Opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

That's it.

MR. MEDENBACH: Do we get a decision?

CHAIRMAN TRUNCALI: Oh, yes.

MR. HINES: There are no conditions of approval. It would be able to be filed upon your

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TADDEO/POLLOCK

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approval.

CHAIRMAN TRUNCALI: Do I have a motion
for approval of the lot line revision?

MR. LOFARO: I'll make the motion.

CHAIRMAN TRUNCALI: Do I have a second?

MS. LANZETTA: I'll second that.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: Done.

MR. MEDENBACH: Thank you very much.

(Time noted: 7:35 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 27, 2015

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

----- X

In the Matter of

CHERNOBYL POWER & LIGHT

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

----- X

PUBLIC HEARING
SKETCH - SITE PLAN

Date: December 7, 2015
Time: 7:36 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

----- X

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

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CHAIRMAN TRUNCALI: Next up is
Chernobyl Power & Light.

We'll read the legal notice first.

MS. LANZETTA: "Please take notice a
public hearing will be held by the Marlborough
Planning Board pursuant to the Town of
Marlborough Town Code Section 155-32 on Monday,
December 7, 2015 for the following application:
Chernobyl Power & Light, at the Town Hall, 21
Milton Turnpike, Milton, New York at 7:30 p.m. or
as soon thereafter as may be heard. The
applicant is asking for a site plan located at
30 Main Street, Milton, New York, Section 103.9;
Block 2; Lot 28 and 29. Any interested parties
either for or against this proposal will have any
opportunity to be heard at this time. Joel
Truncali, Chairman, Town of Marlborough Planning
Board."

CHAIRMAN TRUNCALI: Thank you.

Pat, would you like to go over your
comments?

MR. HINES: There are a couple of
clean-up issues. There's a shared parking
arrangement that must be submitted to Ron Blass's

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office for review and approval. There's going to be parking shared across three parcels here, in addition to the credit that the two of the parcels that are involved have for the street parking in the hamlet zone.

There was a request from the jurisdictional fire department to receive a copy of the plans. I don't know if we received anything back from them.

The plans have been updated to show the current and proposed uses for all portions of the subject property pursuant to the Board's discussion.

So with those minor technical comments, we would recommend a negative declaration based on the information submitted, and that those comments -- I don't know if the fire department came back but the others could be conditions of approval.

CHAIRMAN TRUNCALI: Would you like to go over your project?

MR. MEDENBACH: Sure. This is actually right next door to the bakery, and the bakery has the parking lot in it. This one I colored. This

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is the building in question. It was formerly a bank building. I believe it had apartments above. There's two stories, one at street level, one above which are the two apartments. Street level was the bank and below that was the basement which was storage.

The applicant wants to build an addition to the back of it, initially to extend the basement area for storage, but then he wants to add a second floor to that which will be an expansion of the first floor coming off of the street, and the use of that floor would be for a restaurant. It would be up to forty-nine seats. Then the third floor would stay two apartments. So really the proposal is to put that addition on the back. It's only twenty-four by twenty-four feet. It's like 576 square feet on each floor. It's not a very big building.

Right now there's a driveway that goes through. It actually goes all the way on through out to Brewster Street. This is the parking area behind the bakery and the laundromat. It has excess parking. Some of the parking would be able to serve the restaurant, as well as the on

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street. We did a parking lot analysis to show that we have more than enough. We have a total of fifty-seven spaces where fifty-two are required.

CHAIRMAN TRUNCALI: Chief Kneeter, do you have any comments?

MR. KNEETER: One thing. You are putting a sprinkler system in?

MR. MEDENBACH: Yes, the building will be sprinklered.

MR. KNEETER: The only thing the department is looking for is the pipe be out in front of the building. Otherwise we're satisfied.

MR. POLLOCK: Okay.

CHAIRMAN TRUNCALI: Please state your name.

MS. GERALDINE MANESE: Okay. Geraldine Manese. I have a question, first of all, regarding the parking, okay, on Main Street. We have five parking spaces per property; is that correct?

CHAIRMAN TRUNCALI: That's allowed.

MR. HINES: In the hamlet zone each

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2 property is credited with five on-street parking
3 spaces by code, and then any of the additional
4 parking needs to be made up. The applicant owns
5 several parcels here that are going to be
6 entering into a shared parking agreement. It's
7 not uncommon. The Board has done it before in
8 the hamlets. The Falcon facility in the
9 Marlborough hamlet as well as the former
10 Brickhouse Restaurant had an arrangement with the
11 neighboring property as well when they did their
12 second floor.

13 You've done it before in the hamlet.
14 It's a method of addressing the parking situation
15 as it exists to allow others to be developed.

16 MS. GERALDINE MANESE: I'm questioning,
17 first of all, the five parking spaces that each
18 property owner has now. Okay. The properties
19 that are on Main Street, from the firehouse to
20 the post office there's supposed to be sixty-five
21 parking spaces. If each property has five spaces
22 each, there's not sixty-five parking spaces.
23 That's a big problem right there.

24 CHAIRMAN TRUNCALI: Right.

25 MR. MEDENBACH: In reference to --

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MS. GERALDINE MANESE: We also have a daytime operation, okay, and we have nighttime operations on Main Street. The daytime operation is Frida's, we have Stephanie's, we have Vivian's, we have the library and we have a post office. Those businesses take up all of the parking spaces on Main Street during the day, okay. You can't find a space on Main Street. Though Frida's has parking in their back lot, no one seems to use it. They use all of the street parking. It's fine with us. We have three properties right in that area. Our fifteen spaces are always taken up during the day, and that's fine because we don't really do business until 3:00 in the afternoon through the evening. The same with the bar across the street. Our tenants do come home after work and they need parking on Main Street also. So I really feel that we can't support a business that's going to have seating and the restaurant on the off hours because the Town is not going to be able -- we're not going to be able to handle the traffic. We're not going to be able to handle the traffic.

CHAIRMAN TRUNCALI: Okay. Thank you

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for your comment.

Do you have a sign that shows the parking behind the building?

MR. MEDENBACH: Yeah. I might want to point out, too, with this particular application we have fifty-seven parking spaces for the three properties he has where he only needs fifty-two. So, you know --

MS. GERALDINE MANESE: Could you tell me where this property is?

MR. MEDENBACH: This property, it's --

MS. GERALDINE MANESE: There's twenty-two spaces in the back.

MR. MEDENBACH: This is Frida's building here. It's the building just to the east of it. So the driveway comes in and there's parking back here. Customers don't use that. I imagine that's just a matter of signage.

MR. POLLOCK: We have a sign.

MR. MEDENBACH: The thing I'm pointing out here is that this building isn't generating more parking than what he already has here. It doesn't need the five spaces on Main Street based on the calculations that the zoning allows. So

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it's -- you know, I would agree some customers, sure, if there's an empty spot they're going to park there.

MS. PAULINE MANESE: All of them, and they are using parking spaces --

CHAIRMAN TRUNCALI: One at a time, please. If you're going to speak you have to state your name.

MS. PAULINE MANESE: My name is Pauline Manese. They are parking in every spot. There's nothing available during the day. Behind Frida's is empty. Nobody goes there. Only when they have a meeting do they park there for some reason. Main Street, there's nobody. You can't even stop for a minute if you want to. Even my brother, he has parking for his tenants, off-street parking, and they're parking in there.

MS. GERALDINE MANESE: That's true. Even though --

MS. PAULINE MANESE: If I want to stop to visit him I can't because there's no place to park.

CHAIRMAN TRUNCALI: Right. Yes.

MS. HARTWELL: CJ Hartwell. I'm the

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general manager of Buttermilk Falls and Frida's Bakery.

I can speak from personal experience. I go down there daily and people use that parking lot. Spin City clients use that parking lot. I think the community uses that parking lot. It's not just Frida's clients. We welcome people to park there.

I think, you know, in general we all know there's a parking issue in Milton. I don't think that should stop us from moving forward and creating businesses in the area. I think it's great for everybody in the community, the residents and the folks that are already doing business here.

I think maybe the issue that should be discussed is municipal parking in the Village.

MS. PAULINE MANESE: It's fine during the day. It's the evening hours it's not. When people --

MS. HARTWELL: But there's already two other businesses that are doing evening business as well.

MS. PAULINE MANESE: It's packed.

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Where are you supposed to park? And now you want another business.

MS. GERALDINE MANESE: No one is supposed to park there unless you're Frida's customers. How is anybody going to park back there?

MR. POLLOCK: There is a sign.

MS. GERALDINE MANESE: The signage is very small up on top of the building in the front. They don't even know there's parking back there. When they have meetings or parties they must be told because then Frida's parking area in the back is completely full, besides the street is full.

MR. MEDENBACH: I might want to point out too that Frida's is probably the only building with an elevator in the Town.

MS. GERALDINE MANESE: Who knows that?

MR. MEDENBACH: It makes it very convenient for the people -- the regular customers would know that. So it's not like they have to climb up to the front of the building, go up the hill. They can just walk right in from the parking lot area and use the elevator.

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MS. GERALDINE MANESE: I've spoken to a lot of the customers and they don't know that there's an elevator they can use.

MS. AMAROTO: My name is Karen Amaroto. I wanted to make a comment from somebody that absolutely loves Frida's Bakery and loves all the businesses downtown. I think there is a lot of confusion only because the sign is very small and it's hard to see. I think if there was -- if we address the signage issue it would be a huge start. If there was maybe just a little bit more of an attempt to get people to come to the back and up the stairs, up the elevator. I think it just -- you know, everybody is so used to parking and running in, nobody expected the business to do so wonderfully. Now that it's really doing excellent, the problem is escalating and the sign isn't appropriate. The amount of people that know that the parking is back there and how easy it is to go up the elevator aren't enough.

MS. GERALDINE MANESE: I still don't know where the fifty-seven spaces are going to be. I know there's twenty some back there.

CHAIRMAN TRUNCALI: If you'd like to

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come up they can show you on the map.

MS. GERALDINE MANESE: There's twenty
some available now. Where are the others?

MR. MEDENBACH: There are --

MR. POLLOCK: I need to put lines.

MR. MEDENBACH: There are forty-seven
spaces behind the building now, and then the
other ten for the five that are allotted on the
street for the two different businesses. Each is
allotted five. That's how we came up with the
number of fifty-seven.

MS. GERALDINE MANESE: First of all,
the Town does not have five spaces for each
property that's on that street.

CHAIRMAN TRUNCALI: I agree, but you're
allowed five.

MS. GERALDINE MANESE: But there are
not five each.

MS. PAULINE MANESE: How are you
supposed to get them?

CHAIRMAN TRUNCALI: That's part of the
code.

MS. GERALDINE MANESE: That's part of
the code. Okay. That's why we have daytime

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operation businesses and evening businesses until now.

MR. GARAFALO: James Garafalo. Is there a restriction on the parking on the street? Are there meters? Is there any time restriction?

MR. MEDENBACH: I don't believe so, no.

MR. GARAFALO: Are they marked?

MR. MEDENBACH: I believe they are.

MR. GARAFALO: Okay. Certainly one of things I've heard is the sign isn't big enough and maybe they need a bigger sign. Maybe it needs to be in a different place. I think for the Board to know exactly what it looks like, where it is would be helpful.

Is there any of the parking in the back reserved for the tenants?

MR. MEDENBACH: Just the handicap. That's the only restriction.

MS. GERALDINE MANESE: The sign says reserved for Frida's. All others will be towed.

MR. POLLOCK: Does it really say that?

MS. PAULINE MANESE: Yes.

MS. GERALDINE MANESE: That's what it says.

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MR. GARAFALO: The dumpster, is there a fence or some kind of something blocking it visually?

MR. POLLOCK: No.

MS. PAULINE MANESE: It's just open.

MS. GERALDINE MANESE: Way up on top of the building.

MR. GARAFALO: My last comment is I think it would be nice for properties like this if they were to include at least one place where bicycles could park. I mean one of the things we'd like to do in the Town is make it more bicycle accessible. It could be simply two poles coming up that are connected. It would be nicer if the Town would have a theme, something that looks like an apple or something like that, that could be used throughout the Town. That would be nice. Something simple to be located somewhere and signed so that it's very clear where it is I think would be nice on a property like this where particularly it can serve multiple uses. It doesn't have to be a lot of spaces. At least one would be nice. Thank you.

MS. GERALDINE MANESE: The other thing

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2 that really needs to be done is we need to have
3 parking spaces marked off, marked spaces, so
4 people know, you know, where to park. They park
5 in the middle and somebody else can't park. You
6 know what I'm saying? They just pull up and park
7 wherever they want to park and there's no rhyme
8 or reason to it, and then you can't fit -- even
9 the little amount of cars you can put there, you
10 can't put them there because one car will take up
11 two spaces. So we're also thinking about marking
12 the pavement so you have, you know, specific
13 parking spots.

14 CHAIRMAN TRUNCALI: I think you would
15 have to talk to the highway department about
16 that.

17 MS. GERALDINE MANESE: The Town. Yup.

18 CHAIRMAN TRUNCALI: Does anyone else
19 have a comment?

20 (No response.)

21 CHAIRMAN TRUNCALI: If not, I'll have a
22 motion to close the public hearing.

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

25 CHAIRMAN TRUNCALI: Do I have a second?

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MS. LANZETTA: I'll second that.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

MR. HINES: To address the comments we heard regarding parking, there is a need to work out the legal agreements between the three parcels involved here. Mr. Blass was here and heard those comments. As part of that agreement I would suggest the Planning Board require some signage stating those three users have additional parking to the rear of the facility. Kind of directing people there may help.

MR. POLLOCK: No problem.

MR. HINES: I just want to clarify each individual lot doesn't have assigned five parking spots. It's a part of the code to allow flexibility in the hamlet areas that there is shared parking for the various uses. It's

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probably twenty years ago that the code was revised for that. Each of the users coming in in both of the hamlets had zero parking available. It was a method that the code was revised to allow small intensity uses to get credit for those five spaces or the publicly available spaces. They're not assigning them. Certainly if you went out to the hamlet and counted the number of parcels times five, there's not that number of parking spaces there, but it also envisions the mix of uses. That's the reason for that being in the code.

CHAIRMAN TRUNCALI: Thank you.

Do I have a motion for a resolution for a negative declaration on this application?

MS. LANZETTA: I'll make a motion that we give this application a negative declaration.

CHAIRMAN TRUNCALI: Do I have a second?

MR. CAUCHI: I'll second.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

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CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

MR. HINES: The only outstanding issue is the shared parking arrangement, which could be a condition of approval.

CHAIRMAN TRUNCALI: Does anyone else from the Board have any questions?

MR. TRAPANI: I think if possible maybe we should get in touch with Mr. Appler to see maybe they can mark off parking spaces. I've seen where people may park right here and then a person park over there and there's a lot of room where they could save one or two spaces if they were marked off. Maybe we could check with Gael and see, maybe possibly they could do something like that. It is tough. You go down there now, they've got Monday night football. You can't drive through Town right now if you go down there. You know what, we can't stop progress in the Town. We just have to try to work on things to try to make it better so we can all get along together and be able to get our businesses going.

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The Maneses have been here forever. This young gentleman, if it wasn't for him and his brother, we haven't had much come in to Marlborough except maybe Stewart's. We have to try to help the Town grow as much as we can and we have to try to make arrangements so we can fit cars and people in the Town.

MS. GERALDINE MANESE: That's it.

That's the thing. We give up our spaces all day long, okay. In the evenings we want them back because we need them for tenants, we need them for customers. The same with the bar across the street. The same thing. That's all we ask. That's why we're asking them to have operations during the day. We don't care, as much as they can come in is fine. We want the Town to grow. Frida's is a good thing, you know. It's a good business. Thank God it's doing good. It's during the day, it doesn't interfere with us at night. We give up all of our spaces we're allowed to have. We made off-street parking for ourselves. But still, you know, how much more can we give? At night they're going to come and use the spaces too? That's not fair. It's not

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right.

CHAIRMAN TRUNCALI: Is there anyone else from the Board that has any comments?

(No response.)

CHAIRMAN TRUNCALI: If not, I will ask if there's a motion for a site plan approval conditional upon the parking agreement?

MR. TRAPANI: I'll make that motion.

CHAIRMAN TRUNCALI: Do I have a second?

MR. LOFARO: I'll second it.

CHAIRMAN TRUNCALI: Joe seconds. All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

Any opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

MR. MEDENBACH: Thank you very much.

(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: December 27, 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

PUBLIC HEARING
SKETCH - AMENDED SITE PLAN

Date: December 7, 2015
Time: 7:56 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
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: The next item is Levesque, amended site plan, public hearing.

MR. DUBOIS: I've got the return on the public notices. Do you want me to give them to --

CHAIRMAN TRUNCALI: Yes.

MR. DUBOIS: There were eleven people involved adjoining. I got seven returned and one returned address unknown.

MS. LANZETTA: "Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the Town of Marlborough Town Code Section 155-32 on Monday, December 7, 2015 for the following application: M. Levesque, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is asking for an amended site plan located at 1100 Route 9W, Section 108.4; Block 5; Lot 27. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Joel Truncali, Chairman, Town of Marlborough Planning Board."

CHAIRMAN TRUNCALI: Would you like to

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LEVESQUE

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just go over your project?

MR. DUBOIS: Basically this is the lot that's on the south end of Town on Route 9W where there was a materials -- loose materials storage area before. I forget the name of it. What was it?

MR. BAKER: Noto's I think.

MR. DUBOIS: Anyway, the application before you right now is a storage facility for the DEP construction that's going on down below, about a mile or so. The company wants to be able to store the pipe that's going to be used as the liner pipe that goes underneath the Hudson River. This is a project that's going to last three to four years. Basically the pipe is being fabricated in Louisiana, taken up here by barge and somehow transported to this site. This is actually a storage site, so when it comes, as the contractor progresses to go under the river, they'll take the pipe from here and bring it down. So it's like an interim storage area. That's all there is to it.

CHAIRMAN TRUNCALI: Pat, would you like -- do you have any comments?

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MR. HINES: We don't have any new comments. At the last meeting when the public hearing was scheduled we discussed the need for a stormwater permit for greater than one acre disturbance and a notice of intent to be filed. Upon receipt of the appropriate application we'll process that through with the DEC.

There was a discussion of having a sunset clause in this approval offered by the applicant. The Board doesn't have any ability to approve temporary uses on the site. The applicant's representative had stated that they don't have a problem with offering that sunset clause. That Ron Blass will have to work out so that this is only approved for use during the DEP job that was discussed.

We previously discussed the temporary lighting. I think the Board was okay with the use of contractor mounted temporary lighting after some discussion.

Those were the three items.

Also, part of that sunset clause was going to be the reclamation and revegetation of the disturbed area.

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LEVESQUE

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MR. DUBOIS: Which is part of the
County requirement.

CHAIRMAN TRUNCALI: Right.

This is a public hearing. If anyone
has a comment, please rise and state your name.

MR. OGLE: My name is Joshua Ogle. I
just moved into a house that abuts the property.
This is the property that has the trailer toward
the back of it currently?

MR. DUBOIS: Yeah. I guess you would
call it a trailer. It's an empty lot. It has
the gate on the Route 9W side. It has trees
planted. I don't know whereabouts -- what number
-- well --

MR. OGLE: I'm at 30 Michael Place,
which is --

MR. DUBOIS: What's your name?

MR. OGLE: Joshua Ogle. It's where the
gas station --

MR. DUBOIS: You got one of the cards?

MR. OGLE: Yeah.

MR. DUBOIS: What can I do for you?

MR. OGLE: So the question was will
there be restrictions on the time that this is

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being used and what type of machinery, because of the noise pollution?

MR. DUBOIS: Basically the operation itself is strictly a delivery and extraction, all right. So as a load comes in from Louisiana, they will be unloaded. We don't know the timeframes for that. There's other players involved which are beyond our control, such as the DOT. They may specify that they can't move the pipe across the roadway only between 3 and 4 o'clock in the morning, you know. But basically the operation would be then that just -- it would be just a crane unloading that particular truck and then it sits there. That pipe would sit there for six months, you know. It's not a big daily operation. They're going to have a load come in, it will be set up on the chocks, you know, so they don't roll away. These are very big pipes. They're sixteen foot in diameter, they're forty foot long. So from here to that wall, and as high as -- they're big pipes. They don't move. It's that type of operation.

MR. OGLE: My concern is because there's a recycling plant there and a lot of -- I

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LEVESQUE

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forget what it's called. It's not a plant. It's a recycling facility. From 6:30 in the morning until pretty late at night they're --

MR. DUBOIS: We're down the road from that.

MR. OGLE: I know. I have a property that abuts all of that.

MR. DUBOIS: We will not have any of that situation.

MR. HINES: There's actually a note on the plans restricting the hours of operation from 7 a.m. to 11 p.m. on weekdays and 7 a.m. to 3 p.m. on Saturday with no work on Sundays, to respond to your comment. That note was added to the plans.

MS. LANZETTA: Are you fine with the hours of operation?

MR. DUBOIS: Yes. For now I am. That's what I've been told to go with, so I'm going to go with that.

MS. LANZETTA: You can't change it later.

MR. DUBOIS: We can always come back and ask for a change.

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MR. BAKER: Especially if the DOT requires it.

MR. DUBOIS: A lot of this stuff we don't know yet. This is a big, big operation. This is not -- you know, there's a lot of players involved. We're just one little small part of it. We're just a storage area. But as we know it, and Tommy will know it, you know, you'll know it, and then if we have to make adjustments we'll make adjustments. That's the way it's going to be done. I do not know physically how they're going to get the pipe to that site yet.

MS. LANZETTA: You can't check with the DOT now and find out if they have hourly restrictions that they do or they don't allow that pipe to move?

MR. DUBOIS: The DOT has a problem with the fact that they've never handled a situation like this. This is new. This is unusual. We don't transport things like this over the roadways. This is going to involve utility companies, they're going to have to raise wires. Things like that are going to have to be done. They have not yet decided where -- we're getting

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beyond the scope of this. They have not decided where they're going to unload the barge yet, whether it's going to be, you know, in the Marlborough facility. They may build one. This company is capable of doing that.

CHAIRMAN TRUNCALI: Jim?

MR. GARAFALO: James Garafalo. Could you put the map up on the board?

MR. DUBOIS: Sure.

MR. GARAFALO: Thank you. Are there going to be track pads to keep the dirt from ending up on Route 9W?

MR. DUBOIS: There's already a paved entrance, an approved --

MR. GARAFALO: But the whole thing is paved?

MR. DUBOIS: No. It's not intended to be paved.

MR. GARAFALO: I didn't think so. That's why I was suggesting maybe track pads so that any mud or dirt --

MR. DUBOIS: It's gravel right now. It's gravel and it's crushed stone, and a lot of it. I was there this afternoon walking the area

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LEVESQUE

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that's not mowed, which is deceiving. Really we're not -- we're going to be disturbing very little. There's two piles of dirt or some type of debris that was left from the previous owner. The last word I got is we may not even have to take the trees down.

MS. LANZETTA: You said before that you were going to lay a layer of gravel.

MR. DUBOIS: That's going to not be happening. They don't need it now.

MS. LANZETTA: All right.

MR. DUBOIS: We're not going to be disturbing the big area that we thought we were going to have to because it was hidden. If you look at the lot right now, you'll see the left-hand side is mowed and it looks beautiful. The right-hand side is all brown and full of weeds. The previous owners, they had spread a lot of material in there. It's suitable. All we have to do is basically have runways down to where the crane will pick the pipe up and set it on the chocks. That's it. We don't have a need for a complete bed of gravel.

CHAIRMAN TRUNCALI: Thank you.

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MR. OGLE: Joshua Ogle. Would you be willing -- I'm not sure how this whole process works, so I apologize. Would you be willing to put up some kind of barrier between where this material is and so forth and the properties that about you? Currently there's all sorts of random metal and plastic and so forth in my yard.

MR. DUBOIS: The material we're storing is a steel pipe.

MR. OGLE: I understand that.

MR. DUBOIS: What we'll do is we'll probably -- I'm going to suggest to them we're going to put the first pipes that arrive on the scene on the perimeter of the site. You will not then see any of the operation going on inside that unless you've got something that's sixteen feet higher that you're going to look over.

MR. OGLE: The second thing would be is there any way -- when do you think you will know the answer to -- when do you think you will know the likely times of usage?

MR. DUBOIS: Probably mid summer 2016.

MR. OGLE: Do you have to have approval now?

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MR. DUBOIS: They want approval now because this company is very proactive and they get all of their ducks in a row ahead of time. They want to have this area ready for whenever the time comes. They don't want to have to have a barge out in the Hudson River waiting for an approval.

MR. GARAFALO: Two more questions. Is there going to be a temporary restroom facility?

MR. DUBOIS: There is one right there.

MR. GARAFALO: There is one?

MR. DUBOIS: Yeah.

MR. GARAFALO: Okay. And the second question is have you actually applied to DOT for a highway work permit?

MR. DUBOIS: I didn't. The company, Kewit, handles that. I have not. I have no idea.

MR. GARAFALO: But not as part of this?

MR. DUBOIS: It's not part of this application. I have a DOT approval for this entrance, okay. It's a truck entrance. That's what they're coming in with, a truck.

MR. GARAFALO: It's a change of use so

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you still have to go to them and talk to them to
make sure that it's --

MR. DUBOIS: I have.

MR. GARAFALO: Okay. That's --

MR. DUBOIS: Okay.

CHAIRMAN TRUNCALI: Howard?

MR. BAKER: Lou, I know you don't know
exactly how this is going to happen. Do you
envision there will be one big delivery of
several of these and then the extractions as
needed or deliveries over a long period of time
and extractions?

MR. DUBOIS: I think their intent is to
have a supply here of twice the amount that they
need at any one time span.

MR. BAKER: How many would that be?

MR. DUBOIS: I don't know how many are
even coming up on the barge. What they'll do is
they'll transport down to the construction site,
they get lowered down to the shaft and onto a
rail system which takes them out into the -- you
know, wherever the work area is under the river.

MR. BAKER: So you don't really know?

MR. DUBOIS: I don't know. All I know

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LEVESQUE

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is, you know, this is an area that they felt was good, it was close to the site.

MR. BAKER: The barge is going to be in Newburgh?

MR. DUBOIS: We don't know where the barges are going to land. Like I said, this is a very big company. They can do a lot of things, you know, to make it work. They'll make it happen one way or the other. They're a national company.

CHAIRMAN TRUNCALI: In the back.

MR. OGLE: Joshua Ogle. I was wondering, you said sixteen feet in diameter?

MR. DUBOIS: Yeah. You just go to the top of that signet there. That's about sixteen feet up I think.

MR. OGLE: So for each one of those will it take up the entirety of 9W for awhile?

MR. DUBOIS: It's only forty feet long. It's from here to the flag. It's a regular tractor trailer load, only it's going to have a big pipe on it. A normal tractor trailer, the trailer itself is usually around fifty-three feet I think. That is the maximum that they allow.

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LEVESQUE

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CHAIRMAN TRUNCALI: They transport modular houses now. They come up sixteen feet wide.

MR. OGLE: Sometimes when they transport modulars you walk off and it's like a double size or something like that.

MR. DUBOIS: When they come in, and I don't know how they're going to do it, okay. I want to make that perfectly clear because I'm not in -- I don't know. I suggested using helicopters but they shot me down, you know. That's a perfect way of bringing them in and putting them in place. Like I said, there's a lot of coordination that still has to be done, and that's still all work in progress. That's another whole part of the company that's doing that.

Yes, sir.

Wait a minute. He's got to say that, not me.

MR. GARAFALO: James Garafalo again. Since you are talking to them, maybe you want to suggest that they might want to talk to, I think it's Trap Rock that owns the mining, because they

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-- even though they haven't been mining over here, they're mining on the other side. Some day they're probably going to need some docks and they're probably pretty close. That might be a place that they want to take a look at.

MR. DUBOIS: The problem is they have to unload on this side of the river.

MR. GARAFALO: They have property on both sides.

MR. DUBOIS: They have the old quarry that's just south of the village. Isn't there an old quarry in there?

MR. BAKER: Yes.

MR. DUBOIS: For all I know they'll buy that quarry and use that. They can. It's a billion dollar company.

MR. GARAFALO: Thank you.

CHAIRMAN TRUNCALI: Anyone else?

MS. LANZETTA: Well let me just be clear that I understand this site. You have said that now you're going to use it as it exists. You're going to use it as it exists. You're going to put the pipe in but it will not be stacked?

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LEVESQUE

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MR. DUBOIS: Correct. You can't stack this pipe.

MS. LANZETTA: And you'll need some room to move in and out. Have you computed the maximum number of pipes that you can put on that property?

MR. DUBOIS: They did but it was incorrect. No. To answer your question; no, I have not.

MR. BAKER: Roughly?

CHAIRMAN TRUNCALI: Does anyone else on the Board have a comment?

MS. LANZETTA: Maybe you could get back to us with that information, the Board.

MR. DUBOIS: No. Whatever number I tell you you're going to hold me to it. I'm not going to fall into that trap.

MR. BAKER: That's a good question. I think it would sort of give an indication of how many there might be.

MR. DUBOIS: When we first got talking about it they showed a plan that had every pipe listed. Like there was no room to sneeze, you know. I said that's unrealistic. I mean it's

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LEVESQUE

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not going to happen that way. I imagine you're probably going to get two barge loads. I imagine that's going to be about eighty sections. Don't hold me to it. These are big, big pipes, okay. We don't have to worry about security. Nobody is going to walk away with them.

Yes, sir.

MR. OGLE: Would you lose the deal if you didn't get approval now? I know they want preliminary approval. Would they just leave in that case or get the approval and figure out the details?

MR. DUBOIS: I think what we're saying is all we're looking for is approval to store the pipe here. How it gets here, and how it's utilized, and how it's transported over the roadways and stuff like that is beyond this application. All we're asking for is to amend this site plan which was previously approved for material storage. We're changing the storage and we're expanding it. That's basically all we're asking for. We're having a nice discussion on a lot of things I know very little about. I'll be right upfront with you. Those decisions are

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LEVESQUE

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going to be made way above my pay grade.

MR. HINES: They're going to need specialized permits to move these from DOT. There is going to be that level of review for transporting something of this size.

MR. DUBOIS: There are going to be special, special tractors and special trailers to haul those. The pipe bottom is only going to be a foot off the ground. They're going to max out at seventeen. They're going to have all sorts of security, police or whatever, handling this. Like Pat said, this is going to be an interesting operation to be honest with you, you know, to see this happen.

MR. OGLE: This is the only real forum I have to express things about timing and so forth. That's why these questions touched on the matter.

MR. DUBOIS: Like I said, I don't know. You know, we came in with a time. I got a time from the company saying okay, we can do it within this, but they don't know. The DOT can come to them and say the only time we want you on the road in that specialized scenario is maybe 10

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LEVESQUE

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o'clock at night, you know, when there's no traffic, or something like that. We have nothing -- we can't control that.

MR. HINES: If that changes they're going to have to come back here and get an amended site plan. Right now the notes on the site plan restrict it to the times I mentioned before.

MR. DUBOIS: Right. Any changes to what's here, we'll be back. We understand that.

MR. GARAFALO: Can a note be put on that the pipes will not block access to the restrooms?

MR. HINES: To what? That would be easy but there is none.

MR. DUBOIS: There is a --

MR. HINES: The trailer in the back.

MR. GARAFALO: It won't block the access to them. The pipes won't totally block the truck drivers if they have to go to the restrooms.

MR. DUBOIS: Okay. They may bring in portals anyway. I can put that.

CHAIRMAN TRUNCALI: Anyone else?

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(No response.)

CHAIRMAN TRUNCALI: If not, I'll
request a motion to close the public hearing.

MR. TRAPANI: I'll make that motion.

CHAIRMAN TRUNCALI: Do I have a second?

MR. CAUCHI: I'll second the motion.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

Pat, are we ready for a negative dec on
this?

MR. HINES: Yeah. It's kind of a reuse
of an existing -- it was a storage yard for
years. I realize that there's a lot of technical
details that need to be worked out. I'm familiar
with the site of the project. There's a lot of
that happening with the project. There's not a
lot of change to the site.

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I am concerned that originally we were told the site would be completely re-covered in gravel. I want to make sure that that's what's going to happen, what's on the plans is what the Board is approving.

MR. DUBOIS: You'll get a revised plan indicating --

MS. LANZETTA: That's not what's going to happen.

MR. DUBOIS: In other words, we're saying that it's a -- we're defining the storage area. In our discussions we talked about the surface area, okay. What we've found out really is that the surface area with the exception of where the trees are, this little piece in the back that's within the heavy lines, is adequate to store the pipe.

MR. HINES: So you are no longer going to clear the trees in the back?

MR. DUBOIS: Only if necessary.

MR. HINES: The problem is the Board is approving a site plan --

MR. DUBOIS: I know. That's why -- that's why I'm willing, if there's changes --

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we're talking. This is a project that's not going to start tomorrow. We could be back here in June of next year telling you different times and a different story. What this does is it gives them a place that they can establish with the hierarchy.

I've already talked to Tommy about any changes, you know. He's the first one, you know, and he'll -- whatever details he needs as far as soil erosion control, you'll get.

MS. LANZETTA: I'm concerned. I just have a question about the stormwater runoff. If they do max out and put sixty, seventy pipes on there, how does that impact as the water hits those pipes? In essence they are making an impervious surface to some extent. A lot more impervious than it is.

MR. HINES: And the expansion of the area. One of the technical comments is if you approve it it is going to be subject to that stormwater approval from my office. We're awaiting that information. I'm not clear on how much of the area is going to be re-graveled right now -- resurfaced with gravel.

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CHAIRMAN TRUNCALI: He's saying they are not going to do anything to the surface now.

MR. HINES: I know. I heard that.

MR. DUBOIS: Well there's two areas -- there's two piles here. I walked it today, this afternoon actually. Until you get over by where there's a couple large trees, it drops down a little bit. If you look at your contours you can see it. There's a low area right where the trees are. I talked to Kewit this afternoon and I told them maybe if we don't have to I'm not going to take a tree down just for the sake of taking a tree down.

MR. BLASS: It sounds to me like the site plan lays out a geographic area within which large pipe can be stored any way that the operator wishes so long as the pipe stays within and the operation stays within the storage area defined on the site plan. So I guess the issue for you is is that enough detail to approve it or not?

CHAIRMAN TRUNCALI: So are you asking for approval to remove the trees at this time or --

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MR. DUBOIS: No. I mean I --

MR. BLASS: There's a note on the map that says trees to be removed.

MR. DUBOIS: To be removed. Maybe I'll amend that to say as necessary.

MR. BLASS: Okay.

CHAIRMAN TRUNCALI: Do we need to have a new map, Pat, before we go any further?

MR. HINES: It seems like there's a lot of questions.

MR. DUBOIS: Well I would -- I was planning on giving you a new map because I need to put the County comments on the map, right. We want them to be --

MR. HINES: The sunset clause language.

MR. DUBOIS: I've got to get together with Ron.

MR. HINES: If you want to bring it back in two weeks or a month, you'll have more defined answers.

MS. LANZETTA: I would feel better to get it cleaned up and ready for approval.

MR. DUBOIS: I'm prepared to do that. I didn't expect final approval tonight. I wanted

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to make sure the public was involved. We got that and I think we can move forward now. I'll address all the little scenarios, the changes that came about just in the past week. You know, that brings you up to speed then on anything, and then you're approving something that's the best of everybody's knowledge at the moment, which is all you can ask for.

CHAIRMAN TRUNCALI: Sounds good.

MR. DUBOIS: Agreed.

CHAIRMAN TRUNCALI: Thank you.

MR. DUBOIS: Thank you.

MR. BLASS: It looks like the issue is whether to close the public hearing or keep the public hearing open pending receipt of modified plans.

CHAIRMAN TRUNCALI: Do we have to keep it open if we're not going to make any changes?

MR. BLASS: Pat just made a good point. It sounds like the proposal is the worst-case scenario.

MR. HINES: It's only going to get smaller.

MR. BLASS: If that's the case, I think

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LEVESQUE

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you can close the public hearing.

CHAIRMAN TRUNCALI: Is everybody fine
with closing the public hearing?

MS. LANZETTA: Yes.

MR. CAUCHI: Yes.

(Time noted: 8:22 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 27, 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

PUBLIC HEARING
SKETCH - SUBDIVISION

Date: December 7, 2015
Time: 8:22 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

MICHELLE L. CONERO
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Wallkill, New York 12589
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CHAIRMAN TRUNCALI: Next up is the Estate of E. Greiner.

MS. LANZETTA: "Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act and the Town of Marlborough Town Code Section 134-33 on Monday, December 7, 2015 on the following application: Estate of Ernest Greiner, at the Town Hall, 1650 Route 9W, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is seeking approval of a subdivision application for lands located at Idlewild Road, Marlborough, New York, Section 108.3; Block 1; Lot 21.111. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Joel Truncali, Chairman, Town of Marlborough Planning Board."

MS. BROOKS: We mailed twelve certified return receipt letters and got nine back.

We also have a copy of a letter from Gael Appler certifying that there is safe and suitable sight distance at the proposed subdivision driveway location for the record, and

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a copy of the Ulster County Board of health approval for the record.

The application before the Board is a two-lot subdivision to create a 2.61 acre lot with remaining agricultural lands of 30.4 acres.

The Board had some concerns last month regarding the farm lanes that we showed on the property. We added a note to the map saying that there is no intention to grant any easements or rights-of-way over any farm lanes shown hereon, which are shown for illustrative purposes only as had been discussed with the consultants. Those were the only mapping changes that were made.

We submitted, for the Board, the Board of Health approval and the letter of approval of the driveway location from the highway superintendent.

The only waiver we are requesting from the Board this evening is a waiver of topography of the remaining lands. We showed the topo for the proposed new lot number 1 and are requesting a waiver of the remaining lands as no new improvements are proposed on that lot.

CHAIRMAN TRUNCALI: Pat, you have one

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comment there.

MR. HINES: Just the first comment identifies that the farm roads don't have an easement, they're shown for illustration.

The second comment, there's a 7,000 square foot potential ag building being shown here. The Planning Board is not approving that use right now. That's a separate ag use that the building department will approve or not approve as an ag use. We're really looking at the subdivision, not that potential future ag use on the 2.61 acre parcel.

The highway superintendent's comments were just received and the Health Department for the septic system was just received.

With that, we have no outstanding issues.

CHAIRMAN TRUNCALI: This is a public hearing. Does anyone from the public have a comment?

MR. ROSNICK: Jack Rosnick. This is my name right here. This is my property.

We already have a lot of trucking on that road and I just want to know what kind of

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traffic are we expecting with trucking and diesel fumes and noise? We have an Air B&B business which people come up from the city and they expect to have peace and quiet, okay. Now we have a trucking business up the mountain already with Zambito's and then there's the water plant.

MS. BROOKS: Which is down here.

MR. ROSNICK: Right. Which trucks start up around 6 a.m. every morning. I'm just -- where is this going to be exactly?

MS. BROOKS: Your property is here and this lot is proposed here. Here is the pond right across the street from you. So it's up on that hill behind the driveway and the pond.

MR. ROSNICK: Okay. What kind of traffic are we expecting additional?

MS. BROOKS: We're proposing a two-lot subdivision for a residential structure and an agricultural building. We're not proposing any business use. Any business use would require a site plan approval. I know that the proposed purchaser of this lot is working with Mr. Greiner restoring pallets in the agricultural building, helping doing farming for him. I can't speak to

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what his agricultural business plan is. Anything that would extend beyond an agricultural use would require site plan approval before this Board.

CHAIRMAN TRUNCALI: We're just doing an approval here for a single family -- it could be a two-family residence.

MR. HINES: The septic is designed for a single family.

MS. BROOKS: Single family, four bedroom.

CHAIRMAN TRUNCALI: Does anyone else have any comments? Jim.

MR. GARAFALO: James Garafalo. Although the Town has already said the sight distances are good, I think it behooves the Board to make sure that that is maintained and to put limits on any vegetation or construction that might be -- that might block any sight lines. I think that would be an appropriate thing to do in the future, not only on this site but on any other sites where that possibly might happen.

MS. BROOKS: If you look at a topographical, the driveway is proposed basically

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on the knoll of the property. Sight distance wise in both directions is the optimal sight distance. I'm not sure -- we've already computed the boundary line at twenty-five feet off the center line. The Town has the right to clear anything within that right-of-way. I think that by virtue of the way we created the lot lines, that will be self perpetuated.

MR. GARAFALO: Thank you.

CHAIRMAN TRUNCALI: Anyone else?

(No response.)

CHAIRMAN TRUNCALI: If we have no further comments, I'll ask the Board for a motion to close the public hearing.

MS. LANZETTA: I'll make that motion to close the public hearing.

CHAIRMAN TRUNCALI: Do I have a second?

MR. CAUCHI: I'll second it.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

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Any opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

I will ask the Board for a motion for a waiver of the topo of the entire property.

MS. LANZETTA: I'll make that motion to waive the requirement for the topography on the section that isn't being subdivided.

MR. TRAPANI: I'll second.

CHAIRMAN TRUNCALI: Ben seconds. All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

Next we would need a motion for a negative declaration.

MR. TRAPANI: I'll make a motion for a negative dec.

MR. CAUCHI: I'll second it.

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CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

Opposed?

(No response.)

CHAIRMAN TRUNCALI: Are there any other
comments from the Board on this application?
Pat? Ron?

MR. HINES: The only thing is I just
want to make sure you're approving the
residential use of the 2.61 acres. That's an
agricultural building exempt by Ag & Markets.
That's fine but they have to go to the building
inspector. I just don't know what that use is.
The 2.61 acres doesn't seem like a large lot to
have 7,000 square feet -- I know ag buildings are
exempt from our code. I just want to make sure
you're approving the 2.61 residential
subdivision.

MS. LANZETTA: Mm'hm'.

CHAIRMAN TRUNCALI: All right. If

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there are no other questions from the Board, we can have a motion to approve the residential lot, 2.61 acres.

MR. LOFARO: I'll make a motion to approve that.

CHAIRMAN TRUNCALI: Do I have a second?

MR. CAUCHI: I'll second it.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

MS. BROOKS: So is that preliminary approval and I need to ask for a waiver of final public hearing and ask the Board to consider final approval at the same time or are we still doing that? That technically is --

MR. HINES: I think you got it all.

MS. BROOKS: That technically is how we should be doing it. I'll write it up that way,

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that preliminary approval was granted, final public hearing was waived and final approval was granted at the same time as preliminary? I just want to make sure that was the intent of the Board.

CHAIRMAN TRUNCALI: Thank you.

MR. BLASS: It was with one exemption, neither approval nor disapproval of the ag building shown on the site.

MS. BROOKS: Got it. Thank you.

MR. HINES: We need to go back to the rec fees. It's been awhile since we did a residential lot. We do need the rec fees.

MS. LANZETTA: This is the recreation fee findings for the Town of Marlborough Planning Board. Whereas the Planning Board has reviewed a subdivision application known as Estate of Ernest Greiner with respect to real property located at Idlewild Road in the Town of Marlborough, it is hereby resolved that the Planning Board makes the following findings pursuant to Section 277 Section 4 of the Town Law: Based on the present and anticipated future need for park and recreational opportunities in the Town of

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Marlborough, and to which the future population of this subdivision will contribute, parkland should be created as a condition of approval of this subdivision. However, a suitable park of adequate size to meet the above requirement can not be properly located within the proposed project site. Accordingly, it is appropriate that in lieu of providing parkland, the project sponsor render to the Town payment of the recreational fee to be determined in accordance with the prevailing schedule established for that purpose by the Town of Marlborough. This approved subdivision known as the Estate of Ernest Greiner resulted in two lots for a total of \$1,500 in recreation fees, parent parcel excluded.

CHAIRMAN TRUNCALI: If the Planning Board secretary would poll the Board for their approval.

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

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MS. LANZETTA: Yes.

MS. FLYNN: Member Mr. Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Truncali?

CHAIRMAN TRUNCALI: Yes.

We have approval of the recreation fee.

Thank you.

MS. BROOKS: Thank you.

(Time noted: 8:35 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 27, 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

PUBLIC HEARING
SKETCH - SUBDIVISION

Date: December 7, 2015
Time: 8:35 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
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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MS. LANZETTA: "Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act and the Town of Marlborough Town Code Section 134-33 on Monday, December 7, 2015 for the following application: Shirley Sarinsky, at the Town Hall, 1650 Route 9W, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is seeking approval of a subdivision application for lands located at 160 Ridge Road, Marlborough, New York, Section 108.2; Block 3, Lot 8.100. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Joel Truncali, Chairman, Town of Marlborough Planning Board."

CHAIRMAN TRUNCALI: Thank you.

MS. BROOKS: We sent out eight certified letters and six were returned.

The application before the Board is a two-lot subdivision to create a 2.03 acre lot with an existing residence, barn and garage.

The property was owned by Shirley and

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SHIRLEY SARINSKY

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Louis Sarinsky, and as part of the settlement of his estate the 2.03 acre lot with the residence will be conveyed to Shirley as his surviving spouse and the remaining lands are to be conveyed to a family trust.

The questions that were raised at the last meeting were with regard to the well that was depicted on the site. Given that we have municipal water, we revised the well nomenclature to say it's an unused, old well. We also added the septic area which was located directly northerly of the existing residence to show that it is located on the subject parcel to be subdivided.

We also, on this project, asked for a waiver of the full subdivision of the remaining lands given that we still had in excess of 800 feet of road frontage remaining.

CHAIRMAN TRUNCALI: There are no physical improvements proposed on these parcels?

MS. BROOKS: No.

CHAIRMAN TRUNCALI: This is a public hearing. Is there any comment from the public?

MR. ALLEN: My name is Joe Allen and

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SHIRLEY SARINSKY

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I'm a resident on Ridge Road. I've lived there for sixteen years.

We're against this proposal. I really wish the Planning Board would take a strong stand and preserve the rural character of Marlborough.

As you know, many studies argue against -- for the unsustainability of suburbanization. Many communities have taken strong steps to preserve the open space and farmland.

Also there's already a house on the former Sarinsky property that's been for sale for years and is sitting there. That kind of suggests why the need for more housing.

MR. HINES: This is that house. There's no new house proposed. They're drawing lot lines around that existing structure.

MR. BAKER: He's talking about another house. The brick house.

MR. ALLEN: They're building another house?

MR. BAKER: They're not.

MR. ALLEN: What are they doing?

MR. HINES: Just drawing lot lines around the existing house for estate purposes.

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MR. BAKER: There's no new house.

MR. HINES: No new house.

MR. ALLEN: I hope my comments are still heard, though.

MR. BAKER: I think they are trying to preserve --

MS. BROOKS: They are.

MR. ALLEN: I apologize. Learning experience.

MS. BROOKS: That's fine.

Would you like to come up and look at the map just so you can see what's happening?

MR. ALLEN: Sure.

MS. BROOKS: Basically Shirley's husband, Lou, passed away a few years ago and the desire is to separate out this house just on 2 acres. This property right here, we were involved with Scenic Hudson when they took the conservation easement from this property. The hope is that the rest of the property will be conserved. Part of the conditions of the will were that Shirley was to get the house solely in her name on 2 acres and the remaining lands are going to be put in a trust.

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SHIRLEY SARINSKY

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MR. ALLEN: That's what we want.

MS. BROOKS: So there is no
development.

MR. ALLEN: So we're for it. Okay.

MS. BROOKS: Thank you. I'm glad you
came up to take a look at it.

Your name, sir?

MR. ALLEN: Joe Allen.

MS. BROOKS: Joe Allen. Thank you.

CHAIRMAN TRUNCALI: Is there any other
comment from the public?

(No response.)

CHAIRMAN TRUNCALI: James, you don't
have anything?

MR. GARAFALO: Nope.

CHAIRMAN TRUNCALI: Does the Board have
any comments?

(No response.)

CHAIRMAN TRUNCALI: Pat and Ron, you're
good?

MR. HINES: I'm good. We're
recommending a neg dec, a waiver for the balance
of the survey, and you will have to do rec fees
similar to the previous one.

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CHAIRMAN TRUNCALI: If there are no more comments from the public, I'll entertain a motion to close the public hearing.

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

CHAIRMAN TRUNCALI: Do I have a second?

MR. CAUCHI: I'll second it.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

We can entertain a motion for a waiver of the complete topo of the property.

MS. LANZETTA: I'll make the motion that we waive the topo on the parent lot of this subdivision.

CHAIRMAN TRUNCALI: Do I have a second?

MR. CAUCHI: I'll second it.

CHAIRMAN TRUNCALI: All in favor?

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MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

Opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

Do we have a motion for a resolution of
a negative declaration?

MR. CAUCHI: I'll make that motion for
the resolution of the negative declaration.

CHAIRMAN TRUNCALI: Do I have a second?

MR. LOFARO: I'll second.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

And finally a motion for final

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SHIRLEY SARINSKY

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approval.

MS. LANZETTA: We're giving final approval for -- we're giving approval for preliminary and final for the application before us. I'll make that motion.

MR. CAUCHI: I'll second it.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

Opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

We'll read the recreation fee findings.

MS. LANZETTA: Whereas the Planning Board has reviewed a subdivision application known as Shirley Sarinsky with respect to real property at Ridge Road in the Town of Marlborough, it is hereby resolved that the Planning Board makes the following findings pursuant to Section 277 Section 4 of the Town Law: Based on the present and anticipated future

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SHIRLEY SARINSKY

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need for park and recreational opportunities in the Town of Marlborough and to which the future population of this subdivision will contribute, parkland should be created as a condition of approval of this subdivision. However, suitable park of adequate size to meet the above requirement can not be properly located within the proposed project site. Accordingly it is appropriate that in lieu of providing parkland, the project sponsor render to the Town payment of a recreation fee to be determined in accordance with the prevailing schedule established for that purpose by the Town of Marlborough. This approved subdivision known as Shirley Sarinsky resulted in two lots for a total of \$1,500 in recreation fees, parent parcel excluded.

CHAIRMAN TRUNCALI: Would the Planning Board secretary please poll the Board?

MS. FLYNN: Member Cauchi?

MR. CAUCHI: Yes.

MS. FLYNN: Member Trapani?

MR. TRAPANI: Yes.

MS. FLYNN: Member Lanzetta?

MS. LANZETTA: Yes.

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SHIRLEY SARINSKY

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MS. FLYNN: Member Lofaro?

MR. LOFARO: Yes.

MS. FLYNN: Member Truncali?

CHAIRMAN TRUNCALI: Yes.

The recreation fees are approved.

MS. BROOKS: Okay.

CHAIRMAN TRUNCALI: Thank you.

MS. BROOKS: Thank you very much.

(Time noted: 8:44 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 27, 2015

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

----- X
In the Matter of

CHESTNUT PETROLEUM

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

----- X

SKETCH - SUBDIVISION

Date: December 7, 2015
Time: 8:44 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: LEO NAPIOR

----- X

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

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CHAIRMAN TRUNCALI: Next up is Chestnut Petroleum.

MR. NAPIOR: Good evening. For the record, Leo Napior with the law firm Harfenist, Kraut & Perlstein. Joining me is Andy Learn from Morris Associates, our project engineer. Since the application was last before you we did address a number of the comments raised in Pat's prior letter. We did receive earlier today some additional comments. I believe the majority of those are technical in nature. To the extent the Board would like to go through them at all, certainly Andy and I could address those comments. We will do our best to respond to Pat.

Just one item. The drainage plan and the stormwater plan for this property was really conceptual in nature to see if the Board and Pat had any comments. We've been in the process of taking those items and revising those, providing details.

One, as a matter of process the Board needs to make a SEQRA determination. In doing so it's not an approval. It wouldn't be a closure of the public hearing. There are variances that

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are required for this application. We've been held up with proceeding with the Zoning Board in working through these details with the Planning Board. I'm just reminding everyone that simply making a SEQRA determination here isn't the final step. We'll be back before you for final site plan approval as soon as the Zoning Board is inclined to grant those variances.

In addition, there was a truck turning plan that was submitted.

The project elevations were revised in accordance with some of the comments we received from you all at the last meeting.

There was some stone work that was added to the front facade. There were some dormers, window grills and a cupola to try to break up the massing of the building on 9W.

I know Pat had one question with respect to the highway improvement plan and where we're at with the DOT. That's been held somewhat in delay based on further feedback between my client and Central Hudson. The conceptual plan that was proposed was the direct outtake of the meeting with the DOT. I think the concept is

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exactly what they were looking for. The only thing that is somewhat in flux is the exact locations of where the highway would be widened to allow those improvements, because there are some utilities, both subsurface as well as utility poles. There's discussions with the utility companies as to who has what where and what makes the most sense. Once we have that feedback from the utility companies we can ship the final plan off to DOT as well as you all. However, the concept is what it is. That wouldn't change at all.

With that, I'm happy to address any comments or questions of the Board.

MR. HINES: Has the DOT seen this concept traffic plan? It's not a conventional --

MR. NAPIOR: They have not seen it. It was discussed early at the initial meeting with them. Their suggestion was how to handle the traffic turning in and out of the site.

MR. LEARN: Actually we did a hand drawn sketch with them while on site. Yes, the concept has been seen by them.

MR. HINES: I've never seen that layout

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approved before. That's why I asked the question. It's certainly not a conventional DOT striping plan for traffic control. That's the concern of my comment.

We're going along here. I would like to have the DOT take a look at these design plans or concept plans and say yes, we're going to go ahead and approve this, especially if they are going through a lot of iterations with the utility companies and something may change.

MR. NAPIOR: We can do our best to follow up with the utility companies and try to make progress with the DOT. Unfortunately I'm not in control of getting a response out of them.

One other item that was also raised, and I can include this in our next submission. We do have a return from the New York State Office of Parks, Recreation & Historic Preservation. They don't anticipate any impact of the project. That letter was issued on November 25th. We'll get that into our next submission.

CHAIRMAN TRUNCALI: Ron, do you want to get us up to speed on the SEQRA process here?

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MR. BLASS: Well, the Planning Board is the agency which will conduct the SEQRA review process. I hesitate to say this but I think you've got the SEQRA process and then you've got the underlying approvals, which in this case is site plan approval by the Planning Board and a variance -- one or two variances from the ZBA. Neither of those two underlying approvals pending before two different agencies can go forward until the SEQRA process is brought to a close.

The fundamental function of this Board is to ultimately make a determination of significance under SEQRA, that is either a negative declaration that the project does not threaten at least one significant adverse environmental impact, or a positive declaration requiring an Environmental Impact Statement because the project threatens at least one significant adverse environmental impact.

You have in front of you -- you have submitted up to this date a long Environmental Assessment Form from the applicant, and that's with Pat for review and comments.

You are probably going to eventually

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need to -- well, you will need, under the SEQRA regulations, to review and develop a Part 2 long Environmental Assessment Form which is a series of questions and illustrations to assist the Board in determining whether or not there is at least one significant environmental impact or no significant environmental impacts.

I think that -- I'll let Pat speak for himself, but I think that the level of submissions from the applicant to date leave questions open as to what sort of Part 2 Environmental Assessment Form findings this Board might wish to make. For any particular environmental impact on the Part 2 so-called Chinese menu, that form, the Board is going to have to answer a question as to whether there's no environmental impact or a small environmental impact resulting from the project, or alternatively whether there's a moderate to large environmental impact in any particular areas of impact assessment or impacts on land, impacts on geological features, impacts on surface water, impacts on groundwater, impacts on flooding, impacts on air quality, impacts on plants and

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animals, impacts on agricultural resources, impacts on aesthetic resources, impacts on historic or archeological resources, impact on open space and recreation, impact on critical environmental areas if any, impact on transportation which would encompass the concept of traffic and traffic control and management, impact on energy, impact on noise, odor and light, impact on human health, consistency with community plans and consistency with community character. For each of those fairly lengthy impact areas, the Part 2 form would invite the Board to determine whether there's a no impact to small impact range or whether there's a moderate to large impact range that applies. Typically I think in a project like this the Board would want to have a proposed set of Part 2 findings submitted by it's consultant which the Board could then review, and the Board could discuss, and the Board could decide whether to adopt as presented or to modify and ultimately issue it's own Part 2.

I should also say that if any one of these various environmental impact areas are

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determined by the Board in the Part 2 process to involve a moderate to large impact, then the project will need to prepare a part 3 environmental assessment analysis. So we go one step further to further analyze that area of environmental concern so that the Board might take a hard look at it.

Throughout this entire process the applicant could have an impact on the environmental findings of this Board through project modifications, project clarifications, project mitigation measures voluntarily arrived at and presented to you.

I would say that ultimately the determination of environmental significance by this Board, be it a negative declaration no EIS or positive declaration EIS, has been held by the courts to be a policy decision based on what you see, based on the state of the record with respect to the environmental impacts, based on your knowledge of the community. It's ultimately a policy decision.

So I think the most important issue to discuss tonight is whether or not anyone believes

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that we're in a position to adopt a Part 2 Environmental Assessment Form. It's something you have to do. The failure of an agency to adopt it -- to work through it and to adopt it would be a flaw in the process itself. Unfortunately the case law of the State is that procedural flaws are highly challengeable, far more so than substantive nonprocedural ultimate decisions by the Board. So you've got to really pay attention to the SEQRA procedural aspects because missing any of those gives a Court carte blanche authority to undue the process in future mitigation.

I think we're at the Part 2 stage and the issue is whether we really are at a stage where the applicant's submissions support a proposed draft Part 2 for the Board to consider.

CHAIRMAN TRUNCALI: Pat.

MR. HINES: Outstanding are the stormwater management comments that you have before you, the conceptual approval of the traffic access to the site based on what I'll term a nonconventional access traffic pattern that's proposed.

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I did just get -- the Office of Parks & Recreation just signed off. I didn't have that previously.

There was also a requirement to check with the National Heritage Program. I don't know if we received that documentation yet. It identifies an EAF was sent in April.

MR. NAPIOR: We have not gotten a return on that, but I'll follow up.

MR. HINES: So the threatened or endangered species issue is out there as well.

I did provide the Board with copies of the Part 2 information so they can start taking a look and getting a handle on the items under each of those. If the Board wanted to walk through them tonight in an exercise in determining where we're at, we can certainly do that. It would probably take ten or fifteen minutes to walk through it and get your input.

CHAIRMAN TRUNCALI: Okay.

MR. BLASS: Does everybody have one?

MR. HINES: I put copies up there for everyone.

MR. BLASS: Not that you need to see

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this necessarily, but this is the Part 2 only Environmental Assessment Form workbook recently promulgated by the New York City State Department of Environmental Conservation. Somebody has been busy up in Albany.

MS. LANZETTA: Have we declared ourselves lead agency on this project?

MR. BLASS: Yes.

MR. HINES: Yes.

MS. LANZETTA: Has any information been circulated to the various agencies, DOT, from our end?

MR. HINES: Yes. I took care of circulating to all the interested and involved agencies. We heard back from the DEC only, one of which was the request to the National Heritage Foundation regarding threatened or endangered species. I don't believe we heard from any of the other agencies we circulated to.

CHAIRMAN TRUNCALI: So then we automatically become --

MR. HINES: By default. After thirty days you are the lead agency.

MR. BLASS: Did we circulate to County

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Planning?

MR. HINES: Yes.

MR. BLASS: Do we have comments back?

MS. LANZETTA: They had a --

MR. HINES: You had a pre-meeting?

MS. LANZETTA: They had just a preliminary meeting that Mr. Baker was at with the applicants but they haven't had any -- it hasn't formally come to the --

MR. HINES: I did send a lead agency circulation to the County.

MR. BLASS: How about a 239-M?

MR. HINES: You don't do that. Your predecessor would have done that. Normally they respond back. That's separate from the SEQRA issue I believe. That's more of a site plan approval requirement.

MR. BLASS: Right.

MR. HINES: I did send them the lead agency circulation.

MR. BLASS: So eventually County -- because we're on a State highway, the Ulster County Planning Board will have a recommendation function on the site plan approval aspect.

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MR. HINES: I thought we did get it back from them. That's when we were talking about flipping the building.

MS. LANZETTA: I think that was the ZBA. Nothing has gone up there as far as the Planning Board site review -- site plan review.

MR. HINES: With that, I'll walk the Board through the copy of the Part 2 just to get your input on it to see if there are any significant issues that the Board is looking to address.

The first one on page 1 is impacts to land. Item B, the proposed action may involve construction on slopes greater than fifteen percent. That, based on a review of the plans, is in fact true. The Board will have to make a determination whether that's a small, moderate -- no or small impact or moderate to large.

Item B in that bullet item, the proposed action will involve excavation of or removal of more than 1,000 tons of material. The long form EAF that was submitted identifies just under 20,000 yards of material will leave the site.

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Item F, the proposed action may result in increased erosion or physical disturbance or vegetation removal. We would suggest that that would also be an issue for the Board.

The impact on geological features, none of those bullet items would be pertinent to the Board. It doesn't exceed any of those thresholds. There is proposed blasting to occur on the project. That's assisted in moving that 20,000 plus or minus yards of material that was identified. They're not removing physical or geological features.

Impact on surface water, number 3, the bulleted item E. The proposed action may create turbidity in the water body, either from upland erosion, runoff or by disturbing sediment.

Item H under that heading, proposed action will cause soil erosion or otherwise create stormwater discharge that may lead to siltation or degradation of water bodies. Again, these are just items. The Board will have to make the determination whether or not they're small to moderate.

Item I under that, impacts to surface

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water. Proposed action may affect water quality in any water bodies in or downstream of the proposed site.

MS. LANZETTA: Can I just ask you, is the receiving body the Hudson River?

MR. HINES: Ultimately, yes. Right now the drainage comes down from the west to easterly direction onto this site and the adjoining plumbing supply, and then it's conveyed down the west side of 9W, past Mountain Joy Road or James Street, and there's a two foot by two foot concrete box culvert that discharges in an easterly direction towards the agricultural properties across the street, and from there it would continue in an easterly direction to the Hudson River.

MS. LANZETTA: Does the Army Corp get involved in this project?

MR. HINES: No. There's no Federal jurisdictional wetlands. If they were putting in a new outlet to a stream they would need an Army Corp permit which is the case they're tying into an existing DOT drainage system. If there was impacts to Federal jurisdictional wetland the

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Army Corp would have input, but that's not the case here. Army Corp is a Federal agency. They do their SEQRA process. Even if we went through the SEQRA process and they were involved, they'd do their own on a Federal level.

Item 4, impacts to groundwater. We would suggest the Board would need to address item B, proposed action may include or require wastewater discharge to groundwater. They are now proposing to construct a new subsurface sanitary sewer disposal system to handle the runoff. They've identified that. Have Ulster County approval for a 998 gallon per day septic system that has been designed and approved by the Health Department.

Item F under number 4, proposed action may require bulk storage of chemical products over groundwater and aquifer. The project will be storing, I believe, 20,000 gallons of gasoline and 7,000 gallons of diesel fuel based on the current plan.

Item 5, impacts to flooding. We would suggest the Board would need to address letter D, the proposed action may result in or require

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modification of existing drainage patterns.

And then underneath that, item E, the project action may change floodwater flows that contribute to flooding. That's one of the reasons why we want to take a look at the revised drainage report, because there is a slight increase in runoff from the one-hundred year storm event. We don't have the downstream analysis of the DOT culvert. I did discuss that with the applicant's representative today and they are aware of that.

Impacts on air. This site does not exceed any of the bulleted items under the impacts on air. It does not generate anywhere near any of the threshold bullets that are identified. Again, the vehicles coming in and out may, but that's not part of your review.

Impacts on plants and animals. There was a submission to the DEC's National Heritage Program which is charged with cataloging and keeping track of threatened or endangered species. That item is outstanding at this point.

Item 8, agricultural resources. This project, I would suggest, does not have

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agricultural impact. It doesn't exceed that 2.5 acres or greater threshold in the ag district. The project is actually two-hundredths of an acre less than two acres, which is one of the reasons why it's at the ZBA.

Item 9, impacts to aesthetic resources. I don't believe that any of those thresholds would be exceeded. Some of that is for the Planning Board's review of the architecturalals that were submitted, which you will do in the process. The bulleted items are significant vantage points, how you will see it. Although 9W is a heavily traveled roadway, so it will be visual in that nature.

Impact on historic and archeological resources. We're told tonight and it was submitted to the Board there would be no adverse impact from Office of Parks, Recreation & Historic Preservation. I believe the nearest significant archeological historic resource was the Gomez House that was identified in that submission.

MS. LANZETTA: I was told that the Rusks are in the process of nominating their

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property for historic designation, so I don't know if this -- I haven't seen the document that was provided. I don't know if that was specific to the Mill House or -- you know, we would have to look into that.

MR. HINES: That process takes some time to -- a nomination --

MS. LANZETTA: It does say nominated.

MR. HINES: Parks & Rec does look at those that are potentially nominated as well.

Item 11, impact on open space and recreation. The majority of this site is kind of a reuse of the site. There is some new disturbance but not all that much.

Critical environmental areas. Marlborough doesn't have any designated critical environmental areas. That hasn't been adopted as a critical environmental area.

Impacts on transportation. I believe that there is the potential for item C regarding potential degradation of traffic access, which they're working out. The thresholds are paved areas for -- the thresholds are fairly high there for those items. The Board could look at

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projected traffic increase may exceed capacity of existing roadways. The traffic issues associated with this site are more ingress and egress traffic movements. This project really will not impact the flow of traffic north and south on 9W to that extent other than there could be a tracking of accident history there. It's the internal movements and the turning movements into and out of the site that I think are more of a concern for DOT and the Board.

The comments I brought up earlier about the revised traffic flow, there was a proposal for the left turn in. The northbound left turn in will have a dedicated traffic lane under the current proposal to make that turn, but the left turn out to go northbound out of that access, they're proposing a short acceleration lane. You're kind of pulling out into traffic and speeding up, merging to the right, which is very unusual for DOT to allow that. It's not -- you'd have to stop. If you get out there you may have to stage in the middle there to get out. You're kind of doing a look over your shoulder blind spot movement into, which is the concern I have

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and why I want to make sure DOT is on board with that traffic pattern. I'm not aware of anywhere they've approved that locally, that type of merging traffic pattern.

Impact on energy. This project does not meet any of those thresholds.

Noise, odor and light. There is the potential noise issue having to do with blasting which is a -- would be item F under impacts. Again, there's that 20,000 plus or minus of material that will be blasted from the site. The proposed action may result in blasting within 1,500 feet of a residence.

MR. BLASS: 15 feet.

MR. HINES: That would certainly be an item for the Board to address.

Impacts on human health. The proposed action is most likely within 1,500 feet of a school. I believe that's the only item there, A, that would be a consideration for the Board.

Consistency with community plans. That's kind of an opinion for the Board to go through. Item A, different or in sharp contrast to surrounding land use or patterns. I think

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that's probably the only item there for the Board's consideration.

And then the last item is consistency of community character.

MR. BLASS: I think 17-C might be applicable, proposed action, inconsistent zoning regulations. That's why it needs a variance.

MR. HINES: Yes.

Item 18-E, predominantly architectural scale and character. The Board may have some input regarding that.

So those are kind of the bullet issues that the Board would have to make a determination on. I think there is some outstanding information that the Board would need to make that determination based on the comments we had and some of the comments from the Board.

CHAIRMAN TRUNCALI: All right. This is a public hearing. Is there any comment from the public?

MS. LANZETTA: This isn't a public hearing.

CHAIRMAN TRUNCALI: Oh, it's not.

MR. TRAPANI: You're used to saying

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that.

MR. HINES: Everything else was tonight.

MR. BLASS: Pat, what's the open, outstanding or amplifying submissions you're referring to?

MR. HINES: The drainage report. We have some technical comments on the drainage report that I believe need to be resolved prior to making recommendations to the Board regarding impacts associated with that.

The fact that the traffic studies, even conceptually, haven't been to the DOT. It's under their jurisdiction. We believe that that traffic study, including the most recent level of service evaluation, should be submitted to the DEC as soon as possible, even in a conceptual form rather than waiting until utilities are worked out.

MR. BLASS: DOT.

MR. HINES: DOT. I'm sorry.

And then the National Heritage supporting documentation regarding threatened or endangered species need to be addressed so the

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Board can take a hard look at any of those potential impacts.

Office of Parks & Recreation was outstanding. I believe there was a letter submitted tonight that addresses that.

The Board was also looking to discuss the renderings, which I don't know if you're in a position tonight to evaluate those changes to the plans.

CHAIRMAN TRUNCALI: Do you guys want to look at those now? Make comments on them? See anything you don't like?

MS. LANZETTA: I think aesthetically they've responded to our comments.

I still have big reservations about the traffic flow in and out of that. I agree with Pat, the traffic is -- the traffic pattern on 9W and then the flow within the site itself, I have a lot of concerns about those items still. Before I really want to get serious about discussing them I want to get the DOT's comments to see if what you are proposing is even something they would even begin to entertain.

MR. NAPIOR: If I could respond to that

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comment. The DOT does not always move at the same speed as applicants and local boards. To the extent that the DOT took issue -- to the extent hypothetically there were to be a neg dec granted and the DOT makes changes to our highway improvement plan, we would have a required modification of your review and approval and we would be back before you. It would reopen the SEQRA process for all intents and purposes. We can certainly try to circle up with the DOT. We'll touch base with Central Hudson and Verizon to see if we can get any kind of feedback to get a final plan to DOT. But certainly if there was a vast deviation from our proposed highway improvement plan, that would require a further review by your Board.

MS. LANZETTA: Like I said, the way you have the traffic moving through there now, the truck traffic and the talk about putting -- again, I don't know if we want to get into all the particulars about that right now because I'm thinking maybe the DOT is going to have some of the same concerns that I have about the flow. I'd rather defer to them before we have to get

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more specific about how traffic is going to enter and exit that property.

MR. NAPIOR: As I mentioned at the outset, that plan was the brainchild of the DOT and the applicant in an informal session with the DOT, that was the plan that was sketched out and then further plotted out by our traffic engineer. Yes, I understand the DOT has not seen it yet. That's because it's not in it's final form. However, as I indicated, that was what the DOT requested. I don't know why there would be an issue or a concern about internal traffic circulation on the site and necessarily why that would be an issue for the DOT. I can understand the concern for the ingress and egress off of 9W.

MR. HINES: The internal traffic circulation relates to some of these high intensity uses, the Dunkin Donuts and the gas station. When people get frustrated with turning movements they do other things than the traffic control allows them. If someone is staged five or six cars back at the level of service D when you're waiting for ninety seconds for each vehicle movement at that level of service, again

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the folks of six vehicles back often times will say we're not going to stage here, we're going to go up to this right turn only and make a left turn out. That's one of the reasons why we do these level of service studies, just because that level of driver frustration, for lack of a better term, changes the patterns within the site. You see it when you leave busy -- it's leaving a sports event or something, people will do -- when they're way back in traffic they will do other than what they are supposed to do. That's the concern I have. If people can't get out of somewhere they're going to get out some other means.

My previous comment was the right turn. The northerly entrance and exit is right turn in and out. It's only a painted curb island proposed right now. The only function is to keep people that haven't been staged six and seven vehicles back for awhile. Definitive curbing there would probably alleviate that. Even a mountable curb would stop people. Right now someone pulling out of the Dunkin Donuts drive-through many vehicles back, they're going to look

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and say I'm going to make a left. Early in the morning, late for work, late for something, that's when you start seeing issues here with the internal flow. Also stacking and staging and cueing when vehicles can't get in or out. A vehicle making a left into that staging lane going northbound, you could get several vehicles trying to make that maneuver and then stacking in the center lane, which is another concern. That's why the internal traffic circulation is a concern as it impacts the function of the site.

MR. TRAPANI: That's a two-lane highway right there, isn't it? Right in front of where they are doing it?

MR. HINES: Yes.

MR. TRAPANI: So they plan on widening 9W --

MR. HINES: Yes.

MR. TRAPANI: -- to make turning lanes in and out? Where are they going to get the property? They can't go across the street.

MR. HINES: It looks like it's all within the existing right-of-way.

MR. NAPIOR: It's in the DOT right-of-

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way.

MR. TRAPANI: There's not enough room there.

MR. HINES: Has the Board seen this map? I would like to show you.

MR. TRAPANI: When we had the Peretta property and they wanted to put a road into McLaughlin Drive, didn't the State do a study on the traffic? They did a study on the traffic pulling out onto 9W. Had they put in for that yet to see --

MR. HINES: 9W at McLaughlin is four lanes.

MR. TRAPANI: The sight distance there or something. They came in and did a study on the traffic, on how many cars go through there.

MR. HINES: This is coming from the Hamlet of Marlborough as you -- driving up the road. It's in three different sections here just to make it a little more confusing. They're proposing to begin striping and widening -- I believe this is -- this is the Rusk office entrance right here. So down below there they're going to start moving traffic over and widening

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to provide for that turning lane, which then comes up into here providing the northbound left turn into the site. Opposite that is this left turn out northbound where they are going to come out. There's some cross hatching here where you come out and you're into kind of what would be the passing lane. That then pushes you over into the single driving lane. So that's the concern. If you get here and stop, if there's cars coming and you get out into here, you could be staged in that center lane. If someone else does that you're going to end up having a cue across the lane.

MS. LANZETTA: The people are cueing up on there waiting to make a left and somebody tries to be nice to let somebody come out there, meanwhile they can't see who is coming up on the right.

MR. HINES: This is Rusk Real Estate. This is Rusk's office building. This is Hudson Bank Lane.

MR. TRAPANI: There's a house there. The old Sam Quimby house. Is that a historical house?

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MR. HINES: The Quimby house is here.

MR. BAKER: The Rusk house is back
in --

MR. HINES: That's across the driveway,
across from the plumbing supply here. It's just
confusing because there's three -- so that's the
traffic pattern.

MR. CAUCHI: This traffic pattern, how
many cars can it manage?

MR. HINES: This is level of service D,
this turn out, which is not very good. It was
previously an F under the other study, for fail.
It's going to take forty-five seconds to sixty
seconds per vehicle in the peak hour. Again,
this is peak hour. At 11:00 in the afternoon
you'll probably be able to get in or out. At 7:30
in the morning, southbound traffic is pretty
heavy there.

MR. TRAPANI: The buses. They have a
traffic light there.

MR. HINES: This isn't a conventional
-- I can't point to anywhere that I know of where
it has this striping pattern.

MS. LANZETTA: But then too, when they

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start moving the big trucks, now this is --

MR. HINES: That's why I don't want the curb.

MS. LANZETTA: If they put a large curb they can't pull in.

Also I'm concerned about them pulling out. Are they going to go into this lane where people are cueing up --

MR. HINES: Yes.

MS. LANZETTA: -- to make the turn?

MR. HINES: That shows it right there.

MS. LANZETTA: So that's an issue, too.

MR. HINES: Some of that can be controlled with delivery times. They can control some of that I believe.

Do you guys have your own trucks?

MR. NAPIOR: The trucks will be doing deliveries at off peak hours.

MR. HINES: That is the reason why they don't want that mountable or pork chop defined right turn, is that the truck access becomes an issue.

MR. NAPIOR: Just to recap, the DOT process does -- tracks independent from you all.

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Even if you were to approve the plan, we would still have to go through the DOT process, and they could ultimately come back and say this doesn't work, you need to make changes to X, Y and Z, in which case we would be back before you all with modifications. To the extent you have issues or concerns with what's proposed, I'd like to address those here because I'm going to be going through the DOT process regardless.

MR. BLASS: I would agree that it's clearly conceivable that the DOT will move much more slowly than the SEQRA process runs in front of this Board, and there's certainly no obligation for this Board to wait for the DOT. However, the Board does have an obligation to turn to that aspect of the Part 2 form and to kick around whether we're talking about a no impact to small impact level of concern on traffic or a moderate to large impact level of concern.

Now, if I was the applicant, that applicant would probably be interested in advocating that this is just something that may fall into the small impact category. If that's

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what the Board concludes, there would be no need to do a further part 3 Environmental Assessment Form narrative analysis. So this is really actually a good example.

If the Board was concerned enough to say that there's potentially a moderate or large impact relating to this traffic concern, then the applicant will be required to go on and assist the Board in the preparation of some sort of supplemental narrative explanation and discussion so that the Board has something to work with to determine whether this is a significant adverse impact requiring an EIS or not a significant enough environmental impact in terms of traffic to require an EIS by virtue of whatever the analysis is, by virtue of project modifications which occur between now and then.

I think Pat is giving feedback to both the applicant and the Board that it might be intelligent to get the Board some additional information and opportunity to decide whether or not this is a small impact or a moderate to large impact, unless the Board wants to do that now.

MR. NAPIOR: I would be happy to

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provide any additional information. There was a traffic study that was submitted with our materials. I'd be happy to speak with Pat if it's lacking or further that you all would need in order to make an intelligent decision. I would note that unfortunately my traffic engineer is not here this evening. We can certainly have him present at the next meeting to the extent this is a continuing issue for the Board. Even though a level of service D is not generally ideal, it is, within the industry, deemed acceptable. I know that just from doing this kind of work.

So with that thought, if there's anything that the Board would like or Pat would like by way of additional information or materials, I'd be happy to hear that tonight and we'll get it in through our submission. I'll have our traffic engineer here at the next meeting.

MS. LANZETTA: Can we submit this to County Planning and get their feedback?

MR. BLASS: The Part 2?

MS. LANZETTA: No. The site plan.

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MR. BLASS: Yeah. I think they would take it with just a long form EAF part 1 which you have. They may require that the Part 2 be done first. They may require the Part 2 be done first before they do that level of review. I think, you know, the only way to find out is to refer it to them and see if they'll take it in.

There's another way to look at this thing. Another way to look at this thing is that the Part 2 exercise is really not determinative of anything. No matter what you put down on the Part 2 form, whether it's a small impact or a moderate to large impact, it's necessarily going to require you to decide one way or the other on the negative declaration or the positive declaration. This is just a tool to identify issues and to get the Board in a position to take a so-called hard look at the issues in order to make that determination. So there's nothing at all which would preclude the Board from going forward and determining small impact or large to moderate impact tonight. If there was moderate to large impact designations made, then the applicant would wisely be supplementing the

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record, giving you additional information,
advocating negative declaration if possible.

So, you know, the decision really is
whether to hold up the SEQRA Part 2 Environmental
Assessment Form process for another couple of
weeks or not.

I don't know how you feel about that,
Mr. Napior. That really is where the Board is.

Any questions the Board has by virtue
of inadequacy of information or perceived
inadequacy of information, theoretically the more
likely the Board would be to determine it's a
potentially moderate to large impact.

MR. NAPIOR: My preference would be to
circle up with Pat offline and supplement our
stormwater report to hopefully dial down the lens
on any real issues and be in a position for the
Board to have a suggested Part 2 to go through at
the following meeting and potentially make a
SEQRA determination from there, unless there's
any additional information we need to submit at
that point.

CHAIRMAN TRUNCALI: Is that good to
you, Pat?

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MR. HINES: Sure.

CHAIRMAN TRUNCALI: Does that sound good to the Board?

MS. LANZETTA: Mm'hm'.

MR. NAPIOR: If I could just add a couple other points. My client did tell me, I think we did actually get a return, it was before I was working on this file, from the DEC for the plants and animals. That may have been submitted at an earlier date. We'll gather that back up. It was before my office was working on this project.

I know several times it's been mentioned there will be significant blasting on the site. The blasting mentioned was really just a hypothesis based on the amount of rock to come out. In reality, when they were doing the testing and doing test wells out there, a lot of the rock came out rather easy. So certainly my client would rather not blast if they don't have to. To the extent a lot of that peels away easily, it would just be taken out with hammers and backhoes as opposed to blasting.

MR. HINES: I think there's going to be

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blasting.

MR. NAPIOR: Understood.

MS. LANZETTA: Is it possible to do some alternate traffic ingresses and egresses besides the ones you're proposing here? Is it possible for you to put together some alternates to that?

MR. NAPIOR: You're saying just changing curb cut locations?

MS. LANZETTA: This might be what you want optimally, but if you could only come in at the northern entrance and no exiting there and only exit at the southern. Could you show some alternates besides what you have here?

MR. NAPIOR: I can speak to our traffic engineer to see if there's anything else that would work logically. Certainly if there is, then we could put something together.

CHAIRMAN TRUNCALI: Pat, do you think that would work better, an entrance on one only and an exit on one only?

MR. HINES: The northern ones are right in/right out only. I don't have as much concern as I do have that left turn movement discharging

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into the northbound flow of traffic. DOT encourages right in/right out. They're typically not traffic related issues.

I have the concern it's not a curbed one or a defined one. It's that internal operation that I'm not going to wait behind all those cars, I'm going to go north and go left.

CHAIRMAN TRUNCALI: I'm saying just the north end and only came out on the south end?

MS. LANZETTA: If you couldn't cross traffic.

CHAIRMAN TRUNCALI: Right.

MS. LANZETTA: You would have to go down --

MR. HINES: There would be one defined entrance in the north and one --

CHAIRMAN TRUNCALI: You would go in from both directions into the one entrance and only out in both directions from the --

MR. NAPIOR: The issue typically with two directional out is that traffic cueing up to make a left blocks views of traffic trying to make a right so that your southbound traffic on 9W -- I'm just throwing that out there. When you

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have the two cars stacked out with one another,
the guy to the left is cutting off the sight line
of the guy trying to make a right on 9W.

MR. HINES: Which happens at the full
turning movement one.

CHAIRMAN TRUNCALI: Then you don't get
that issue of people trying to come in and people
going out at the same place.

MR. CAUCHI: You're saying both coming
in and out?

CHAIRMAN TRUNCALI: This one here.

MR. CAUCHI: Right now they are showing
both ends.

MR. HINES: I think the best thing to
do is refer it to their traffic consultant and
let them address that.

MR. CAUCHI: I guess what he's trying
to say is is it an option.

MR. HINES: This is an option.

MS. LANZETTA: That's why we would like
to see some alternates.

MR. NAPIOR: We could take a look at it
with our traffic engineer. To the extent there's
anything that makes sense, certainly we'll be

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happy to provide it. We'll have our traffic engineer here at the next meeting to speak to those issues.

CHAIRMAN TRUNCALI: All right.
Anything else from the Board?

MS. LANZETTA: One other thing. If you could do -- I'm looking at the sectioning of where you're going to be removing the material at the present grade now and where you're going to have that wall. The wall actually is going to be almost -- it will be visible from 9W over the roof line. I'm wondering if you could -- can you give us a visual of that, what that's going to actually look like?

MR. NAPIOR: I believe the section actually shows that the majority will be obstructed by the roof line and the building.

MS. LANZETTA: I don't know. I have it up above the roof line. If you look at that --

UNIDENTIFIED SPEAKER: That's the canopy, the smaller one. You're talking from down here. That canopy is thirteen feet tall.

MS. LANZETTA: No, no. I'm talking about the wall behind the --

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UNIDENTIFIED SPEAKER: Understood.
This is the wall. That's the top of the wall. If you take a line and draw that, you'd be out on the other side of the road before you saw anything.

MS. LANZETTA: You're saying if you're on 9W you're not going to see that wall at all?

UNIDENTIFIED SPEAKER: Not when you're in front of the building.

MR. HINES: You'll see the wall between the building and the plumbing supply.

UNIDENTIFIED SPEAKER: That's true.

MR. HINES: That will all be exposed.

MR. BAKER: It will have vegetation?

MR. HINES: No.

CHAIRMAN TRUNCALI: Okay. So you're going to get together with Pat and try to get some more answers --

MR. NAPIOR: Yes.

CHAIRMAN TRUNCALI: -- on the traffic movement?

MR. NAPIOR: Really most of that is stormwater and to speak to our traffic engineers. We'll have them here at the next meeting.

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CHAIRMAN TRUNCALI: Thank you.

(Time noted: 9:36 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 27, 2015

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

----- X

In the Matter of

MARQUIS

Project No. 15-8002
26 Envy Lane
Section 103.3; Block 4; Lot 65.600

----- X

SKETCH - SUBDIVISION

Date: December 7, 2015
Time: 9:37 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: DARREN SCALZO

----- X

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

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MARQUIS

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CHAIRMAN TRUNCALI: Marquis.

MR. SCALZO: Good evening. My name is Darren Scalzo.

It's been a few months since I've been here for this project. Actually, the last time I appeared here was the August 3rd meeting. At that August 3rd meeting I was given comments by Pat Hines. Actually, there were four comments for which the submitted maps that are in front of you have addressed all of those comments.

In the interim I have received Health Department approval.

One of the comments actually that was on the August 3rd meeting was for us to have the property re-delineated by a professional, which we did. Those lines appeared on the map as the 2015 limits. I didn't feel comfortable removing the original lines on the map, just so you could see what was and what is.

The Health Department comments that came to me included a few things that were done subsequently from the maps that are in front of you. One of those -- the biggest one is the systems will be constructed at the same time,

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MARQUIS

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therefore the overlapping lines that you're seeing on the rear -- at the raised systems, they disappear just because you won't see those because it's -- the main reserve systems will be constructed simultaneously.

Other than that; Pat, if you did supply comments, either they got sent to my spam today. I didn't receive anything from you.

MR. HINES: Did you say you had County Health Department approval?

MR. SCALZO: I did. I forwarded you the e-mail from Tony Pucchio.

MR. HINES: You did. I have an e-mail now as Darren said. I have received an e-mail stating that the plan was approveable. I don't have the official piece of paper. As he said, I did get that.

We did receive a report from Ecological Solutios, Mike Nowicki who is a very well known Federal wetlands delineator in this area. That map has been updated to depict the Federal jurisdictional wetlands on the site. They've left the previous notes requiring that the owners of any lots in this subdivision, the original one

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and this current, are to be aware there is Federal jurisdictional wetlands on the site and that there is a permitting issues of any additional if those are disturbed. I think that puts that issue to rest with us now that the revised delineation has been done.

The Health Department review we just talked about.

The lots are going to be supplied with Marlborough water. We're suggesting a copy of the map go to the water department to make sure they don't have any issues.

The highway superintendent's comments on the driveways.

With the wetlands issue being put to rest, I don't have a problem if the Board wishes to schedule a public hearing. It's up to the Board.

MR. TRAPANI: How can they fill in and have wetlands disappear?

MR. HINES: How can they not fill in --

MR. TRAPANI: They did fill in when they weren't supposed to.

MR. HINES: They probably did some

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mowing of the vegetation. In order to be a Federal wetland it has to meet the three criteria, it has to have hydroxycitric plants, it has to have the hydric soils. The soils have to be certain colors to them to cause reductions and reactions. It takes a gray clay -- I'm sure you're familiar with the types of soils. And it has to have the wetlands hydrology. It's possible that some of the changes they did in that residential subdivision impacted where those wetlands are going to be. I don't think they were filled between. I think there was some filling done prior to the construction of the residence on the site but I don't know if there's any new --

MR. SCALZO: No. On the map that's in front of you there are -- there's many different types of hatching on the map in front of you. There are notes that state where my client had done some filling back in 2009, 2010. It is no secret here that my client has not done the right thing in the past and he's trying to do the right thing. He had professional representation that misled him at different times through this

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process. I'm actually the third one in line here. But since we've had it here, since I've had it, everything has stopped. I haven't given him any direction to do anything. He has done some cutting of -- he went in and brush hogged the area, which is actually a permitted use in Federal wetlands as long as you don't take the root system up. It's almost like mowing your lawn. He has planted some trees. I don't know the last time the Board actually took a ride out there. He's planted some trees parallel with the driveway that accesses the two-story multi-family framed dwelling. You are correct, at one point they did some filling. There's been no activity of that nature since 2009.

MR. HINES: I do have a copy of the November 2010 letter from the Army Corp of Engineers identifying the activities that were pre Army Corp permit on the site. They do have, on page 3 there in bold, that they strongly recommend no further impacts of the wetlands. The Army Corp did acknowledge that in 2010 there was those activities which could have changed the delineation on the site at that time.

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MR. TRAPANI: That's fine.

MS. LANZETTA: What kind of septic system did you get approval for?

MR. SCALZO: A raised system.

MS. LANZETTA: That's allowed in a wetland?

MR. SCALZO: It's not in the wetland.

MR. HINES: It would not be allowed in the wetland.

MR. SCALZO: It's in the upper portion. There is no separation distance. A DEC wetland requires a 100 foot buffer. Federal wetlands do not.

Actually, the reason that I was requested to have re-delineation was the fill limits of the raised systems were very close to where the limits of the 2009, approximate, wetland limits were. I could not recreate them exactly, the 2009 limits which you had seen previously. They were just scaled and offset from a previous map. That's why the request for the further delineation had come in.

CHAIRMAN TRUNCALI: Any other comments from the Board?

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(No response.)

CHAIRMAN TRUNCALI: If not, I'll entertain a motion to have this application for the December -- for a public hearing for December 21st -- no.

MR. SCALZO: I thought you only did them in --

CHAIRMAN TRUNCALI: When is the first meeting in January, Jen?

MS. FLYNN: January 4th.

CHAIRMAN TRUNCALI: Do I have a motion to schedule this application for a public hearing on January 4, 2016?

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. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

Opposed?

(No response.)

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CHAIRMAN TRUNCALI: So carried.

MR. SCALZO: Thank you very much.

CHAIRMAN TRUNCALI: The approval of stenographic minutes, we just received those minutes tonight so we'll table those until the next meeting.

Is there any other new business from the Board?

MR. LOFARO: If I can just --

CHAIRMAN TRUNCALI: We have an Ulster County Planning Department certificate of attendance. Joseph Lofaro completed a course at SUNY Ulster on October 14th.

Jen, you can keep that for your files.

Is there any other new business?

MR. GARAFALO: Could the Board ask the Town Board to put up traffic studies and other important documents dealing with the environmental process on the web so they can be available to the public and they'll be able to comment on it?

MR. BAKER: Could I comment on that?

Yes, that's a great request. We are in the process of revamping, totally changing our

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website, a new vendor, so we'll be able to do that a lot more easily now. It is our plan to do that in the future. We're right in the middle of actually going through the training on the new website and we hope to have it live early next year and then we can. The whole point of doing that is to make it easier for department heads to add their own content. We hope we can do more of that. That's our plan. That's our hope.

MR. GARAFALO: I'm concerned about the current application and whether or not it will be timely to get that on the website or --

MR. BAKER: As soon as we get the training and we get up we'll start working on it. That's all I can say.

MR. GARAFALO: Thank you.

CHAIRMAN TRUNCALI: I'll entertain a motion to close the meeting.

MS. LANZETTA: I'll make that motion to adjourn.

CHAIRMAN TRUNCALI: Do I have a second?

MR. CAUCHI: I'll second it.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

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MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

(Time noted: 9:47 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 27, 2015