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

----- X

In the Matter of

EMPIRE LANDSCAPING

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

----- X

PUBLIC HEARING
SITE PLAN

Date: September 6, 2016
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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

(Pledge of Allegiance.)

MR. LOFARO: Agenda, Town of Marlborough Planning Board, September 6, 2016. Regular meeting 7:30 p.m. Approval of stenographic minutes for 7/18 and 8/1. Empire Landscaping, 15-8006, public hearing, site plan, 1609-1611 Route 9W; Southeast Atlantic Holdings, 16-9007, public hearing, site plan, 1837 Route 9W, Milton; Ralph Partington, 16-9002, discussion, subdivision, 20 Partington Lane, Marlboro; Bill Woodward, discussion, 103.1-1-2.200, Route 9W, Milton, vacant commercial land 3.5, without attorney, engineer stenographer; Michael Gwilliam/Floyd Kniffan, 512 Milton Turnpike, discussion, 102.2-1-10.110, without attorney, engineer or stenographer. Next deadline: Friday, September 9, 2016. Next scheduled meeting: Monday, 19, 2016.

CHAIRMAN BRAND: Monday, September 19th.

MR. LOFARO: Sorry.

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CHAIRMAN BRAND: That wasn't your fault.

First up, Empire Landscaping.

Legal notice, commercial site plan application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the Town of Marlborough Town Code 155-31 on Tuesday, September 6, 2016 for the following application: Empire Landscaping, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 or as soon thereafter as may be heard. The applicant is asking for a commercial site plan on lands located at 1609-1611 Route 9W, section 103.3, Block 4, Lot 20. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Chairman, Town of Marlboro Planning Board.

MR. BROWN: Sent 31, 27 were delivered.

CHAIRMAN BRAND: Do you want to just give an overview of the project for anyone in attendance?

MR. BROWN: I'm Charles Brown, the engineer for the applicant. This is an existing

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two-acre parcel at 1609 Route 9W, currently being used for a landscaping and snowplowing business.

We have an application under the new BC overlay district for the Town, essentially to make this legal.

The only proposed improvements are a dress up of the driveway, a new sign, six parking spaces and a salt storage building and some fencing.

We're here to answer any questions from the public and hopefully get the Planning Board's approval to go to the Town Board. Thank you.

CHAIRMAN BRAND: If there are any interested parties to speak either for or against the project, please state your name clearly for the Stenographer and you'll be heard at this time.

Mr. Garofalo.

MR. GAROFALO: James Garofalo. My question is there's work within the DOT right-of-way here. It seems that they would have to go to DOT to get approval for any work being in the right-of-way.

The 16 feet, if you're going to be

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running trucks in and out of here, it looks to me to be a little bit narrow. But, you know, that's -- particularly I don't know if there's going to be any people coming here or if this is just going to be material coming in and going out kind of a business.

MR. BROWN: It's mostly just materials and employees going in and out. Most of the work -- all the work is done off site. We've already been to the DOT. They signed off on everything on the plan except for the swale that we're showing. They don't like that. They want us to return that to sheet flow. I have to address that for them. Other than that, they're okay.

As far as the 16 feet, it really doesn't get enough traffic for two trucks to pass at the same time. One guy can hold up in the other area there and the other guy can pull in and get passed him. But that's -- they didn't want us to go any wider than that, the DOT. They asked us not to curb it because there's no curbing in the area. I do have a copy of the e-mail with me today regarding the drainage. Other than that, they've signed off on it.

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We do have to get a DOT permit before the work in the right-of-way is done. That's usually done after all the approvals from the Town.

MR. GAROFALO: You can't get their permit until after SEQRA is done. Is there a Town requirement for accessible parking?

MS. LANZETTA: In what sense, Jim?

MR. GAROFALO: Huh?

MS. LANZETTA: In what sense?

MR. GAROFALO: In the sense they have employees here.

MS. LANZETTA: Like ADA accessible?

MR. GAROFALO: Yes.

MS. LANZETTA: That's a good question. I don't know. We'll have to find out. Unless somebody else knows.

MR. BROWN: As far as ADA, based upon the number of spots we have on this site we'd be required to have one ADA space. Due to the nature of the business, the employees are not handicap per se. I mean they are essentially laborers and truck drivers and that type of thing. If the Planning Board wishes us to put a

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handicap spot on there, we don't have a problem doing that. The area where we're adding six spots, we could probably get one of those to be handicap and get the access aisle next to that. The question is where would they be going. I guess the answer would be to the office.

I do have my client here with me. I don't know -- how many people do you actually have come into your office for business?

MR. DiLEONARDO: Not many, to be honest with you. I don't have a problem with that.

CHAIRMAN BRAND: I didn't hear your answer.

MR. DiLEONARDO: Not many come to the office per se, but I don't have a problem with providing a handicap spot.

MR. GAROFALO: It also makes sense. Who knows, in the future one of your employees may get injured and, you know, may need a little bit better place to get out.

I don't know as if this is within the school safe walking routes. If it is, then I think you should be taking a look at that. I'm not sure exactly --

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MS. LANZETTA: I don't think so. I think it's right outside of that. It goes as far as McLoughlin Drive.

MR. GAROFALO: Right. This is beyond it. Okay.

That's it for me. Thank you very much.

CHAIRMAN BRAND: Any other comments or questions?

MS. KORAN: I have a question.

CHAIRMAN BRAND: Please just state your name first.

MS. KORAN: Is there more than one entrance to that property?

MR. BROWN: No. There's only the one entrance.

MS. KORAN: Only the one. I live at 1615. That's why I'm asking.

And the building is already there?

MR. BROWN: Correct.

MS. KORAN: The parking lot -- they put in a parking lot the last few months I guess it was.

CHAIRMAN BRAND: Could you just state your name for the record? I'm sorry.

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MS. KORAN: My name is Shirley Koran,
K-O-R-A-N. I live at 1615 Route 9W.

CHAIRMAN BRAND: Thank you.

Any other questions or comments from
the public?

(No response.)

CHAIRMAN BRAND: Okay. Unfortunately
our engineer couldn't be here tonight, but he did
send out some notes, which we have, which I can
read.

Any approval would be conditioned on
the final permit issued from New York State DOT
for access to the location depicted on the plans.
Any substantive changes to that location require
resubmission to the Planning Board for review.

And you're not indicating any changes;
correct?

MR. BROWN: Correct.

CHAIRMAN BRAND: The Planning Board
previously reviewed the hours of operation.

It's noted the project is located in
the HD Zone with the Town Board approval for the
business overlay.

Based on review of the information

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submitted, we recommend a negative declaration for the project.

County Planning referral was required. Any input from the County should be addressed to the Planning Board.

Did we get anything from the County?

MS. LANZETTA: It wasn't brought up at the last County meeting. It might be -- tomorrow night is the next County board meeting.

CHAIRMAN BRAND: Okay.

MS. LANZETTA: It was forwarded up to the County?

MS. FLYNN: Yes.

MS. LANZETTA: It will be on the agenda, I assume, tomorrow night for discussion.

CHAIRMAN BRAND: Did you have anything, Ron?

MR. BLASS: Well you can't take action until the County has had the opportunity to respond. So it looks like this is going to go to, September 19th is it?

CHAIRMAN BRAND: Yes.

MR. BLASS: For that reason.

MR. BROWN: Can we close the public

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hearing if I waive the 62 days?

MR. BLASS: I don't see a problem with closing the public hearing. It's a site plan anyway; right?

MR. BROWN: Yup.

MR. BLASS: So you'd like the public hearing closed subject to -- and you would give a waiver of the 62 day timeframe requirement --

MR. BROWN: Yes.

MR. BLASS: -- for decision?

MR. BROWN: Correct.

MR. BLASS: Okay. Hours of operation. Are you contemplating any conditions on hours of operation or is that going to be left to the Town Board?

MR. CLARKE: I think the problem was that they do snow removal and trucks are going to be going in and out based on when the snow arrives and when they have to do business. But it's just an in and out thing. I don't know what the discussion was but it would be pretty hard to impose hours when you're in that kind of situation.

MR. LOFARO: Exactly.

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MR. BLASS: So the other condition about DOT access at the point proposed would be in front of you on September 19th for purposes of adding a condition.

CHAIRMAN BRAND: Okay. Any other discussion from the Board? Comments, questions?

(No response.)

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

MR. TRAPANI: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: All those in favor, say aye.

MR. TRAPANI: Aye.

MR. CLARKE: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

MS. LANZETTA: That's based on the waiver; correct?

MR. BROWN: Yes.

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MR. BLASS: The applicant is giving you a waiver of the time for decision.

CHAIRMAN BRAND: We'll put this on again on the agenda for Monday, September 19th, hoping that we hear from County Planning and possibly New York State DOT.

MR. CAUCHI: Isn't the 19th when DOT is going to respond?

CHAIRMAN BRAND: No. The 19th is our next meeting.

MR. CAUCHI: When is the DOT going to be giving a response to their findings?

CHAIRMAN BRAND: I don't know.

MR. BROWN: We've already got sign off on the driveway geometry, it's location, the lack of curbs and all the rest of that. We had that before. A couple months ago Pat asked us to address the drainage. We added a swale. The DOT, actually today, responded they don't want the swale. They don't want us to create a point discharge. So I'm going to have to put a pipe underneath the driveway to avoid the septic but return it to sheet flow because that's what the DOT wants. Other than that, they've already

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signed off on the plan. That should actually be in the file from June I'm guessing. But I will get -- again, I'll get them to sign off.

CHAIRMAN BRAND: We can look at that again on the 19th.

MR. BROWN: Thank you very much.

CHAIRMAN BRAND: Thank you.

(Time noted: 7:41 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 16th day of September 2016.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

SOUTHEAST ATLANTIC HOLDINGS

Project No. 16-9007
1837 Route 9W
Section 103.1; Block 4; Lot 3

----- X

PUBLIC HEARING
SITE PLAN

Date: September 6, 2016
Time: 7:42 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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CHAIRMAN BRAND: Next up, Southeast Atlantic Holdings, Milton True Value.

Legal notice, commercial site plan application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the Town of Marlborough Town Code 155-31 on Tuesday, September 6, 2016, for the following application: Southeast Atlantic Holdings, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m. or as soon thereafter as can be heard. The applicant is asking for a commercial site plan on lands located at 1837 Route 9W, Section 103.1, Block 4, Lot 3. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Chris Brand, Chairman, Town of Marlborough Planning Board.

How many did you send out, how many did you get back?

MS. BROOKS: 12 were sent out and 11 were returned. We have the card from the one that wasn't returned. They didn't pick it up.

CHAIRMAN BRAND: Okay.

MS. BROOKS: You can check through the

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post office why that wasn't done.

CHAIRMAN BRAND: Do you want to give us a synopsis of what's going on here?

MS. BROOKS: Absolutely. Again, the proposal is to expand an existing retail site on 10.93 acres located on the westerly side of Route 9W. It's the current Milton Hardware store.

They are adding two buildings for the addition of building and wood sales on the site -- lumber sales on the site and building supplies.

CHAIRMAN BRAND: Is there anyone from the public either for or against this that wishes to speak?

MR. GAROFALO: James Garofalo. A couple of questions.

One is have you talked to DOT concerning the driveway accesses? There's two accesses; correct? There's one access and there's one separate egress?

MS. BROOKS: Correct. Yup, we spoke with DOT. We actually made an application for a highway work permit for warning and entrance

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signs. They requested that we have a traffic study done. Creighton, Manning performed the traffic study in conjunction with their discussions with Dave Corrigan, and we actually just received it today, hot off the press. The only question that DOT had -- or the only suggestion that DOT had was there's a propane sign, a freestanding portable sign that's in the right-of-way that they want moved out of the right-of-way, and they asked that we add two back-to-back, one-way, do not enter signs so that it was clear to people that there's one entrance in and one entrance out separated by the divider.

MR. GAROFALO: Is there any signing that they asked for on the egress over by where the park is?

MS. BROOKS: No.

MR. GAROFALO: The access, it's very clear that vehicles are bottoming out on the driveway. Is there any chance in the site plan to change the grading of the driveway so vehicles are not bottoming out, which is a safety hazard because people suddenly turn in there and then they have to slow down once they see that?

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MR. PALADINO: I can tell you that we're doing blacktop work in the development of the property. We are going to have the company look at that and see if they can make some kind of light adjustment to that to help avoid some of those issues you're talking about. I do understand what you're saying.

MR. GAROFALO: Another question is going northbound on Route 9W, it seems to me there's probably a sight distance problem when you're coming out, not being able to see the vehicles going northbound. There are two lanes. This is an area where people do pass and do go fast. I think it would be good, as a matter of policy, to make sure that all the site plans have the sight distances recorded on the site plan. I'm certainly concerned about that particular area, both for the park as well as the development, because I have a feeling that there isn't enough sight distance for the 85th percentile speed in that area. So I don't know if that's on the plans or not, but that's something that I think you should look into and require them to do a speed study if they have -- there's

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some kind of marginal condition there as far as the sight distance goes. There are several things that could certainly be done there. I think one of the things that the Town needs to do -- to look at when they do the Route 9 corridor study is to look at making that portion one way just as you reach the pinnacle of the hill, coming all the way down past this site all the way to the light, and putting a left-turn lane in there, both for Milton Hardware and the park. I think both would benefit. I think it's a very bad place to be having passing where the south -- it really needs to occur. I think the sight distance has to be looked at there because it's going to be very -- it's very tricky there.

MR. CLARKE: Is there a history of accidents there?

MR. GAROFALO: That I wouldn't know. Certainly that's something they can find out. But it makes -- it's going to take like thirty days to get that from the State if they don't have it. I don't suspect that there is simply because there isn't enough traffic going in and coming out. There certainly has been some

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accidents I think at the park, and there's been a lot of concern concerning the Saturday activity there because there's a lot more activity at the park. I think the reason why they have all those cones and stuff is because there may have been some accidents in the past.

MR. CLARKE: At the farmers market.

MR. GAROFALO: I'm not saying Milton Hardware should be doing that improvement but I think that at a minimum they should be looking at the sight distance so if there is a problem you know about it and can talk to DOT about it in the future. I think that's important.

I have not seen the plan so I don't know if they have added more accessible parking or not for this plan.

I think it would be a good idea, as a matter of policy, if the Planning Board would have PDFs sent to the Planning Board and have those put up as well as the other information concerning sites that are going up for public hearing. They have to make these plans anyway. They're all in CAD. It's not hard for them to PDF them and send them to you. Not only the site

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plan but all of the plans that are being submitted. Certainly I would like to see the traffic study put up also.

I would like to say that I do go to the Milton Hardware and I'm very glad to see them thinking about expanding, and I certainly hope for that, but I want to make sure that it's done the right way.

CHAIRMAN BRAND: Anything else?

MR. GAROFALO: Thank you.

CHAIRMAN BRAND: You're welcome.

Anything else from the public?

MR. WOODWARD: Bill Woodward, 50 Riverview Drive in Marlboro.

I totally support the project. The lumber supply and the builders supply is long overdue for our area. It's a good tax ratable. The people that need certain building materials and lumber have to travel now to Home Depot, Lowes or Lowes in New Paltz to get their materials. I think economically it will save gas for everybody and it's long overdue, believe me. We certainly need the ratables.

CHAIRMAN BRAND: Thank you.

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Anyone else from the public for or
against the project?

(No response.)

CHAIRMAN BRAND: The engineer's
comments basically explained what you already
explained about the project.

It does require approval from the New
York State DOT as it's along a State highway.

Ulster County Planning Board were to be
solicited. We did not receive those yet I'm
assuming as well. Right?

MS. BROOKS: Right.

MS. LANZETTA: It's on the agenda
tomorrow. I would highly recommend, if you can,
to send the traffic report up because I know
that's one of the things they'll ask for.

MS. BROOKS: Great. I will.

CHAIRMAN BRAND: Landscape and planning
details should be added to the plans.

MS. BROOKS: That was from last month.
We had added those.

CHAIRMAN BRAND: I believe you do have
those.

MS. BROOKS: And we also submitted the

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additional materials of landscaping, lighting, the letter to the fire chief. All of that was submitted with this package.

CHAIRMAN BRAND: And then his final recommendation was to recommend a negative declaration for the amended site plan.

Any questions or comments from the Board?

MS. LANZETTA: I would just ask you, in case we didn't send up a landscaping plan, to send that also with the traffic report to the County.

MS. BROOKS: I think I gave Jen a totally separate package, right, to send up to the Ulster County Planning Board?

MS. FLYNN: And I called and let them know that there was two packets coming up to them.

MS. BROOKS: So I made sure -- because I don't expect the Planning Board to necessarily know exactly what to send to the Ulster County Planning Board, I always try to send a separate package so I know all the proper materials get sent up. I can call Rob tomorrow and make sure

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he has everything in order. I definitely will get him a copy of the traffic report which we just got today.

MS. LANZETTA: Thanks.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: Ron, did you have anything?

MR. BLASS: I don't. You might want to close the public hearing this evening. I don't know whether you want to wait for the County Planning response before you do a SEQRA determination. That's certainly an option. You're going to be over for September 19th anyway.

CHAIRMAN BRAND: Does anyone have a problem with waiting until the 19th to do so?

MS. LANZETTA: As long as we have the same understanding with the applicant, that they waive the 62 days.

MR. BLASS: Do you waive the 62-day time for decision?

MS. BROOKS: Yeah. That's fine.

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Obviously we're hoping for final approval on the 19th, but we have no problem with waiving the 62 days.

CHAIRMAN BRAND: Is there a motion to -- sorry. Yes.

MR. GAROFALO: Could you hold the public hearing open for written comments for seven days so that the traffic study can be put on the website and then written comments made on it?

CHAIRMAN BRAND: We certainly have that option available to us.

MS. LANZETTA: I don't know if we want -- I think we should either leave it open or close it. When we start -- I think we talked about this before, leaving things open for written comment. It hasn't been the policy.

MR. CLARKE: If DOT approves it are we going to override DOT?

CHAIRMAN BRAND: Presumably not.

MS. LANZETTA: I think it's a different kind of thing that Jim is talking about. The traffic report is a different animal. I suspect -- you know, we ourselves haven't read it yet.

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MS. BROOKS: I mean we certainly can go over it this evening as well. I mean the -- I think I would prefer that we get that out of the way. The issues that were raised this evening are way beyond this particular site plan application, and I don't want to see this applicant suffer for what obviously is an issue or a concern more related to the farmers market, the town park and the traffic that those entities generate.

You know, again, the traffic study included the crash history. There were, from January 1, 2013 to December 31, 2015, which is the latest three years of available data, there were a grand total of five accidents there, three of them were collisions with deer, one was a rear-end collision involving northbound vehicles from driver -- they were from driver inattention.

One of the things that they have done in the past year was resign the arrows and signage on the roadway and street signage, telling people to merge in that area. So they're absolutely -- although we can't necessarily always have control over people's conduct, it

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certainly is not an area where passing is permitted. It is a merge lane. There's not supposed to be any passing in that location. They redid the signage and the striping on the streets to try to make that a safer area and warn people of that.

MS. LANZETTA: Is there a summary?

MS. BROOKS: Conclusions: The proposed project includes the expansion of Milton Hardware store to include lumber sales. The existing store currently generates 18 trips, 11 entering and 7 exiting, during the weekday p.m. peak hours and 62 trips, 31 entering and 31 exiting, during the Saturday midday peak. It is anticipated that the proposed expansion will result in an increase in the number of site generated trips by 20 trips during the weekday and 74 trips during the Saturday midday peak hour. Access to the site will remain via one full access intersecting US 9W at the north end of the site and one exit only driveway intersecting at Route 9W at Cluett-Schantz. The following is noted regarding the project: Review of the latest three years of accident data shows there are no discernible or

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prevalent crash patterns in the study area.
Current occupancy count of the northbound left-hand through lane at the intersection with the north site indicates that 16 percent of the northbound through traffic uses the left-hand lane during the weekday p.m. and Saturday peak hours. With the addition of lumber sales, the lane utilization will be maintained at the 16 percent.

So basically they're stipulating no major change to the intersection.

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

MR. CLARKE: I'll so move.

MR. CAUCHI: Second.

CHAIRMAN BRAND: All those in favor to close the public hearing, say aye.

MR. TRAPANI: Aye.

MR. CLARKE: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Opposed?

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(No response.)

CHAIRMAN BRAND: So carried.

So we will discuss this again on the 19th.

MS. BROOKS: Okay. And is the Board satisfied with all the materials? Is the Board looking for anything in addition between now and the 19th? I know we're waiting for DOT and Ulster County Planning Board. I just want to make sure the Board will be comfortable with making a decision if they receive that information by that time?

MR. CAUCHI: I'm satisfied.

CHAIRMAN BRAND: Great. Thank you.

MS. BROOKS: Thank you.

(Time noted: 7:57 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 16th day of September 2016.



MICHELLE CONERO

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

----- X
In the Matter of

RALPH PARTINGTON

Project No. 16-9002
20 Partington Lane
Section 108.2; Block 7; Lot 38

----- X

DISCUSSION
SUBDIVISION

Date: September 6, 2016
Time: 7:57 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: STEVEN MARKLE

----- X

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

CHAIRMAN BRAND: Next up, Ralph

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RALPH PARTINGTON

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Partington, discussion.

How are you?

MR. MARKLE: Good. How are
you?

CHAIRMAN BRAND: Good. At the last
meeting a question arose as to whether or not
the subdivision and recreation -- the
recreation fee associated with the
subdivision should apply to you.

MR. MARKLE: Right.

CHAIRMAN BRAND: We said we would do
a little research and get back to you. I did
some research, I spoke with the attorney.
Basically the decision of whether or not to
apply that recreation fee is our decision to
make as a Board. I spoke to the members of
the Town Board. I reached out to all the
members of the Town Board and I heard back
from four members of the Town Board. Two
felt strongly that you should pay the
recreation fee, two felt exactly the
opposite, that you should not pay the
recreation fee, it shouldn't be required as
something as simple, in their opinion, as

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this. I did not hear back from the other one.

I believe with what Ron said, it's our decision to make tonight as to whether or not we believe that the recreation fee should apply in this particular case to Mr. Partington's subdivision.

MR. BLASS: The standard basically being whether or not the Board believes that there's an additional burden placed on the recreational facilities of the Town by taking two homes on one lot and converting them to one home on two lots.

MS. LANZETTA: I was doing the research as well. I found out that in our deliberations, whenever we look at a subdivision we need to assess if there's going to be additional recreational needs. In the Town Law, Section 277, it says here that the findings shall include an evaluation of the present and anticipated future need for park and recreational facilities in the Town based on projected population growth to which this particular subdivision plat will contribute.

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It's obvious with two existing homes, two families already living there, that there is not going to be an additional impact to our recreational needs.

The other thing that we have to remember is this is not a fee, this is money in lieu of parkland, which is very different. Fees typically are things that are automatic. If you bring your dog in you're going to pay a fee to get it licensed. That's automatic. This is something that is done in lieu of parkland. So it is not an automatic fee, it's not an automatic taking of monies. It's something that we consider as we go through our deliberative process. Do we want parkland or do we want money to be put towards the recreational needs that will be -- that will occur from this subdivision.

Based on what I've seen and what I've heard, and this is a case -- I know that the Town Board does not like to turn away money, but I think in this case this is not money that we deservedly need to take

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RALPH PARTINGTON

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because there is no impact that I can see.
That's my feeling.

CHAIRMAN BRAND: I think it was a
good point that was made that there was --
this subdivision made the property itself
more conforming. It didn't have any new
construction and there's no new population,
and possibly therefore no new need for
recreational facilities in the Town. That
was one of the reasons that I did the
research and asked about it.

So really the decision is ours to
make. I guess what I would do is just poll
each of us and then see if we agree that we
don't want to impose the fee, then we will
have a motion to do so.

I'll just go around and ask.

MS. LANZETTA: Should we make the
motion and then have discussion and a vote
on it?

CHAIRMAN BRAND: Sure. We can do that.

MR. BLASS: You have the standard
resolution which pretty much paraphrases what
Cindy said as to what the rules are.

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CHAIRMAN BRAND: Right.

MR. BLASS: You actually adopted that resolution subject to checking with the town attorney last time.

CHAIRMAN BRAND: We did not -- we talked about -- we discussed it and we said it was going to be contingent upon clarification from the town attorneys and researching it out. We did it just to save time. If it wasn't something that we could say no to, then we did it just to save time.

MR. BLASS: I read the minutes and you actually took a vote. You actually polled the Board.

CHAIRMAN BRAND: Right. I think above that -- I don't have the minutes right in front of me, but it was said it was contingent upon the clarification of the procedures

MR. CLARKE: I don't think we had that information that's been given to us tonight.

MR. BLASS: So I think it's as simple as just polling the Board as to

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RALPH PARTINGTON

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whether or not the Board perceives there to be any burden on existing recreational facilities of the Town by virtue of this approval.

CHAIRMAN BRAND: Cindy?

MS. LANZETTA: Do we have to rescind the original?

MR. BLASS: You know, just to be safe I would rescind the resolution on which a vote was taken subject to something. So you might want to just consider rescinding that vote.

CHAIRMAN BRAND: Can I have a motion to rescind our previous vote based on the new information regarding recreation fees in the Town?

MS. LANZETTA: We can say that we're rescinding it based on a reevaluation of the present and anticipated future needs for recreational purposes.

MR. BLASS: Sure.

CHAIRMAN BRAND: That sounds much better.

Is there a second?

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RALPH PARTINGTON

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MR. LOFARO: I'll second.

CHAIRMAN BRAND: Discussion? Any discussion?

MR. CLARKE: Is this on the rescind?

CHAIRMAN BRAND: Yes.

MR. CLARKE: I'm willing to rescind.

CHAIRMAN BRAND: All those in favor of rescinding the previous resolution, say aye.

MR. TRAPANI: Aye.

MR. CLARKE: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Motion carried unanimously.

Then I guess we could --

MS. LANZETTA: There is nothing. That's it.

CHAIRMAN BRAND: Okay.

MR. BLASS: Yeah. Absent making

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RALPH PARTINGTON

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that resolution and making those findings,
you have no power to impose rec fees.

CHAIRMAN BRAND: Great.

So Mr. Partington, I believe you are
almost all set. You're not responsible for
the recreation fees but you are still
responsible for providing the Town with the
easements.

MR. MARKLE: Yes -- easement?

CHAIRMAN BRAND: That was a condition
of the approval that we made as well at the last
meeting, that you would provide legal
documentation of all easements on the property.
in regards to the usage of the drive I
believe.

MR. BLASS: Are you Mr. Markle or
are you --

MR. MARKLE: I'm Mr. Markle. Mr.
Partington is my grandfather in the back.

MR. BLASS: I saw your name show up in
the minutes. You've got a common drive here
serving the two lots respectively with a lot line
running up the middle of it.

MR. MARKLE: Right.

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MR. BLASS: So you should have a two-lot common driveway maintenance agreement of which I have a form in the office that I can share with you.

MR. MARKLE: Oh, between the two new lots?

MR. BLASS: Lot 1 and lot 2.

MR. MARKLE: Okay.

MR. BLASS: You also have a -- lot number 1 created by the subdivision appears to be encumbered by this corridor that runs to the north and services others.

MR. MARKLE: Right.

MR. BLASS: As I read the minutes from the last meeting, Pat's point of view on that was it's already there, it's already an encumbrance, it is what it is and there's no real need to address it in the context of this subdivision approval.

If there's somebody back here who relies upon this corridor to get access to their parcel and they have not yet built out the parcel, and they need a building permit, they're not going to be able to

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RALPH PARTINGTON

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get a building permit because of 280-A of the Town Law which would require direct access on a public highway as opposed to access by easement over the lands of another. That's not before this Board this evening.

Also, there's a common utility line that begins here and runs along lot 2 and then finishes up running over the dog leg in lot 1.

MR. MARKLE: Yes.

MR. BLASS: So there should be a shared common utility easement prepared as well.

MR. MARKLE: Okay.

MR. BLASS: Again, I have forms for that in my office. I don't know whether you're inclined to go get a lawyer to get these forms and to fill out these forms.

MR. MARKLE: We have one now that's going to be doing the deeds and stuff.

So for the easement between the two, I mean the Partingtons own both properties. Do they have an easement with themselves?

MR. BLASS: Well, it won't be an

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RALPH PARTINGTON

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easement with themselves. It will be a covenant, which runs with the land, that would bind successive owners, of which you may be one with respect to lot 1.

MR. MARKLE: Okay.

MR. BLASS: So it would be a covenant which would bind the existing owner and future owners.

MR. MARKLE: Okay.

MR. BLASS: Okay?

MR. MARKLE: Got it.

MR. BLASS: That's what's holding up signature of the plat.

MR. MARKLE: Okay. So between the two lots, the easement for the driveway and the easement for the utilities?

MR. BLASS: Yes.

MR. MARKLE: And you have the forms in your office?

MR. BLASS: I do.

MR. MARKLE: Fantastic.

MR. BLASS: I'll give you my card. Have whatever attorney you're going to use. give me a call or send me an e-mail and

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RALPH PARTINGTON

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we'll get the forms out to you.

MS. FLYNN: There's no signing of the maps and he doesn't get all that until that's done?

MR. BLASS: Right.

MS. FLYNN: Okay.

MR. MARKLE: We're meeting with a lawyer on October 6th and I'd like to have as much done by then as we can.

MR. BLASS: Such as?

MR. MARKLE: Any of the paperwork that you need. I'll have that expedited as long as I can get it through your office, say tomorrow.

MR. BLASS: Can do.

MR. MARKLE: Perfect.

CHAIRMAN BRAND: Anything else?

MR. MARKLE: That's it.

CHAIRMAN BRAND: Thank you.

(Time noted: 8:09 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 16th day of September 2016.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

TRAPANI FARMS

Project No. 16-9006
818 Lattintown Road
Section 102.4; Block 1; Lot 28

----- X

DISCUSSION

Date: September 6, 2016
Time: 8:09 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
BEN TRAPANI
CINDY LANZETTA
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

ALSO PRESENT: RONALD BLASS, ESQ.
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

CHAIRMAN BRAND: Anything else from

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any of the Board Members before we dismiss the attorney and stenographer for our upcoming discussion?

MS. BROOKS: I was wondering if Ron had the opportunity to review the deed for the Trapani Farms?

MR. BLASS: Good question. I did receive it and I have not yet had a chance to look at it. I will do that tomorrow.

MS. BROOKS: That is also holding up -- once you approve that deed and form and function, we will be able to have the maps done? I just want to be clear.

MR. BLASS: I would stipulate that I am holding that up.

MS. BROOKS: No, no, no. I want to make sure that's the only thing that we're still waiting for.

MR. BLASS: I'm not aware of anything else.

MS. BROOKS: Okay. Because we had worked back and forth with map notes and so forth, I wanted to make sure you were satisfied with the resolution and that you were just

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waiting for that deed, and that once you have the opportunity to review the deed you would be able to authorize the Planning Board Chairman to sign the maps. I just want to make sure we're all clear, all on the same page.

MR. BLASS: We are.

MS. LANZETTA: Did the County give us the permit on that --

MS. BROOKS: We had already submitted the letter from DPW saying we're approving the location. When they're ready to actually construct the driveway, that's when they get the permit. They don't get the permit in advance.

We did submit, for the record, the letter from the County saying we're accepting the location and the design.

MS. LANZETTA: Okay. Thank you.

MS. BROOKS: Again, I just wanted to make sure that it was part of the record that the Chairman will be able to sign the map as soon as you approve the deed.

CHAIRMAN BRAND: I believe that's the case.

MS. BROOKS: Okay. Thank you.

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CHAIRMAN BRAND: Anything else?

(No response.)

(Time noted: 8:10 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
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set my hand this 16th day of September 2016.

Michelle Conero

MICHELLE CONERO