



Marlboro Central School District

Michael M. Brooks
Superintendent of Schools

December 8, 2017

Planning Board Chairman Chris Brand and
Planning Board Members
Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

Re: Bayside Development

Dear Chairman Brand and Planning Board Members:

At the request of the Applicant's representative, Justin Dates, and the Planning Board, we are submitting this correspondence to update the Planning Board on the status of our discussions with the Applicant regarding the proposed parking improvements, coordinated drawings, and parking areas.

Both the Applicant's and District's representatives met to review the proposed site improvements for Marlboro Middle School in order to address traffic flow and parking.

At the meeting, the parties generally discussed entrance locations, traffic flow, and locations for parking. In addition, the District had proposed a site plan that proposed 3 entrances which would eliminate the commingling of both school bus and car traffic at one exit and entrance point. However, the Applicant noted that the site grade precluded using the District's proposed access locations.

During the meeting, the parties did arrive at a general consensus on the location of two entrances, parking and stripping. However, we did not discuss the specifics of the installation and maintenance of these site improvements.

Subsequently, we received correspondence from the applicant's representative, Mr. Justin Dates, and a copy of the Project site plan limited to the proposed work at the Middle School. The site plan sheet provided to the District did not include sufficient detail on the proposed work. Therefore, expecting that the remaining sheets of the site plan included additional detail, we subsequently contacted the Town and received a full copy of the FEIS and preliminary site plan for this Project which includes 21 sheets. In order for the District

to fully provide comments and have sufficient documents for review by its professionals, we ask that the Developer provide the District with 3 full sets of the plans.

However, after reviewing the complete set of site plans, the plans still do not include specific details on the proposed work. Further, aspects of the proposed work will require engineering detail. Accordingly, the District has submitted the copy of the site plan to our engineer for comments.

In the interim, pending the comments of our engineer, the District provides the following preliminary comments, which will be supplemented after review by the District's engineer:

- It appears that the actual access roads to the Middle School, including the sidewalks, are located outside of the boundary lines of the proposed right-of-way labeled Road "A". [sheets number 3 and 4]. Further, the ownership of the access roads will be retained by the property owner. We recommend enlarging the end of the proposed Road "A" to include both the road access and sidewalks and provide for the storage of snow removal.
- It is not clear as to who will be responsible for the maintenance of the roads and sidewalks, including plowing, clearing or sanding and salting. A note should be added to the site plan identifying the responsible party for maintenance and upkeep and the parameters that would trigger weather related maintenance, such as plowing, clearing sidewalks; the time frame to conduct the weather-related maintenance and recourse if the work is not performed.
- The access roads must be limited in use to school related traffic and access to the Middle School. [sheets 3 and 4]. It is not to be used as a "short cut" for residents as another access point to 9W. The 12 ft. access road cannot be limited to an exit for a right turn only. Further, one access is identified as a proposed driveway and the other a proposed access easement. [sheet 3]. Therefore, if the property owner retains ownership:
 1. The labeled "proposed driveway" should be revised and also identified as an access easement [sheet 3];
 2. A note should be added to the map identifying the limited use of the easement for Middle School Traffic only [sheets 3 and 4];
 3. The property owner will be required to file the easement with the County after it has been approved by the Planning Board and School District and a note added to the site plan; and
 4. However, if the proposed easements will be included in the boundaries of the proposed Road A, the access to Road A should be identified as the entrance to the Middle School only and not an

easement. [sheets 3 and 4] Further, proposals number 1 and 3 above can be eliminated

- Traffic control signage should be noted and installed at both ends of the access road easement regardless of ownership.
- We understand that the applicant will be responsible for the cost to install all improvements, including road access, parking, striping, signage, gates, fencing, sidewalks, and any other required and associated improvements. This understanding must be documented on the site plans. Further, in the event that the property owner fails to install the improvements, we request that the cost of these improvements be financially secured by a bond, or letter of credit, or both.
- Construction details – the Applicant must include the construction detail and profile for both of the proposed access roads to the Middle School. Currently, on Sheet 18, there is an included construction detail for the gravel emergency access road, which would not be appropriate for these road accesses. Also, the Applicant should include on the access road construction details the width, length and the pavement detail for the proposed access roads. We recommend that the access roads be built to Town road standards. The easterly access road must be widened to 24 feet to accommodate two-way traffic. [sheets 3 and 4].
- Construction details – the Applicant must include the construction detail for each parking stall proposed at the Middle School, including the accurate width, length and the pavement detail for each parking stall. Specifically, on sheet 3, the parking stalls located closest to the 12ft. access road, include a note that the pavement is + or - 5 ft. However, when using the scale on sheet 4, of 1 inch equals 30 ft., the pavement for those stalls ranges from + or - 12 ft. to + or - 5 ft. [sheet 4]. Of additional concern is the installation of the parking along each side of the right-of way access across the School property to Route 9W. As we discussed with the applicant, installing the parking along each side of that road will involve disturbing and cutting into the existing embankments, shoring the resulting cut and expanding the construction easement. Further, it is not clear whether there is adequate space to locate the amount of proposed parking. [sheets 3, 4, and 5]. The site plan must include the construction detail for this work for the District's review. [sheets 3, 4, and 5].
- Construction details - A gate is to be installed on the Middle School property at the end of each access road. We note that Sheet 18, includes the construction detail for the installation of the proposed gate to be located at the emergency access drive, but not for the gates to be installed at the access roads. The construction and installation details for each access gate to be installed by the developer at the Middle School should also be included on Sheet 18. In order to prevent people from entering the District property and then turning to leave if the gate is locked, the gates should be installed at the

boundary line of the Middle School property and the access road. [sheets 3 and 4].

- General Construction details: the site plans should also include the detail and location of all signage for the access roads, striping, striping for each parking stall, lighting, and any other improvements.
- Storm water runoff: it is not clear what the final grade will be for the access roads. Given the grade of the access roads, confirm that the proposed drainage and catch basin will contain water and the access roads will not act as conduits for sheeting water to enter into the Middle School property. [sheet 6]. It appears that adding catch basins and piping at the north end of the entrance of the access roads from Proposed Road A proceeding in an easterly direction to enter catch basin S-54 should be strongly considered. [sheet 6]. In addition, consideration must be given to any increased storm water drainage as a result of the added parking on the Middle School Property especially in light of the disturbance of land and additional pavement.
- The Applicant must include a soil erosion and sediment control plan for the construction of the parking spaces at the Middle School. [sheets 12 and 13].
- Lighting is located both within and outside of the boundaries of the proposed Road "A". [sheets 16 and 17]. The party responsible to maintain the lighting should be identified on the site plan. Given that the entrances may be used in the evening; we also recommend increasing the foot candles for both access roads and sidewalks to accommodate the usage. We recommend adding additional lighting to be located at the access roads.
- The construction easements for all of the proposed improvements at the Middle School should be delineated on the map.
- The property owner must abandon the right-of way access traversing east across the Middle School Property to Route 9W
- The property owner and the District must execute a written construction easement subject to approval of the Board of Education.
- Before the District can agree to any work on the Middle School property, the Board of Education must complete SEQRA, approve the work, and obtain permits from the New York State Education Department.
- Given the extent of the construction on the Middle School property, the District will have to employ the services of its engineer both at the approval stages of the project before the planning board and during construction to ensure the project is constructed and completed appropriately. We request that the Planning Board require the developer to establish an escrow account to pay for the District's engineering costs.

We note that during preliminary reviews, the District had proposed that the developer donate the land for parking located adjacent to the 24ft access road. It appears that this area is relatively flat and conducive to parking. Locating parking on that site may be more cost effective and eliminate the noted construction issues to create the current proposed parking as noted above. We are also aware that the donation may require a variance to address setbacks.

In addition to the proposed improvements at the Middle School, we provide the following general comments on the project:

1. We request that the Planning Board ensure that the existing fence extending the length of the District's property from 9W to the proposed road access be repaired or replaced as necessary and the fence maintenance is to be maintained by the property owner.
2. As we noted in our comments on the DEIS, the Planning Board's engineer should confirm that the cisterns and springs on the property can be abandoned and support construction without a release of water to the District.
3. As we were reviewing the FEIS, we noted that included in Photo 22 next to the concrete porch was a fuel dispenser. However, the Phase I Site Assessment only identified one (1), 1,000-gallon underground storage tank which passed a tank tightness test 12 years ago in 2005.

We request the Planning Board identify whether the fuel dispenser is connected to a storage tank (whether above ground or underground), and if so, is the storage tank the 1,000-gallon tank identified in the Phase I Site Assessment. If this is a new tank, a study should be conducted to determine the previous or current use of the tank and its condition. With both tests, the Site Plan should include the location of the tank and the protocol for removal to be coordinated with the DEC and remediation plan for any contaminated soil.

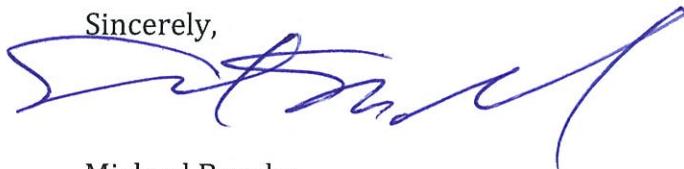
4. The Phase I Site Assessment also notes that because of the agricultural use of the property, the potential exists for the ground to include concentrations of pesticides which have since been outlawed. As sensitive receptors, the Middle and Elementary Schools are located in close proximity to the site, we are rightfully concerned that the significant grading and site work will release these toxins into the air, dirt, and/or ground water. We request that the Planning Board direct the Applicant to undertake testing of the soil in designated areas, especially those in the direct vicinity of the District properties. If the testing reveals contaminants, we request the opportunity to provide additional comments.

We expect that there will be ongoing discussions on this Project and specifically the work at the Middle School. We request that the District be included in those conversations and be provided all documentation, including 3 copies of any revised site plans, that

illustrate construction revisions which are impactful on the Middle School property. We also request an opportunity to provide additional comments regarding any of the above noted issues.

Please do not hesitate to contact me to address any questions or provide further information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Brooks".

Michael Brooks
Superintendent of Schools

cc: William Wisbauer
Judith Crelin Mayle, Esq.