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

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In the Matter of

NEW CINGULAR WIRELESS PC, LLC
(AT&T)

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

----- X

PUBLIC HEARING
SITE PLAN

Date: June 1, 2015
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: MICHAEL LOGUE, Chairman
BEN TRAPANI
JOEL TRUNCALI
CINDY LANZETTA

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY WILKLOW
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: KIMBERLY NASON

----- X

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

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CHAIRMAN LOGUE: Let's rise for the Pledge.

(Pledge of Allegiance.)

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, June 1, 2015. Regular meeting 7:30 p.m. Approval stenographic minutes for 4/6, 4/20 and 5/4. New Cingular Wireless, public hearing, site plan; N&A Development, sketch, five-lot subdivision; Clara Werba Trust, sketch, lot line revision. Next deadline: Friday, June 5th. Next scheduled meeting: Monday, June 15th.

CHAIRMAN LOGUE: Thank you, Joel.

I think we've all had time to read the 4/6 and 4/20 minutes. If everything is all right, can I have a motion to approve them.

MR. TRAPANI: I'll make a motion to approve those.

CHAIRMAN PORCO: Ben.

MR. TRUNCALI: I'll second.

CHAIRMAN PORCO: Joel. All in favor?

MR. TRAPANI: Aye.

MR. TRUNCALI: Aye.

MS. LANZETTA: Aye.

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CHAIRMAN LOGUE: Aye.

We'll hold off on 5/4 since we just got them.

First up, New Cingular Wireless. This is a public hearing, so at this point we'll open the meeting up to the public.

MR. HINES: I think they're going to do a presentation first.

CHAIRMAN LOGUE: Okay.

MS. NASON: Where would you like me to go?

CHAIRMAN LOGUE: Up here is fine.

MS. NASON: Hi, everyone. My name is Kimberly Nason, I'm an attorney with Phillips, Lytle representing AT&T. With me is my colleague, Tom Puchner. Also we have Marianne Terry. She's the site acquisition consultant for this project.

As you know, AT&T originally submitted their application in February of 2014 for a proposed 150 foot wireless telecommunications facility to be located at 10 Ann Kaley Lane in the Town to meet AT&T's coverage objective in the Town. We appeared before this Board in March and

1
2 April of last year for both pre-application
3 meetings and a public hearing at which time the
4 Board noted some alternative sites that they
5 would like AT&T to take a look at. It was AT&T's
6 position at this time that we had found the
7 optimal site, but we understood the Town's
8 concerns and, as per your direction, we reached
9 out to the Town Board, got a list of several
10 Town-owned properties, and we reviewed school
11 district properties as well just to determine the
12 viability of all these alternative sites. For the
13 past year AT&T has undertaken an exhaustive
14 review of thirty properties, twenty-three Town-
15 suggested parcels -- Town-owned parcels, four
16 Central Hudson Gas & Electric structures, two
17 school district sites and one property in the HD
18 Zone.

19 AT&T has included a report that we
20 filed with you a couple weeks ago, May 21st I
21 believe, an RF analysis that details the RF
22 coverage provided by all of these sites and a
23 detailed narrative that explains why these sites
24 do or do not work.

25 At this time it remains AT&T's position

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that Ann Kaley Lane is the strongest site, provides the best coverage to the Town. You'll note in the report that AT&T has also proposed lowering the height of that site to 130 feet rather than 150 feet. But you will see in the report that it was determined that one of the alternative sites is a viable candidate, and that site is the high school site, Marlborough High School. That being said, it's still not as strong of a site and Ann Kaley Lane. You lose some coverage to the Town with that site. You're going to lose coverage to the middle school, to Western Avenue and some of the hamlet areas.

So we've undertaken the review that was requested by the Town. It took us a very long time. This is what we've come up with. We still fully believe that 10 Ann Kaley Lane is the strongest site, provides the best coverage to the Town. At this point we're back before you looking hopefully tonight for some direction as to how you would like us to proceed with the application.

CHAIRMAN LOGUE: Does the Board have any comments?

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MS. LANZETTA: I have a number of questions.

MR. HINES: Mike, I don't know if you know. Mike Musso, the Town's actual communications consultant, is also in the room tonight working for you.

MS. LANZETTA: That was one of my first questions. I didn't get a chance to -- did we receive any comments from Mike on the report that we received from the applicants?

MR. HINES: We have not, but I think Mike is here tonight to address some of the issues. I don't know if the Board wants to hear from Mike at this point.

CHAIRMAN LOGUE: Would you like to come up.

MR. MUSSO: Good evening, everybody. Members of the Board, Members of the Public, Mike Musso from HDR working on behalf of the Town of Marlborough.

It's been awhile since I've been in front of this Board, I think probably six or seven years, in dealing with other wireless issues.

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We are in receipt of the 521 supplemental analysis. It's quite involved and quite detailed. We haven't had a chance to fully digest and review that at this time. We do need a little more time to go through that.

What we normally do, and I think that's really the key issue for this site or for this project, is look at the matrix of these twenty plus sites, do the checkmarks with our own independent analysis, is it viable or not viable, and also look at some of the other qualities of these sites, including setbacks, buffers, potential anesthetic impacts and things like that. We're going through that but we just haven't had time --

CHAIRMAN LOGUE: You need more time.

MR. MUSSO: We received it toward the end of last week and tonight's meeting. I did want to appear and introduce myself.

Going back to the 2014 application, we did issue a memorandum in May of last year, May 5th of last year. Very brief, we did provide some comments on what we thought needs to be provided. Much of that hinged upon the alternate site

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analysis. That's really something that we have to go through.

I guess my purpose here also is to hear from you, I understand it's a public hearing tonight, and also from the public, of what some of the merits might be or issues or concerns, and that would help us with our alternate analysis.

MS. LANZETTA: Well I'm also curious, I'd like to get the elevations of all the proposed sites because I didn't see that in the report.

MS. NASON: We can provide that. It should be in there.

MS. LANZETTA: Also, is this something that the Board feels should be sent up to the County also for their review? They might possibly pick up on something that we're not picking up on.

MR. HINES: I think once we determine -- once the Board determines where the site is. The applicant is right now looking for some direction whether it's the Ann Kaley Lane or the alternative of the high school site. Once that's determined, then we'll have better information

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which to submit to the other agencies.

MS. NASON: The elevations are included on pages 3 and 4 of the RF report that's attached as exhibit B. There's a table that details each site and one of the columns is elevation.

MR. HINES: A year ago when they were last here the Board did ask them to look at all the alternative sites. Based on your ordinance, municipal sites would be higher in the order in your ordinance. They've done that and have a report on the sites. They've come back with the original site and then a possible alternative site being at the high school property. I believe they've gone as far as securing a lease from the school district for that site. I think they're looking for direction from the Board which way to continue.

MR. BLASS: The Board might want to take a look at exhibit C to the May 21st supplemental submission. It's an analysis prepared by Marianne Terry. At the end of that analysis, at paragraphs 18 and 19, particularly paragraph 19 which is the last paragraph, there's a summary statement of the applicant's position

1 relative to two facility sites, one the Ann Kaley
2 site, it's the Ann Kaley Drive site, if that's
3 the right name of the road, and the Marlborough
4 High School alternative location. The last couple
5 sentences of the last paragraph read that the
6 proposed high school location does not provide
7 coverage to the middle school, Western Avenue or
8 the hamlet. As such, the proposed site, the Ann
9 Kaley Drive site, is the best available location
10 to provide adequate coverage to a significant gap
11 in coverage in AT&T's network coverage in the
12 Town. However, I also believe that elsewhere in
13 the report, unless I've misread it or mis-
14 remember it, there is a conclusion drawn by AT&T
15 based on an analysis that the high school site
16 could be deemed a viable location but not the
17 best location for the reasons stated in paragraph
18 19 of exhibit C to the supplemental submission.
19 So the applicant has basically done the homework
20 and studied numerous sites and found one
21 alternative viable site, which admittedly,
22 according to the applicant, is not as strong a
23 site as Ann Kaley Drive but is workable.

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25 It is true that AT&T has gone so far as

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to negotiate to completion, and I believe to signature, a contract under which it has rights to use the Marlborough High School site. That so-called lease agreement is actually posted on the Marlborough Central School District website under Board of Education business. So that's a -- there is a ripened, real right of the applicant to use the alternative site.

As Pat indicated, there is an intent that is part and parcel of the Telecommunications Regulations found in Chapter 152 of the Town Code that a relative pecking order implies, if not states, that public locations or -- municipal locations or other public locations are arguably preferred to private sites for the tower site.

So given all of those elements to the mix, I believe the applicant is looking for some feedback, if possible, as to whether or not the Marlborough High School viable but not best site is something the Board would like it to pursue in place of the preferable and current application site or not. I don't know if you feel that you have enough information or whether you need more information to develop that feedback, but that is

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your main order of business.

MS. LANZETTA: Can you explain why the proposed tower at the high school would be 110 feet?

MS. NASON: Dan Goulet, our RF consultant, is here. That has to do with the terrain. 110 is feasible there while you need 130 at Ann Kaley because of elevation, because of the terrain around the area, how it would communicate with the other towers.

Dan, would you like to speak to that at all?

MR. GOULET: Can you repeat the question?

MS. NASON: For example, why 110 works at the high school where we need 130 at Ann Kaley. My understanding is due to terrain, elevation, those types of things, why the lower height works for us at the school.

MR. GOULET: Dan Goulet representing AT&T, just for the record. Yeah, we prefer the proposed site. We're willing to concede to the high school site. Because it's a slightly higher elevation and because of the topography in that

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area, we settled for 110 feet.

MS. LANZETTA: Would you get any more coverage if you were at 130?

MR. GOULET: Absolutely. We'd get a little better coverage on Route 14 and the hamlet area.

MS. LANZETTA: I'm saying at the school how much more coverage might you possibly get if you were to site it at 150?

MS. NASON: In the RF report on page 8 it covers the high school and it also notes that increasing the height at the high school to 150 feet, so that would be the original height of the Ann Kaley site, will improve coverage to the south and the west but only adds marginal improvement to the aforementioned targeted areas to the north due to terrain blockage. So even if you're bumping that height up, it's still not going to get that coverage just due to the terrain.

MS. LANZETTA: If we were to consider that site, we could possibly still have -- cover more area than shown on the maps that you gave us to look at for the coverage area?

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MS. NASON: You could cover -- Dan was just noting 14. I believe he said you would get more coverage. That's true. But you still would not have coverage to the middle school or hamlet or Western Avenue which you do have from the proposed site. So you could raise the height and get more to 14 if that's what you wanted. We also have a lease at 110, not at 130. That would be another element that would have to come in to play. We still wouldn't be able to get, according to the RF report, coverage in those areas that is provided by the Ann Kaley site even with an increase in height.

MR. TRUNCALI: I think we are lacking good signal to the west and south. A little bit higher may be better.

MS. NASON: Higher at the school?

MR. TRUNCALI: Mm'hm'.

MR. TRAPANI: Is the higher the tower the better coverage you get? Does that cover everything that's down low, too? The last time, a couple years ago when they came here and they talked about it, they said they wanted to put one over by the town hall and it would not reach the

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ambulance corp, which is only half a mile down the road. So my question was how many cell towers do we need in Marlborough to cover all the area that we have here with all the mountains and everything ?

MR. HINES: That's one of the considerations. Which ever site -- apparently they have a lease on both sites. Are you going to meet that coverage gap or is it going to cause them to seek in the future an additional tower.

MR. TRAPANI: For the future I think we should look at the whole Town of Marlborough and see where possibly we would have to put these towers in Marlborough eventually to cover the whole area, not put one here now and after have it overlap.

MR. HINES: That's the consideration of the height. As they reduce the height the ability to co-locate on the towers is also impacted, as you start putting other carriers down on whatever height design tower they come up with.

MR. MUSSO: I think you hit it. It's really a balancing act if you're looking at sort of a proactive plan. You're confronted by

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different carriers that don't necessarily coordinate with one another. But, you know, here in Marlborough, with the ranges in topography, let alone the aesthetic impacts and viewsheds, there are limitations to height. The general trend in wireless and getting here into more rural areas is more facilities at a lower height, lower tower, and that's not only to provide coverage to phone but also capacity, data traffic, individuals having cell phones as our only devices now. Internet, work, e-mail. There is just many things that have exploded with the use of these. You're doing absolutely the right analysis by looking.

But what if we raise the height, what does that get us. Sometimes looking at the coverage maps, which we would confirm by the way for you guys, it could be counterintuitive. To see over a certain ridge line or from the fire department site to the ambulance corp slightly south, that was a very interesting analysis for me after driving by. I said how could it not provide that. Looking at the terrain, looking at the coverage map, sometimes it's a little bit

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deceiving. You have challenges here with sort of winding, topography, dips and valleys to deal with.

The idea, in my opinion, there is kind of a trend in things. No matter what happens with AT&T for this, it's probably likely that they'll be back within a few years. As Pat mentioned too, if a facility is constructed now, the idea of co-location might be just a minimal height for AT&T but the interest as per your code would be co-location on that structure. Also looking at that, what might Verizon need and are we cutting or capping it too low such that a co-locator lower down, the same issue is going to come up again. It is a bit of a balancing act. Those are things we normally recommend with new structures, considering design, considering the possibility or increases in the future of height if that would happen. We try to look at it wholistically as well.

MS. LANZETTA: One of the places that you looked at was the middle school and one of the reasons they discounted it was because it would not cover the high school or the

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southwestern part of the Town, which is not to say that if we were to locate a tower at the high school, then an additional tower could be put on the middle school to cover those areas that are not being reached right now.

MR. MUSSO: Right.

MS. LANZETTA: So I think one of the things that I am concerned about is that when this law was put into effect I know that the Town was concerned that if people were going to be impacted, possibly in a negative way, from the location of a cell tower in their community, that there should be some public benefit as well, and that's why it was written in here to be looking at Town properties first, --

MR. MUSSO: Right.

MS. LANZETTA: -- so that any income that might come from the location of the tower would go to the taxpayers.

My concern is that if we disregard the public opportunities, that we might be setting a precedent for other private property owners to be able to benefit at the expense of the taxpayers. And that if we do look at publicly-owned

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2 properties, that this might -- the publicly-owned
3 property, the high school, might not cover the
4 entire area but it still allows us additional
5 public properties we can use as additional sites
6 in the future that will cover the entire area. So
7 that's -- you know, that's just one of my
8 concerns, that as we go through this process,
9 that we really think about what was the intent of
10 the law.

11 CHAIRMAN LOGUE: Good point.

12 Joel, do you have any comments?

13 MR. TRUNCALI: I agree. I would like to
14 see it on municipal property instead of private.

15 CHAIRMAN LOGUE: Ben?

16 MR. TRAPANI: The public has to get
17 something out of it. We pay the taxes so I think
18 we should put it on the public piece of property
19 and the Town gets money back. That would be the
20 best thing to do I would think.

21 CHAIRMAN LOGUE: I agree with the
22 Board, heading in the direction of the school
23 property. We also need time for the consultant
24 to review it.

25 Do you have any comments, Ron?

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MR. BLASS: No.

CHAIRMAN LOGUE: Chief?

MR. HINES: No.

CHAIRMAN LOGUE: At this point we'll open it up to the public for any comments.

Sir, your name?

MR. MANNESE: Vince Mannese. Just a quick question. I'd like to know what the initial goals were of AT&T by putting this tower up. Because if it's too help the Town of Marlborough, from the high school westward is where there is a lot more dead area than from Ann Kaley Drive eastward. There is unlimited access from where I'm assuming the tower is going to be directly across the river, which is not going to help the rest of the Town of Marlborough at all. So having it in an area where there is nothing but hills behind it except an eastward access makes zero sense to me. Even my property is higher than that but I wasn't asked. Not that I want it but I wasn't asked. So having a higher tower on a higher area makes more sense to not only go east but also south and west.

How that property was chosen, and I

1
2 would love to see the reasons the other
3 twenty-nine sites -- twenty-eight maybe if you
4 discount now the high school. But Ann Kaley Drive
5 was chosen first. How many sites were looked at
6 afterwards? Why was the high school chosen or
7 looked at much later? How were the other
8 twenty-eight sites discounted?

9 MS. NASON: So as far as the
10 discounting of the sites, that's all detailed in
11 the report, and Dan can speak to that as well.

12 Let me get back to your initial
13 question. So AT&T bases it's need for additional
14 sites on customer complaints, where it's getting
15 these issues with dropped calls, that type of
16 thing. That's where it starts. AT&T, our RF
17 consultants can go out and conduct drive test
18 data and see where you're having gaps in
19 coverage.

20 You also have to keep in mind that the
21 cell tower that we're proposing has to interact
22 with all of AT&T's other cell towers. So while
23 one location may seem like a prime location, it
24 may not work because it can't handoff signal in
25 between other towers.

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Dan, could you speak a little bit more to this specific coverage objective?

MR. GOULET: Sure. I think I have many plots, and I don't plan to bore you with many plots, but I think it would be a lot easier to answer some of these questions if I could just show you a few.

CHAIRMAN LOGUE: Sure.

MR. GOULET: I apologize for being late. It's a long ride from New Hampshire.

As was stated, a lot of this -- the original coverage objective, AT&T's objective for this area, was to fill in the gaps in the hamlet, in the area of the middle school, Western Ave, Route 14, Lattintown Road. Unfortunately you know better than I do, I've driven through it a little bit, but the terrain around here and the topography is such that -- I've got up here -- I'll try to do this. I don't know how many of you can see this. You have this in your report I believe. What we've done is you've got the reservoirs way out here to the west, to the north you've got the town hall and the ambulance. You've got another water tank here. I don't know

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if you can see this colored area here. That's a ridge. Everything here along Route 9W, the land drops off to the water because people, back in the day, built along rivers. Unfortunately the high school, the middle school, all this residential area to the south is all in a higher elevation.

The Ann Kaley Lane site was selected because it addressed the Western Ave area, it addressed the hamlet, it got the middle school and it got the high school. Yes, it doesn't get far beyond this ridge, but it's much less populated to the west than it is to the east.

AT&T's objective -- you only have -- AT&T has a site way up here. That's the existing site that's trying to cover Marlborough and Milton. As you can see, it's so far away and you've got ridges between. What happens is this is just terrain, this does not show the trees on top of the terrain. So now you add 75 foot trees on top of that topography and you've got the roads that were cut in in the lower areas and through the ridges so you get the shadowing effect. Your mobile is in the car on the seat

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somewhere or in your pocket. So in order to get from the transmitting antennas and the receiving antennas down to where your mobile device or your laptop is, or if you're in your houses, a lot of people work from their homes nowadays, AT&T's objective is to provide in-building coverage. We're not just talking about vehicular traffic anymore. People want to use this instead of a landline phone. There's very few people that are still using a landline phone.

So these are all the alternates. The ones -- there's more further up. You've got the town hall here and the ambulance. They're not going to get over these ridges here to get down here to where all the population is and where the hamlet is.

So what we did was -- this is just AT&T's existing network. You can see that most of the sites serving the area are not in Marlborough, they're outside of Marlborough, in Poughkeepsie and Quake Hill, et cetera, in Newburgh.

The two colors here represent in-building coverage is green, the orange is in-

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2 vehicle coverage. So this is the composite
3 coverage with the proposed site. I'm going to
4 hold this up next to it. This is your existing
5 coverage. So you see these white areas, that's
6 where AT&T would not have any kind of reliable
7 service. I'm not saying there's absolutely no
8 service. Could you potentially walk outside in
9 your yard or next to the street and make a call?
10 Yeah, maybe. If there was an emergency in your
11 house could you make a call? Not necessarily. So
12 the reason I'm showing -- this is the existing
13 coverage. You can see these gaps on Route 14.
14 Down here to the south there's very little --
15 very poor in-building coverage. The high school
16 is down in this area. You've got the hamlet over
17 here, the middle school here. You've got a few
18 minor gaps along Route 9 in the commercial area.
19 The Ann Kaley Lane site did a good job at
20 covering most of what was the target area. It
21 covers Western Ave, it covers the hamlet, it
22 covers Route 14, it covers the high school area
23 and the middle school area also.

24 We did look at -- if I throw up -- give
25 me two more seconds, three seconds. In your

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package you have the exhibit showing the high school and you also have an exhibit showing the middle school, and the water tanks and then the miscellaneous utility poles. We also did the town hall and the ambulance locations.

I'm going to put up the high school site next to the coverage of the Ann Kaley Lane site.

CHAIRMAN LOGUE: Say that again. What's this site?

MR. GOULET: This is the high school. This is the high school at 110 feet. So what you can see, the high school does a very good job in itself. It leaves some gaps on -- it covers a little bit of Western Ave, the elevated part of it, but it can't quite get over the hill to cover this gap we have here on County Route 14 and Western Ave. You notice we don't get a lot of enhanced in-building coverage in the hamlet, which means the shops and stores aren't going to have reliable -- as reliable in-building coverage as they would have with the Ann Kaley site. That is the difference at 110 feet. We did run it a little higher. The problem is because of the

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terrain -- this is the high school. What happens is you've got hills right here. These hills with the trees on the hills are right between the high school site and the hamlet. Even by raising it 20 feet you're not going to get the hamlet. That's the difference between the two.

CHAIRMAN LOGUE: But you would reduce some of that orange and white if you raised it up 20 feet in the hamlet?

MR. GOULET: No. You still -- I did it. I tried it. You still have white on County Route 14, and in the hamlet there's no additional coverage. What happened was we improved coverage to the south, which makes sense based on the topography.

Do I continue with other alternates or you're not -- I don't want to bore you, so just tell me what you want.

CHAIRMAN LOGUE: We would be interested, do you have the middle school site?

MR. GOULET: I do have the middle school site.

MR. MUSSO: If I could ask a question. Dan, is there a coverage map for the high school

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site greater than 110 feet?

MS. NASON: It's not included.

MR. GOULET: Did we include it in the package?

MS. NASON: I don't believe we did one.

MR. TRUNCALI: Can you tell us where the location is at the high school site? What part of the high school site?

MS. NASON: Marianne can speak to that. I believe it's behind the baseball diamond.

MS. TERRY: Where the ball fields are there's that parking lot. It would be up into the woods.

MR. TRUNCALI: Why wouldn't they put it on the highest part of the high school site?

MS. TERRY: That's where the high school said they would want to put it on the parcel, just for usage -- future usage of their own property.

MR. GOULET: Are you looking for the high school at 150? I have the high school at 130.

CHAIRMAN LOGUE: It's all high school property up there. That's considerably higher.

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MS. NASON: One note as far as the middle school goes. Apart from an RF perspective, we also have constructability issues with the middle school. The parcel is smaller. There's not really -- Marianne can speak to this. There's not really a suitable location on the middle school property to put the facility.

MR. HINES: When they're saying the high school parcel, it's a separate six-acre parcel owned by the school district.

CHAIRMAN LOGUE: The upper half?

MR. HINES: It's on the compound of the high school. You wouldn't know that it's -- it's an undeveloped six-acre parcel up there owned by the school district.

UNIDENTIFIED SPEAKER: Talking about south of the baseball field on Cross Road.

MS. NASON: Right.

CHAIRMAN LOGUE: It's still a public hearing.

MR. BRAND: Chris Brand. I have a question. We've heard that you compared the Ann Kaley site to the high school site, and it's been eluded to a couple times. Would the high school

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site in conjunction with another municipal site provide equal or better coverage than the Ann Kaley site? Have you run any types of projections on the two being as good as the one Ann Kaley site? I understand we don't want cell phone towers everywhere in the Town. Has that type of projection been made?

MS. NASON: You're talking about a two-site solution. At this point that has not been evaluated because our thought has been to reduce the number of towers. At this point we've only been looking at single site solutions.

MR. BRAND: In theory the high school site, in addition to possibly the middle school site, could provide equal to or better coverage than the Ann Kaley site in itself?

MS. NASON: Dan, do you have --

MR. GOULET: It would likely not be the high school site and municipal site. Let me just explain why.

MR. MUSSO: Or the middle school.

MR. GOULET: This is the middle school that you asked to see. Do you want to look at that? This is the coverage from the middle

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school here.

So what happens is if you use the high school and the middle school, what's going to happen is two of the sectors of the middle school and the high school are basically going to be redundant. AT&T is not going to do that. It's just going to cause massive problems. You want to have single dominant service in a given area. You don't want to have a bunch of signals getting into the same area at the same level. What's going to happen is data throughputs are going to be at very slow speeds, you're going to get a lot of latency. It's just not a good design. AT&T, as was mentioned, they have to pick the site that is going to integrate the best within the existing network. By putting a site here and then you're going to put -- that's what, maybe a mile.

MR. BRAND: I was just using that as an example. The high school site and any other municipal site I guess.

MR. GOULET: Okay. Any other municipal site. Most of the municipal sites are down by the wastewater treatment plant. All these down by the water, they're over the ridge . The middle school

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already covers it. Why would we put another site there? You wouldn't do it. It's already covered

MS. NASON: I think what Dan is saying is there's not necessarily an optimal two-site solution as far as two municipal sites for this specific area.

MR. MANNESE: I'm going to ask a question that everybody in this room is thinking, okay.

MS. NASON: Sure.

MR. MANNESE: In looking at those two maps, the increase in coverage by putting a tower on Ann Kaley Drive does not look that significant. So the bottom line question is does Dutchess County benefit more than Marlborough benefits on that tower?

MR. GOULET: I can qualify if you give me a minute. You can't just look at the coverage map and say well that doesn't look like much, it's a really small area. If you look at the data of what the difference in population counts, et cetera are -- we have it in the report actually. The proposed facility provides 400 percent more in-vehicle coverage and 43 percent

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more in-building coverage than the high school site. We have the numbers to prove that.

CHAIRMAN LOGUE: Sir, in the back.

MR. POLLOTTA: Frank Pollotta, Milton. Question. When you talk about your percentages and your coverage, that's talking about buildings or population capacity?

MR. GOULET: We use the census tracks and the mapping software. What it does is the mapping database tells you where the pops -- population counts are.

MR. POLLOTTA: Five days a week for X number of school days your population is 700 at the high school. That's not figured into that.

MR. GOULET: No. The high school is considered business pops. That's public, it's not private. This is looking at those kids live in Marlborough, in the surrounding areas, right?

MR. POLLOTTA: Not in all that --

MR. GOULET: They don't live at the high school. Just like when we did the financial district in Boston. There are practically no pops because nobody lives in the financial district but thousands of people go to work there. Just

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like I don't know what the population is in your high school, but between the teachers, the faculty and the students, I imagine there's a lot of users there.

CHAIRMAN LOGUE: The fact of the matter is the worst coverage in Town is the high school.

MR. TRUNCALI: So now when you talk about the topography blocking the signal going to the middle school area, that is actually the hill on the high school that would be blocking it because you're putting the tower on the lower side of the high school property. Is there a reason that the school did not want it up on the highest part of the property or --

MS. NASON: Marianne?

MS. TERRY: We were really steered toward that back parcel where it's the wooded area. The school district is talking about getting as far back into the woods as possible so if there's any future development of the school, the cell tower and any equipment shelters aren't going to encumber future use.

MR. TRUNCALI: But don't you agree that the hill he's talking about blocking the signal

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is part of the high school property there and -- you know, I don't know if there's an area up there that's far enough away that -- there's just practice fields up there. I think it's located to electric lines and everything else. That would be a better location up on that hill for your coverage.

CHAIRMAN LOGUE: Yes, ma'am.

MS. ANGSTROM: My name is Susan Angstrom. I went to high school up in Marlborough about forty years ago. My parents have been paying hefty taxes in Marlborough for a number of years and they run a very beautiful piece of land on Western Avenue.

I'm kind of astonished that you consider putting these towers near schools considering the health hazards that have been -- I'm sure you know that there have been studies looking at the health hazards, including possible cases of cancer, ADD, attention deficit disorder that is, problems with sleep and so on and so forth. So to put -- to even consider putting that near a school astonishes me. Yes, there are studies. It's a very controversial subject, as

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2 you probably have discovered, whether these
3 things do cause health hazards are not. But they
4 are ugly. Even just for kids to have to look out
5 a window during their stressful day and see ugly
6 is enough to, you know, deter learning to a
7 degree. I mean schools have landlines, and kids
8 are addicted to these phones, which are also
9 impeding the quality of their life and ability to
10 learn and absorb knowledge.

11 So it is also an issue of -- it's a
12 quality of life issue. Do people want to look at
13 ugly? Do the good people here representing AT&T
14 live near these towers and have to look at them?

15 The Federal Government has done a study
16 to determine that these towers around the country
17 are killing 6.8 million birds a year who fly into
18 these towers, and that is something very serious
19 that we should also consider.

20 CHAIRMAN LOGUE: Thank you.

21 Yes, sir.

22 MR. CRANE: Bruce Crane, I live on
23 Prospect Street near Ann Kaley.

24 A couple statements first. I think we
25 need to be careful of the precedent we'll be

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setting should we agree with you a hundred percent, should we move it on the municipal property so we can benefit from it.

Going along with the studies she says. Studies go in either direction. I live fairly close to it residentially. The basis is that the studies are unknown. Cell phones, believe it or not, haven't been around that long. Both the CDC and World Health Organization concluded there is unknown factors.

I'm going to live there the rest of my life hopefully, and my children are going to grow up there, and I'm just not ready to go into the unknown. I want to be public with that.

Again, I know we have a need for it. I have AT&T. I have great service. I understand that. We should gain from it.

CHAIRMAN LOGUE: Thank you.

MR. MUSSO: May I add some comments to the last two?

CHAIRMAN LOGUE: Absolutely.

MR. MUSSO: Just reviewing this on behalf of municipalities, I have a background in engineering and public health as well. I think

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your points are well taken.

One of the issues that I often have with municipal carriers or the industry in general is for better or for worse, the studies that are out, and the last really full study is from 1997, is that municipal decision making can not be based on health or radiofrequency emissions.

MS. ANGSTROM: That's absurd.

CHAIRMAN LOGUE: Please, ma'am. You had your turn.

MR. MUSSO: The perspective that I've been encountering and some of the trends, there are school districts, either for financial or for public health and safety, that actually want to accommodate wireless facilities. Just a grain of salt. I'm just giving you my observations in doing work around the Hudson Valley.

Another point is, it was mentioned there is a proliferation of cell phone use and kids, very young kids at times, having these things on them all the time, in their backpack, having the wifi at home and in school. There's initiatives to have the latest and greatest in

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2 all of our schools. These are similar if not the
3 exact radiofrequency emissions that we're exposed
4 to. I think from a public health standpoint,
5 certainly there are studies that are ongoing,
6 epidemiological studies. You would be hard
7 pressed to find someone who doesn't own a cell
8 phone. The studies are continuing. The FCC, and I
9 think more importantly the State Health
10 Department here in New York, the US EPA have not
11 retracted any of the safety factors. A tower
12 type site ironically could actually reduce some
13 of the exposure from individual's phones. The
14 closer it is the less a phone has to work and
15 search for a signal. Remember, phones are also
16 transmitters, they're not just receivers. These
17 are some perspectives I put out to you.

18 MS. NASON: I would also like to add
19 which ever site we choose to go forward on when
20 we are back here before you, we can bring someone
21 to speak on health and safety issues as well if
22 that would be helpful.

23 CHAIRMAN LOGUE: Yes, sir.

24 MR. SCHATTING: My name is Mark
25 Schatting, I'm from the Marlborough Fire

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District. I have some facts. 90 percent of all cell phone initiated 911 calls coming from the Marlborough and Milton area go across the river to Dutchess County 911. They take your information, figure out what the problem is, figure out -- assess what's needed, then they transfer the call to the Ulster County 911 with the same information that was relayed. In that time when someone is having a heart attack, your house is burning or whatever, time is not something you have a lot of. Ulster County 911 figured out if a cell tower was put anywhere in Marlborough, you can debate where you want to put it, it will save precious time when someone is calling 911 from their phone to get our citizens to help. I'm sure the studies will show that.

CHAIRMAN LOGUE: Thank you.

Any other questions? Yes, sir.

MR. OSBORN: Steve Osborn. I own the property at 10 Ann Kaley Lane that's in discussion here tonight. I'm also the Town Supervisor.

I'd like to just say when Marianne Terry or Aerosmith first came to Town twenty

1 months ago, they came to the code enforcement
2 officer and they said here is a circle on the map
3 and we want to put a tower within this circle on
4 the map, okay. I was called by the code
5 enforcement officer to show the person around to
6 the municipal properties within the map. I did.
7 We went to every single municipal property and
8 school property and private within the circle on
9 the map. The high school was not in that circle.
10 Okay. There was a determination made then that
11 none of those sites were very suitable. Part of
12 the problem was the idea if you go to the middle
13 school, they weren't sure about the coverage, I
14 think it's sort of confirmed here tonight, but
15 they were also worried that at the public hearing
16 there's going to be a lot of health concerns and
17 why would you put the tower on school -- it's
18 going to be a big factor. They said we're going
19 to start looking at some private properties since
20 none of the municipal properties are really
21 working. That is exactly how this all started. I
22 don't know if that's ever been said. At the
23 public hearing that was sixteen months ago I
24 didn't say that because the public hearing was
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going so wrong that I don't think at that point it would have been constructive to say very much at all. That's how all this started.

The circle I think changed. I'm not sure why it changed but I have a feeling the original circle that the Town was shown was a commercially viable circle. It was not round, it was oblong, and the high school was not in it. At that previous public hearing that we had here there was a circle that was perfectly round with a certain diameter that the high school property was barely within. Again, I didn't say anything at that hearing because I thought there's a lot of stuff that's going to have to happen. But that's -- that is what was done twenty -- between sixteen and twenty months ago. Then AT&T came to us, or Aerosmith came to us and said we might look at your property, can we investigate it further. They were investigating other pieces of property. Our understanding was we were chosen out of pure logic, that this is the best place to improve coverage and we've exhausted the public municipal coverage areas.

I have since then -- I'm for the

1 project at the school. I think the school is a
2 better place to have it than private property.
3 Back then the high school was not something that
4 could have been considered because the circle was
5 not with the high school. If the high school
6 works, then fine. I'm still believing having it
7 on public property is better than private
8 property. If you locate a tower at a school so
9 it's on public property and the school is then
10 covered but you're not covering the businesses in
11 Town and you're not covering what cell phone
12 usage is for, which is to give people better
13 phone usage, I would question the logic.

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15 Again, given all that we tried, the
16 idea of locating it on two municipal properties
17 so you maintain the quality, absolutely fine. My
18 wife and I both, we're scientists. Logic
19 prevails, public better than private. In the
20 case if you're going to locate a tower at a
21 school, now the kids in the school have coverage
22 and the people in the businesses don't have
23 coverage and they are going to say how could that
24 happen. That's all I wanted to say.

25 CHAIRMAN LOGUE: Thank you.

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Yes, ma'am.

MS. MANNESE: Erin Mannese. I agree with going with the municipal areas. If you're going to go look at any private areas, our property is high. You can come and see our property. We're up higher. I think your coverage would be a lot better than down by Kaley. We're up -- you can see the high school up in that area and past the mountains. If you're going to look, come and look at ours.

CHAIRMAN LOGUE: Thank you.

MS. LANZETTA: I'll just mention again that we have a code that is very explicit about the proper procedure to follow if you are interested in siting one of these facilities in our Town. I don't know what was done before but I can say that this -- the work that you have done since your original public hearing is much more in line with what our code requires, and I appreciate the fact that you did look at alternative sites and that you are seriously -- that you're taking into account our serious need to look at municipal property, public properties for this use. Thank you.

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CHAIRMAN LOGUE: We'll take one more question on this.

MR. DOLLINGER: Mike Dollinger from the Village of Marlborough. Location notwithstanding, and understandably Marlborough presents a lot of challenge as far as topography goes in coverage area. Location notwithstanding, are there any two locations that would provide the ideal coverage for the entire vicinity?

MR. GOULET: At what height? 200 feet? At 250 feet with lights and -- I mean there's FAA issues and there's interference issues. You can't -- given the topography, without doing an analysis, I wouldn't -- are you saying using municipal properties?

MR. DOLLINGER: Using any property. Are there any two locations that would provide you the optimum coverage?

MR. GOULET: I thought you said using any two municipal properties.

MR. DOLLINGER: No. Any two proprieties period.

MR. GOULET: Any private --

MR. DOLLINGER: Anything. Just to

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expedite this entire process so we don't revisit this a year from now or two years from now.

CHAIRMAN LOGUE: I think that's a hypothetical question. They haven't studied that. They studied what we asked them to study.

MR. GOULET: I don't know the feasibility. I can't give you every property in Marlborough because I don't do feas -- that would be Marianne would do a feasibility study and look at the zoning and wetland and everything that goes with that, and setbacks. So I could -- we could do an analysis if you gave me specific ones.

If I could say just real quick, if you look at this map, most of your municipal properties are to the east and along Route 9. The only ones that are not are the high school and the water tanks. The problem with the water tank and the reservoir, and there are other -- there are other small, really tiny parcels owned by the water department, and you've got the wastewater treatment plant. But again, you've got all of these are here. You've got the highway development district, you've got the ambulance,

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the town hall, the middle school, the high school. These are just utility poles. So the only thing on this side is the water district.

CHAIRMAN LOGUE: Okay. One more question.

MR. MANNESE: Just a quick statement. If we're worried about taking care of the businesses in Town, the biggest business in this area is the school district.

CHAIRMAN LOGUE: Thank you.

MS. ANGSTROM: They have landlines.

CHAIRMAN LOGUE: If there's no further questions, I'd like a motion to close the public hearing.

MR. HINES: Are you going to close it?

MR. BLASS: I think that you want to perhaps park that decision until the end of tonight as to whether to close the public hearing or adjourn the public hearing.

I think you have a recommendation from your Telecommunications Consultant that a workup on the alternative site in the supplemental submission of May 21st is recommended.

CHAIRMAN LOGUE: Okay.

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MR. BLASS: If that is something that interests you, I would think more about adjourning the public hearing to a date certain in the future than closing it. I think that -- there's going to come a fork in the road where a decision is going to have to be made or an action is going to have to be taken one way or the other, and that is to stay with the existing Ann Kaley Drive site or to -- or for the applicant, with or without the permission, cooperation, incentivization of the Town, to go down the other path of the high school site, because those are the probably two viable sites that currently are supported by the applicant's technical submissions. That may change after you've heard from your own consultant, or it may not change. I think that's really where things stand.

CHAIRMAN LOGUE: Okay. One thing I would definitely want is obviously you guys to review this. I'd like to find out the question why the tower couldn't be put up on the higher end of the school district. What was the school district's reasoning not to go with the higher elevation and if that could possibly be looked at

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again.

MS. TERRY: I would definitely approach the school district again.

If you look at the tax map, that's the school property. So you've got fields, fields, school, and then here's -- they're talking about putting it here. This would be encumbering any future use for the school. That's how --

MR. TRUNCALI: I think it would be a better use at the top of the hill.

CHAIRMAN LOGUE: This is the highest part in the purple. That's the highest end of the property.

MS. TERRY: That's something that I can go to.

CHAIRMAN LOGUE: If you can revisit that, if they would consider going to that higher elevation, how it would change.

MS. NASON: We also need to look at that from our perspective.

MS. TERRY: We'll discuss with them now we're going to have a longer access to run utilities, and that's going to be something that the school district --

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CHAIRMAN LOGUE: There's a development right behind it.

MR. TERRY: I can talk to Joe Delorenzo. I think he's going to be the superintendent for the rest of the year.

MR. MILAZZO: He's got thirty days left.

CHAIRMAN LOGUE: Can you comment on that, Frank? You're a board member.

MR. MILAZZO: The biggest issue is unless AT&T would come back with specifics of what that site would do, I mean the Board would obviously consider it and look at it. But you've got the access issues and the roads, field issues. The mindset behind it was that was a separate piece of property that didn't impact anything else. But if AT&T wants to come back with a proposal because it solves other issues, it would have to be specific. We spent -- an awful lot of time was put into this by everybody, and what they need and the amount of area they needed would not work up there. We would wind up losing the field.

MS. TERRY: Also, this is wooded so we

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were going to have less of a visual impact. We would be able to tuck it into the woods. Here you're going to see the equipment shelter, you're going to see the tower. You're not going to have natural barriers.

MR. MILAZZO: That's why going higher at the other site may make up for that. If you could go up to the 150 at the other site, that is on our property, it's out of the way. You know, that may get you over that ridge. I don't know.

MR. TRUNCALI: I would like them to look at that, also raising the height if that would help.

The Robin Drive location, is that a private site? Location D is listed as Robin Drive.

MS. NASON: The Central Hudson.

MR. GOULET: That's Central Hudson.

MS. NASON: It's one of their existing structures.

MR. GOULET: They probably have a right-of-way on somebody's property.

MR. TRUNCALI: That I believe is a higher elevation also, which is very close to the

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high school site.

MR. GOULET: It is a high elevation.
The pole is not high. We used the height of the
pole.

MR. TRUNCALI: You just would use the
existing pole? You wouldn't put up a new
structure?

MS. NASON: We would co-locate on an
existing structure.

MR. GOULET: Typically when they do
that they co-locate, they put a monopole up and
they add their antennas at the top of the
existing structure and they add maybe ten, twenty
feet onto it. That's all they can add onto it.
So you're not going to have -- I ran it at 75
feet.

MR. TRUNCALI: The coverage on that map
is almost identical to the high school coverage,
increase in coverage.

MS. NASON: For Central Hudson?

MR. GOULET: For D?

MR. TRUNCALI: Yes.

MR. GOULET: It didn't cover 14 or the
hamlet. That was the difference. So it did -- it

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is similar to the high school but it still doesn't reach the hamlet or fill in the gaps on Route 14.

CHAIRMAN LOGUE: So at this point we can adjourn this for a future study and --

MR. BLASS: I think you want to adjourn to a date certain, such as the first meeting in July.

CHAIRMAN LOGUE: Okay.

MR. HINES: July 6th.

MR. BLASS: And ask Mr. Musso, your Consultant, to prepare the analysis that he recommends.

CHAIRMAN LOGUE: Is that enough time for you?

MR. MUSSO: Yeah. We can try to work with that. What I would like to do is I would like to visit the sites. I need to coordinate access with the school. Also with the Kaley Lane property -- Ann Kaley property and make inquiries. I mean Central Hudson for example, I assume there's been outreach to them about co-locating but not for a new tower, for example. These are the due diligence things I would like

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to look at. I think I know what the answer is going to be in dealing with utility companies and their rights-of-way and what they allow and not allow. I think that's what the Board is asking for is to go through that. I'll certainly keep Mr. Blass and Mr. Hines advised. We'll go for the first meeting in July.

CHAIRMAN LOGUE: I do like the idea higher up at the high school and having some protection with the woods.

MR. MUSSO: Right.

CHAIRMAN LOGUE: So the 6th will work for you, of July?

MR. MUSSO: Yeah. I don't have a calendar in front of me. It sounds right, though.

CHAIRMAN LOGUE: At this point can I have a motion to adjourn this public hearing until the next meeting, --

MS. LANZETTA: I'll make that motion.

CHAIRMAN LOGUE: -- July 6th?

MR. TRUNCALI: I'll second.

CHAIRMAN LOGUE: Joel will second. All in favor?

MR. TRAPANI: Aye.

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MR. TRUNCALI: Aye.

MS. LANZETTA: Aye.

CHAIRMAN LOGUE: Aye.

Thank you very much.

MS. NASON: Thank you.

(Time noted: 8:36 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: June 11, 2015

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

----- X
In the Matter of

N&A DEVELOPMENT

Project No. 15-8003
Summit Drive
Section 108.4; Block 6; Lot 29.310

----- X

SKETCH
FIVE-LOT SUBDIVISION

Date: June 1, 2015
Time: 8:37 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: MICHAEL LOGUE, Chairman
BEN TRAPANI
JOEL TRUNCALI
CINDY LANZETTA

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY WILKLOW

APPLICANT'S REPRESENTATIVE: ROBERT JAMES

----- X

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

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CHAIRMAN LOGUE: Next up is N&A Development, sketch.

Gentlemen, how are you?

MR. JAMES: Good. So we have a revision. It isn't dated.

CHAIRMAN LOGUE: Folks, can we move this out into the hallway, please.

MR. JAMES: So the main revision that we've done since the last meeting was to go to sanitary sewer, central sewer. We've done soil testing, percolation and deep hole testing, and we found that the soils are kind of heavy and require a fairly large footprint for septic systems. Although we think we could get them on there, we feel like it's a better option to go with the municipal sewer since it's nearby and can be incorporated into the project.

Essentially that's the major change. I think we'll be coming forward to -- moving forward with the sewer extensions.

MR. HINES: Is this parcel in the sewer district?

MR. GALLELA: No, it's not.

MR. HINES: You have to go through the

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Town Board as well. The sewer extension will require DEC approval for that extension as well as Town Board approval.

MR. GALLELA: It is in the water district, though.

CHAIRMAN LOGUE: Would you like to review your comments at this point?

MR. HINES: Our first comment is any future submissions are going to have to bear the stamp of a New York State design professional. The map will have to meet the requirements of that.

Lot 6 of the previous Summit Drive subdivision is also a lot line change, so the information regarding that will need to be incorporated on there, the lot line revision metes and bounds and such.

The water department's comments on the length of the laterals. It's shown as a hundred feet long. There may be need to upsize those and run that through the water superintendent.

We'll need a design of the private roadway in compliance with the Town of Marlborough road specifications.

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A private access and maintenance agreement will need to be submitted to Ron's office.

There's a stormwater closed pipe drainage system collecting water from the private roadway that's discharging on lot 3. The ultimate discharge location for that will have to be reviewed to make sure it's not impacting the down gradient properties. There will be a need for some sort of a level spreader to return that back to sheet flow.

This map was apparently utilized for another subdivision. There's things to be added and other things. It needs to be cleaned up.

The limits of disturbance and grading for the individual lots need to be shown. It's residential, it's one to five acres. It just needs a soil erosion and sediment control plan.

This exceeds five acres of disturbance. There will be a need for a stormwater pollution prevention plan to be prepared.

The grading that's shown on the proposed lot 5 drops off. Access to Grant Street, it doesn't continue. We'll have to see

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how that grading works to get that driveway in there. The maximum is fourteen percent grade.

I think there's quite a bit of work to do. We would be looking for a map submitted by the applicant's consultant in the future.

CHAIRMAN LOGUE: Any questions or comments from the Board?

MS. LANZETTA: I just have one question. The private road off of Summit Drive, you've got driveway, road, driveway. Do we have anything in our regulations that says how much impervious surface can be --

MR. HINES: We don't. We'll refer it to the highway superintendent once it gets further in the design. Often times they may have concerns of plowing snow in the cul-de-sac. It's a challenge for the highway department guys anyway. The commonsense is to push the snow straight through where the private road is located. We're probably going to hear from the homeowners on Summit Drive who bought houses on a cul-de-sac who will be surprised there's a private road extension. It's not prohibited by your ordinance but it's probably going to need a public hearing

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to be addressed.

 This is a better alternative than the
twenty-two multi-family that was proposed off
there two months ago. It's certainly less impact
on the neighborhood to have five single-family
houses than the multi-family unit that was
previously proposed.

 CHAIRMAN LOGUE: Okay. Are you
gentlemen all set?

 MR. JAMES: We're all set.

 CHAIRMAN LOGUE: Thank you.

 MR. JAMES: Thank you.

 (Time noted: 8:43 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: June 12, 2015

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

----- X
In the Matter of

CLARA WERBA TRUST

Project No. 15-8005
357 Old Indian Road
Section 102.4; Block 3; Lots 3.100 & 3.200

----- X

SKETCH
LOT LINE REVISION

Date: June 1, 2015
Time: 8:43 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: MICHAEL LOGUE, Chairman
BEN TRAPANI
JOEL TRUNCALI
CINDY LANZETTA

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY WILKLOW

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

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CHAIRMAN LOGUE: Next up, Clara Werba Trust, sketch.

MS. BROOKS: The proposal before you is a lot line revision, which is the distribution of the land of Clara Werba. She had set up a trust prior -- while she was still alive stating her desire of how she wanted her property split after she passed.

The only issue that we have been grappling with was whether or not to do it as a subdivision or to do it as a lot line revision.

Michael, the son who is going to be distributee of the final lot number 1, has determined that he would like to have the 34.6 acres added to his existing house lot as he has no plans to improve it at this point in time. For tax purposes and so forth it just makes more sense to add it to his existing parcel. William will have the remaining land, which will be the homestead parcel of 3.35 acres on the northerly side of the road and the farmlands on the southerly side of the road, totaling 46.55 acres.

I'm glad my first one back is a simple one.

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CHAIRMAN LOGUE: So the one brother is taking the farmhouse and the --

MS. BROOKS: Yes.

CHAIRMAN LOGUE: -- other brother is going to take where his log cabin is?

MS. BROOKS: And to the west. Yup.

MR. TRAPANI: Mike is keeping all the property on the south side of the road?

MS. BROOKS: Mike is keeping the easterly 35 acres on the south side of the road. Bill is getting the barn, the shed, the pond, where he has his helicopter parked. He's been utilizing that property.

MR. HINES: It's pretty straightforward. The first comment we were just discussing is there's a stone line ditch across from the parcel. We're suggest an easement be provided for that --

MS. BROOKS: Yes.

MR. HINES: -- so that no one cuts that off.

I didn't understand the easement located in the center there, the 25 foot right-of-way. It looks like it goes a couple

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hundred feet and doesn't go anywhere.

MS. BROOKS: Yeah. Actually, the 25 foot easement, the whole purpose of that easement, because Michael -- we don't show all of the interior roadways, but Michael has plenty of access on his property to get up to that point in the roadway and he didn't want to have the burden of helping to maintain it because he doesn't really use it. So from Old Indian Road to the commencement of the northerly bounds of that 25 foot right-of-way will only be used by William. The whole purpose of having the right-of-way in the location that we did is so that Michael doesn't have to construct a new culvert and he will be able to cross the roadway.

MR. HINES: Got you. Okay.

MS. BROOKS: So there is a logic. So Michael does not have to put another stream crossing in. He didn't want to have to maintain this entire stretch where it primarily benefits William when he can go anywhere from his property and get to this point.

MR. HINES: It just says 25 foot but it's really 15.

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MS. BROOKS: Yeah. It's 25 in here. We show that area as 25 and that's the area that's 15.

MR. HINES: We're just suggesting that doesn't say 15.

MS. BROOKS: I hear you. Yup.

MR. HINES: It has enough information to schedule it for a public hearing.

CHAIRMAN LOGUE: Okay.

MS. BROOKS: Did the Board catch that, what the concern of Pat was?

CHAIRMAN LOGUE: Yes.

MS. BROOKS: I was pointing to him and I didn't show you.

CHAIRMAN LOGUE: Any comments or questions?

MS. BROOKS: What was your first issue?

MR. HINES: The drainage easement down on the bottom.

MS. BROOKS: Thank you.

CHAIRMAN LOGUE: So we can entertain a motion for a public hearing on July 6th.

MR. TRAPANI: I'll make that motion.

CHAIRMAN LOGUE: A second?

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MR. TRUNCALI: I'll second it.

MS. LANZETTA: Could we make sure --
make a note that we have this before to have it
in front of people so they can get their public
hearing first.

MS. BROOKS: When do we celebrate the
Fourth of July holiday?

MS. WILKLOW: That's going to be
Friday.

MS. LANZETTA: Make sure Kathi puts it
on the public hearing before that one.

MS. BROOKS: Thank you.

CHAIRMAN LOGUE: All in favor on that
motion?

MR. TRAPANI: Aye.

MR. TRUNCALI: Aye.

MS. LANZETTA: Aye.

CHAIRMAN LOGUE: Aye. So carried.

MS. BROOKS: Thank you very much.

CHAIRMAN LOGUE: Motion to close the
meeting.

MS. LANZETTA: I'll make a motion to
close the meeting.

MR. TRUNCALI: Second.

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CHAIRMAN LOGUE: All in favor?

MR. TRAPANI: Aye.

MR. TRUNCALI: Aye.

MS. LANZETTA: Aye.

CHAIRMAN LOGUE: Aye.

(Time noted: 8:49 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: June 12, 2015