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

----- X

In the Matter of

OSBORN/WAGNER

Project No. 14-7004  
Wyms Heights & Prospect Street  
Section 108.2; Block 4; Lots 26.1, 27.1 & 35

----- X

PUBLIC HEARING  
LOT LINE REVISION

Date: April 7, 2014  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
1650 Route 9W  
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman  
CHRISTOPHER BRAND  
BEN TRAPANI  
FRANK RICCIARDONE  
MICHAEL LOGUE  
JOEL TRUNCALI

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

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OSBORN/WAGNER

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CHAIRMAN PORCO: If we could all  
rise for the Pledge to the flag and to call  
the meeting to order.

(Pledge of Allegiance.)

CHAIRMAN PORCO: Thank you.

Joel, if you'll read the agenda for the  
minutes.

MR. TRUNCALI: Agenda, Town of  
Marlborough Planning Board, April 7, 2014.  
Regular meeting 7:30 p.m. Approval of  
stenographic minutes for 1/21, 2/3 and 3/3/14.  
Osborn/Wagner, public hearing, lot line revision;  
New Cingular Wireless, public hearing, site plan;  
Cerone/Truncali, extension, two-lot subdivision;  
Katelyn & Wade Davis, sketch, lot line revision;  
Copart Yard 24, sketch, amended site plan; Kedem  
Winery, sketch, amended site plan. Next deadline  
is Friday, April 11th. Next scheduled meeting is  
Monday, April 21st.

CHAIRMAN PORCO: Okay. The minutes from  
January 21st, we have not had an opportunity to  
approve those but we have had the opportunity to  
review them. Any changes to those, comments?

(No response.)

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OSBORN/WAGNER

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CHAIRMAN PORCO: A motion to approve those minutes.

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

CHAIRMAN PORCO: Mike. A second?

MR. BRAND: I'll second.

CHAIRMAN PORCO: Chris. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The minutes from February 3rd, any changes, corrections?

(No response.)

CHAIRMAN PORCO: If not, a motion to approve those.

MR. RICCIARDONE: I'll make that motion.

CHAIRMAN PORCO: Frank.

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MR. LOGUE: I'll second.

CHAIRMAN PORCO: A second by Mike. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: You may not have had a chance to review the minutes from March 30th, so we'll table those until the next meeting.

First on the agenda is a public hearing, Osborn/Wagner, a public hearing on a lot line revision.

MR. TRUNCALI: "Legal notice, lot line revision application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act and the Town of Marlborough Town Code Section 134-33 on Monday, April 7, 2014 for the following application: Osborn/Wagner lot line

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revision, at the Town Hall, 1650 Route 9W, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is seeking approval of a lot line revision for lands located at Wyms Heights and Prospect Street, Marlboro, New York, Section 108.2, Block 4, Lot 26.1/27.1/35. Any interested parties either for or against this application will have an opportunity to be heard at this time. Joseph Porco, Chairman, Town of Marlborough Planning Board."

MS. BROOKS: Twelve certified letters were mailed out and twelve certified letters were returned.

Do you want me to make a spiel?

CHAIRMAN PORCO: Yeah, you can do that.

MS. BROOKS: The application before the Board is to take an existing 13.36 acre parcel of land with road frontage on Prospect Street and combine it with two lots with road frontage off Wyms Heights. There will be one consolidated parcel of 17.54 acres.

The two lots on Wyms Heights were separated from lands of Pomarico back in 2009.

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OSBORN/WAGNER

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All of them are owned by Steven Osborn and Kimberly Wagner. We need to do a formal lot line revision because these are lots that were previously shown on a filed subdivision map and therefore the lot consolidation requires approval from the Planning Board.

CHAIRMAN PORCO: This is a public hearing. If anyone has any questions on this particular application, now would be the time to address the Board. Just give us your name for the record.

(No response.)

CHAIRMAN PORCO: Pat?

MR. HINES: We have no outstanding comments on this lot consolidation.

CHAIRMAN PORCO: I'm sorry.

MS. FORMICHELLI: Is the purpose --

CHAIRMAN PORCO: Can you just give your name to the Stenographer?

MS. FORMICHELLI: Absolutely. It's Ethel Formichelli. Does the purpose of the lot revision have anything to do with the cell tower? For an access road, parking lot, anything like that?

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MS. BROOKS: No. It's not the same parcel.

MS. FORMICHELLI: I know it's not the same parcel. It would connect to the larger proposal it's proposed to be on.

MR. HINES: Even the larger parcel is not the same parcel.

MS. FORMICHELLI: Okay.

MR. HINES: Same owners, different parcels.

CHAIRMAN PORCO: Any other questions so far?

MR. MacFARLAND: Dale MacFarland, 7 Wyms Heights. I'm just curious what's going to take place in my backyard basically, as far as clearing, et cetera, and what I'm going to be looking at out my back door?

MS. BROOKS: The application before the Board is simply for a lot line consolidation. There are no proposed uses that require site plan approvals. I am not aware of any proposals that the applicant has at this point in time. This is just a lot consolidation. So anything that requires a permit, obviously the applicants would

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need to come back before this Board for approval or go to the building inspector, whatever was being proposed, whatever permit process that required. But I'm not aware of anything at this point.

CHAIRMAN PORCO: Yes, sir.

MR. GARAFALO: James Garafalo, 3 Young Avenue. I'd just like to make some suggestions to the Planning Board. One, on the agenda it is published and put up on the website. Rather than use PH, spell it out, public hearing, so the people know exactly what it is.

And then under the names, describe specifically what's being done, whether it's a building or a lot line revision or something there so people have an idea.

The third suggestion that I would like to make is that maybe before the meeting you could put up on a board the plan so the public would have a chance to come and look at it and get an idea of exactly what's going on, because it's not really terribly convenient at this point to have to go up and look at it even though it's been explained. Thank you.



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CHAIRMAN PORCO: Your last suggestion we might be able to take into consideration. The Planning Board doesn't put anything on the website. I think that's done through the Town Board. I'm not aware of anybody here that puts stuff on the website.

Are you?

MS. BROOKS: And the maps are submitted to the Town two weeks before the actual meeting takes place and they are available for viewing during regular business hours. So that doesn't exactly address the question you had. I know that some towns actually post them for a certain period of time before the meeting, which is very helpful.

MR. GARAFALLO: It might be helpful to put that on the website or for the Planning Board to ask the Town Board to please don't use the abbreviation and please put some more information on there, you know. This isn't -- this particular one doesn't involve me but I think -- in all future cases I think it's good to inform the public as much as possible what's going on so that you don't get complaints later on what

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OSBORN/WAGNER

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happened here because I never heard of this.  
Thank you.

CHAIRMAN PORCO: Thank you.

MS. RELYEA: My name is Jacqueline Relyea, I live on Ridge Road, 44 Ridge Road. I have a question. I guess we reserve the right to ask more about the lot line revision, because if you look at the section and the block of the lot line revision case and the cell tower case, we notice they're on the same section and block. I don't understand why you need a lot line revision. I really don't know what that involves or why you would be requesting that. We're just concerned about what that would mean for the property in the area.

MS. BROOKS: I honestly don't know anything about the cell tower property. I can not speak to that at all. What I can tell you is that the applicant contacted me three or four months ago, said I own three contiguous parcels of land, I'd like to consolidate them. Generally speaking, the primary reason for doing that is tax assessment purposes, because when you own three separate lots, each one of them right now is

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considered to be a building lot and therefore the assessed value of each lot is independently higher. When you consolidate them, then you only have one building lot with accessory acreage. So the purpose of this lot line revision is to consolidate them which will reduce the tax burden but also take away the ability to construct on three individual lots. So instead of having three individual lots, the landowner will only have one lot on which they can obtain a building permit.

MS. RELYEA: Thanks.

MS. BROOKS: So I don't know if I addressed the question.

MS. RELYEA: Well now with the new lot, could you just repeat the amount of acreage that you're referring to?

MS. BROOKS: 17.54 acres. So before it was a 2 acre lot, a 2.14 acre lot and a 13.36 acre lot. So there were three separate building lots. They've now been consolidated into one.

MS. RELYEA: Okay. All right. Thank you.

CHAIRMAN PORCO: Thank you.

MS. BROOKS: And there's already a

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OSBORN/WAGNER

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house on the original lot.

CHAIRMAN PORCO: Any other questions so far from the public?

(No response.)

CHAIRMAN PORCO: Any questions from the Board?

(No response.)

CHAIRMAN PORCO: If there's no further questions from the public on this application, the Board can entertain a motion to close the public hearing.

MR. BRAND: I'll make that motion.

CHAIRMAN PORCO: Chris.

MR. TRAPANI: I'll second it.

CHAIRMAN PORCO: And Ben. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

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CHAIRMAN PORCO: Your engineer has recommended a negative declaration on this application. Unless there's any objection from the Board, we can issue a negative declaration.

MR. RICCIARDONE: I'll make a motion for a negative dec on this application.

CHAIRMAN PORCO: Frank. A second?

MR. LOGUE: I'll second that.

CHAIRMAN PORCO: And Mike. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried. Unless there's any further questions from the Board, we can entertain a motion for a lot line revision.

MR. RICCIARDONE: I'll make that motion for a lot line revision.

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CHAIRMAN PORCO: Frank.

MR. TRUNCALI: I'll second.

CHAIRMAN PORCO: And Joel seconded. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried. There's no need for rec fees?

MS. BROOKS: No rec fees.

Thank you very much.

(Time noted: 7:42 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.

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DATED: April 23, 2014

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

----- X

In the Matter of

NEW CINGULAR WIRELESS, PC, LLC

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

----- X

PUBLIC HEARING  
SITE PLAN

Date: April 7, 2014  
Time: 7:42 p.m.  
Place: Town of Marlborough  
Town Hall  
1650 Route 9W  
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman  
CHRISTOPHER BRAND  
BEN TRAPANI  
FRANK RICCIARDONE  
MICHAEL LOGUE  
JOEL TRUNCALI

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

APPLICANT'S REPRESENTATIVE: DONALD ROSS

----- X

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



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CHAIRMAN PORCO: Next is a public hearing on a site plan for New Cingular Wireless.

MR. TRUNCALI: "Legal notice, Town of Marlborough, 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 Section 152-17 on April 7, 2014 for the following application: New Cingular Wireless, PC, LLC, at the Town Hall, 1650 Route 9W, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is asking for a special permit approval of the telecommunications tower on lands located at 10 Ann Kaley Road -- Lane, excuse me, Marlboro, New York 12542, Section 108.2, Block 4, Lot 43.410. Any interested parties either for or against this proposal will have an opportunity to be heard at this time. Joseph Porco, Chairman, Town of Marlborough planning Board."

CHAIRMAN PORCO: How many notices were sent out?

MR. ROSS: Did you provide the notices?

MS. TERRY: They've already been sent.

MR. ROSS: You received the receipts

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back?

Why don't we do this. I took care of the photo sims. We have the copies of the certified receipts and the affidavit of mailing.

Do you have originals?

MS. TERRY: Not with me.

CHAIRMAN PORCO: I need those for the file.

MS. TERRY: I'll get them to you tomorrow. I have copies of them all.

CHAIRMAN PORCO: I also need to know how many were sent out and how many were returned.

MS. TERRY: I do have a complete XL sheet of all of them that were sent out, and we did receive them all back.

MR. RICCIARDONE: Do you know how many went out?

MR. ROSS: I counted thirty-one back.

MS. TERRY: We got additional ones back in the last week.

MR. ROSS: Since?

MS. TERRY: They all did come back.

MR. ROSS: How many came back?

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This is all the ones we received back as of Friday. The photo simulations are in here as well.

MS. TERRY: Thirty-seven of them. Thirty-seven sent, thirty-seven returned.

CHAIRMAN PORCO: And all thirty-seven were returned?

MS. TERRY: Yes.

CHAIRMAN PORCO: And can you just give the Stenographer your names?

MS. TERRY: Marianne Terry.

MR. ROSS: I'm Don Ross, I'm an attorney from Phillips, Lytle in Albany, New York. That's Marianne Terry from -- not A-E-R-O Smith -- A-I-R-O Smith Development.

MS. TERRY: Yes.

MR. ROSS: Thank you all for having us back. Obviously we were here at the meeting on March 17th. Two things have happened since then of pretty significant importance. One is that the balloon test and photo -- the balloon test took place on March 22nd from 10 to 2. At the Board's suggestion we took photo simulations from the four locations that were suggested, and we also

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took it --

UNIDENTIFIED SPEAKER: Can you speak up louder, please? We can't hear you back here.

MR. ROSS: Sure. We took twenty-six pictures total, four of which were taken at the suggestion of the Board, twenty-two of which our consultant took additional pictures from public roads and historic sites. I've provided eleven copies of the results of that including the visual assessment here.

The bottom line is of the four sites that the Town asked us to look at -- the Board asked us to look at, the tower was visible from one of those sites, and I'll show you pictures of that in a sec.

We've also provided the map and all the publication and receipts of the notices and the affidavit that the notice of the hearing was published in The Southern Ulster Times and The Times Herald Record.

Also important since then, the Board had asked us to look into discussions with the school district. At the last meeting we were told that you had reached out to the school district

1 and they were in fact interested. Since then we  
2 have had discussions with the school district.  
3 It's my understanding that they have been given a  
4 proposal and that at their meeting on the 3rd, on  
5 Thursday night, the board directed the  
6 superintendent and the director of finance to  
7 have further discussions with us. So there are  
8 going to be obviously some discussions with the  
9 school district on locating on one of the two --  
10 we have to certainly rule out, or rule in as the  
11 case may be, the possibility of locating at the  
12 middle school or the high school. How those  
13 discussions go is going to be a business issue  
14 and technical issue. We have to come to a meeting  
15 of the minds with the school on the business  
16 terms, and then there's going to have to be a  
17 discussion with them in terms of constructability  
18 and engineering issues, whether there's going to  
19 be a site that's adequate to hold a tower and  
20 whether that's going to work from the standpoint  
21 of RF engineers, whether they're going to be able  
22 to say yes, it's going to cover the coverage gap.  
23 I know for the members of the public I'll address  
24 the coverage gap in a second. You guys are  
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familiar what we talked about two meetings ago about the need to fill the coverage gap. One of two things will happen. It's going to work at the school district or it's not going to work at one of the school buildings. The bottom line is what you have in terms of an analysis needs to be strengthened in terms of the alternatives. We need to be able to vet out to you that we've considered all the alternatives. As you pointed out, the school district needed to be contacted, and that contact has taken place.

CHAIRMAN PORCO: Okay. This is a public hearing, so obviously I'm going to take comments. Please one at a time. Just give your name.

MR. HINES: I think they have more of a presentation. We better show them the coverage maps.

MR. ROSS: I'll be quick on this.

CHAIRMAN PORCO: I thought you were done. I'm sorry.

MS. ROSS: That's okay.

This is what they call a coverage map. It's put together by AT&T's engineers and it basically says look, people in the areas in the

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pink or the red do not have adequate in-building or in-car signal.

This is the site of the proposed tower at Ann Kaley Lane. Just to give you an orientation, there's no labeling on this, you have Route 9W here, you've got Western Avenue and Plattekill Road here, you've got Lattintown Road here and you've got Ridge Road running along here. This is obviously Ann Kaley Lane running off of Prospect Street. You have the middle school over here and you have the high school in this neck of the woods over here.

So when you see yellow and green, that means you want -- those are areas that have strong or good coverage. That means when you're in your house you're going to be able to use your 4G smart phone and internet, you're going to have adequate voice coverage. When you're in the yellow and green you're going to have adequate coverage in your car. When you see something like this dark blue here, that means you've basically got a dead spot. Anything that's in red or pink is the area that you want to try to cover. So that's along here, along Western Avenue, along

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Plattekill and up along here. You want to try to turn this, as much as possible, a gap from red and pink to yellow and green.

How do we propose to do that. We propose a 150 foot tall monopole. Many of you have probably seen monopoles. I guess the best way you can describe the way they look is functional. They typically have nine panel antennas. This would have nine panel antennas. The antennas would be designed to fill these coverage gaps. I'll show you the picture. If anybody wants to pass this around you can. This is not the biggest picture and it's not going to be seen by the vast majority of folks in the room. This is the result of the -- this is the one place in the areas that the Board asked us to look where the tower was going to be visible, and that's from the Wyms Heights location, if I say it correctly. You had asked us to take a look at that among the three other sites. If you want to pass that around, just get a sense of what the tower actually looks like.

How do we come to a conclusion on how the tower looks. What you do is when you have



1  
2 these balloon tests, you float a three-foot  
3 diameter balloon at the height of the tower and  
4 then the consultants for AT&T put together a  
5 Photoshop simulation of what the tower would look  
6 like if it was superimposed on the site where the  
7 balloon was. That gives you a sense of what the  
8 tower looks like in a real world sense rather  
9 than just looking at a drawing.

10 MR. BRAND: That location was the only  
11 place --

12 MR. ROSS: That was the only place of  
13 the places that you had asked us to look at. We  
14 did twenty-six total simulations and photo snaps,  
15 and it was visible or partially visible from six  
16 locations.

17 I'll make my way down here. This is not  
18 the ideal shot but I was not able to get these  
19 blown up in time for the meeting. If you want me  
20 to get these blown up for the next meeting, I can  
21 do that too.

22 This is another shot the Board asked us  
23 to look at coming up Ridge Road. It's not visible  
24 there because of the differences in vegetation.  
25 All this is in the handout.

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MR. BRAND: I'll pass it back.

MR. ROSS: If you want to pass it back, that is fine. There's like twenty of these. I don't know how much in terms of paper -- I'll just keep bringing them out.

This is another predetermined location on Route 9W at the ambulance building location. It's about one-and-a-quarter miles away as the crow flies from the proposed tower site. Because of the topography and the vegetation, you can't see it from that location.

We were also asked to look at a site by the Board on the top of the hill on Western Avenue to the south or southwest of the site. It's about a quarter mile as the crow flies from the site. Because of the vegetation you wouldn't be able to see the tower.

Now, I have to say if things come back positive with the school district in terms of if they want to work with us and from a constructability point of view it's going to work, we're probably going to have to do simulations from the school district.

MR. HINES: You absolutely will.

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MR. ROSS: It's a figure of speech. But the fact of the matter is that we obviously aren't looking at the last word. The Board asked us, based upon what we presented at the last meeting, to provide some sort of photo sims at certain locations.

Obviously this is -- we took one from the side of the driveway at the Stoutridge Winery which is the general parcel where this is going to be sited. You can obviously see it if you're standing to the side of this -- you can see to the west of the location.

We also took another shot on County Road 14A which I think is also Western Avenue. It continues northwest.

MR. HINES: You submitted these all to the Board and they'll be part of the record.

MR. ROSS: I'm just kind of passing it around for the public's benefit, to the extent they aren't on the floor.

The bottom line is that there is visibility -- there is visibility from the most sensitive sites in the Town for the historical or cultural resources. That's for the 150 foot

1  
2 monopole to be located on Ann Kaley Lane. In the  
3 interim, since we last met with you, there's been  
4 additional discussions taking place with the  
5 school board. Whether it's going to be at the  
6 middle school or the high school I couldn't tell  
7 you. That's going to have to be vetted out in the  
8 discussion between our folks and their folks.  
9 That's going to hopefully bear some fruit in time  
10 for either the next meeting or the meeting after  
11 that. That will be something we'll have to  
12 consider. One of two things is going to happen.  
13 Either it works and we have to withdraw this  
14 application, perhaps, and move forward with that  
15 site or we have to provide to you and rule out a  
16 better job of --

17 CHAIRMAN PORCO: Can I have it quiet  
18 out there, guys.

19 MR. ROSS: Just do a better job of  
20 ruling out what the alternatives that we've  
21 considered have been, because obviously, as was  
22 pointed out by you, the Members of the Board, we  
23 need to do a better job of that.

24 CHAIRMAN PORCO: Anything else?

25 MR. ROSS: I don't have anything else.

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If the public has questions.

CHAIRMAN PORCO: I'm sure there is.

Yes. Chief, give your name for the Stenographer.

MR. TRONCILITTO: Bobby Troncilitto, Chief of Marlboro Fire. You showed a coverage where it's bad. Do you have an overlay of what the improvements would be? That would be nice to see .

MR. ROSS: Do you mind if I --

CHAIRMAN PORCO: Go ahead.

MR. ROSS: I don't know if the questions are directed at us or you. I just want to --

CHAIRMAN PORCO: They're going to be directed at you.

MR. ROSS: I just want to make sure I observe the formalities, Mr. Chair. Some boards don't like it when I start answering questions without speaking --

CHAIRMAN PORCO: That's all right.

MR. ROSS: All right. This is a coverage map. Let's just assume for the sake of argument this thing gets built out at 150 feet as

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approved. I identified the gaps in coverage, what they were. When you see green and yellow, that's good or better. That means it's ideal coverage for both in-building and in-car, especially in-building which is really where AT&T is trying to move it because everybody has these smart phones saying I want to be able to do things on my iPad in my house. Where you had all these dead spots along Plattekill, along Western, along this part of Lattintown and over here where the high school is, you still have -- you have slightly improved coverage. It's not ideal but it's definitely improved. Over here at the middle school you're going to have a full yellow zone. That's negative 75. Negative 75 is a measurement of dba. Basically what it says is when it's green and yellow it can go through modern construction, masonry and brick and so on. Modern day suburban construction. When you're in your car, when you have 75 you're going to have a full set of bars. You're not going to have anything cutting out on you when you're driving. In other words, this fills the gap.

MS. LANZETTA: My name is Cindy

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Lanzetta. First of all, I'm wondering is this -- are the Planning Board meetings still filmed and put on public access so that people can see them?

MR. HINES: Not for years.

MS. LANZETTA: Not for years? Okay.

MR. ROSS: I'm all dressed up, too.

Sorry. This is a new tie.

MS. LANZETTA: I just have a comment that I'd like to read and submit for the public record. The Town Code Section 152-7 B is very specific on the siting of cell towers in the Town of Marlborough. This code should come as no surprise to the applicants as it is a boilerplate law suggested by the State of New York for incorporation into all the town codes. AT&T and it's agents know the proper procedure and the need to establish clear records in order to follow the law. Based on the lack of records I believe that this has not been done in this case. The written explanation as to the choice of site done by acquisition specialist Marianne Terry is woefully inadequate. According to her document, she came to her conclusion to site the cell tower on the private lands of the town official based

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on conversations and assumptions. There is also no record of an evaluation of the economic impacts to the taxpayers of siting the cell tower on private lands versus the preferred public choice. It is my hope that the Town Planning Board will find this application incomplete and the public hearing will be held open until the required reasoned explanation, backed by sufficient records and detail, will be presented as to why the cell tower can not be sited on public lands. Only then will the Planning Board have the information on which to make a decision in the best interest of the public's health, safety and welfare. Thank you.

CHAIRMAN PORCO: Thank you.

I see a hand. Yes, sir.

MR. MANION: Jim Manion, Western Avenue. I think there's an obvious need for this tower, but I think the prime objective from our perspective is that it should be on municipal property -- that means town and school of course -- for obvious reasons. I accept the less than perfect criteria as determined by the carrier. If it's 90 percent less effective, maybe that's the



1  
2 way it has to be. The prime objective is for the  
3 Town to benefit financially, among other things.  
4 So I don't feel this is a reactionary statement.  
5 I think it's what's best for us. I don't think  
6 that what is best for the Town and for the  
7 carrier are mutually exclusive. So I think  
8 further negotiations are in order. I'm delighted  
9 to hear that maybe the school is coming to the  
10 fore. Thank you.

11 CHAIRMAN PORCO: Thank you.

12 MR. LOGUE: Thank you.

13 CHAIRMAN PORCO: Other questions,  
14 comments? Yes, sir.

15 MR. GARAFALO: James Garafalo. A couple  
16 of different things. One thing is I hope the  
17 Board will consider the co-location criteria and  
18 any findings they do, define what can and can't  
19 be added before they have to come back to you. I  
20 think that's very important. I think cell towers  
21 are critical to our health services because  
22 people can call in emergencies, et cetera. And  
23 it is important I think to have good cell  
24 service. So I think in general, you know, this is  
25 something that the Town wants to have, it's just

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a question of where it should be and how it should look. I certainly would like to see maybe that report put in the library and made accessible to the public so they can come back, maybe at another public hearing, and be able to respond to it.

I don't know as if they've looked into any possibilities of alternative designs. I don't particularly like the tree design but there are certainly other designs, sculptures, et cetera, that can hide towers. I think that maybe some thought could be put into such designs. Certainly on some of the buildings they can make them almost invisible. I'm not sure if you can co-locate them with the police cell towers, but if you can I think that's something to consider. I don't know if the Town is going to move it with this shifting of the town hall, if that's one of the things that may end up getting moved or not, but I think that should be -- should be looked into. So I think these are things that I hope the Board will consider.

Also, the Hudson River is a critical environmental area I believe. I don't know if

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the pictures from the Hudson, whether you can see it, or areas across the Hudson as to whether or not you can see this, but I think that that should be something that should be looked into because that's a resource for the entire State and we don't want to mess that up for them. We don't want them pointing and saying look at that eyesore from the Hudson. I don't know if you can or can't see that. I don't know if that was looked at. I hope that report may answer that question.

I certainly hope we will get better cell service in the Town. Thank you.

CHAIRMAN PORCO: Thank you.

Yes, sir.

MR. ROSS: Can I respond? I had a positive response to that comment. I was just going to say if you need -- can give us the information about the police or any other Town-owned structures so we can at least evaluate that, we'd be happy to do that.

CHAIRMAN PORCO: Sure.

MR. ROSS: As to the stealth design, I guess I leave that to you. If you want to have

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that considered, we'll give that a go obviously.

CHAIRMAN PORCO: Okay. Very good.

MR. DOLSON: Mike Dolson, Lattintown Road, Marlborough. I have a question in regards to the mono tower. You mentioned a height of 150 feet. Can that height be adjusted to suit the specific application it's meant for, either raised or lowered?

MR. ROSS: Well, to answer the first part of your question, it is adjusted so that -- it's designed so that we're at the top. In other words, we'd be at -- the top of the R antennas would be at 150 feet, the bottom would be at 142. So the center line of the antenna is 146. If the question is could it be at a lower height, then if the Board so directs we can certainly give consideration to that issue. I can't say no and I can't say yes because I think we'd have to make sure it fits our coverage objectives. It's not as a matter of principle, just of course not it has to be 150 feet.

MR. DOLSON: I'm just talking about the article in The Southern Ulster Times. It said that certain locations were not considered

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because of height considerations. I'm just basically curious if the heights could be raised or lowered for whatever specific place it had to be.

MR. HINES: They are.

MR. ROSS: To answer your question is that the height that was considered, the 150 feet, is considered the optimal to fill this area. There's obviously going to be certain locations because of topography and because of vegetation and because of trees. The stuff needs to get better vetted out for the public, let's be clear. Locations are ruled in or ruled out because of heights and topography. What you're saying is could be it be higher to serve a larger area or made lower to serve the same area without being -- without an aesthetic issue?

MR. DOLSON: Raised or lowered to move to other locations is more the point.

MR. ROSS: In other words, if it was, for example, located at the middle school or high school would it be different. That may be very well possible. I think that's a question that we have to sort of go back and chew on.

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MR. BRAND: Is 150 a standard? Is that something that's typical?

MR. ROSS: I would say it's about average. I don't think -- I wouldn't call it standard. I think it's not uncommon in upstate New York anyhow.

MR. HINES: The Planning Board has retained a consultant to review the information submitted. One of the actions they're reviewing is the tower height, whether it could be higher or lower to provide that optimum coverage. It's kind of a balance between the coverage maps and how high it is. Certainly the higher the better for the carrier, but there's a cost benefit and a coverage for those heights. That's one of the things that the Town's wireless consultant is reviewing in the application.

MR. ROSS: There's also an aesthetic consideration. We don't want to make it too high. Ideally this is a site that's pretty well screened, however, obviously as you can see from our analysis, you can see it from a handful of places in the Town. The taller it is the more people are going to see it.

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MR. HINES: To answer your question, that's one of the things the Planning Board's wireless consultant is evaluating as part of the review.

MR. DOLSON: Thank you.

CHAIRMAN PORCO: Yes, ma'am. Your name?

MS. FORMICHELLI: Ethel Formichelli. You've obviously spent a lot of time on the presentation, the investigation, seeing where the coverage would be. I'm curious as to why we're spending so much time and money on one site when the school board hasn't been addressed, other public places owned by the Town haven't been addressed. Is that part of the normal practice and when is it and who did you address when bringing this to -- did you bring it to the Town, to the Planning Board, did you do a test? How did you come up with this site?

MR. ROSS: I think the -- I think we need to do a little bit more due diligence. I understand what you're saying, why are we even sitting and talking about this when there's more work to be done.

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MS. FORMICHELLI: It just seems like a lot of money and effort, we've hired a consultant, all these things, to review something that obviously hasn't been done thoroughly.

MR. HINES: The consultant is being paid for by the applicant actually through an escrow. It's not taxpayers.

MS. FORMICHELLI: That's fine. I don't care who is paying for it. I hate to see somebody waste money on something that hasn't been thoroughly explored.

CHAIRMAN PORCO: The applicant first went to the building department, code enforcement officer for specific areas, then, if they are interested, they need to fill out an application, come before the Planning Board. The Planning Board gathers the information, and this process is part of gathering that information. So I know the application was submitted. We're not done yet.

MS. FORMICHELLI: I know, but I guess --

CHAIRMAN PORCO: The Board is not satisfied.



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MS. FORMICHELLI: I guess my more specific question would be is this something that the cell company came to the Town about or is this something that the applicant went to the cell company about?

MR. ROSS: We are the applicant, so we came to the Planning Board.

MS. FORMICHELLI: Okay. So you did some sort of testing on the Town of Marlborough to see what the prime locations are?

MR. ROSS: There were already results that showed there was coverage gap. What we have to do is figure out the best way to fill that gap. What we do when we come before boards and before the public, we claim to have all the answers, and a lot of times we do. That doesn't mean the people in the Town don't know their own town best. We always say to the Planning Board are there any other questions or considerations, see what we presented, what's the -- what else. Is there something we're not seeing here. One of the members of the Board said well what's the deal with the school district. You guys need to give these guys a call. That was two weeks ago.

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That call was made and those discussions have taken place. Would it have been great if they had taken place earlier? Probably. We don't live in a perfect world and we got the information we needed.

What we hope to achieve tonight, obviously the public is getting some information about where we're going and the public will have more information as we get it. We also conducted the balloon test and photo sims and we felt like we needed to present those results to the Board tonight.

MS. FORMICHELLI: But there are still other locations being considered?

MR. ROSS: They're being considered both from an engineering and business perspective. I would say those discussions are taking place with the school as we speak.

MS. FORMICHELLIII: Any other public property other than the school?

MR. ROSS: Well there are -- it is our understanding that there's some Town property, and we're still in the process of considering whether that's going to work from an engineering

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perspective. If it is, we call the Town. If not, then -- you know, the primary objective is to fill the coverage gap from our standpoint. Obviously we want to work with the Town and we want to work with the municipalities because that's a great situation. We want to be a partner. On the other hand we also have a business assessment to look at.

MS. FORMICHELLI: What is the benefit for the Town or the school to have this on their property?

MR. ROSS: Well, hypothetically they're going to get revenue. It's going to be -- they'll be able to secure a lease.

MS. FORMICHELLI: Is there an estimate on how much revenue it would bring in monthly or annually?

MR. ROSS: It depends. Once it gets negotiated with the school -- I wouldn't want to give you an estimate because it tends to vary.

MR. BRAND: What's a typical lease?

MR. ROSS: A typical in terms of term of years? They're typically anywhere between twenty and thirty years.

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MR. BRAND: What's the average typical lease fee per year?

MR. ROSS: Again, it really depends.

MR. BRAND: 50 bucks a year, 5,000 bucks a year?

MR. ROSS: Again, there's a range. I mean it could be anywhere from -- it could be anywhere from 50 to 5,000. It's typically not 50. Folks are a lot savvier than that. It really depends.

MR. HINES: Most of them escalate as you co-locate. The first carrier is on -

MR. BRAND: So each one of those other carriers --

MR. HINES: Each one pays in. Your ordinance requires that. That's one of the priorities that have to be reviewed is the possibility for co-locating. The next carrier in this area, one of their tasks would be going through the hierarchy in your ordinance to co-locate on existing towers.

MR. BRAND: Got you.

CHAIRMAN PORCO: Yes.

MR. GARAFALO: James Garafalo again.

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2 That co-location issue is why it's very important  
3 to decide whether or not if you go any -- higher  
4 than what it is, whether or not they have to come  
5 back to the Board or not. Certainly, unless  
6 they're going so high they'll eliminate another  
7 tower somewhere else, the higher they go the more  
8 expensive it's going to be for them. They  
9 certainly have an interest in not building it up  
10 to the sky. They have a vested interest in  
11 keeping it at a reasonable height for cost  
12 purposes also.

13 MR. ROSS: There's also a structural  
14 issue, too. At some point the structure is  
15 affected by wind and ice, like any other tall  
16 structure. You have certain practical limitations  
17 on the height of the tower. When you address the  
18 co-locators, each one of them -- let's just say  
19 it's Verizon or T-Mobil or Sprint, they're going  
20 to have to come before -- as you said, they're  
21 going to have to come before this Board.

22 MR. HINES: Any co-location needs  
23 approval from the Board, and it goes through the  
24 same process as we're going through now.

25 MR. TRUNCALI: This type of tower that

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they're putting in here, is the coverage much less than say the one on Mount Zion?

MR. ROSS: The Mount Zion tower, is that -- I'm sorry. There is another tower which we call Marlborough. Would that be Mount Zion?

MR. TRUNCALI: Yes.

MR. ROSS: I only have a partial map of the coverage from Mount Zion. If you need me to get something that's a little more thorough, I could probably provide that to you.

MR. TRUNCALI: Did you tell us now they are putting in more local towers to cover smaller areas? Smaller towers that are covering smaller areas of higher density population?

MR. ROSS: You'll see that. I mean this isn't that case. This is -- when I was talking about a tower being a typical height, this is in the range of what a typical height of a tower is. It's to cover an area I would call rural or ex-urban, not completely rural --

MR. HINES: I think the question is this is covering or being proposed to take up a coverage gap, not a capacity issue.

MR. ROSS: I think that's --

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MR. HINES: There were some capacity --

MR. ROSS: -- that's a fair statement.

MR. HINES: Is that what you meant,  
Joel?

MR. ROSS: I think that if -- what I  
would want to do is get a little clarification on  
that from our RF guys because sometimes it's --  
it's not always just one or the other, sometimes  
there's a measure of both, and especially when  
you've got things like 4G and the smart phones  
and you have an issue where things could be both  
capacity and a coverage issue. So that is  
something I will have to answer for you next  
time.

MR. TRUNCALI: This proposed tower also  
doesn't do much for the west part of the Town  
where you have really a lot of dead zones back  
there.

MR. ROSS: That's true enough.

MR. TRAPANI: That's because of the  
terrain, isn't it, though?

MR. ROSS: Yes.

MR. TRAPANI: When they talked about  
putting the tower here, they said they would have

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to put another tower at the ambulance corp  
because of the terrain.

MR. ROSS: Terrain is a big factor.

MR. HINES: It's line of sight  
technology.

MR. TRUNCALI: This one you're  
proposing at that height really doesn't crest  
over the top of the hill that's right behind it.  
Is that blocking the coverage to the west?

MR. ROSS: It may, it may not. I think  
-- I'm not trying to be coy with you. To give you  
an answer for that I would have to get back to  
our guys and say okay. If you'd like us to  
address this gap over here, we could throw  
together something to give you at least an idea  
of what kind of height would be needed to cover  
that. There may not be an ideal solution, I can  
throw up 150 foot tower and blow up like a full  
tilt. There's a point of diminishing returns to a  
certain extent, typically when you get up to a  
certain height. It's not just structural. It has  
also to do with the ability to reach the people  
you're trying to reach.

MR. HINES: There's only three people



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where you're pointing. You're on top of the ridge in the woods.

MR. ROSS: The member asked and I answered.

MR. HINES: And that might be a lot, actually.

MR. ROSS: There's no question you've identified there's a gap over here.

MR. HINES: It's woods.

MR. ROSS: Would you like us to see what we can do to throw something together?

MR. TRUNCALI: Sure.

MR. ROSS: You may not be happy with the result.

MR. MANION: Jim Manion, Western Avenue. This is a question for the Board. There are guidelines for the Planning Board, I hope, for choosing sites in the public interest for such things as this.

MR. BLASS: There are. There is a section --

MR. MANION: Are there priorities?

MR. BLASS: There's a section on priorities. I could review it if the Board

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wishes.

CHAIRMAN PORCO: I believe everyone knows it's --

MR. MANION: Thank you. I'm glad to know that.

CHAIRMAN PORCO: -- co-locations.

MR. BLASS: I think we should clean up the record with respect to the concept of the municipally owned properties. I could go through the priorities. I think we should do that. There may be a bit of a misunderstanding as to what --

MR. RICCIARDONE: Keep the public hearing open?

MR. BLASS: Sure. Sure. This is public information. So the priorities are basically, number one, highest priority on existing towers or other tall structures on Town property. So that is a co-location of a new antenna only on an existing tower on a Town piece of property. So that's the highest priority, favoring co-location and disfavoring a new tower, as you might expect.

Number two, co-location on a site with existing telecommunications facilities or other tall structures in the Town. So the second

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priority is co-location, no new tower on property not owned by the Town of Marlborough. Priority number two.

Priority number three, on other lands owned or controlled by the Town of Marlborough. So that basically presupposes a new tower, no co-location. New tower on lands owned or controlled by the Town of Marlborough.

The fourth priority is industrial zoned or highway development zoned lands.

The fifth priority is lands within the RAG-1 zoning district, R-1 zoning district with a minimum of four-acre lot size.

So the priorities -- those are the five priorities. So the priorities are tailored towards -- when it comes to municipal property, the priorities are tailored towards municipal property owned by the Town of Marlborough, which obviously is distinct from any other municipal corporation. Does that make sense, what I just said? So those are the five priorities.

MR. TRUNCALI: Can you read the exclusions also?

MR. BLASS: Exclusions?

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MR. TRUNCALI: The next sentence.

MR. BLASS: No tower shall be sited in the RAG-1 zone above elevation 700.

MR. TRUNCALI: Also none in the village or in the C-1, C-2 --

MR. BLASS: No telecommunication facilities in C-1, C-2 or R zones.

MR. TRUNCALI: What if the school is in the R zone?

MR. BLASS: If the school is in the C-1, C-2 or R zone, that's an exclusionary piece of property.

CHAIRMAN PORCO: Can you also -- you mentioned municipal owned property, Town owned property. Where does school fall into municipal owned property? It's not Town owned property, it's municipal owned property.

MR. BLASS: Okay. I will tell you that the property of the Marlborough Central School District is not the property of the Town of Marlborough and vice versa. They are distinct municipal entities. They're both public entities, they're both municipal entities by law, but the priority schedule in the code speaks to property

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owned by the Town and by definition virtually does not speak to property owned by the school district.

This Board at the last meeting asked for -- on the basis of alternatives or examination of alternatives, that a look be taken at whether or not school property would be a usable, viable location, alternative location for a tower. I must tell you that having reviewed the code precisely, there's no legislative requirement that school property be used over private property.

CHAIRMAN PORCO: That's what I thought, the way I read it, too.

MR. LANZETTA: Excuse me. Could you elaborate on the intent of the law?

MR. RICCIARDONE: Could you state your name, please?

MS.LANZETTA: My name is Cindy Lanzetta. Could you elaborate --

MR. BLASS: My view on the intent of the law is to prioritize the use of property owned by the Town of Marlborough over private property.

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MS. LANZETTA: For what purpose?

MR. BLASS: Well, there's a revenue purpose built into it. There may be a thought -- there may have been a thought that associating communication facilities with public owned properties would have less impact than associating them with private property. But I would say it's probably -- I'm guessing now, having not written this code and having not lawyered it's adoption, that one intent is revenue raising and another intent is the perceived consistency of towers with public buildings.

MS. LANZETTA: Is it not if the public is going to be subjected to any possible negative impacts of a cell tower siting, that it should also be gained, some sort of positive, from that impact?

MR. BLASS: I would say that that's more of a SEQRA issue. That's more of an environmental review issue. That's more of a visual impact issue. That's more of another impact issue than it is a black and white pecking order under a local law. So the Board, in

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reviewing site plans and special permits, is always going to take a look at potential adverse impacts of the suggested site. To a large degree, the Board, depending on how the SEQRA process rolls out, would be interested in alternatives as well for purposes of SEQRA review. Does that make sense? Is that responsive I hope?

MS. LANZETTA: The intent of the law is right in the beginning of the law as well.

MR. BLASS: Well I'm not sure what section that you're referring to, Cindy. If you have anything, I'll look at it.

CHAIRMAN PORCO: Someone in the back there has been waiting patiently.

MS. DORAN: Michelle Doran. Has the applicant approached the school district in the past years? And, if so, did they come to an agreement or not and the reasons for that?

MR. ROSS: It's my understanding, and this is something that we're still trying to do a little bit of work on, there were discussions with the school district, I'm going to say roughly 2009, 2010.

MS. DORAN: That's what I seem to

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remember.

MR. ROSS: Those ultimately obviously didn't bear any fruit, so the decision was made not to move forward. That's something we're still trying to get a bit of a handle on. It's something we've also learned in the course of trying to prepare the discussion for this meeting and trying to vet the suggestion that was --

MR. LOGUE: Was it AT&T or a different carrier?

MR. ROSS: It was AT&T. I don't know if other carriers had this discussion with the school district. I know we did. I wasn't personally involved in those but I know they took place. I guess, you know, our approach at this point has been well that happened but now, you know, there seems to be -- probably could be new folks involved. That might have something to do with it. At any rate, they are open to considering it now, so I believe we have to move forward.

CHAIRMAN PORCO: Yes, ma'am.

MR. ANGST: My wife and I own the property just north --



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CHAIRMAN PORCO: Give your name.

MR. ANGST: Fred Angst, A-N-G-S-T, of the Stoutridge Vineyards property. We have a comment. My southern border is his northern border for that segment. We obviously opposed the program because I don't want to look at it. I can see -- just driving up there, I can see the Stoutridge buildings, I can see all the grapevines in line. It's definitely, I would think, going to lower my property value and probably make it less desirable rental property, which we now use it for. We rent the property to two families. I think that tower, the way I figured the scale on there, is going to be 900 feet from my main house, which is, depending upon whether you believe that it's no health issue or a health issue, if you don't want to -- I hesitate to raise that issue of health because it scares the hell out of people.

MS. RENAUD: I second that. I second that. Laura Renaud across the street. And I have an issue with that. No mention -- is there any like levels that you give us of the EMF radiation coming out this tower? I'm across the street.

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CHAIRMAN PORCO: Just give Mr. Angst --  
let him finish.

MS. RENAUD: I'm sorry. I was  
seconding you.

MR. ANGST: I'm all set. Thank you.

MS. RENAUD: You can finish that  
sentence if you'd like. I'm sorry.

Since I'm speaking as a neighbor, and  
he has issues and I have issues, do we have any  
say in this? I mean I'm concerned about my  
family's health. I'm also concerned about the  
property value of our -- you know, right now it's  
agriculture on our property. Is there anybody  
that we can -- is there anything that can be  
done? Do we have any rights? That's what I want  
to know. Do we have any rights or say about this?

MR. BLASS: We could have a toss up  
here on the health impacts. Do want to handle  
that or --

MR. ROSS: Well I will say that the --  
these antennas are categorically excluded from  
regulation. In other words, they're not subject  
to any regulation by the FCC, that they're more  
than 30 feet above the ground.

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MS. RENAUD: But there's a new technology. It's not the same FCC --

MR. ROSS: It's been determined that the same technology, the 4G technology, the same rules apply.

MS. RENAUD: As what? Fifty years ago?

MR. ROSS: There wasn't this technology fifty years ago. These have all been promulgated within the last ten years. I might add, planning boards --

MS. RENAUD: But the FCC laws about protecting the radiowave -- the area, I mean --

MR. ROSS: They are considering impacts both on the ground and in the air. Any impact on the ground doesn't --

MS. RENAUD: Cell towers within two miles of a residential area, plus the schools. You guys are talking about your schools. You don't know the impact on the health of your children in the schools.

MR. ROSS: I can only tell you --

MS. RENAUD: I heard one mention of that tonight.

MR. ROSS: -- people have certainly

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given it a lot of consideration. Again, it's categorically --

MS. RENAUD: You're a doctor. Am I wrong?

MR. ROSS: I might add it's not premised --

MR. BLASS: I can address that. Do you mind if I jump in on the health issue? You're not going to like to hear this answer but there is a Federal Telecommunications Act of 1996, which, because it is a Federal statute to a large degree preempts local regulation and State regulation. There is an expressed exclusion of a local municipality's rights to get involved in the issue of assessing the public health, safety of a cell tower, telecommunications facility. So even if the Town wanted to put the applicant to certain paces to establish safety, the Federal Act of 1996 precludes towns from doing that. It's a very disappointing answer to most people in your situation but it is unfortunately the answer.

With respect to property values and the impact on property values which you were raising,

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however that is fair game for consideration in the context of review of this sort of facility.

MS. RENAUD: So a property owner would have to just, you know, sue somebody or something? You have to do it personally?

MR. BLASS: It's always good practice, if someone wants to make the investment, to rely on more than generalized comment.

MS. RENAUD: So you need a scientific study?

MR. BLASS: With respect to real property it would probably be wise for any person interested in advancing that issue to get an appraisal or to get appraisal expert proof in that regard and to put it into the record.

MS. RENAUD: You mean of the property value?

MR. BLASS: Correct. Or the impact of the facility on property values. That's really a matter of expert opinion.

MS. RENAUD: Would you want that next to your kids and grandchildren? I mean --

MR. BLASS: I hear what you're saying. I'm sorry I can't comment on that.

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MS. RENAUD: I'm just saying because nobody else mentioned it. I just wanted to just say it.

MS. RELYEA: I just have a quick comment. My name is Jacqueline Relyea, I live on Ridge Road. This is the first meeting I've attended regarding this subject. I think, like many other people, the first I was aware of it was from the article in The Southern Ulster Times. Since I read that article I also looked at Chapter 152 in our Town Code which I found very interesting. As this gentleman mentioned, it's almost thirty pages of detail. When you look at this chapter it raises more questions to the average citizen than I think anyone has addressed here.

My question is the information that you're preparing and the information that you presented to the Planning Board, is that information that is accessible to us? For example, the chapter mentions that two other towers may go up. There may be something in the plan where you would say that in the future you could have two other -- this is the Town of

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2 Marlborough chapter. It talks about a parking lot  
3 needed for access by emergency equipment and by  
4 delivery trucks. It talks about many things that  
5 no one is really answering. We just would like  
6 to know is there a place that we can get these  
7 answers and have you answered these questions for  
8 the Planning Board? We don't know that either.

9 MR. HINES: All the applications are  
10 available at the town hall during normal business  
11 hours. There is a site plan that has been  
12 included in the application packet that's  
13 currently being reviewed both by my office as the  
14 planning Board engineer and the Town's wireless  
15 consultant is also reviewing that data.

16 MS. RELYEA: Have all of you looked at  
17 this chapter? I mean it talks about so many  
18 things. I assume everyone is familiar with the  
19 Town Code, and the attorney is obviously familiar  
20 with it. All of these things that are being  
21 addressed in our Town Code, have you discussed  
22 this with the applicant or is this the first time  
23 you're getting into, for example, the health  
24 issue, aesthetic issue, being in residential  
25 areas?

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MR. BLASS: In the first instance it's the applicant's wise course to become familiar with the Town Code and to tailor it's application to meet it's processing requirements, and then it becomes -- once the application is complete, then it becomes the function of the Planning Board to take public comment on issues related to those standards, and eventually to apply those standards when it's called upon to make a decision.

MS. RELYEA: So the application, am I correct, is not complete because the gentleman mentioned you're now going to open it up to the school? Is the application complete or is it still an open application?

MR. BLASS: I don't think the application is complete for various reasons, and probably I think the Board will be entertaining a notion as to whether or not to adjourn the public hearing to allow the application to come into completeness and to allow more public information to disseminate and to go through this process again, even if the school district alternative is not in play. For instance, there's a cultural



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2 resources evaluation that needs to be done by  
3 virtue of the category of the site according to  
4 the applicant's own documents, and that hasn't  
5 yet been done. We just received the visual impact  
6 study tonight, and that will probably necessitate  
7 or give rise to a question as to whether or not  
8 the public hearing needs to be adjourned to allow  
9 the public comment to catch up to the submissions  
10 as they come in.

11 MS. RELYEA: Will that information be  
12 available online or do we need to go to the town  
13 hall to get copies of the application?

14 MR. BLASS: It's not the practice of  
15 the Town to put this material online yet. Some  
16 towns do, most towns don't. So it is -- it is  
17 available at the offices.

18 MS. RELYEA: Perhaps the timing on all  
19 this, you mentioned the next meeting is in two  
20 weeks. What are your next steps as far as all of  
21 this is concerned then?

22 MR. HINES: The Planning Board's  
23 meeting is in two weeks. We're not saying this is  
24 going to be scheduled at that time. It could be  
25 put off further than that.

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MR. BLASS: I think what the Board will be entertaining is whether or not to adjourn the public hearing. If it adjourns the public hearing, that's going to put it over for four weeks of necessity.

CHAIRMAN PORCO: Dr. Manion?

MR. MANION: I am as much an environmentalist as anybody, but I have to say this. I think the concept that high-powered lines and cell phones and so forth cause brain tumors and things like that, leukemia, has been generally debunked, there is no evidence-based medicine to support it, and that's why a municipal board like this can't really consider those concerns. I think if I'm going to choose another thing besides benefit to the Town as an excuse for being against this proposition is the visual impact of a cell tower. I think they're ugly as sin. We've got to have them. I don't think that's a strong argument. It's not strong enough to make you win.

CHAIRMAN PORCO: Yes, sir.

MR. GARAFALO: James Garafalo again. Just for your benefit, since 2009 the school

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district has closed two schools. It's really a difference between night and day from then until now. So I certainly encourage you to talk to the School Board because there's certainly been some major changes since 2009.

MR. ROSS: Understood. Thank you.

CHAIRMAN PORCO: Yes, ma'am.

MS. RELYEA: Lucy Relyea, Ridge Road.

If this is approved, can you just show me where the access to this tower will be? Will it be from Prospect or Wyms?

MR. ROSS: It's from Prospect.

MR. HINES: Through the Stoutridge access road.

MR. ROSS: Through the existing --

MS. RELYEA: Thank you.

CHAIRMAN PORCO: Questions from the Board so far? I know we haven't had time to review everything.

MR. RICCIARDONE: I'm just looking to see what we're going to do with the public meeting.

CHAIRMAN PORCO: No doubt it's going to be held over.

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MR. RICCIARDONE: I'm good.

CHAIRMAN PORCO: But if you had any specific questions --

MR. RICCIARDONE: I have a couple. Number one, have you scheduled anything with the School Board to actually physically meet with the superintendent of the schools and talk about their properties? And two, have you physically talked to or have times that you can meet with the Town Board to look at their properties?

MR. ROSS: We'll have to make -- to answer your first question; no, not yet.

To answer the second question, we'll get on that, look into it.

MR. RICCIARDONE: Both municipal and school properties. All right. That would be something that the public would definitely want to know, whether it's feasible for you to have your coverage and put a tower up. The same way with the school, all right. And then obviously talk about heights in those areas as far as where it's possible to go. Heights of cell towers, whether they stand 150 feet, you have to go to 125 feet, 160 feet. All right.

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MR. ROSS: Right.

MR. RICCIARDONE: I think that would help.

MR. BRAND: To go from what he's saying, I'd like to see some type of map similar to this where you're looking at all those properties and showing us exactly what the coverage would be here, at the school -- maybe all of those municipal properties.

MR. LOGUE: The school districts, all the parcels the Town owns. Give us a sort of --

MR. BRAND: What the difference in coverage would be.

MR. RICCIARDONE: Only the ones that are feasible. The ones that are not feasible, make a list of what is not feasible so we know what properties are not feasible in your eyes, all right. Again, I don't know how many -- there are properties that the school owns that are -- there's the property on Lattintown Road, that's a piece of property that the school owns. There's things like that that you can get into, all right. And then the next step, you know, bring in obviously individual private owner cell

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towers.

My other comment is I know cell towers are ugly but I guarantee you there isn't a person in this room that doesn't own a cell phone. So the fact of the matter is that cell towers are here and cell phones are here. As a community you better understand that we need cell service, not only specifically for our 911 and our emergency calls via police, okay. So you're going to need them in this community.

I'm glad everybody is here to show a -- to show support that they want something done, but it can't be always a negative outlook on how it gets done. The thing is if you don't want it by me can't work all the time. Okay. It has to be for the greater good of the community. That's my comment.

CHAIRMAN PORCO: Any other questions from the Board?

MR. BRAND: I just have one other. I'd also like to see -- I asked you specifically about the fees associated with this and you were unable to answer that. I'd like to see what kind of money we actually are talking about, how it

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would benefit the school, the Town, what that would be.

MR. ROSS: Okay. We'll put something together. It's going to be obviously subject to some degree of confidentiality.

MR. BRAND: Just give me a range.

MR. LOGUE: A ballpark.

MS. TERRY: A proposal has been given to the school district with fees, and they are having internal conversations to discuss it.

MR. BRAND: Okay.

MR. ROSS: Let me ask a follow-up question to your question.

MR. RICCIARDONE: Yes.

MR. ROSS: In terms of the Town properties, who would be the best person to reach out to?

MR. RICCIARDONE: The Town Supervisor, go before the Town Board, reach out to them.

MS. LANZETTA: Supervisor?

MR. RICCIARDONE: Cindy, that isn't a joke. He is the Town Supervisor.

MS. LANZETTA: He's an applicant. He's a party to this application.

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MR. RICCIARDONE: Who else would you like to say?

MS. LANZETTA: The other members of the Town Board.

MR. RICCIARDONE: I just said that, Cindy. I just said the other Town members.

MR. BAKER: We have three councilmen here tonight.

MR. RICCIARDONE: There's a councilman there, there's another councilman. They all know who's on the Town Board. It's not a laughing matter.

MR. LOGUE: All right.

CHAIRMAN PORCO: What I would like to do is have a motion to continue the public hearing. I'm not sure what the timeframe should be, though.

MR. BLASS: One month or two.

CHAIRMAN PORCO: It all depends on when the applicant feels they might have some more information available.

MR. ROSS: When would be the next Town Board meeting we could appear at to at least talk about it informally?



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MR. BAKER: April 14th.

MR. HINES: The Board only holds -- oh, the Town Board?

MR. ROSS: The member suggested we talk to them.

MR. RICCIARDONE: Could you address that, please?

MR. BAKER: April 14th at this exact location.

MR. ROSS: Mechanically are there any steps we need to get on the agenda or could you sort of --

MR. BAKER: We'll get you in there. It's going to be a busy night but we can get you on.

CHAIRMAN PORCO: We would typically hold it open until one month, which would be May 5th. Now, we could hold it open until then but if you're not ready we can continue to extend to hold it open for another month.

MR. ROSS: May 5th, let's try to shoot for that. If it works for you, it sounds reasonable, and I appreciate that. If we don't have a full set of answers for you, then we're

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not going to come in and just give you answers piecemeal. If we're not ready to go for the meeting for the 5th, we'll have to revisit.

MR. RICCIARDONE: The next meeting would be the 19th.

MR. ROSS: After the 5th.

CHAIRMAN PORCO: Not for public hearings. It would be the first Monday in June. That would be Monday, June 2nd.

So if the Board doesn't have an issue with that, unless there's any other questions for this evening, I think the Board is going to entertain a motion to keep the public hearing open right now for a period of one month, which would be the first Monday in May.

MR. HINES: You'll have your wireless consultant's comments back by then also.

CHAIRMAN PORCO: We'll have additional comments and have had a chance to review the flight simulations here.

MR. ROSS: I wish it was that much fun.

CHAIRMAN PORCO: The Board will entertain a motion to keep the public hearing open until Monday, May 5th.

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MR. RICCIARDONE: I'll make that motion.

CHAIRMAN PORCO: Frank.

MR. TRAPANI: I'll second it.

CHAIRMAN PORCO: And Ben seconds it.  
All in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: That motion is carried.

Thank you, everyone, for your comments this evening.

(Time noted: 8:46 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.

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DATED: April 23, 2014

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

----- X  
In the Matter of

CERONE/TRUNCALI

Project No. 11-5005  
Quaker Hill Road  
Section 102.2; Block 5; Lot 27.300

----- X

EXTENSION  
TWO-LOT SUBDIVISION

Date: April 7, 2014  
Time: 8:47 p.m.  
Place: Town of Marlborough  
Town Hall  
1650 Route 9W  
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman  
CHRISTOPHER BRAND  
BEN TRAPANI  
FRANK RICCIARDONE  
MICHAEL LOGUE

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

APPLICANT'S REPRESENTATIVE: MR. CERONE

----- X

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

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CHAIRMAN PORCO: We're going to call this meeting back to order. Thank you.

Next on the agenda is Cerone/Truncali, extension on a two-lot subdivision.

Joel is recusing himself from this application. That's noted.

You had some --

MR. BLASS: I think the extension should go to May 7th to bring it into consistency with the ninety-day timeframe.

CHAIRMAN PORCO: Does the Board have any questions on that, to extend this application until May 7, 2014?

MR. TRAPANI: May 7th?

CHAIRMAN PORCO: Yes.

If there are no issues with that, we can have a motion to --

MR. LOGUE: I'll make a motion to extend this until May 7, 2014.

MR. RICCIARDONE: I'll second it.

CHAIRMAN PORCO: Mike and Frank. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

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MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

CHAIRMAN PORCO: Aye.

Motion carried.

MR. HINES: Just for the applicant, we need to get the request in a timely manner to extend it once again. Just so you're aware of it.

MR. CERONE: Thank you.

(Time noted: 8:50 p.m.)

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

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DATED: April 23, 2014



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

----- X  
In the Matter of

KATELYN & WADE DAVIS

Project No. 14-7007  
39 Reservoir Road  
Section 108.2; Block 9; Lots 12.2 & 12.3

----- X

SKETCH  
LOT LINE REVISION

Date: April 7, 2014  
Time: 8:50 p.m.  
Place: Town of Marlborough  
Town Hall  
1650 Route 9W  
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman  
CHRISTOPHER BRAND  
BEN TRAPANI  
FRANK RICCIARDONE  
MICHAEL LOGUE  
JOEL TRUNCALI

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

APPLICANT'S REPRESENTATIVE: KEVIN CASEY

----- X

MICHELLE L. CONERO  
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CHAIRMAN PORCO: Next is Katelyn and Wade Davis, sketch on a lot line revision.

MR. CASEY: I'm representing my daughter and son-in-law on a lot line revision.

MR. HINES: This is a proposal to combine two lots. We've seen several of those lately. There's two approximately two-acre lots that are going to become one four-acre lot.

It needs a public hearing consistent with the ones we've done two previous meetings to accomplish that.

The only thing we're suggesting is that the section number be added to the section, block and lot on the plans.

CHAIRMAN PORCO: Any questions from the Board?

MR. RICCIARDONE: No.

CHAIRMAN PORCO: What we need to do is make a motion to set it up for a public hearing, --

MR. HINES: May 5th.

CHAIRMAN PORCO: -- which would be the first Monday in May, May 5th.

MR. LOGUE: I'll make that motion to

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set it up for a public hearing for May 5th.

MR. TRAPANI: I'll second it.

CHAIRMAN PORCO: Mike and Ben. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried.  
That's all we need to do tonight.

(Time noted: 8:53 p.m.)

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

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DATED: April 23, 2014

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

----- X  
In the Matter of

COPART YARD 24

Project No. 14-7006  
Riverview Drive  
Section 109.1; Block 2; Lot 5.311

----- X

SKETCH  
AMENDED SITE PLAN

Date: April 7, 2014  
Time: 8:53 p.m.  
Place: Town of Marlborough  
Town Hall  
1650 Route 9W  
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman  
CHRISTOPHER BRAND  
BEN TRAPANI  
FRANK RICCIARDONE  
MICHAEL LOGUE  
JOEL TRUNCALI

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO  
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CHAIRMAN PORCO: Next is Copart Yard 24, sketch on an amended site plan.

MR. BROWN: I brought Tom Smith with me from Copart.

This is a parcel that we had approved a couple years ago. Since that time the road has been dedicated. We provided the property lines to reflect the property line now is at the edge of the right-of-way.

The building is significantly smaller.

The impervious area now is roughly the same as what we had at the last approval.

We've maintained the same stormwater facility.

The only other big difference is we've added another entrance onto Riverview Drive to facilitate getting trucks in and out. The trucks will be coming from the yard down below and pulling in here briefly to get their orders to wherever they're going to go next.

We did get some comments from the highway department, from Gael. He wants us to do an eighteen-inch culvert under the new entrance. That is shown on the plans I brought with me, not

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on the plans you have. I did do that.

CHAIRMAN PORCO: Which entrance?

MR. BROWN: This entrance down here.

CHAIRMAN PORCO: The lower one?

MR. BROWN: Yup. In addition, he asked us to put some guide rail along the embankment here. Right here, this is sheet 2 which has the grading. That's the next page. That does show a significant embankment.

We also dropped it down to a one-inch water service line. That is because this building is going to be a steel building, it's not a stick building, therefore it doesn't need to be sprinklered.

MR. HINES: That's a great idea. That four-inch water main --

MR. BROWN: Yeah. We do have from the Health Department a preliminary approval. The only thing they're waiting for is a sign off from the town water department. I have some for the Board if you want to pass it around.

Tommy is here, your building inspector, because he's the one that relayed the information to Gael Appler as far as the highway permit. So

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we're here to hopefully get this thing rolling.

CHAIRMAN PORCO: So did Copart purchase the property?

MR. BROWN: Yes. They own it now. They're owner and applicant.

CHAIRMAN PORCO: And this is just going to be office building, no storage of --

MR. BROWN: Correct.

CHAIRMAN PORCO: -- the cars?

MR. HINES: We're going to request notes be added that no vehicles, unregistered, be stored on this site.

MR. BROWN: We have no problem with that.

MR. HINES: We haven't had a problem of late but in the past we had vehicles dropped off on that road.

MR. LOGUE: Are you essentially moving your office from down below up to here?

MR. SMITH: Yeah.

CHAIRMAN PORCO: Like any other site plan, we're going to need some architectural renderings, building materials, colors, --

MR. BROWN: Lighting.



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CHAIRMAN PORCO: -- lighting,  
landscaping.

MR. BROWN: All right. I did discuss  
the lighting with my client Tom, and maybe I'll  
let him address that when I'm done here. Because  
it's their facility I did ask them if they want  
to put parking lot lights in, and they preferred  
not to do that. If that's something the Planning  
Board is going to require, then obviously we'll  
put it on there.

MR. RICCIARDONE: How late -- what is  
the lateness in the winter? How you late are  
people working? 6:00, 7:00, 8:00 at night?

MR. BROWN: What are your hours?

MR. SMITH: 7 in the morning until 6 at  
night. 6 p.m.

We put convenience lights around the  
building outside but generally try to stay away  
from the pole mounted lights in the parking lot.

MR. HINES: You'll have wall packs on  
the building?

MR. RICCIARDONE: How far out do those  
wall packs go out?

MR. BROWN: It would not reach the

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third aisle.

MR. RICCIARDONE: You're saying 6:00. Does everybody get out of there at 6:00 and there's nobody in that parking lot that has to walk through the dark at all or are there people left there at 6:00, going to be there until 7:30, 8:00 at night working, all right. Again, in the morning --

CHAIRMAN PORCO: If it's not open to the public I see no point of parking lot lighting.

MR. RICCIARDONE: Well parking lot lighting is workers are working there and if he walks out and there's a dark parking lot --

CHAIRMAN PORCO: I don't think the Board needs to require that since it's not open to the public. If the applicant wants to put it there for their own safety reasons.

MR. RICCIARDONE: I'm jut putting out the issue.

MR. HINES: The neighbor across the street may appreciate the lack of lighting.

CHAIRMAN PORCO: That's what I'm driving at. The public -- you know, CVS, you're

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going in and out, of course you need that stuff.

MR. BROWN: Can we get a consensus on that?

MR. HINES: Let's show the wall packs and the lighting lines for that so the Board gets a handle on that. Strategically located, that could light the parking lot fairly well.

MR. BROWN: I don't think so. The building is -- I mean at the eaves there's only about twelve foot.

MR. HINES: You're not going to get a lot of light.

MR. BROWN: You get underneath that, it's not a fifteen-foot pole. I'll put it on there, sure.

MR. HINES: You could set the pole lights so you can turn them off, too. The last guy out. They make some bollard lighting.

CHAIRMAN PORCO: The bollard lighting, that might help illuminate that without causing trespass to the rest of the neighbors. Just a thought.

MR. HINES: At 6:00 in the winter it's dark. 7:00 in the winter it's dark.

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CHAIRMAN PORCO: I think it was dark most of this winter.

Anyway, any other questions from the Board so far?

Pat has some comments.

MR. HINES: They have my comments. Some of them are clean up, some of them have been addressed. The Health Department we just heard about. I believe the property lines that are depicted have changed, especially across the street. When that became a dedicated roadway there was some additional dedication.

MR. BROWN: The map does show the new property line which used to be the right-of-way line.

MR. HINES: On your side. On the Woodward side I think that changed, too.

MR. BROWN: That was actually our property line. We owned the whole road.

MR. HINES: In the past. Okay.

MR. BROWN: The entire fifty foot.

MR. HINES: If that's been updated that's fine.

MR. BROWN: The entire fifty foot was

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with this property.

MR. HINES: You did some of the dedications.

MR. BROWN: Yup.

MR. HINES: What I'm saying is I think Woodward did a dedication also on his side.

MR. BROWN: Really. Okay. I'll check.

MR. HINES: The grading along Riverview Drive, specifically you said you added that culvert. There was quite a large swale put along there to convey the runoff through there.

The gravel area for truck staging, we're suggesting that that be paved just for dust control issues, and it probably should be a more heavy duty pavement.

You have car carriers coming in here; right?

MR. SMITH: Yeah.

MR. HINES: It doesn't look like they're going to make that radius into there.

MR. BROWN: I laid them on there. That's a twenty-five foot radius.

MR. HINES: Then you hit the --

MR. RICCIARDONE: Are the car carriers

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coming in or --

MR. SMITH: They're going down to the storage facility but the dispatch function will be happening in this building so they'll pull in, get paperwork.

MR. HINES: That island is obviously not curbed. I don't think they're making that S turn in.

MR. BROWN: We're just going to stripe that.

MR. HINES: That would probably function if it wasn't curbed. We are suggesting that be paved, though, rather than have a dust surface there. In August you're going to have car carriers pulling in and out of there.

MR. BROWN: I did discuss that with my client. We don't have a problem doing that. That is going to adjust the drainage a little bit.

MR. HINES: If you want to use pervious pavement there or something.

MR. BROWN: Or I could use an infiltration trench between catch basin A-3 and A-2.

MR. HINES: That's fine. The water

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service you just addressed, so that's -- if you can get the information to the highway superintendent.

If you can show the sight distance after clearing, too.

MR. BROWN: Okay. Yup.

MR. HINES: It's not good what you're showing there. I think after the clearing you'll have quite a bit more, especially if they're in trucks and sitting up higher.

MR. BROWN: There's a mound in the way on that one side.

MR. HINES: Yeah. Otherwise it's a little smaller.

MR. RICCIARDONE: I'm stuck on the car carriers.

MR. HINES: I am, too. I don't want to see them driving through. If you can lay them in there. Show the driving so we make sure it makes it in there. It looks like they're making that S turn coming in.

MR. BROWN: If somebody was waiting to get out, they're going to have to wait. In other words, a car would have to pull out first. It

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does make it -- I will show that.

MR. HINES: You'll most likely be holding up your own traffic if you do that.

MR. RICCIARDONE: Do these guys come in at 3:00 in the morning, 4:00 in the morning and sit there?

MR. HINES: That hasn't been an issue. Fifteen years ago that was an issue on this site. I don't think it is any more. Right?

MR. CORCORAN: No. No issue.

MR. SMITH: The primary purpose of them pulling in is to just get paperwork. They'll come down and go down to the existing facility, drop their cars. When they come back up they have to get paperwork for their next run.

MR. RICCIARDONE: They're not coming in with loaded cars?

MR. SMITH: Yeah. They'll be going down here.

MR. RICCIARDONE: With the loaded cars and coming up here empty?

MR. SMITH: Yes.

MR. RICCIARDONE: They're not staying overnight or anything like that?



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MR. SMITH: No. If he's loaded he might drop five off, pick two up. Some type of a delivery function as well.

MR. HINES: They're doing both, otherwise their system doesn't work.

MR. SMITH: Well, yeah.

CHAIRMAN PORCO: No money made in driving around empty trucks.

MR. SMITH: When you see two go in opposite directions empty --

MR. BROWN: That's a no-no.

MR. HINES: Gas at \$4 a gallon.

CHAIRMAN PORCO: Who scheduled that one?

MR. BROWN: Would this be scheduled for a public hearing eventually?

MR. HINES: With the Health Department letter I'm okay with scheduling it for the next available date.

MR. BROWN: Can we go before the cell tower, too?

MR. HINES: I don't even know if they're going to be here.

CHAIRMAN PORCO: First of all, any

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further questions from the Board?

MR. LOGUE: I'm comfortable.

CHAIRMAN PORCO: When would it get submitted to County?

MR. HINES: It could go -- they probably want to add the lighting on.

CHAIRMAN PORCO: You might want to do the things I asked for, like the architectural rendering. If you get that to us --

MR. HINES: Kathi can send it to the County.

CHAIRMAN PORCO: I'm not really sure when the County meets. We may not have County -- Walt is not here to answer that.

MR. HINES: It's the day after our meeting usually.

CHAIRMAN PORCO: The first Wednesday of the month; right?

MR. HINES: It will be two days after our meeting.

MR. BROWN: May 7th we won't make.

MR. HINES: You can get approval two weeks after.

CHAIRMAN PORCO: We may not have County

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comments by the public hearing.

MR. BROWN: Okay.

MR. HINES: We'll have them by the 19th, by the next one.

CHAIRMAN PORCO: This won't make the close of the public hearing, though?

MR. BLASS: Not necessarily.

MR. HINES: You just can't make a determination. And this is a scaled down -- they've seen this one before. It's a little bit different use but a scaled down site plan.

MR. BROWN: We actually had a two-story office building and then another building attached to it that was a little more storage, warehouse, contractor bays. That again was probably what prompted the sprinkler system, because of the multi uses. This is the same as before, steel building, all office.

MR. SMITH: I can explain to you --

MR. LOGUE: That's all right.

MR. SMITH: We'll get you some pictures.

CHAIRMAN PORCO: Only because the County gets pretty particular on certain things.

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If the Board doesn't have a problem with it, we can make a motion to schedule it for a public hearing also Monday, May 5th.

MR. BRAND: I'll make that motion.

CHAIRMAN PORCO: Chris. A second?

MR. LOGUE: I'll second it.

CHAIRMAN PORCO: Mike. All in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

(Time noted: 9:07 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.

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DATED: April 23, 2014

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

----- X

In the Matter of

KEDEM WINERY

Project No. 14-7008  
1519 Route 9W

Section 109.1; Block 1; Lot 2.100

----- X

SKETCH  
AMENDED SITE PLAN

Date: April 7, 2014  
Time: 9:07 p.m.  
Place: Town of Marlborough  
Town Hall  
1650 Route 9W  
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman  
CHRISTOPHER BRAND  
BEN TRAPANI  
FRANK RICCIARDONE  
MICHAEL LOGUE  
JOEL TRUNCALI

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

APPLICANT'S REPRESENTATIVE: JACOB VIZEL

----- X

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

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CHAIRMAN PORCO: Next is Kedem Winery, sketch on an amended site plan.

MR. HINES: This is a proposed 15,000 square foot L-shaped building proposed at the Kedem Winery site off of 9W.

There's currently some outstanding issues from the previous application that need to be resolved here, the filing of an easement here and the installation of some drainage improvements to the rear. So that's an issue here.

The map we have here is basically a boundary and planimetric survey. There's no topography on the map. We're going to need that in compliance with the site plan checklist. I gave you a list of other items that need to be shown per the site plan checklist.

I think one of the biggest considerations or issues here that we need to address is the stormwater from the site. I don't know if you're familiar with the history of the site.

MR. VIZEL: I heard from --

MR. HINES: The neighbors' impact. As

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the site plan moves forward there's going to be a need to comply with the Town of Marlborough and the DEC stormwater regulations for the increase in impervious surfaces on the site and to make sure that we mitigate any impacts to down gradient properties, which is why we're asking for the information regarding the existing system and the proposed improvements there.

The E.A.F. identifies the water supply as an on-site well or nothing. Is there going to be a water service to this structure?

MR. VIZEL: We just need water for the bathrooms. If there's an issue with the Board, to make another well for water and septic, or if it's going to be shale we can not do it.

MR. HINES: That leads into the sewer. There's a package sewage treatment plant on the site. There's no need for a septic. It has a surface discharge.

MR. VIZEL: They're not using the sewer. I think they have an existing septic in the bathrooms. It's just for the grape juice.

MR. HINES: I think it would certainly --



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MR. VIZEL: He's not using it. We have a septic.

MR. HINES: This could be tied into that rather than go through a septic system. It has a permitted surface discharge. Take a look at that as you develop these plans.

The access road. Obviously how you're going to get in to and out of the building needs to be developed.

MR. VIZEL: This is what they have for the existing road.

MR. HINES: They're going to show us on the plans. It needs to be developed on how they're going to get there and how it's going to be paved.

DOT needs to weigh in on it because it accesses a highway. I don't believe they'll have any concerns.

Ulster County Planning.

The building inspector project review form, I did receive that tonight. I don't know if the Board is aware, anything making it to your Board now, there's a gatekeeper function. The office has taken over and just gives everything a

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broad brush view to make sure there's not anything zoning related to get kicked back. We did get that tonight. It wasn't in our original package.

The letter of agent we just did receive.

Basically as a sketch for what we have it's fine but it needs additional site development details, and just realizing that the drainage on the site is very sensitive to the down gradient neighbors.

MR. BRAND: Very sensitive.

CHAIRMAN PORCO: Where is this in relation to what we were working on with the building for the treatment plant?

MR. HINES: That was strictly just the building for the treatment plant which was located in the area where it says metal tanks. This is a very large building compared to what you had. Last time it was 400 square feet. This is 15,000 square feet.

MR. BRAND: Was that other building built?

MR. HINES: I want to say yes because

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they were under a DEC consent order to do that.

MR. BLASS: But the conditions attached to this Board's approval I don't think have yet been fulfilled. There's some unfinished business that needs to be cleaned up on that.

MR. VIZEL: Okay.

MR. BLASS: Talk to Mike Moriello.

MR. HINES: He's Mr. Herzog's attorney.

MR. BLASS: I think what was holding us up to a degree is that the property is owned by the Ulster County Industrial Development Agency.

MR. HINES: It's an IDA property.

MR. BLASS: It's an IDA property.

MR. VIZEL: Which one?

MR. HINES: The whole thing.

MR. BLASS: It's an Ulster County Industrial Development Agency project.

MR. HINES: So they couldn't file the easement.

MR. BLASS: They own the property I'm pretty sure. There's probably a lease.

MR. VIZEL: We need to have them also involved here?

MR. BLASS: Well I think that's --

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maybe. I'll wait for the Board to catch up.

CHAIRMAN PORCO: Well, how do you proceed with this one knowing the conditions in the previous one still haven't been addressed?

MR. BLASS: One option for the Board is to not really proceed with this one until the first one is cleaned up or not schedule a public hearing until the first one is cleaned up.

CHAIRMAN PORCO: We're definitely not going to schedule a public hearing because --

MR. LOGUE: Meaning the little 600 foot --

MR. HINES: There were conditions of approval regarding drainage improvements and a requirement to file an easement where the pipe leaves the property. I think there was some legal issues holding that up. It may be the fact the IDA owns the underlying parcel as part of a finance package, which is not unusual when IDA funds projects.

CHAIRMAN PORCO: Any other questions?

MR. HINES: They have a lot of work to do to develop this into a site plan. With my comments I don't think we'll see them for a bit.

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MR. TRUNCALI: What's this building going to be used for?

MR. VIZEL: Storage.

MR. TRUNCALI: Storage.

MR. VIZEL: Just a question. Didn't they find that the drainage water was like a broken pipe or something I think?

MR. HINES: It was a clogged pipe.

MR. VIZEL: So it's still an issue with the neighbors?

MR. HINES: Yeah, because the easements weren't filed and there were some improvements to be done. An outlet control structure on the northern part of the property was to be installed. That I don't believe has been completed yet.

MR. VIZEL: I will have Drew see.

MR. HINES: Keystone Engineering was doing that work, so --

MR. VIZEL: Yup. I'm not familiar with that part, the professionals.

MR. HINES: Yup.

MR. VIZEL: I come here with this. It's more technical. This is just a simple structure,

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prefab.

MR. HINES: The architecture is not much and there's a history here. When we have the public hearing, you saw the room tonight, it's going to look not unlike that.

MR. VIZEL: At least like that.

MR. HINES: At least.

MR. VIZEL: What you want to see is about the water from the roofs, where it's going to go?

MR. HINES: The roofs and any other parking access. Obviously this needs additional parking to get in here. It doesn't quite line up. A grading plan showing how that's going to fit on the site. I think there's a rock cliff somewhere right in there. You may have missed it. Again, that's why we need the topography. Somewhere in here there's a ledge and it drops off. I wouldn't be surprised if it's at the edge of this road. But that's why -- the site plan checklist requires all those in my item 1. It needs to all be on the map as you bring it in.

MR. VIZEL: To get access around the building.

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MR. HINES: The grading and how it's going to work, and where the roof leaders are going to go, the grading, the drainage, if there's going to be a water line for a bathroom, if there's going to be a septic system. All that. And it's spelled out in my first comment.

CHAIRMAN PORCO: We should really get that before we can even proceed with the sketch.

MR. HINES: We're not anywhere near that.

CHAIRMAN PORCO: Any further discussion from the Board, questions from the Board?

MR. RICCIARDONE: Not on this.

CHAIRMAN PORCO: Okay. Then you've got a copy of Pat's comments. Get those addressed before we can continue.

MR. RICCIARDONE: I have a question on another matter.

CHAIRMAN PORCO: Hang on.

MR. HINES: Have a good night.

MR. VIZEL: Thank you.

MR. RICCIARDONE: Did we ever read the letter that Dr. Pascale --

CHAIRMAN PORCO: No, we didn't. The

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KEDEM WINERY

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public hearing is still open.

MR. RICCIARDONE: I just wanted to --

CHAIRMAN PORCO: As far as I know -- I mean you guys have all been told about the letter and he wants it read to the Board. The Chairman hasn't been told he wants it read to the Board.

MR. RICCIARDONE: I thought he contacted you.

CHAIRMAN PORCO: I haven't heard from him and I haven't received a letter from him. So I mean I would think if he wants something addressed in to the Board, he should either leave it with Kathi --

MR. LOGUE: I gave her my copy.

MR. BRAND: I think it is addressed to you.

CHAIRMAN PORCO: It may be but I never received it, so I can't -- you can address anything you want to me. If I don't get it it doesn't make any sense, does it?

MR. RICCIARDONE: Joe, don't feel bad, Ben didn't get one either.

MR. TRAPANI: When did they give it out?



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MR. RICCIARDONE: They knocked on my door at 9:00 in the morning.

CHAIRMAN PORCO: The only thing I want to bring up before we close, we all got a copy of next Monday is a planning board seminar at SUNY Ulster in Stone Ridge and it talks about local unwanted land use regulations like telecommunication facilities.

If there's nothing else to bring before the Board, a motion to adjourn.

MR. RICCIARDONE: I'll make that motion.

MR. BAKER: Before you adjourn, I am your rep now, or the Town's rep to the Ulster County Planning Board. So I have attended at least two meetings. I'm your man.

MR. RICCIARDONE: That's two meetings --

MR. BAKER: Their monthly meetings.

CHAIRMAN PORCO: So is Walt considered the alternate?

MR. BAKER: Steve is the alternate. I think Walt asked to come off of it.

CHAIRMAN PORCO: Great. That's good.

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KEDEM WINERY

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I'm glad somebody is able to do it.

Okay. In that case, if there's nothing else to bring before the Board, a motion to adjourn.

MR. RICCIARDONE: I'll make that motion.

MR. TRUNCALI: I'll second.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

(Time noted: 9:20 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.

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DATED: April 23, 2014