

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

BUTTERMILK FALLS

Project No. 13-6016
220 North Road
Section 103.1; Block 2; Lots 12.200 & 13

----- X

PUBLIC HEARING
SITE PLAN MODIFICATION

Date: January 6, 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
WALT FALKENBERG

ALSO PRESENT: GERARD COMATOS, JR., ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: NICK SADLER

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BUTTERMILK FALLS

2

CHAIRMAN PORCO: If we can all rise
for the Pledge, please

(Pledge of Allegiance.)

CHAIRMAN PORCO: Agenda for the Town of
Marlborough Planning Board, January 6, 2014.
Regular meeting 7:30 p.m. Approval of
stenographic minutes for December 2, 2013.
Buttermilk Falls, public hearing on the site plan
modification. E. Roger Brown, discussion on a
lot line revision. The next deadline is Friday,
January 10th. The next scheduled meeting is
Tuesday, January 21st. That's because Monday,
January 20th, is Martin Luther King Day. So
hopefully Pat and Ron won't have trouble shifting
to Tuesday.

The minutes from December 2nd, not
everyone may have had a chance to review them
yet. We can table them for our next meeting.

In which case, first on the agenda is
Buttermilk Falls, public hearing on the site plan
modification.

Let me read the legal notice. "Legal
notice, amended special use permit. Please take
notice a public hearing will be held by the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BUTTERMILK FALLS

3

Marlborough Planning Board pursuant to Town of Marlborough Town Code Section 155-32 on Monday, January 6, 2014 for the following application: Buttermilk Falls Spa, 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 commercial site plan application for the amended special use permit for the extension of a resort hotel on lands located at 220 North Road, Milton, Section 103.1, Block 2, Lot 13/12.2. Any interested party either for or against the proposal will have the opportunity to be heard at this time. Joseph Porco, Chairman."

How many were sent out and how many were returned?

MR. SADLER: Thirty-two sent out, twenty were returned.

CHAIRMAN PORCO: Nobody is out there in the audience.

Pat, did we have --

MR. HINES: Our only comments are we were waiting to hear from the jurisdictional fire department. I don't know if we heard. I know we handed them a map.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. POLLOCK: I gave Steve the whole plan. He has everything.

MR. HINES: That was the only outstanding issue. Our previous comments have been addressed.

Our other comment is for the Board just to remember that they're requesting a change to one of the original conditions of approval that restricted the use of the spa to guests of the hotel, and they would like that condition removed because they would like -- with the new expanded spa and the current business model, people are coming to the spa that aren't staying on the site. It seems to be working. Ron is cueing up with a draft resolution which addresses all the conditions and allows the removal of that condition they requested last time.

We have no outstanding items other than that.

I don't know about the fire department but I know they've been involved a little bit. We did give them a map.

CHAIRMAN PORCO: I don't think -- based on the plans, I don't think the fire department

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BUTTERMILK FALLS

5

had too much --

MR. HINES: And they have the map. They were here the last two times or so. The chief was here I know.

CHAIRMAN PORCO: Any questions from the Board thus far?

MR. RICCIARDONE: Do you want us to question?

CHAIRMAN PORCO: As far as the resolution goes; Jerry, do you want me to read this whole thing or just submit it as part of the minutes?

MR. HINES: It's thirteen pages.

MR. COMATOS: Just attach it to the minutes.

MR. HINES: Actually, we would recommend a negative dec first and then --

CHAIRMAN PORCO: First, if there are no questions from the audience, we can make a motion to close the public hearing.

MR. LOGUE: I'll make a motion to close the public hearing.

MR. RICCIARDONE: I'll second it.

CHAIRMAN PORCO: Mike and Frank. All

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BUTTERMILK FALLS

6

those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

MR. HINES: Mr. Pollock has purchased all the land around the facility so he's now the only neighbor.

CHAIRMAN PORCO: He still had to mail out thirty.

MR. POLLOCK: They all went to me.

MR. FALKENBERG: How many didn't you return?

CHAIRMAN PORCO: The engineer has recommended a negative declaration on this application, so we can have a motion for a SEQRA determination for a neg dec.

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

CHAIRMAN PORCO: Mike.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BUTTERMILK FALLS

7

MR. FALKENBERG: I'll second it.

CHAIRMAN PORCO: Walt seconds it. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: If there are no outstanding issues and everyone is comfortable, we can make a motion for -- what would you call this? Site plan amendment?

MR. HINES: Amended special use and amended site plan.

CHAIRMAN PORCO: Site plan modification. It's also amending the special use.

MR. HINES: Special use and site plan.

MR. RICCIARDONE: I'll make that motion.

MR. TRAPANI: I'll second it.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried.

MR. HINES: That was all ayes.

CHAIRMAN PORCO: Do you have the resolution? Does the Stenographer need a copy for the minutes?

MR. HINES: Yes. As if you read it out loud.

MR. POLLOCK: I was approached by someone who wants a microbrewery in Milton at 30 Main Street. Do you think there will be a problem with that?

MR. HINES: I think we should encourage that.

MR. BRAND: I would encourage that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BUTTERMILK FALLS

MR. POLLOCK: They could sell it to Manese. They'll have a tasting room.

MR. HINES: You do get to come see the Board. I know you love us so much.

MR. POLLOCK: You saw the town plan for the western side of the street, 53 Main Street.

MR. HINES: It's a sketch.

MR. POLLOCK: Now we're going to be testing to see how much we could shave off the parking. Any chances of making a municipal parking lot?

CHAIRMAN PORCO: Talk to the Town Board.

MR. POLLOCK: Is that who I --

CHAIRMAN PORCO: They do the municipal parking.

MR. POLLOCK: This is the only way we're going to enlarge the Town.

CHAIRMAN PORCO: I know New York State has a farm -- you're considered a farm --

MR. POLLOCK: It's going to be on Main Street, not on my property. It's the old bank over there.

MR. FALKENBERG: Do you have an empty

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

lot?

MR. POLLOCK: We made the lot behind the bakery a lot larger. So hopefully, you know, we're going to have to do something.

CHAIRMAN PORCO: Submit an application. That's the only way we can --

MR. POLLOCK: I know. Should I go to the Planning Board and talk to them about the municipal lot?

CHAIRMAN PORCO: That would be the Town Board.

MR. POLLOCK: We're going to have problems doing that strip. You weren't at the last one. I could show you a plan. There were like thirteen retail shops on Main Street.

MR. HINES: You are paying for the Stenographer right now.

MR. POLLOCK: What?

MR. HINES: You are paying for the Stenographer.

MR. POLLOCK: I thought --

MR. RICCIARDONE: You're not the only one here.

CHAIRMAN PORCO: The clock is still

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

running. You're welcome to fill out another application.

MR. RICCIARDONE: Okay. The first thing you have to do, if we're finished with you, is get yourself off the table and go somewhere.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: January 13, 2014

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

E. ROGER BROWN

Project No. 13-6010
94 Bailey Gap Road
Section 95.4; Block 1; Lots 11, 12 & 13

----- X

LOT LINE REVISION

Date: January 6, 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
WALT FALKENBERG

ALSO PRESENT: GERARD COMATOS, JR., ESQ.
PATRICK HINES
KATHI NATLAND

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. ROGER BROWN

14

CHAIRMAN PORCO: Next is E. Roger Brown, discussion on a lot line revision.

MR. HINES: Did Ron call you?

MS. BROOKS: He did. I spoke with Ron Tuesday night maybe.

MR. HINES: Monday night.

MS. BROOKS: I talked to him some night. There was no staff in the office so I had to answer the phone, so that could have been Wednesday, or Thursday, or Friday.

I'm back before this Board just for discussion purposes. If the Board will recall, we initially made application to your Board back in September for a lot line revision where we were squaring off tax map lot 12 and tax map lot 13. Because we did not have the required 2 acres and because we had two dwellings on one lot, we were required to go to the Zoning Board of Appeals. The Zoning Board of Appeals, in November, strongly suggested that they would not support this action unless we made lot 1 at least 2 acres in size so that we had the density of two dwelling units.

MR. BRAND: 1 and A, is that what

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. ROGER BROWN

15

you're referring to?

MS. BROOKS: Lot 1 down here, which is this entire parcel. So we increased the size of parcel A to 1.01 acres to bring lot 1 up to 2 acres in size, returned to the Board in December. The Zoning Board of Appeals still was not looking very favorably upon it and was looking for us to come back with a subdivision separating the mobile home and the house because we reduced, of course, the variances that were required from two to one. Now we just needed a variance to Section 155-4.2 to permit two dwellings on one lot.

Now, both of the code portions that we needed revisions to were changed in 2004. Prior to that we would not have needed any variances at all.

MR. HINES: There's a reason for those.

MS. BROOKS: We all know why that happened ten years ago, and it was for good reason.

Again, what it did is it created situations like Mr. Brown is encountering where all of his units are preexisting nonconforming. At this time what he's trying to do is take two

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

preexisting nonconforming lots and combine them and then add additional acreage to it to make it as conforming as possible.

I suggested to Mr. Brown to withdraw his subdivision application and withdraw his Zoning Board application and sell tax map lot 11 as it was because he's retaining tax map lots 12 and 13, which he has the ability to do at this point in time. He felt very uncomfortable doing that because he really wanted to improve the situation, and he asked me if I would come and talk to the Planning Board, see if the Planning Board were willing to send some sort of a letter to the Zoning Board of Appeals to try and -- again, I went through all of the criteria of the area variance with the Zoning Board of Appeals. Certainly the detriment that's going to be caused to the community will in no way, shape or form outweigh the benefit that's going to be achieved by the applicant, the benefit that will be achieved by the property being increased in size by the benefit to get closer to zoning.

Eventually -- we all know that mobile homes have a shelf life so to speak.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. ROGER BROWN

17

MR. HINES: That's not true.

MS. BROOKS: No, huh? You've seen some out there for a long time, Pat?

MR. RICCIARDONE: They outlive me.

MS. BROOKS: Eventually -- because again, this is a situation where I'm not asking for something particularly onerous. I can sell it right now on an acre --.99 acres. Those two dwellings right now can be sold on .99 acres. We're trying to take a preexisting nonconformity and make it better.

MR. HINES: I guess they could be sold on .63.

MS. BROOKS: It could. It could be sold on .63. He at the very least -- although maybe he can't do that because that might be considered a lot line deletion, and I'm not allowed to do that either.

MR. HINES: I guess one of them doesn't have a CO. Did I see that in the minutes? The trailer doesn't have a CO.

MR. BRAND: That was in the ZBA minutes.

MR. HINES: You're looking for a letter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. ROGER BROWN

18

from the Planning Board to the ZBA stating
that --

MS. BROOKS: I don't want you to state
anything. I told the applicant I would come back
and talk to this Board and see what the Board's
sense of it was, whether it was your desire --
the Board's desire to support the variance or
whether, as I told the applicant, he can just
withdraw all his applications and sell it as it
is.

MR. BRAND: Can you help me to
understand what the ZBA really wanted them to do?
They wanted to split 12 and 13?

MS. BROOKS: They want them to somehow
put a division line through here, which would
require a front yard setback on that, a rear yard
setback on that, a lot depth requirement on that.
You would need -- I think I totaled five area
variances that would be needed to try to
subdivide those onto two separate lots, which in
the end I don't think would be beneficial because
then you could replace that mobile home
potentially with something else. The goal is to
eventually get it more conforming. So I didn't

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. ROGER BROWN

19

think that was the wisest action.

CHAIRMAN PORCO: If you subdivided it you could sell off the mobile home and/or the house separately.

MS. BROOKS: But then you won't have the area to put a proper well and septic system should they ever need to be replaced, and they are going to allow a replacement.

CHAIRMAN PORCO: Is that one well or two wells?

MS. BROOKS: There were two wells originally. Right now he's servicing both of them off that one well.

MR. BRAND: Two septic or one?

MS. BROOKS: Two septic. The septic for the house is on the south side of it, just south of the deck. I'm not sure why it's not shown on there. The septic for the mobile home is shown on the map.

CHAIRMAN PORCO: I mean where do we stand on it?

MR. HINES: There's nothing you can do. I think what Patti is looking for is a letter of support or something. I don't know.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. FALKENBERG: Whether we want to support the homeowner.

MS. BROOKS: Or support -- not the homeowner. It's not supporting the homeowner. It's supporting the planning action.

MR. RICCIARDONE: Why don't you get rid of the mobile home and solve the problem?

MR. BRAND: Does someone live there now?

MS. BROOKS: Yes.

MR. BRAND: Without a CO?

MS. BROOKS: The mobile home, to the best of my knowledge, has been there since the '80s.

MR. HINES: I got that from the ZBA discussion.

MS. BROOKS: I didn't realize that.

MR. HINES: There's no official action you could possibly take.

MS. BROOKS: That's why I said we're here for discussion. I want to guide my client in the best way possible.

MR. RICCIARDONE: If they subdivide out this piece of property, that means that mobile

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. ROGER BROWN

21

home could be sold off separately but it won't have a well to it.

MS. BROOKS: Right.

MR. HINES: In order to subdivide it --

MS. BROOKS: The mobile home does have a well.

MR. HINES: The house would have to have a new well drilled.

MR. BRAND: Could they build something on there?

MR. FALKENBERG: His intention is to sell that mobile home?

MS. BROOKS: No. His intention is to retain ownership of the house and the mobile home. He's renting the mobile home right now. That's part of his income, part of his support. He's selling lot number 2.

MR. HINES: Tax lot 11.

MS. BROOKS: The big lot. The 4.5. The big house on the top. This whole piece.

MR. RICCIARDONE: I'm assuming that house does exist. It's just subdividing it out?

MS. BROOKS: Yup.

CHAIRMAN PORCO: We can't do the lot

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. ROGER BROWN

22

line revision because of the --

MS. BROOKS: Nonconformity of having two dwellings units on one lot. We're now meeting the density requirement, 2 acres.

MR. BRAND: I didn't see that when I read through the ZBA. As opposed to one variance, now they are going to need the five setbacks, or whatever.

MR. HINES: That analysis hadn't been done yet. I think Patti went back to her office later and drew some lot lines.

MS. BROOKS: No. I did that before the meeting. I did not represent this at the meeting. I had a staff member do it. I had actually sent him with a map. I anticipated, I was like what's the next thing going to be. So I sent him with a map showing where a lot line would be and what the variances would be. Yes, that was brought up.

MR. HINES: They could have used you at the meeting.

MS. BROOKS: They could you have used me at the meeting.

MR. HINES: I read through the minutes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. BROOKS: I am going to go back to them one more time. The applicant thought it would be good just to chat it up with the Planning Board and let you know where we stood with the project.

MR. RICCIARDONE: I can't see the sense in setting -- making it into two lots. Lot 13 into two different lots. It's still not going to meet any of the setbacks any which way you move it.

CHAIRMAN PORCO: I don't think -- if the ZBA grants the variance, I don't think the Planning Board has any problem with the lot line revision. I don't know if we have any right to just give them a letter of support.

MR. RICCIARDONE: I think that's a bad way of going.

MR. HINES: Some of the boards I represent will not do that and some I represent will do that. Some have a policy of not involving themselves in a judicial decision by the ZBA and some send it with a aye or a nay.

CHAIRMAN PORCO: The other problem I have is if he's renting a mobile home without a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. ROGER BROWN

24

CO, I see that as a legal quandary.

MR. RICCIARDONE: I have a problem with only one well. If they want to subdivide that lot out and they go before the ZBA and get all the setbacks settled, --

MR. HINES: They would have to.

MR. RICCIARDONE: -- at that point I would like to see a well put in.

MR. HINES: If they were splitting all three houses on separate lots, before that subdivision could be approved they would have to.

MS. BROOKS: He's not going to do that. Right now the two things he's going to do are either go forward with the lot line revision, if the Zoning Board will permit him to do so, or, if not, he's just going to sell the house and the mobile home on the small lot.

MR. HINES: He's going to keep that and sell the big house?

MS. BROOKS: I misspoke. Yes.

MR. FALKENBERG: Eventually basically, at the life of the mobile home it will become more conforming because they won't allow him to replace that mobile home.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. ROGER BROWN

25

MS. BROOKS: Correct.

MR. FALKENBERG: So then it becomes more conforming. It has it's well, it has septic.

CHAIRMAN PORCO: If you take the mobile home out, yeah.

MR. FALKENBERG: I think what they are trying to make him do is ridiculous, in all honesty. I think it creates a hardship because now if they do subdivide it that way, now he does have to drill a new well.

MR. RICCIARDONE: The hardship shouldn't be the ZBA's problem or our problem. The hardship is his problem.

MS. BROOKS: There's one well, two septic.

MR. RICCIARDONE: There's a septic here and septic here and there's only one well and it's on this property.

MR. BRAND: Got you.

MR. LOGUE: He needs to get the CO for the trailer, for starters.

CHAIRMAN PORCO: I think then and there kind of I think would really prohibit us from

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. ROGER BROWN

26

moving any further.

MR. LOGUE: Exactly.

MS. BROOKS: I was not aware of that. That hadn't come my way yet. I don't have a copy of the minutes. Are they for November and December or just the November minutes? When I talked to Ron he did have the minutes but they were only the November minutes.

MR. HINES: That's all we had.

MS. BROOKS: The December minutes were when we went back to them with the revised map increasing the acreage as they requested.

MR. HINES: We didn't see those.

CHAIRMAN PORCO: That's why I was wondering where you came up with that and they were at --

MR. HINES: We didn't see that discussion.

CHAIRMAN PORCO: They were under 2 acres still.

MS. BROOKS: I thought everything was good. In November I thought everything was good. We were going to bring it up to 2 acres, we were going to meet the density and all would be good.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. ROGER BROWN

27

I think at that point in time the building department thought if we did that we wouldn't even need to go back to the ZBA. I believe at that point the ZBA even thought that. I pointed out --

MR. HINES: I talked to the building inspector, too.

MS. BROOKS: -- we still didn't conform to the other section of the code.

MR. HINES: I talked to the building inspector at the same time.

MS. BROOKS: Oh, you did. Okay. So you don't have the December minutes and that's when they said you brought it up, that's nice but we still don't like it, we want them on two separate lots and --

MR. HINES: That's why we were wondering why you were here.

CHAIRMAN PORCO: So you haven't gone back to them to say this is one variance as opposed to five different variances?

MS. BROOKS: We did. That was December's meeting. I personally again did not attend those two meetings because I had a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. ROGER BROWN

28

conflict meeting. This month I obviously see where the priority meeting is. I personally was not at the meeting so that's why I was wondering if you had the minutes from that meeting.

MR. HINES: We don't.

CHAIRMAN PORCO: I don't see where we should do a letter. I think they need to --

MS. BROOKS: Reading through the code, it says that the Zoning Board has the ability to come to this Board and ask for. Obviously at this point they haven't. I understand the Board's position in being reticent to offer opinion that hasn't been requested. We may be back and we may withdraw. I'm not exactly sure where we stand. Withdraw without prejudice and see where we go from there.

MR. RICCIARDONE: Sometimes withdrawal is the better part.

MS. BROOKS: Sometimes it is. Besides, I haven't been here in a month. I wanted to say happy new year.

CHAIRMAN PORCO: Anything else to bring before the Board?

(No response.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. ROGER BROWN

29

CHAIRMAN PORCO: Remember our next meeting is not Monday the 20th but Tuesday the 21st.

A motion to adjourn.

MR. LOGUE: I'll make a motion to adjourn.

MR. RICCIARDONE: Second.

CHAIRMAN PORCO: All in favor.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

(Time noted: 8:00 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: January 13, 2014