

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

1

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

CONTINUED PUBLIC HEARING  
SITE PLAN

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

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

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  
  
MICHELLE L. CONERO - (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

3

approve those minutes.

CHAIRMAN PORCO: Mike. And a second?

MR. RICCIARDONE: I'll second it.

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

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried.

Okay. First is New Cingular Wireless, a continuation of a public hearing on a site plan.

MR. ROSS: Good evening again, Mr. Chair. Requesting -- in the first instance we're requesting an extension. Our consultants -- we brought in outside consultants to further evaluate the Town's sites that were suggested by the Town Board and by the school district. That review is taking a bit longer than I expected. The thinking on our end is that process won't even be completed in time for the August meeting,

MICHELLE L. CONERO - (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

2

CHAIRMAN PORCO: If we could all rise for the Pledge.

(Pledge of Allegiance.)

CHAIRMAN PORCO: Agenda for the Town of Marlborough Planning Board for July 7th. Approval of the stenographic minutes for 5/5/14, 5/19/14, 6/2/14. New Cingular Wireless, public hearing, site plan; Stewart's Shops, public hearing, site plan; Wenz Consolidation, public hearing, lot line revision; William Woodward, public hearing, lot line revision; The Carriage House, extension of a site plan; E. Affuso, sketch on a timber harvest. Next deadline, Friday, July 11th. The next scheduled meeting will be Monday, July 20th.

The minutes that need to be voted on, I think we just received the -- you may have just received the minutes from May 19th and June 2nd. The minutes from May 5th, any changes, corrections to those?

(No response.)

CHAIRMAN PORCO: Can I have a motion to approve those minutes?

MR. LOGUE: I'll make a motion to

MICHELLE L. CONERO - (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

4

so to that end I would like to request an extension to your September meeting.

Part B of this whole discussion, it's been ongoing with one of my colleagues and I know Mr. Blass has been -- do you want me to do the initial discussion and you can sort of jump in or --

MR. BLASS: Let me just ask a couple of questions to put it in perspective, because we're about to talk about a Federal regulation that deals with cell towers. The supplemental material would be completed and filed in August, and you want to adjourn this public hearing for two months?

MR. ROSS: Correct.

MR. BLASS: To the first Monday in September?

MR. ROSS: Correct.

MR. BLASS: Okay. So that's the anticipated timeframe for your receipt of supplemental information as a Board.

Now, the next order of business is the fact that the FCC adopted a regulation a couple of years ago or more that deals with an issue of

MICHELLE L. CONERO - (845)895-3018

1 5  
2 what is a reasonable time for the making of a  
3 decision by a planning board or other agency  
4 relative to the establishment of a new commercial  
5 Federally licensed cell tower. There is a  
6 Federal Telecommunications Act which basically  
7 has, as one of its core provisions, that  
8 decisions shall be made within a reasonable time.  
9 That was an act of congress. The Federal  
10 Communications Commission, as a Federal agency,  
11 decided to adopt a regulation which would address  
12 the issue of reasonableness of time of review,  
13 and did so by concluding that it would be  
14 reasonable, presumptively reasonable, not  
15 definitely reasonable, but there is a presumption  
16 that it's reasonable to have a decision rendered  
17 within 150 days of the date that the agency, you  
18 guys, have the complete application, or an  
19 application which one might deem complete and  
20 capable of review.  
21 There is a suggestion in a letter  
22 written on July 2nd by the attorneys for the  
23 applicant that the 150-day time period under the  
24 FCC regulation began to run on the day of the  
25 filing of the application, I believe on or about  
MICHELLE L. CONERO - (845)895-3018

1 6  
2 February 21st of this year, and that the 150 days  
3 will run out about -- on or about July 21st of  
4 this year, after this meeting and before the next  
5 meeting.  
6 Consequently the applicant is  
7 suggesting two things, one implicitly and two in  
8 the second explicitly. The implication in the  
9 letter is that the Board had everything it  
10 reasonably needed to begin review and to make a  
11 decision as early as the date of the filing of  
12 the application, otherwise you wouldn't be  
13 running with the 150 days from that particular  
14 date. So that's subject to some argument or  
15 debate.  
16 The other suggestion is that --  
17 explicitly is that since under that theory the  
18 150-day period would run out on or about July  
19 21st, it's suggested that the parties, meaning  
20 the Planning Board and the applicant, mutually  
21 agree to extend it to, October 1st is the  
22 proposal. So if we play out that scenario if I  
23 may, you would be next having this matter on your  
24 agenda for the review of materials generated in  
25 August that you have not yet seen and have not  
MICHELLE L. CONERO - (845)895-3018

1 7  
2 yet reviewed, and would be asked to agree that  
3 you could render a decision by October 1st of  
4 this year.  
5 Now, as I play out that scenario, is it  
6 possible for you to render a decision by October  
7 1st, because you're probably going to meet after  
8 October 1st, unless it's a Monday. You couldn't  
9 possibly review it, unless you were to receive  
10 the material and rubber stamp it.  
11 MR. TRAPANI: It's on a Wednesday,  
12 isn't it?  
13 CHAIRMAN PORCO: Besides the point, the  
14 applicant has been asking for the extension of  
15 the hearing month after month. It's not the  
16 review of this Board. So we're not the ones that  
17 are holding it up.  
18 MR. BLASS: I would say that you're  
19 absolutely correct. So I would suggest that if  
20 we did nothing at all, it would be very difficult  
21 for someone to make an argument that the Planning  
22 Board has somehow engaged in unreasonable delay  
23 of making a review and a decision in this matter,  
24 and probably that claim would never be made and  
25 you'd never have to defend it given the facts as  
MICHELLE L. CONERO - (845)895-3018

1 8  
2 they exist today.  
3 So one of your options is basically to  
4 internally conclude, without the need of any  
5 agreements or stipulations with applicant, that  
6 the shot clock may not yet even have begun to  
7 run, or even if it began to run at some earlier  
8 date, any delay is not -- is not on you,  
9 obviously, given the requests for extension.  
10 Or alternatively, you could tinker with  
11 this Federal regulation and consider negotiating  
12 a date by which it might be expected that you  
13 could review and make a decision in this matter  
14 based on whatever representations, expectations  
15 you have as to when you're going to get the  
16 material. That may be a little tough to do.  
17 MR. LOGUE: I don't like that.  
18 CHAIRMAN PORCO: I mean my  
19 interpretation of that would be that since we've  
20 asked the applicant to go back out and look at  
21 other municipal properties, we have not yet  
22 deemed the application complete. I would say the  
23 shot clock hasn't started to run.  
24 I'd also like to see us close this  
25 public hearing and then advertise for a new one  
MICHELLE L. CONERO - (845)895-3018

1 9  
2 when they're ready, because with the constant  
3 extension of the public hearing, it doesn't get  
4 re-advertised. If we're looking at a completely  
5 different location, people might not even be  
6 aware of it. I mean you saw how many people were  
7 here for the first meeting and the second  
8 meeting, and it's dwindled off since then because  
9 they either don't know about it or maybe they  
10 lost interest, or they don't know yet where the  
11 proposed placement may be. I mean that's just a  
12 suggestion. I understand it's the same  
13 application and we've asked them to go out and  
14 look at different properties, but I'm just  
15 wondering if it would be more feasible to say  
16 okay, let's close this public hearing and then,  
17 when they're ready, re-advertise for a new one. I  
18 don't even know if that's correct.  
19 MR. BLASS: That's one option. Another  
20 option might be to condition an adjournment of  
21 the public hearing for this ongoing application  
22 upon the re-noticing and re-publication.  
23 MR. LOGUE: Say that again, Ron.  
24 MR. BLASS: Instead of just closing the  
25 public hearing and making it be rescheduled, you  
MICHELLE L. CONERO - (845)895-3018

1 10  
2 could simply just condition the adjournment of  
3 the public hearing until September.  
4 CHAIRMAN PORCO: If they are in a  
5 completely different area, I mean those people  
6 wouldn't even be notified as adjacent property  
7 owners, would they?  
8 MR. BLASS: Well, I think what the  
9 applicant is doing is surveying alternative  
10 sites, both to comply with the content of your  
11 regulation and to comply -- to honor your  
12 request, your application of the regulation  
13 itself.  
14 So I think there may or may not be  
15 alternative viable sites on lands of the Town of  
16 Marlborough or other public lands. That's just  
17 an unknown which is being played out. You,  
18 unfortunately, just don't know when you're going  
19 to be in a position to have that information.  
20 MR. ROSS: Right.  
21 MR. BLASS: So I think that it's  
22 probably sounder to keep the application alive,  
23 keep the public hearing alive, adjourn the public  
24 hearing until September but condition you're  
25 adjournment of it on the re-noticing and the  
MICHELLE L. CONERO - (845)895-3018

1 11  
2 re-publication,.  
3 MR. RICCIARDONE: To the public.  
4 MR. BLASS: To the public.  
5 CHAIRMAN PORCO: Thoughts on that?  
6 MR. LOGUE: As long as we have enough  
7 time before the public hearing to review  
8 potential new sites.  
9 MR. BLASS: You just don't know that.  
10 I guess there's no way for you to absolutely know  
11 when you'll have it.  
12 MR. RICCIARDONE: Assume from now until  
13 September, are we going to be able to look at  
14 sites or -- sites that were rejected or sites  
15 that weren't rejected, sites that they possibly  
16 could use? How are we going to know --  
17 MR. BLASS: What are you working on?  
18 MR. ROSS: I mean the -- what will be  
19 done is -- we had the meeting in April. That led  
20 to further discussions with the Town Board that  
21 sent us to some sites they've asked us to  
22 consider. There was obviously the school  
23 district, school district sites that were also  
24 asked to be looked at in some greater detail  
25 based on some initial expressions of interest by  
MICHELLE L. CONERO - (845)895-3018

1 12  
2 the school district.  
3 And let's flashback to my presentation  
4 at the April meeting when I was awkwardly  
5 handling showing you those colored maps. I would  
6 describe it as a more sophisticated analysis  
7 along those same lines where you have colored  
8 maps showing coverage gaps and the ability of  
9 each particular site that we've been asked to  
10 consider to fill those gaps so that it would  
11 present -- and then it would be some sort of  
12 written -- if you're talking about the written  
13 work product, there's going to be something in  
14 writing to say okay, we've evaluated each of  
15 these sites, here's, as the case may be, the  
16 merits of it or the defects of it, without having  
17 come to any conclusion.  
18 MR. RICCIARDONE: On a sliding scale  
19 you're going to say this site is least applicable  
20 to what we want and then this is a better site?  
21 MR. ROSS: I wouldn't go so far as to  
22 say there might be a sliding scale, but I think  
23 there will be an objective analysis to say this  
24 works -- it's either going to work or doesn't  
25 work. There probably will be a couple where  
MICHELLE L. CONERO - (845)895-3018

1 13  
2 there maybe is going to be a gray area. There's  
3 a bit of a hypothetical going on here. You'll  
4 have the ability, I believe, to be able to say  
5 hey, okay, we're going to tell you what we think,  
6 but you'll have data in front of you that will be  
7 able to give you enough information, we think, to  
8 have you make a decision that you --  
9 MR. RICCIARDONE: On a site.  
10 MR. ROSS: On a site or sites. Yes.  
11 MR. RICCIARDONE: Once we say okay,  
12 we're looking at that site to be site specific to  
13 what you want, like Joe says, we need time to be  
14 able to give the public a chance to look at it.  
15 MR. ROSS: Sure.  
16 MR. RICCIARDONE: Can we do that by  
17 September? I mean, you know, we've got a cold  
18 table right now.  
19 MR. ROSS: Practically speaking, I  
20 guess it depends on how quickly we go into in  
21 advance of September.  
22 MR. HINES: If a site changes there  
23 needs to be a new balloon test.  
24 MR. ROSS: Yeah, there's obviously some  
25 practical issues.  
MICHELLE L. CONERO - (845)895-3018

1 14  
2 MR. HINES: Is the intent of this  
3 letter to extend it out -- are you saying  
4 October 1st your client is going to pull the plug  
5 and say whatever we've done to date is approved  
6 or is this to extend it out to give everyone time  
7 to --  
8 MR. ROSS: The purpose is to extend it.  
9 It's not to give a date where we say the gates  
10 are coming down.  
11 MR. HINES: That's not the way I took  
12 it.  
13 MR. ROSS: It is the request -- the  
14 discussion to be able to trigger the discussion  
15 to request an extension. Essentially --  
16 MR. RICCIARDONE: How do we move the  
17 ball forward without seeing anything to move  
18 forward with? I mean I'd like to see stuff that  
19 is on the table and say okay, these sites are  
20 what we're looking at and having picked one site,  
21 two sites, three sites and let the public comment  
22 on that. It is their Town and they are going to  
23 want to comment on it.  
24 MR. TRAPANI: And not wait until  
25 September to get these other sites and say you  
MICHELLE L. CONERO - (845)895-3018

1 15  
2 know what, we're going to look at them, you  
3 prolong it and before you know it's another year.  
4 MR. HINES: Can I suggest you stipulate  
5 it's 150 days from when the Board deems the  
6 application complete, which doesn't jeopardize  
7 the Board or the regulation in any way? I'm  
8 looking at Ron when I say that.  
9 MR. LOGUE: We have to be able to have  
10 time to see it, review it before it's actually  
11 boom, here's the public hearing.  
12 MR. RICCIARDONE: Is that 150-day  
13 deadline on the subject of us just finishing  
14 looking at all of the places and getting an  
15 application that's solid and that we present to  
16 the public or are there going to be multiple  
17 sites we're going to be looking at and if we  
18 don't come across at that 150 everything is off  
19 the table and everybody goes bye-bye?  
20 MR. BLASS: I think we can only take  
21 this one step at a time. There's an application  
22 for this particular site in front of you now. If  
23 nothing changes in terms of a new application for  
24 a new site, you're going to have to ultimately  
25 make a decision, thumbs up or thumbs down, with  
MICHELLE L. CONERO - (845)895-3018

1 16  
2 respect to this site. Hypothetically --  
3 MR. ROSS: If there's a better site  
4 we'll file another application.  
5 MR. BLASS: If there is a better site I  
6 would think that would be the subject of a new  
7 application in front of you --  
8 MR. ROSS: I think that's fair to say.  
9 MR. BLASS: -- as opposed to this being  
10 a free flowing shifting exercise from site to  
11 site.  
12 MR. RICCIARDONE: So this site that  
13 we're looking at now, the deadline is 150 days  
14 from now or that deadline we set up in September,  
15 and in the meantime we're going to get a chance  
16 to look at other sites that you're going to  
17 present to us in the meantime?  
18 MR. ROSS: You're going to be looking  
19 at supplemental information to the application  
20 that we initially presented to you in February.  
21 MR. RICCIARDONE: At that time, after  
22 the September meeting, we're going to say yeah or  
23 nay, it's a non-completed site or application or  
24 it is a complete application, and we move forward  
25 on the site that's open before the public now?  
MICHELLE L. CONERO - (845)895-3018

1 17  
2 MR. BLASS: Yeah. I think it's --  
3 yeah, I think it would be a good idea to focus in  
4 on the September meeting and to begin discussing  
5 a date beyond that particular meeting for  
6 purposes of this FCC regulation as to when you  
7 might be expected to make a decision.  
8 MR. TRAPANI: How do we get around the  
9 150 days from February?  
10 MR. BLASS: I'm not sure that you need  
11 to get around it at all yet. I'm in no position  
12 to agree that the 150-day clock began to run on  
13 February 21st, the very day the application was  
14 filed with the Planning Board.  
15 MR. ROSS: Essentially it's our  
16 position the 150 days ran from the day of the  
17 filing, Mr. Blass doesn't agree, and then there  
18 is an attempt to sort of meet minds.  
19 MR. BLASS: We're now the process of  
20 discussing a reasonable date based on a certain  
21 hypothetical, and the hypothetical would be that  
22 you have everything you need relative to review  
23 of alternative sites in comparison to this site  
24 by your September meeting, and then using that as  
25 the baseline, your September meeting, and  
MICHELLE L. CONERO - (845)895-3018

1 18  
2 considering whether or not we should and can  
3 agree on a timeframe after that, starting then,  
4 for purposes of rendering any decision on this  
5 matter.  
6 MR. RICCIARDONE: On this particular --  
7 MR. BLASS: On this particular  
8 application, this particular site. It may be  
9 hypothetically there's another piece of Town  
10 property that has reasonably good signal  
11 propagation to address a gap in coverage, and it  
12 may be that it's better, and it may be that this  
13 particular site is not approvable because of the  
14 superiority of the other site.  
15 MR. RICCIARDONE: If that happens we  
16 close this application and create a new  
17 application under the new site?  
18 MR. BLASS: That's very possible.  
19 That's very possible.  
20 MR. LOGUE: All right.  
21 MR. BLASS: I don't know if we're in a  
22 position -- are you in a position to negotiate a  
23 date at this time?  
24 MR. ROSS: I'm not in a position to  
25 negotiate a time but I can take the feedback that  
MICHELLE L. CONERO - (845)895-3018

1 19  
2 we've gotten from the Board tonight.  
3 CHAIRMAN PORCO: Why don't we do an  
4 extension until September.  
5 MR. BLASS: We can leave the FCC  
6 regulations alone, to be addressed in the future.  
7 I don't think the Town is at any great risk now  
8 of any claim that it's violated the regulation by  
9 not rendering a decision tonight, which is what  
10 the argument would have to be. We can address  
11 that at some future time depending on how things  
12 play out. Maybe we can have this decision at the  
13 September meeting when the facts crystalize.  
14 MR. ROSS: Fair enough. We're not  
15 conceding the point either way, but we appreciate  
16 you're point of view.  
17 MR. BLASS: Right.  
18 CHAIRMAN PORCO: And the meeting for  
19 September is actually going to be September 2nd.  
20 MR. ROSS: The day after Labor Day.  
21 CHAIRMAN PORCO: Labor Day falls on the  
22 first Monday.  
23 MR. ROSS: Somebody will be here.  
24 CHAIRMAN PORCO: September 2nd. We  
25 always have the Tuesday.  
MICHELLE L. CONERO - (845)895-3018

1 20  
2 Okay. So if the Board doesn't have a  
3 problem with that, then we can entertain a motion  
4 to extend the public hearing until Tuesday,  
5 September 2nd.  
6 MR. TRAPANI: I'll make that motion.  
7 CHAIRMAN PORCO: Ben. And a second?  
8 MR. LOGUE: I'll second that.  
9 CHAIRMAN PORCO: Mike. All those in  
10 favor, say aye.  
11 MR. TRAPANI: Aye.  
12 MR. RICCIARDONE: Aye.  
13 MR. LOGUE: Aye.  
14 CHAIRMAN PORCO: Aye.  
15 Any opposed?  
16 (No response.)  
17 MR. HINES: We're going to re-notice  
18 that public hearing?  
19 MR. BLASS: Is that a condition of  
20 re-noticing and re-publishing?  
21 CHAIRMAN PORCO: The original one, the  
22 application was for 10 Ann Kaley Lane. If it's  
23 not there anymore --  
24 MR. HINES: You need to know that by  
25 your August -- that's the hypothetical we don't  
MICHELLE L. CONERO - (845)895-3018

1 21  
2 know about. By August 4th you're going to need  
3 to know that, if that's your 30 days before your  
4 September 2nd meeting.  
5 CHAIRMAN PORCO: How do you re-notice  
6 if you don't know where it is?  
7 MR. BLASS: I think the best you can do  
8 is assume that it's going to stay where it's  
9 proposed until and unless this application is  
10 withdrawn and a new one is filed or until you  
11 render a decision saying thumbs up or thumbs  
12 down. I think you have to stay the course based  
13 on this proposed site. So you're just  
14 re-publishing, giving the public notice of the  
15 continuation.  
16 CHAIRMAN PORCO: Do you want to add  
17 that condition to the motion, re-notice --  
18 re-notify --  
19 MR. RICCIARDONE: The public hearing  
20 gets recertified, re-mailed out again.  
21 MR. BLASS: Re-noticed.  
22 MR. RICCIARDONE: All right. I'll make  
23 that motion, to re-notify the public of the  
24 September 2nd meeting.  
25 MR. TRAPANI: I'll second.  
MICHELLE L. CONERO - (845)895-3018

1 22  
2 CHAIRMAN PORCO: All those in favor,  
3 say aye.  
4 MR. TRAPANI: Aye.  
5 MR. RICCIARDONE: Aye.  
6 MR. LOGUE: Aye.  
7 CHAIRMAN PORCO: Aye.  
8 Any opposed?  
9 (No response.)  
10 CHAIRMAN PORCO: The motion is carried.  
11 All right.  
12 MR. ROSS: And the next step I suppose  
13 is -- obviously I don't think there is going to  
14 be any further discussions regarding the  
15 stipulation until after the September meeting.  
16 MR. BLASS: Probably not until shortly  
17 in advance of the September meeting. Between the  
18 receipt of materials, perhaps, and the September  
19 meeting.  
20 MR. ROSS: As for the narrow shot clock  
21 issue, the ball is basically in our court to make  
22 the call.  
23 MR. BLASS: Yeah, that's in your court.  
24 MR. RICCIARDONE: If you get us the  
25 material before the September 2nd meeting --  
MICHELLE L. CONERO - (845)895-3018

1 23  
2 MR. ROSS: Practically speaking, the  
3 ball is obviously in our court to get you the  
4 materials.  
5 The narrow legal issue we've been  
6 discussing is it's -- there's a presumption of  
7 reasonableness when we talk about the 150 days.  
8 MR. BLASS: I think it's --  
9 MR. ROSS: We aren't holding you to 150  
10 days.  
11 MR. BLASS: That's true. I think it's  
12 in your court as to whether to march to a Federal  
13 court tomorrow and claim the Board is being  
14 unreasonable in it's review and delay, and that's  
15 the risk the Board is assuming. It's not a fixed  
16 shot clock. It's not like the NBA shot clock or  
17 a clock where when it runs out it runs out. It's  
18 nothing more than a presumption.  
19 MR. ROSS: Presumptions are like all  
20 presumptions are. That would be our position.  
21 MR. BLASS: You would be in a position  
22 to defend yourself by saying under the facts and  
23 circumstances in the record here, how could you  
24 have made a decision by tonight.  
25 MR. ROSS: Our position alternatively  
MICHELLE L. CONERO - (845)895-3018

1 24  
2 would be under the facts and circumstances  
3 presented, that you have everything you need.  
4 MR. RICCIARDONE: Okay. Hopefully that  
5 ball gets bounced back to us with all the  
6 information.  
7 MR. ROSS: We will work diligently to  
8 provide you that information.  
9 MR. HINES: Their consultants and your  
10 tower consultants have had some conversations  
11 that are ongoing. They're awaiting a submission  
12 also.  
13 MR. BLASS: There's an outstanding  
14 comment letter from HDR dated May 5, 2014 with  
15 several items that I'm not sure whether they've  
16 been addressed or not yet.  
17 MR. HINES: We have not seen a revised  
18 submission.  
19 MR. ROSS: It's all part of the big  
20 ball of wax so to speak.  
21 Thank you all.  
22 CHAIRMAN PORCO: Thank you.  
23  
24 (Time noted: 7:55 p.m.)  
25  
MICHELLE L. CONERO - (845)895-3018

CERTIFICATION

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: July 30, 2014

MICHELLE L. CONERO - (845)895-3018

STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD
In the Matter of

STEWART'S SHOPS

Project No. 14-7010
1872 Route 9W
Section 103.1; Block 2; Lot 88.200

PUBLIC HEARING
SITE PLAN

Date: July 7, 2014
Time: 7:55 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER BODER

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

MICHELLE L. CONERO - (845)895-3018

CHAIRMAN PORCO: Next is Stewart's Shops, public hearing on a site plan.

Legal notice, commercial site plan application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to Town of Marlborough Town Code 165-31 on Monday, July 7, 2014, for the following application: Stewart's Shops, 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 on lands located 1872 Route 9W, Milton, Section 103.1, Block 2, Lot 88.2. Any interested parties either for or against this proposal will have the opportunity to be heard at this time. Joseph Porco, Chairman.

MR. BODER: You have all the --

CHAIRMAN PORCO: How many were sent out and how many returned?

MR. BODER: Fourteen sent out, Eleven back.

CHAIRMAN PORCO: Fourteen sent out and eleven returned.

Okay. Before I ask for a public

MICHELLE L. CONERO - (845)895-3018

comment, maybe you can just do a brief overview.

MR. BODER: Chris Boder from Stewart's Shops. I'm here tonight to present a twelve by seventy-two foot addition, 864 square feet, to the rear of the building. That exists there currently. When we do that we won't expand any of the blacktop that's there now. The sidewalk will extend the additional twelve feet for this end parking spot.

We're proposing to change out our signs on the site. The building sign currently is twenty-one square feet. This one is proposed to be seventeen. We're decreasing the square footage for the building sign. The free-standing sign will remain the same size. The only thing that will change are the faces on the frame and post and all that stuff will remain.

The building itself will be extended. Where the brick is, that will remain brick and just be extended. The back will remain a metal siding as it is today. The other side will match the siding that's there. So everything will match to the way it is right now.

The lighting on the site will stay the

MICHELLE L. CONERO - (845)895-3018

1 29  
2 same. We're going to add one new light within  
3 that twelve-foot addition in the soffit. It's  
4 going to be a recessed LED light like the other  
5 ones on the site now.  
6 That's pretty much --  
7 CHAIRMAN PORCO: This is a public  
8 hearing. If anyone has any questions on this  
9 application, just give your name to the  
10 Stenographer.  
11 MS. DONELSON: It just looks like it's  
12 an addition.  
13 CHAIRMAN PORCO: Can you just give your  
14 name to the Stenographer?  
15 MS. DONELSON: Joy Donelson. It looks  
16 like it's just an addition on the rear of the  
17 building as it stands.  
18 MR. BODER: That is it. Yes.  
19 MR. HINES: Twelve feet.  
20 MR. BODER: Twelve feet, yup.  
21 MS. DONELSON: Pardon?  
22 MR. BODER: Twelve feet.  
23 MR. HINES: The entire length of the  
24 building.  
25 MR. BODER: Correct.  
MICHELLE L. CONERO - (845)895-3018

1 30  
2 CHAIRMAN PORCO: Yes.  
3 MR. COUPART: Tom Coupart. The  
4 addition is going to be used for?  
5 MR. BODER: We'll remodel the entire  
6 inside of the store. We'll do the flooring,  
7 lights, our counters. We're going to increase  
8 storage back room space, cooler. We'll redo the  
9 entire inside along with the addition. It allows  
10 us to change the configuration of the store  
11 inside.  
12 MR. HINES: It's our understanding it's  
13 a corporate upgrade based on your current  
14 standards.  
15 MR. BODER: The store is growing and  
16 it's outgrowing the space it has today.  
17 CHAIRMAN PORCO: Any other questions  
18 from the public?  
19 (No response.)  
20 CHAIRMAN PORCO: Any from the Board?  
21 MR. TRAPANI: You did say it's going to  
22 stay open, right, --  
23 MR. BODER: That is correct.  
24 MR. TRAPANI: -- while they're doing  
25 it? We don't want to lose it.  
MICHELLE L. CONERO - (845)895-3018

1 31  
2 CHAIRMAN PORCO: If there are no  
3 further questions from the public, we can  
4 entertain a motion to close the public hearing.  
5 MR. LOGUE: I'll make that motion to  
6 close the public hearing.  
7 CHAIRMAN PORCO: Mike.  
8 MR. RICCIARDONE: I'll second it.  
9 CHAIRMAN PORCO: Frank. All those --  
10 MR. HINES: It's a Type II action, less  
11 than 4,000 square feet, so there is no SEQRA  
12 action required.  
13 Our previous comments have been  
14 addressed.  
15 The only thing we're awaiting is the  
16 County Planning comments haven't come in for the  
17 plans that were submitted last month.  
18 CHAIRMAN PORCO: But they've been  
19 submitted?  
20 MR. HINES: Yes.  
21 CHAIRMAN PORCO: So we're at a  
22 standstill.  
23 MR. HINES: You can't take any action  
24 until after -- I think the County meeting is  
25 tomorrow.  
MICHELLE L. CONERO - (845)895-3018

1 32  
2 MR. BLASS: It was last week. The 2nd  
3 of July.  
4 MR. HINES: Oh, yeah.  
5 CHAIRMAN PORCO: If we have it by the  
6 next meeting --  
7 MR. HINES: By the next meeting we can  
8 certainly take action. I don't even know if the  
9 applicant's representative needs to be here.  
10 CHAIRMAN PORCO: Probably not. You  
11 understand what we're saying?  
12 MR. BODER: Right.  
13 CHAIRMAN PORCO: We can't go any  
14 further until we review the County comments  
15 because it goes to the County Planning Board. We  
16 have not received those comments back from them  
17 yet. They just met last week.  
18 MR. BODER: Is there any way for a vote  
19 contingent upon receiving those?  
20 MR. TRAPANI: That's what I just said.  
21 You can't make it conditional?  
22 CHAIRMAN PORCO: The County doesn't  
23 like that.  
24 MR. BODER: All right.  
25 MR. RICCIARDONE: They're not going to  
MICHELLE L. CONERO - (845)895-3018



1 33  
 2 be happy if you try to do that.  
 3 CHAIRMAN PORCO: They reprimand us.  
 4 We're not supposed to.  
 5 MR. BODER: Okay.  
 6 MR. HINES: We do have a meeting on the  
 7 21st, though.  
 8 CHAIRMAN PORCO: We meet again in two  
 9 weeks.  
 10 MR. HINES: Either the timeframe will  
 11 have run out or we will have received them.  
 12 MR. BLASS: That was discussed at the  
 13 last meeting. You weren't here. It was  
 14 discussed at the initial presentation that this  
 15 would occur.  
 16 MR. BODER: Save us the two-hour ride  
 17 down.  
 18 MR. HINES: I don't know if they need  
 19 to do that. Once we see what the comments are,  
 20 if there's no substantive issues --  
 21 CHAIRMAN PORCO: You don't have to be  
 22 here.  
 23 MR. BODER: I guess once we see the  
 24 comments. If there are no comments, I guess  
 25 there's no need to come.  
 MICHELLE L. CONERO - (845)895-3018

1 34  
 2 CHAIRMAN PORCO: That's fine. That  
 3 will work.  
 4 MR. BODER: I don't know if I'll be  
 5 coming back. It might be the other guy. He's on  
 6 vacation so I'm filling in.  
 7 CHAIRMAN PORCO: Very good. Thank you.  
 8 MR. BODER: Thanks.  
 9  
 10 (Time noted: 8:03 p.m.)  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 MICHELLE L. CONERO - (845)895-3018

1 35  
 2  
 3 C E R T I F I C A T I O N  
 4  
 5  
 6  
 7 I, Michelle Conero, a Shorthand  
 8 Reporter and Notary Public within and for  
 9 the State of New York, do hereby certify  
 10 that I recorded stenographically the  
 11 proceedings herein at the time and place  
 12 noted in the heading hereof, and that the  
 13 foregoing is an accurate and complete  
 14 transcript of same to the best of my  
 15 knowledge and belief.  
 16  
 17  
 18  
 19 -----  
 20  
 21  
 22  
 23 DATED: July 30, 2014  
 24  
 25  
 MICHELLE L. CONERO - (845)895-3018

1 36  
 2 STATE OF NEW YORK : COUNTY OF ULSTER  
 3 TOWN OF MARLBOROUGH PLANNING BOARD  
 4 ----- X  
 5 In the Matter of  
 6  
 7 WENZ CONSOLIDATION  
 8  
 9 Project No. 14-7003  
 10 Plattekill Road  
 11 Section 108.2; Block 9; Lots 33.1, 3, 4, 5 & 34  
 12 ----- X  
 13  
 14 PUBLIC HEARING  
 15 LOT LINE REVISION  
 16  
 17 Date: July 7, 2014  
 18 Time: 8:03 p.m.  
 19 Place: Town of Marlborough  
 20 Town Hall  
 21 1650 Route 9W  
 22 Milton, NY 12547  
 23  
 24 BOARD MEMBERS: JOSEPH PORCO, Chairman  
 25 BEN TRAPANI  
 FRANK RICCIARDONE  
 MICHAEL LOGUE  
 ALSO PRESENT: RONALD BLASS, ESQ.  
 PATRICK HINES  
 KATHI NATLAND  
 APPLICANT'S REPRESENTATIVE: DARREN SCALZO  
 ----- X  
 MICHELLE L. CONERO  
 10 Westview Drive  
 Wallkill, New York 12589  
 (845)895-3018  
 MICHELLE L. CONERO - (845)895-3018

1 37  
2 CHAIRMAN PORCO: Next is Wenz  
3 Consolidation, public hearing on a lot line  
4 revision.  
5 Legal notice, lot line revision  
6 application. Pelase take notice that a public  
7 hearing will be held by the Marlborough Planning  
8 Board pursuant to the State Environmental Quality  
9 Review Act and Town of Marlborough Code 134-33 on  
10 Monday, July 7, 2014, for the following  
11 application: Wenz Consolidation, at the Town  
12 Hall, 1650 Route 9W, Milton, New York at 7:30  
13 p.m. or as soon thereafter as may be heard. The  
14 applicant is seeking approval of a lot line  
15 revision for lands located at Plattekill Road in  
16 Marlborough, Section 108.2, Block 9, Lots 33.1/3/  
17 4/5 and 34. Any interested parties either for or  
18 against this proposal would have an opportunity  
19 to be heard at this time. Joe Porco, Chairman.  
20 How many in and how many out?  
21 MR. SCALZO: I've got seven out and six  
22 back.  
23 CHAIRMAN PORCO: Seven out and six  
24 returned.  
25 This is a public hearing on a lot line  
MICHELLE L. CONERO - (845)895-3018

1 38  
2 revision. If anyone has any questions on this  
3 application, now would be the time to address the  
4 Board. Give your name to the Stenographer,  
5 please.  
6 MR. SCALZO: My name is Darren Scalzo,  
7 I'm here representing the lot line consolidation  
8 and lot line change for the Wenz parcels.  
9 What I'm going to do is take you back  
10 to 2006 when this all started. In 2006 the  
11 Planning Board had approved a five-lot  
12 subdivision as depicted here. This is Plattekill  
13 Road. It was going to be serviced by a private  
14 road that was going to end in a cul-de-sac. As I  
15 say, there was five lots. We had a stormwater  
16 management pond which was going to have  
17 controlled flow into the existing ponds on the  
18 property.  
19 Since then lot 2 has been sold and it's  
20 no longer going to be included in anything that  
21 we're discussing here.  
22 Moving forward, what we have now are  
23 outlined in pink, we've consolidated the original  
24 five. The one was sold so now we're actually  
25 down to four. We're going to consolidate into  
MICHELLE L. CONERO - (845)895-3018

1 39  
2 two. However, in this case the Wenz parcel which  
3 was to the west is now involved in the action.  
4 There was a driveway issue at the access to  
5 Plattekill Road on the east side of the property,  
6 so there ended up being a land swap. So the  
7 original Wenz parcel is going to be 5 acres in  
8 its entirety. New proposed lot number 1 will be  
9 5.06 acres. New combined lot 2 will be 5.18  
10 acres. The parcels -- all three lots, the lot  
11 that was sold, original lot number 2, filed map  
12 -- proposed lot 1 and proposed lot 2 will all be  
13 serviced by a common driveway which is outlined  
14 in yellow on the map. That driveway will  
15 continue in a horseshoe which exists already down  
16 to a second entrance onto Plattekill Road. We  
17 have received a letter from the fire chief.  
18 I'm hoping, Kathi, that you have it.  
19 MS. NATLAND: I don't.  
20 MR. SCALZO: I have a copy here,  
21 although it's not on letterhead. It's from Mr.  
22 Troncilitto. He has reviewed it. I will hand  
23 that to you. It's saying that he agreed to the  
24 horseshoe as long as it was maintained wide  
25 enough for his emergency vehicles as well as any  
MICHELLE L. CONERO - (845)895-3018

1 40  
2 trees that were hanging in the right-of-way or in  
3 the access drive were cleared and available for  
4 emergency vehicles.  
5 Currently my client's attorney is  
6 working with Mr. Blass's office to come up with  
7 an acceptable driveway maintenance agreement  
8 which will include the emergency access.  
9 That's all I have. I open it to  
10 questions, Mr. Porco, or the Board.  
11 CHAIRMAN PORCO: Once again, any  
12 questions from the public?  
13 (No response.)  
14 CHAIRMAN PORCO: If there are none, we  
15 can entertain a motion to close the public  
16 hearing.  
17 MR. RICCIARDONE: I'll close the public  
18 hearing.  
19 CHAIRMAN PORCO: Frank.  
20 MR. TRAPANI: I'll second.  
21 CHAIRMAN PORCO: Ben. All those in  
22 favor, say aye.  
23 MR. TRAPANI: Aye.  
24 MR. RICCIARDONE: Aye.  
25 MR. LOGUE: Aye.  
MICHELLE L. CONERO - (845)895-3018

1 41  
2 CHAIRMAN PORCO: Aye.  
3 Any opposed?  
4 (No response.)  
5 CHAIRMAN PORCO: The motion is carried.  
6 Comments from the Board?  
7 MR. TRAPANI: What's decided about  
8 anybody else using that other access? How are we  
9 going to stop the people from using that other  
10 emergency around at horseshoe? We had discussed  
11 it last time.  
12 MR. SCALZO: Through a driveway  
13 maintenance agreement only. There are no rights  
14 for the owner of the lot now owned by Pacino as  
15 well as combined lot number 1 and combined lot 2.  
16 They have no rights to cross over the remaining  
17 Wenz parcel. That's all I can offer.  
18 MR. LOGUE: Wenz himself is going to be  
19 responsible for maintaining this?  
20 MR. SCALZO: With a properly crafted  
21 maintenance agreement. The details, I don't have  
22 those yet. They're being worked out at this  
23 time.  
24 MR. BLASS: So the status of the work  
25 out is that I haven't seen anything.  
MICHELLE L. CONERO - (845)895-3018

1 42  
2 MR. SCALZO: I understand that. I was  
3 informed of that -- no, no. I was informed of  
4 that today.  
5 CHAIRMAN PORCO: And why would the  
6 other party want to use that?  
7 MR. TRAPANI: You came to visit me and  
8 I live in this house, one of these houses here,  
9 you decide you want to go -- is anybody legally  
10 responsible because you want to go the other way,  
11 you didn't want to go the way I said you should  
12 go? I don't know.  
13 CHAIRMAN PORCO: I don't know the  
14 answer to that.  
15 MR. TRAPANI: I don't know.  
16 MR. RICCIARDONE: If someone stops  
17 them, they turn around.  
18 MR. BLASS: I think it's been discussed  
19 at prior meetings that there's a whole can of  
20 legal worms here that would need to be worked  
21 through one by one. That's certainly an issue  
22 that would have to be worked through. So I think  
23 it's really -- if I were to put it in a nutshell,  
24 the issue is whether you're going to work it  
25 through or whether it will be worked through me  
MICHELLE L. CONERO - (845)895-3018

1 43  
2 all by my little self and lonesome. That's  
3 really what we're talking about now.  
4 MR. RICCIARDONE: Is their attorney  
5 talking to you?  
6 MR. BLASS: Not yet.  
7 MR. RICCIARDONE: I thought that's what  
8 you said.  
9 MR. SCALZO: I had been led to believe  
10 Mr. Cray's office reached out to you for this.  
11 MR. BLASS: On the record, that didn't  
12 happen.  
13 MR. SCALZO: Okay.  
14 MR. RICCIARDONE: So now we're back to  
15 square one. You get the maintenance agreement,  
16 iron it out and, guess what, we go forward.  
17 MR. SCALZO: Okay.  
18 CHAIRMAN PORCO: We're not going to go  
19 any further until we get that done, get the  
20 letter for the file. You say it's not on  
21 letterhead?  
22 MR. SCALZO: It's not on the fire  
23 department's letterhead.  
24 CHAIRMAN PORCO: I could have typed it.  
25 MR. SCALZO: Exactly. Which I was also  
MICHELLE L. CONERO - (845)895-3018

1 44  
2 informed or led to believe that it was delivered  
3 to your -- to Kathi last week.  
4 MS. NATLAND: No.  
5 CHAIRMAN PORCO: I would have the chief  
6 make it official.  
7 MR. TRAPANI: We can't do anything  
8 anyway until everything is hammered out between  
9 the lawyers.  
10 CHAIRMAN PORCO: Okay.  
11 MR. SCALZO: Thank you very much.  
12 MR. HINES: Those issues mirror my  
13 comments.  
14 MR. SCALZO: Actually, the comment  
15 regarding the County Department of Public Works,  
16 is that something -- am I reaching out to them or  
17 are you?  
18 MR. HINES: You are.  
19 MR. SCALZO: Okay. That's fine.  
20 MR. HINES: The same issues are there.  
21  
22 (Time noted: 8:15 p.m.)  
23  
24  
25 MICHELLE L. CONERO - (845)895-3018

CERTIFICATION

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: July 30, 2014

MICHELLE L. CONERO - (845)895-3018

CHAIRMAN PORCO: Next is William Woodard, public hearing on a lot line revision. 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 134-33 on Monday, July 7, 2014 for the following application: Woodward Lot Line Revision, at the Town Hall, 1650 Route 9W, Milton, New York at 7:30 or as soon thereafter as may be heard. The applicant is seeking approval of a lot line revision for lands located at Riverview Drive, Marlborough, New York, Section 109.1, Block 2, Lot 5.220/5.231. Any interested parties either for or against this proposal will have the opportunity to be heard at this time. Joe Porco, Chairman.

In and out?

MS. BROOKS: Seven out, six back in. One was undeliverable as the forwarding address had expired.

CHAIRMAN PORCO: Okay. This is a public hearing. If anyone has any questions on

MICHELLE L. CONERO - (845)895-3018

STATE OF NEW YORK : COUNTY OF ULSTER  
TOWN OF MARLBOROUGH PLANNING BOARD  
----- X  
In the Matter of

WILLIAM WOODWARD

Project No. 14-7009  
Riverview Drive  
Section 109.1; Block 2; Lots 5.220 & 5.231

----- X

PUBLIC HEARING  
LOT LINE REVISION

Date: July 7, 2014  
Time: 8:15 p.m.  
Place: Town of Marlborough  
Town Hall  
1650 Route 9W  
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

MICHELLE L. CONERO - (845)895-3018

this application, now would be the time to address the Board?

(No response.)

CHAIRMAN PORCO: Being that there's nobody left but Ricky, I'll entertain a motion to close the public hearing.

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

CHAIRMAN PORCO: A second?

MR. TRAPANI: I'll second it.

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

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried.

Pat says his office takes no exception.

MR. RICCIARDONE: Pat, could you explain that comment, please?

MR. HINES: It's pretty simple.

MS. BROOKS: I didn't get your comment.

MICHELLE L. CONERO - (845)895-3018

1 49  
 2 MR. HINES: It says I take no  
 3 exception.  
 4 CHAIRMAN PORCO: Any SEQRA  
 5 determination?  
 6 MR. HINES: We would recommend a  
 7 negative declaration on this action.  
 8 CHAIRMAN PORCO: The Board can  
 9 entertain a motion for a negative declaration.  
 10 MR. RICCIARDONE: I'll make a motion  
 11 for a negative dec.  
 12 MR. TRAPANI: I'll second.  
 13 CHAIRMAN PORCO: All those in favor,  
 14 say aye.  
 15 MR. TRAPANI: Aye.  
 16 MR. RICCIARDONE: Aye.  
 17 MR. LOGUE: Aye.  
 18 CHAIRMAN PORCO: Aye.  
 19 The motion is carried.  
 20 We can also have a motion for a lot  
 21 line revision approval.  
 22 MR. RICCIARDONE: I'll make a motion  
 23 for lot line revision.  
 24 CHAIRMAN PORCO: Frank.  
 25 MR. LOGUE: I'll second it.  
 MICHELLE L. CONERO - (845)895-3018

1 50  
 2 CHAIRMAN PORCO: And Mike. All those  
 3 in favor, say aye.  
 4 MR. TRAPANI: Aye.  
 5 MR. RICCIARDONE: Aye.  
 6 MR. LOGUE: Aye.  
 7 CHAIRMAN PORCO: Aye.  
 8 The motion is carried.  
 9 MS. BROOKS: Thank you.  
 10  
 11 (Time noted: 8:17 p.m.)  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 MICHELLE L. CONERO - (845)895-3018

1 51  
 2  
 3 C E R T I F I C A T I O N  
 4  
 5  
 6  
 7 I, Michelle Conero, a Shorthand  
 8 Reporter and Notary Public within and for  
 9 the State of New York, do hereby certify  
 10 that I recorded stenographically the  
 11 proceedings herein at the time and place  
 12 noted in the heading hereof, and that the  
 13 foregoing is an accurate and complete  
 14 transcript of same to the best of my  
 15 knowledge and belief.  
 16  
 17  
 18  
 19 -----  
 20  
 21  
 22  
 23 DATED: July 30, 2014  
 24  
 25  
 MICHELLE L. CONERO - (845)895-3018

1 52  
 2 STATE OF NEW YORK : COUNTY OF ULSTER  
 3 TOWN OF MARLBOROUGH PLANNING BOARD  
 4 ----- X  
 5 In the Matter of  
 6  
 7 THE CARRIAGE HOUSE  
 8  
 9 Project No. 9-3007  
 10 Route 44/55  
 11 Section 95.2; Block 1; Lot 37  
 12 ----- X  
 13  
 14 EXTENSION  
 15 SITE PLAN  
 16  
 17 Date: July 7, 2014  
 18 Time: 8:17 p.m.  
 19 Place: Town of Marlborough  
 20 Town Hall  
 21 1650 Route 9W  
 22 Milton, NY 12547  
 23  
 24 BOARD MEMBERS: JOSEPH PORCO, Chairman  
 25 BEN TRAPANI  
 FRANK RICCIARDONE  
 MICHAEL LOGUE  
 ALSO PRESENT: RONALD BLASS, ESQ.  
 PATRICK HINES  
 KATHI NATLAND  
 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS  
 ----- X  
 MICHELLE L. CONERO  
 10 Westview Drive  
 Walkkill, New York 12589  
 (845)895-3018  
 MICHELLE L. CONERO - (845)895-3018

1 53  
2 CHAIRMAN PORCO: Moving right along,  
3 The Carriage House, extension on a site plan.  
4 I guess we received a letter that  
5 they're asking for a one-year extension.  
6 MR. HINES: That's what's available to  
7 them.  
8 CHAIRMAN PORCO: Since the project was  
9 not constructed within its original two-year  
10 timeframe. Pat's office again takes no  
11 exception.  
12 MS. BROOKS: I did bring a copy of the  
13 site plan in case anybody --  
14 MR. RICCIARDONE: We take no exception.  
15 MR. HINES: You better hurry up before  
16 the wetland gets bigger.  
17 MS. BROOKS: I know.  
18 CHAIRMAN PORCO: Are there any  
19 questions on this?  
20 MR. LOGUE: No.  
21 MR. BLASS: This extension runs from  
22 when?  
23 MS. BROOKS: From July 7, 2014 until  
24 July 7, 2015.  
25 MR. BLASS: It's an extension of what?  
MICHELLE L. CONERO - (845)895-3018

1 54  
2 MS. BROOKS: One year of the site plan  
3 approval.  
4 MR. BLASS: On the approval itself?  
5 MS. BROOKS: Yes.  
6 MR. HINES: It will go July 2nd to July  
7 2nd. The original approval was July 2nd.  
8 MS. BROOKS: The original approval was  
9 July 2nd but the maps were not signed until  
10 December 17th. I didn't want to wait and then  
11 worry that I was past the two years, because I  
12 didn't really know whether it ran from the time  
13 the conditions were met or whether it ran from  
14 the time that the site plan was signed.  
15 MR. BLASS: Right, right. What's  
16 supposed to happen within the two years?  
17 MS. BROOKS: Commence construction.  
18 MR. BLASS: We're extending that rule?  
19 MS. BROOKS: Correct.  
20 MR. HINES: I believe it's only a one-  
21 year extension is all that's available.  
22 MR. BLASS: That's right. Do we have a  
23 date -- a proposed date from which to extend it?  
24 When does it start and when does it end?  
25 MS. BROOKS: I guess that was my -- the  
MICHELLE L. CONERO - (845)895-3018

1 55  
2 reason I applied for it now was because the  
3 approval was granted in July but the site plan  
4 wasn't signed until December.  
5 MR. BLASS: It would be until July 2nd  
6 of 2015?  
7 MS. BROOKS: Sure. I can live with  
8 that.  
9 MR. RICCIARDONE: I wrote it down in  
10 ink.  
11 MS. BROOKS: That's it then.  
12 CHAIRMAN PORCO: So do we have a  
13 motion?  
14 MR. LOGUE: I'll make that motion.  
15 MR. TRAPANI: I'll second it.  
16 CHAIRMAN PORCO: Mike and Ben. All  
17 those in favor, say aye.  
18 MR. TRAPANI: Aye.  
19 MR. RICCIARDONE: Aye.  
20 MR. LOGUE: Aye.  
21 CHAIRMAN PORCO: Aye.  
22 Any opposed?  
23 (No response.)  
24 CHAIRMAN PORCO: The motion is carried.  
25 MS. BROOKS: Thank you very much.  
MICHELLE L. CONERO - (845)895-3018

1 56  
2 (Time noted: 8:19 p.m.)  
3  
4  
5 CERTIFICATION  
6  
7 I, Michelle Conero, a Shorthand  
8 Reporter and Notary Public within and for  
9 the State of New York, do hereby certify  
10 that I recorded stenographically the  
11 proceedings herein at the time and place  
12 noted in the heading hereof, and that the  
13 foregoing is an accurate and complete  
14 transcript of same to the best of my  
15 knowledge and belief.  
16  
17  
18  
19  
20  
21  
22 DATED: July 30, 2014  
23  
24  
25  
MICHELLE L. CONERO - (845)895-3018

1 57  
2 STATE OF NEW YORK : COUNTY OF ULSTER  
3 TOWN OF MARLBOROUGH PLANNING BOARD  
4 ----- X  
5 In the Matter of  
6  
7 E. AFFUSO  
8 Project No. 14-7011  
9 Plattekill Road  
10 Section 108.3; Block 4; Lots 33.210, 33.220, 33.230 & 33.240  
11 Section 108.3; Block 4; Lots 25, 26, 27 & 29  
12 ----- X  
13 SKETCH  
14 TIMBER HARVEST  
15 Date: July 7, 2014  
16 Time: 8:19 p.m.  
17 Place: Town of Marlborough  
18 Town Hall  
19 1650 Route 9W  
20 Milton, NY 12547  
21  
22 BOARD MEMBERS: JOSEPH PORCO, Chairman  
23 BEN TRAPANI  
24 FRANK RICCIARDONE  
25 MICHAEL LOGUE  
26  
27 ALSO PRESENT: RONALD BLASS, ESQ.  
28 PATRICK HINES  
29 KATHI NATLAND  
30  
31 APPLICANT'S REPRESENTATIVE: ERIC AFFUSO & JOHN MORGAN  
32  
33 ----- X  
34 MICHELLE L. CONERO  
35 10 Westview Drive  
Walkkill, New York 12589  
(845)895-3018  
MICHELLE L. CONERO - (845)895-3018

1 58  
2 CHAIRMAN PORCO: Next is E. Affuso,  
3 sketch on a timber harvest.  
4 MR. AFFUSO: I'm not sure what the heck  
5 I'm doing, guys, but I want to cut some trees  
6 down. What do I need?  
7 MR. HINES: We need some more stuff. I  
8 just received additional information on the  
9 parcels. There's multiple parcels here. I think  
10 there are eight parcels.  
11 MR. AFFUSO: Four-lot subdivision,  
12 landlocked parcels. It's off of Plattekill Road.  
13 MR. HINES: Right at the Plattekill/  
14 Marlborough line.  
15 MR. AFFUSO: On the south side.  
16 MR. RICCIARDONE: Where that road cut  
17 is.  
18 MR. HINES: The road cut I'm assuming  
19 is going to be the whole road area. Basically  
20 that's a County road there, so you're going to  
21 need a County permit for access, egress in and  
22 out of there.  
23 MR. AFFUSO: I have no idea.  
24 MR. HINES: Yeah.  
25 MR. AFFUSO: How do I go about that?  
MICHELLE L. CONERO - (845)895-3018

1 59  
2 MR. MORGAN: I can do it.  
3 MR. AFFUSO: You're aware?  
4 MR. MORGAN: Yeah.  
5 MR. HINES: I did just receive -- my  
6 comment 2 was to obtain records of the timber  
7 crews. There's a number of trees per acre. I  
8 just received a copy of that just now. The lands  
9 of Moorehead, which is one of the -- it's a  
10 thirteen-acre section of this, has 130 trees to  
11 be cut, 10 trees -- 11 trees per acre it says.  
12 Lands of Affuso which has multiple section, block  
13 and lots, has 200 trees or approximately 13 trees  
14 per acre. Not an inordinate amount of trees to  
15 be harvested. That's typical to what we see in a  
16 timber harvest.  
17 MR. AFFUSO: I plan on retiring. That  
18 along with my Town retirement.  
19 MR. HINES: This requires a public  
20 hearing. This is a special permit use and  
21 requires a public hearing for a timber harvest.  
22 So the Board could set the public hearing for  
23 that, and that would be the first meeting in  
24 August when the public hearing could be  
25 scheduled, which would give you time.  
MICHELLE L. CONERO - (845)895-3018

1 60  
2 MR. AFFUSO: Pat, this is what you need  
3 from me?  
4 CHAIRMAN PORCO: Which is August 4th?  
5 MR. HINES: Yes.  
6 CHAIRMAN PORCO: We can entertain a  
7 motion to schedule a public hearing for Monday,  
8 August 4th.  
9 MR. LOGUE: I'll make a motion to  
10 schedule a public hearing for August.  
11 CHAIRMAN PORCO: Mike.  
12 MR. TRAPANI: I'll second it.  
13 CHAIRMAN PORCO: Ben seconds it. All  
14 those in favor, say aye.  
15 MR. TRAPANI: Aye.  
16 MR. RICCIARDONE: Aye.  
17 MR. LOGUE: Aye.  
18 CHAIRMAN PORCO: Aye.  
19 Any opposed?  
20 (No response.)  
21 CHAIRMAN PORCO: Ron, does it have to  
22 go to County?  
23 MR. HINES: It's a County road. It has  
24 to go to the Town DPW. It does go to County  
25 Planning.  
MICHELLE L. CONERO - (845)895-3018

1 61  
 2 MR. BLASS: It's on a County road.  
 3 CHAIRMAN PORCO: We're going to run  
 4 into the same problem where we have a public  
 5 hearing before we hear from County Planning.  
 6 MR. MORGAN: I can get a letter from  
 7 them. I've gotten them before.  
 8 MR. BLASS: So the meeting is going --  
 9 the County will probably meet the first Wednesday  
 10 in August.  
 11 MR. AFFUSO: It is what it is.  
 12 CHAIRMAN PORCO: Which is the 6th.  
 13 MS. NATLAND: It's two days after.  
 14 MR. BLASS: The option the Stewart's  
 15 guys faced a month ago was have the public  
 16 hearing in August and then have to wait or have  
 17 the public hearing in September by which time the  
 18 County will have done it's thing.  
 19 MR. AFFUSO: If we come in August,  
 20 their comments aren't going to be here, I have to  
 21 go to the next meeting anyway.  
 22 CHAIRMAN PORCO: Our next meeting is  
 23 August 18th rather than September.  
 24 MR. AFFUSO: Do you want to do the  
 25 August 18th?  
 MICHELLE L. CONERO - (845)895-3018

1 62  
 2 MR. HINES: You can do the 4th and the  
 3 18th.  
 4 CHAIRMAN PORCO: Do it on the 4th but  
 5 we won't be able to give approval until we get --  
 6 MR. MORGAN: I can get a letter from  
 7 him next week.  
 8 MR. AFFUSO: It's not him. It's the  
 9 Ulster County --  
 10 MR. HINES: That's not the letter. We  
 11 also need County Planning because it's on the  
 12 County road. So the County DPW, I do concur you  
 13 may be able to get.  
 14 MR. MORGAN: It's a piece of paper. I  
 15 did it on 32.  
 16 CHAIRMAN PORCO: It's two different  
 17 entities.  
 18 MR. AFFUSO: Which I just realized.  
 19 All right. So if I get those three things  
 20 covered, we're good to go.  
 21 MR. HINES: Number two has been  
 22 addressed in the information provided.  
 23 MR. AFFUSO: That's his crew.  
 24 CHAIRMAN PORCO: It's the County Board.  
 25 MR. AFFUSO: It's another Board. It  
 MICHELLE L. CONERO - (845)895-3018

1 63  
 2 doesn't meet in August until August 6th. So  
 3 we're August 4th and August 18th?  
 4 MR. HINES: Yes. You're going to need  
 5 a couple copies of the map for Kathi.  
 6 MR. AFFUSO: A couple more copies?  
 7 MR. HINES: You turned in this map.  
 8 Those maps that you gave so that she has a  
 9 complete application.  
 10 MR. AFFUSO: Two more copies. Two more  
 11 map copies.  
 12 MR. RICCIARDONE: How many trees you  
 13 got there?  
 14 MR. AFFUSO: It was 200 of no name  
 15 trees. We haven't figured out the species yet.  
 16 CHAIRMAN PORCO: Is there anything else  
 17 to bring before the Board?  
 18 (No response.)  
 19 CHAIRMAN PORCO: If there are none, a  
 20 motion to adjourn.  
 21 MR. RICCIARDONE: I'll make that  
 22 motion.  
 23 CHAIRMAN PORCO: Frank.  
 24 MR. LOGUE: I'll second it.  
 25 CHAIRMAN PORCO: And Mike. Everybody  
 MICHELLE L. CONERO - (845)895-3018

1 64  
 2 say aye.  
 3 MR. TRAPANI: Aye.  
 4 MR. RICCIARDONE: Aye.  
 5 MR. LOGUE: Aye.  
 6 CHAIRMAN PORCO: Aye.  
 7  
 8 (Time noted: 8:26 p.m.)  
 9  
 10 C E R T I F I C A T I O N  
 11  
 12 I, Michelle Conero, a Shorthand  
 13 Reporter and Notary Public within and for  
 14 the State of New York, do hereby certify  
 15 that I recorded stenographically the  
 16 proceedings herein at the time and place  
 17 noted in the heading hereof, and that the  
 18 foregoing is an accurate and complete  
 19 transcript of same to the best of my  
 20 knowledge and belief.  
 21  
 22  
 23 \_\_\_\_\_  
 24  
 25 DATED: July 30, 2014  
 MICHELLE L. CONERO - (845)895-3018