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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's Gap Road  
Section 95.4; Block 1; Lots 11, 12 & 13

----- X

PUBLIC HEARING  
LOT LINE REVISION

Date: March 3, 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  
WALT FALKENBERG

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

APPLICANT'S REPRESENTATIVE: MR. PAULI

----- X

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

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E. ROGER BROWN

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CHAIRMAN PORCO: If we could all rise for the Pledge to the flag, please.

(Pledge of Allegiance.)

MR. TRUNCALI: "Agenda, Town of Marlborough Planning Board, March 3, 2014. Regular meeting 7:30 p.m. Approval of stenographic minutes for 12/16, 1/6, 1/21 and 2/3. E. Roger Brown, public hearing, lot line revision; Osborne/Wagner, sketch, lot line revision; New Cingular Wireless, sketch, site plan. Next deadline: Friday, March 7th. Next scheduled meeting: Monday, March 17th."

CHAIRMAN PORCO: The minutes from December 16th, by now we should have had time to review them. Are there any changes, corrections?

(No response.)

CHAIRMAN PORCO: If there is none, we can have 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.

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E. ROGER BROWN

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MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried.

January 6th, that meeting, any changes  
or corrections to those minutes?

(No response.)

CHAIRMAN PORCO: There being none, we  
can have a motion to approve those.

MR. LOGUE: I'll make that motion.

CHAIRMAN PORCO: Mike.

MR. TRAPANI: I'll second.

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

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

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E. ROGER BROWN

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MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Anybody opposed?

(No response.)

CHAIRMAN PORCO: Good.

The minutes from January 21st and February 3rd, let's table that until the next meeting as you may not all have had a chance to review them.

That brings us to E. Roger Brown, 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 134-33 on Monday, March 3, 2014 for the following application: E. Roger Brown, lot line 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 94 Bailey's Gap Road, Milton,

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E. ROGER BROWN

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New York, Section 95.4; Block 1; Lot 12, 11 and 13. 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: Does anyone have any questions on this application?

(No response.)

CHAIRMAN PORCO: Pat, your comments don't look like they've changed.

MR. HINES: They haven't changed. They're the same ones as last time.

The map has been revised to consolidate two lots and then do a slight lot line change of an adjoining parcel to create a new conforming lot.

The only issue is the mobile home to be removed has to be removed prior to filing the maps or signing of the maps. So that's the only outstanding issue.

It had been before the Board with a couple different lot line arrangements that attempted to keep the mobile home but that created zoning bulk compliance issues. Now with

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E. ROGER BROWN

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the current layout resulting in a 1.62 acre parcel, removing the mobile home, it ends up with two lots with two existing structures, each on each lot, so there are no zoning issues.

So we have no outstanding comments.

CHAIRMAN PORCO: I guess if there are no comments from the public, we can have a motion to close the public hearing.

MR. RICCIARDONE: I'll make that motion.

CHAIRMAN PORCO: Frank.

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.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

MR. TRAPANI: Joe, you have to collect the things that were sent out.

MR. PAULI: The receipts for the

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E. ROGER BROWN

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certified letters.

CHAIRMAN PORCO: How many were sent out?

MR. PAULI: Five.

CHAIRMAN PORCO: How many were returned?

MR. PAULI: All were returned.

CHAIRMAN PORCO: Thank you, Ben.

MR. HINES: We would recommend a negative declaration.

CHAIRMAN PORCO: Any questions from the Board?

(No response.)

CHAIRMAN PORCO: In that case we can have a motion for a negative declaration.

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

CHAIRMAN PORCO: Frank.

MR. LOGUE: I'll second.

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

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

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E. ROGER BROWN

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MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The lot line approval.

If there are no issues with the Board, we can have a motion for lot line approval -- lot line revision approval.

MR. RICCIARDONE: Lot line revision.

I'll make a motion for a lot line revision.

CHAIRMAN PORCO: Frank.

MR. BRAND: I'll second.

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

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?



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(No response.)

CHAIRMAN PORCO: It is noted the maps will not be signed until the mobile home --

MR. HINES: Correct. That's a condition of approval.

MR. PAULI: All right.

(Time noted: 7:35 p.m.)

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

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

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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

SKETCH  
LOT LINE REVISION

Date: March 3, 2014  
Time: 7:38 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  
WALT FALKENBERG

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

APPLICANT'S REPRESENTATIVE: MR. PAULI

----- X

MICHELLE L. CONERO  
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CHAIRMAN PORCO: Next is Osborn/Wagner, sketch on a lot line revision.

MR. HINES: This is a proposed -- actually it's a consolidation of three lots into one larger lot.

There's two existing residential lots that access off of Wyms Heights which is a loop road that comes around back onto Ridge. They're each about 2 acres in size and they are proposed to be added to the existing lot that fronts on Prospect Street, which I believe Mr. Osborn's residence is on. So they're going to add 4 acres to that lot making it a 17.5, plus or minus, acre lot.

The only issue we have is that it requires a public hearing. It doesn't look like there's any significant issues. There's no new proposed construction. It's just adding 4 acres to pretty much an agricultural lot at this point.

CHAIRMAN PORCO: What are the other two lots presently used as?

MR. HINES: They're vacant. They were formed in 2009 during a subdivision.

MR. RICCIARDONE: They're not under

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OSBORN/WAGNER

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farming?

MR. HINES: I don't remember the  
2009 --

MR. PAULI: They're residential  
building lots.

CHAIRMAN PORCO: I don't remember --

MR. HINES: I don't recall the  
subdivision either. It's referenced as --

MR. OSBORN: Mr. Pomarico made it for  
his kids.

MR. HINES: Vincent and Jean Pomarico.  
I don't remember it coming before the Board.

CHAIRMAN PORCO: Not in '09. Maybe  
before that.

MR. HINES: Tried to do it by deed or  
something.

MR. PAULI: We did have subdivision  
approval for that. We might be able to break out  
the map if we wanted to review that.

MR. HINES: I thought the same thing.

CHAIRMAN PORCO: It's just not ringing  
a bell. That doesn't mean --

MR. HINES: In 2009 it would not have  
been filed by deed anyway.

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OSBORN/WAGNER

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MR. OSBORN: I remember it but I  
would --

MR. TRAPANI: Is that across the  
street?

MR. RICCIARDONE: I don't remember it.

CHAIRMAN PORCO: Any questions from the  
Board so far?

MR. FALKENBERG: It's pretty  
straightforward.

CHAIRMAN PORCO: Do you think those  
will be agriculturally used also?

MR. OSBORN: Eventually, yeah. It's  
very good land. That's the idea.

CHAIRMAN PORCO: If there are no  
questions from the Board, I think the only thing  
we need to do is schedule a public hearing for  
the first Monday in April.

MR. RICCIARDONE: I'll make that  
motion.

MR. TRAPANI: I'll second it.

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

MR. BRAND: Aye.

MR. TRAPANI: Aye.

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MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

The motion is carried.

MR. HINES: April 7th is the first  
Monday.

MR. PAULI: So we'll see you on the 7th  
for the public hearing.

CHAIRMAN PORCO: Somebody has to  
advertise and do all that.

MR. PAULI: Yes. Thank you very much.

CHAIRMAN PORCO: Thank you.

(Time noted: 7:40 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: March 15, 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

SKETCH  
SITE PLAN

Date: March 3, 2014  
Time: 7:40 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  
WALT FALKENBERG

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

APPLICANT'S REPRESENTATIVE: DONALD ROSS

----- X

MICHELLE L. CONERO  
10 Westview Drive  
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(845) 895-3018



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CHAIRMAN PORCO: Next is New Cingular Wireless, sketch for a site plan.

MR. ROSS: Good evening. Is this okay?

CHAIRMAN PORCO: We have an easel.

MR. ROSS: My name is Don Ross, R-O-S-S, I'm with the law firm of Phillips, Lytle in Albany, New York. Joining me tonight is Parker Armsby from Aerosmith Development. Aerosmith is the site acquisition representative for AT&T which is the New Cingular Wireless.

This is part of an ongoing rule out of LTE facilities across upstate New York. AT&T identified upstate, the Hudson Valley in particular, as an area that was underserved by -- its customers were underserved by the existing antennas and towers, and so that brings us here tonight.

The land is located -- the parcel in question is at 10 Ann Kaley Lane in the Town. Mr. Osborn is the landowner.

I don't know if you can see this drawing too well from where you're sitting. What this is is what we call in the business an elevation drawing. It's looking at the tower,

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which you'd be looking at it from the side I suppose. It's a monopole. That's sort of the standard issue type of tower that's used. I mean there's many different kinds but the monopole is probably the optimal functional, I guess you would say, tower.

This tower we're planning on -- we plan on having 150 foot tall tower and locating at the top of the tower nine antennas. It's a nine-antenna array. They come in like a sector. If you were looking at it from the top down, the antennas would be arranged in groups of three so when they radiate out they form a 360 degree complete circle so that the signal from the antennas is radiating out in all directions. You'll have two what you call LTE antennas which is 4G, long term evolution. It's the stuff that makes these things works. This is an iPhone but Samsung and other devices use 4G.

MR. LOGUE: Is it only good for AT&T customers?

MR. ROSS: That would only be good for AT&T customers, but the tower itself can be used for any other wireless carrier who would want to

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co-locate on it and sign a lease agreement.

MR. HINES: They would be back before you should they do that. There are provisions. The height of this tower does allow for additional companies to co-locate.

MR. RICCIARDONE: How many companies?

MR. HINES: It depends on the height and the structural integrity. Each one would have to do their own analysis. As you get lower -- obviously the person who -- the first one on the tower gets the best coverage. As you get lower you lose coverage, and then the structural components of the tower need to be analyzed as to how much load you can put on there based on wind loading and ice loading.

CHAIRMAN PORCO: Why would they have to come back?

MR. HINES: Your ordinance requires anyone co-locating to come back for a review. There's issues regarding the structural integrity of the tower, the visual impacts of the tower, a radiation and frequency analysis that are required in your ordinance. So there's a whole litany of things that are required to be looked

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at.

MR. RICCIARDONE: AT&T would be the only one on this tower now?

MR. HINES: Under their PCS or Cingular Wireless --

MR. RICCIARDONE: And the structure itself, how do we know we start off with something that we can add other things to it?

MR. HINES: That's my office. What I'm recommending is we have a tower consultant that we use. We've used him before for the Verizon application that never came to fruition. We'd like you to authorize us to bring them on to take a look at the radiation, the coverage maps to make sure they comply with your ordinance, --

MR. RICCIARDONE: The integrity of the tower to start with.

MR. HINES: -- correct -- and to make sure that there's the conservative design to allow for the co-location. We do want to co-locate. Your ordinance encourages co-locating to limit the number of towers. A lot of the towers we see now are for the fourth generation and there are capacity issues within the system.

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They have coverage but everyone has got one of these things we just held up and their computers at home, and so they need them just for the capacity issue, not for coverage. This one is for a coverage issue but may be for capacity also.

I'll let you continue.

MR. ROSS: That's fine.

MR. RICCIARDONE: Just looking at the tower in itself, the location, should we go look where it's being located, number one, since it is 150 foot tall?

MR. HINES: Yes. One of the things they're here for tonight is to schedule a balloon test. Your ordinance requires they put a balloon up 150 feet --

MR. RICCIARDONE: So we can see --

MR. ROSS: You would just tell us the locations you would want us to take pictures of the balloon from so we can prepare the photo simulations as they're known in the business. It's a superimposed photograph.

MR. RICCIARDONE: See who else in your community can see that and what what kind of

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obstruction it is. It's just a regular pole tower? I can't see it from here.

MR. ROSS: Let me turn it so you can see it.

MR. BRAND: Is that part of the public hearing process too, the balloon test, so people will know when to look for it?

MR. ROSS: Yes. There will be a notice. We're required to give notice. It's required to be held on the weekend. We'll have to give two notices, one on a fourteen-day interval and one on a seven-day interval.

MR. HINES: So the public and the Board can take advantage of when it's up. Also they'll provide photo simulations in their report should you miss it.

MR. ROSS: When we're at the public hearing, by that point in time we'll ideally have the photo simulations complete.

MR. RICCIARDONE: It's a telescopic pole, I'm assuming, where it looks almost like a flag pole, it goes thinner as it goes up?

MR. HINES: A conventional monopole. Yup.

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MR. RICCIARDONE: Is that on a concrete slab?

MR. ROSS: At the base of the -- the whole leased area itself is about 100 feet by -- bear with me a second. I have it. I have a better drawing here that shows the area. So this is what -- this is sort of a top down view. Here's where the monopole is. You're talking about a total of 100 by 100 leased area, and then you have a fenced compound 60 feet by 60 feet. You're going to have a concrete slab of 4 by 4. There's an equipment shelter adjacent to this that's 12 feet by 12 feet. Inside the equipment shelter is what they call the cabinets. It's the transmitters and equipment that makes all the other stuff work. What happens is those are linked to the antennas up on the tower by coax cables. Behind those antennas are things called RRUs, you'll see that in the application, remote radio heads. They're basically signal boosters because there is signal loss when you're going from the antenna down to the transmitter.

MR. RICCIARDONE: The fenced in area is just a slab?

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MR. ROSS: Well the fenced in area is a little larger than just the slab. You're going to have, and we've proposed here, and I know we'll be discussing this in light of the letter that came out today, but according to your code it requires some kind of screening. I would submit that this is a parcel that many of you are probably familiar with, it's pretty well forested. You correct me if I'm wrong Mr. Osborn, it's about four-tenths of a mile off the road, and I would say it's surrounded on two-and-a-half sides by fairly dense forest. So that may have some issues in terms of -- I think it's pretty well screened, but we'll leave that to the Board to make that determination. The code obviously requires some sort of screening. We did propose arborvitae provided in two rows.

MR. RICCIARDONE: What type of road is that?

MR. ROSS: This is actually the existing access road. Ann Kaley Lane obviously ends at --

MR. HINES: It's to the Stoutridge Winery.



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MR. ROSS: It ends at the Stoutridge Winery. This is one of the things that makes the site ideal. In a lot of cases AT&T or any other carrier have to make their way through the woods and make an access road. The access road already exists here.

MR. TRAPANI: How much area will that tower cover for transmission? Do we know yet?

MR. ROSS: That's a great question.

MR. TRAPANI: We've had that here before where they want it here and then they said they'd need another tower by the ambulance corp and then you need another tower up not too far away. I mean that's the thing.

MR. ROSS: This is what's called a coverage map. I'll explain what all the colors mean in a second. What it all boils down to is each of the carriers, AT&T and all the rest of them, they have what they call an RF department. It's the engineers, the guys that have the green lampshades on and they're crunching the numbers and they're getting data from customers saying I've got dead spots, and they mathematically extrapolate where the dead spots are in coverage.

1  
2 Once they identify a coverage gap in a critical  
3 area, they then send the folks like Parker and  
4 the others out to go within that -- they task  
5 them with something called a search ring. They  
6 say within this two-mile area you have to find a  
7 site. Optimally you want to find an existing  
8 structure, if there is an existing structure,  
9 that if you locate on it it will cover the  
10 coverage gap. If not, if an existing structure  
11 obviously isn't present, there's no existing  
12 structure, you're going to have to try to find a  
13 piece of land that's optimally suited for that.  
14 Within that same framework, pursuant to your  
15 tower code, and a lot of other towns have the  
16 same kind of code, AT&T tries to use -- tries to  
17 look and see if there's any municipally owned or  
18 publicly owned land they can site on first.  
19 Based on the analysis, and Parker can speak to  
20 that too, we haven't been able to find any public  
21 land that was optimally suited for this purpose.

22 Now to the map itself. This is a map  
23 of the existing coverage covering the Town of  
24 Marlborough. Just to give you -- I'm sure -- I  
25 hope I'm not sounding too bad. You've got Route

1  
2 9W and you've got Lester Avenue running here,  
3 you've got Plattekill Road, you've got Lattintown  
4 Road, Ridge Road coming up here. I mention those  
5 names because these are the areas in which AT&T  
6 identified they wanted to try to improve the in-  
7 building coverage. That means inside the  
8 residences. Folks will be able to use these  
9 devices inside their homes. Yellow and green,  
10 when you look at these maps, means optimal.  
11 That's the best situation. That means you've got  
12 within -- you're inside a wood building, a wooden  
13 building, any sort of modern construction, you're  
14 going to be able to get a usable signal. That  
15 means your calls aren't going to cut out when  
16 you're wandering around your house, you're going  
17 to be able to use your device to surf the  
18 internet if you want to, if you have to, without  
19 having any sort of interruptions. That's the  
20 optimal situation. When you see red, it's not  
21 necessarily bad but it's not an optimal level of  
22 service. Things are going to cut out when you're  
23 in red or gray.

24 MR. BRAND: It's pretty bad in those  
25 areas.

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MR. ROSS: Yeah. I think that's a safe statement. I don't want to go too far by saying it's really bad. AT&T and it's engineers, they're going to look at something and say I want to turn something red to yellow and green if I can. They look at this map and pinpoint the spot. Here's where the tower would be located if you were to approve it. So what happens with red. You've got an approved coverage area along the road. You have better coverage at the high school. That's another spot that was an area that we included coverage, along Ridge Road, along 9W, and obviously Lattintown Road and some of the other county roads. So green and yellow are what you're shooting for. It's primarily in building but it's also going to improve what we call in vehicle coverage, too. That means in your car, if you're roaming around with your bluetooth, you have a clear signal. All of this is in the package, too. In fact, there's probably a more detailed presentation in there. I wanted to be able to present here tonight. I'll bring this to the public hearing, obviously, to show what the intended effect of the tower

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will be. This is just for AT&T customers. I can't tell you what the other carriers would have. I would imagine it would be something fairly similar.

CHAIRMAN PORCO: What size is the balloon that they send up for the test?

MR. ROSS: Can you answer that?

MR. ARMSBY: The size is in diameter. I'd say it's roughly about three feet, maybe a little bigger. Obviously they float it to 150 feet, which is the ultimate height that we're proposing for the tower. I've seen them before. We actually do it in-house. They are pretty easy to see, obviously depending on where the tower is being built. Like we said in this particular instance, four-tenths of a mile off a public roadway it's going to be more difficult to see, but neighbors who are people that are familiar with the area might have a better shot at it.

MR. ROSS: I'm sorry to interrupt. I can help explain the balloon test. I'm looking at your code. It says we, the applicant, would be charged -- we'd have to arrange to fly a minimum of a three-foot diameter, brightly

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colored balloon at the maximum height of the proposed new tower.

MR. FALKENBERG: What's the diameter of the array?

MR. BRAND: How does that compare to this?

CHAIRMAN PORCO: That's what my next question was. The top of the tower or the array, what's the diameter?

MR. ARMSBY: Ten foot. You're at the 150 tower, the RAD center is where the installation takes place, it's 146 feet, and they obviously locate there so that the tip of the antenna does not exceed 150 feet. For each picture, the sector if the equilateral triangle, as he was explaining before, and the ten-foot booms that come out perpendicular and then the array of the three antennas will be connected to the end of those booms.

MR. ROSS: The antennas themselves are about --

MR. BRAND: There's another picture.

MR. ROSS: I'll go back to the earlier picture. The antennas themselves, and Parker can

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correct me if I'm wrong about this --

MR. BRAND: The overhead one?

MR. LOGUE: What's the likelihood of other providers building on this tower?

MR. ARMSBY: I would hope very likely. I mean for AT&T, you know, they would obviously love to have other people come on the tower as a source of income. As the Town and the Zoning Board, if another company or carrier comes in proposing a new tower, it gives you the right to tell them, you know, we're not going to let you put up towers all over the Town, we have a perfectly viable existing tower here. So you can sort of guide or direct them as the Zoning Board, restrict them to using this tower. I think this tower structurally, and I know there was question about the structural analysis before, I want to say it's designed as a four-carrier tower. I think we'll definitely submit a structural analysis with it.

As you were saying --

MR. ROSS: In exhibit D in the package there's a discussion about -- there's a discussion about a couple of things. The point

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2 is from the manufacturer it is designed to hold  
3 at least four other carriers besides AT&T. When  
4 I say four other carriers, I don't mean an  
5 antenna or two. It can hold a full load,  
6 subject, obviously, as Mr. Hines said, to further  
7 structural tests and technical -- any technical  
8 questions. It may not be ideal for each carrier  
9 to have a full set of twelve antennas up there at  
10 any one time.

11 MR. BRAND: It's got to be like twenty  
12 feet.

13 MR. HINES: It's not a complete circle  
14 but it's about twenty feet across. It's a  
15 triangle.

16 CHAIRMAN PORCO: When someone looks at  
17 the balloon and says it's not bad, all of a  
18 sudden it's twenty feet, it didn't look like that  
19 with the balloon.

20 MR. HINES: One of the things the  
21 balloon test does is it allows them to calibrate  
22 the photo simulations if you ask them for that.  
23 They can take photos of where the balloon is and  
24 they can project the power and provide that for  
25 you.



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MR. ARMSBY: It's all done to scale.

MR. HINES: If they know where the balloon is they can put those arrays at that height in the photo and simulate that so it's done accurately.

MR. BRAND: Can I ask a question?

MR. ROSS: Sure.

MR. BRAND: In K, it said that the schools were looked at but just essentially that New York State schools aren't interested in general. Were the two school districts approached to become the lessee for this particular project?

MR. ROSS: Can you speak to that one, Parker?

MR. ARMSBY: I know that the site acquisition agent for Aerosmith who actually performed it, that was one of the first spots she did look. I don't know if she -- I believe she provided, I assume they're in your packets, a signed affidavit basically explaining the process. It's in number 7 in her letter to the Planning Board. Basically she goes through and says she did look at both the middle school and

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the high school but ultimately they did not meet both the RF propagation needs as well as you had mentioned before issues with co-locating on public schools with the State.

MR. ROSS: The member's question was a little more direct. Was there a general lack of interest?

MR. BRAND: That seems very different than approaching them and asking them if they were interested at all. Is that a yes or no?

MR. ROSS: I think the answer to that is no.

MR. ARMSBY: Their response was no. Correct. When they both -- when she originally was considering them as a candidate they were approached and the answer was no.

MR. BRAND: So the school board was approached and they said no to this to project?

MR. ARMSBY: I'm not exactly sure whom she spoke to.

MR. HINES: I think it's a general statement. I don't believe they -- based on her response, I believe they summarily dismissed school district properties because of issues

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they've had in the past.

CHAIRMAN PORCO: I would think that school districts would shy away.

MR. HINES: The radiofrequency issues.

CHAIRMAN PORCO: Radiofrequency and my kid got cancer.

MR. BRAND: When you're \$7,000,000 in the hole you might want to --

CHAIRMAN PORCO: I'm telling you I know the way they think.

MR. RICCIARDONE: I could raise my hand and say I'm almost positive to that, that they would not.

CHAIRMAN PORCO: Someone that is to bring that up, that would put the kibosh on everything.

Any other questions so far?

(No response.)

CHAIRMAN PORCO: So when the balloon test goes up, I mean is that -- would that be done before the public hearing?

MR. HINES: Yes.

MR. ROSS: Yes, it would. Ideally, Mr. Chair, we'd love to schedule -- at your direction

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obviously, we'd love to schedule it tonight or agree upon a date tonight.

MR. RICCIARDONE: We're not going out tonight.

MR. ROSS: I don't mean tonight.

MR. HINES: I think there's two things we should look at tonight. One is the schedule, which weekend would be appropriate, and the other is to give them input as you, the Board, knowing the local roads know where you would like them to do some photo simulations during that balloon test in case someone can't make it. If you know where the site is, and Steve certainly would be able to say. If there's any public accessible areas that would have that. I can imagine coming up the 9W hill by the ambulance corp, I don't know if you can look across and see it there. It would probably be visible from there I'm thinking. I don't know. That would give them some guidance of where they should take those photo simulations while the balloon is up.

MR. LOGUE: My front yard looks down over your property.

CHAIRMAN PORCO: What was that?

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MR. OSBORN: 1, 2, 3 and 4 would be sites.

CHAIRMAN PORCO: So from behind it on Wyms Heights, your property.

MR. OSBORN: I don't think from Western, from Manion's Hill.

CHAIRMAN PORCO: Anywhere else on Ridge?

MR. OSBORN: I'd doubt you'll see it.

MR. HINES: Because of the ridge behind it, it won't be sky lit or silhouetted because you have the Marlborough mountains to the rear. Like you said, the Wyms site would be looking out over where it's silhouetted against the sky in the east there.

MR. BRAND: I can see his winery so I'm sure I would see that.

MR. RICCIARDONE: If you take it from Prospect where his street intersects into it, you might take that view, and then back onto Manion's Hill would be another shot.

MR. OSBORN: Manion's Hill I would look at, Wyms Heights.

MR. BRAND: This is not going to be one

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of those ones that look like a giant tree?

MR. OSBORN: No way. I would not allow that.

CHAIRMAN PORCO: Which doesn't look like a tree.

MR. HINES: It looks like someone took a fake Christmas tree.

Can you put the propagation maps back up. Maybe they can take a view of -- I want to use that for street ideas. That's the best one we have right now.

MR. RICCIARDONE: Coming up Manion's Hill you are -- you could take it from the south to the north.

CHAIRMAN PORCO: Can you see it from Coyote Ridge?

MR. RICCIARDONE: Where that bend is coming off Western, that's Plattekill. Go up on Western. Right where your finger is. Right up there. Just up past that bend is Manion's Hill. Right there. Right? That would be a shot. That is off Ridge. Once you go up Western Avenue, then come east, right up there somewhere. There's got to be a height --

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MR. TRAPANI: That's Old Indian Road.

MR. RICCIARDONE: Is that Old Indian or  
is that Ridge?

MR. LOGUE: 121 Western Avenue would be  
a good spot.

MR. RICCIARDONE: I know for a fact  
that 86 Western does not have cell service.

MR. HINES: For AT&T.

CHAIRMAN PORCO: You said which  
weekend? I mean obviously -- how hard is it to  
get these things up if there's any kind of  
breeze?

MR. HINES: That becomes difficult for  
them. If you remember when we did the Sports  
Dome, we had 300 feet of rope out and it was 20  
feet high.

MR. ROSS: If it fails and it doesn't  
work we have to do it again.

MR. HINES: I've seen them use cranes  
also to simulate it. They start out with a  
sixty-foot crane.

MR. ROSS: The 22nd would be the first  
weekend day that we could actually get in in  
terms of getting notice out.

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MR. OSBORN: That's Ridge.

MR. RICCIARDONE: I think the next shot should be somewhere up in here. That's Noah's Loop or something.

MR. HINES: That's Wyms Heights.

MR. OSBORN: 1, 2, 3 and 4. The public hearing is going to be Wyms Heights.

MR. TRUNCALI: I would say from 9W over here. Like on the highest point of 9W.

MR. HINES: By the old ambulance corp.

MR. RICCIARDONE: That's my house right there.

MR. HINES: You'll be able to see it from your shop.

MR. RICCIARDONE: Probably my store.

MR. HINES: Give them that address.

MR. RICCIARDONE: 1504 Route 9W.

MR. OSBORN: Do you think so?

MR. HINES: I think so.

MR. RICCIARDONE: Without trees, at that height? Without leaves you might be able to get that. And then he had another one which was between Lyons Lane -- Lyons Lane and --

MR. TRUNCALI: Prospect Street and



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Lyons Lane.

MR. BRAND: At the peak of these you're going to get --

MR. RICCIARDONE: Ridge. Your house on Manion's Hill is a good shot, too. 110; right?

MR. LOGUE: It's Apple View Lane actually. 121 Western I told him.

MR. TRAPANI: I know I can see it from --

MR. ROSS: I've got four sites, 1504 9W, Prospect Street and Lyons Lane, 121 Western, and I've got Wyms Heights. Do you have that?

MR. OSBORN: Prospect Street and Lyons Lane, you'll never see it from there.

MR. HINES: Wyms Heights definitely. That's a residential area.

CHAIRMAN PORCO: I was going to say I don't know what numbers on Wyms Heights.

MR. HINES: Somewhere under there.

MR. LOGUE: Cross out Ridge Road and Lyons. You'll never see it from there.

MR. RICCIARDONE: The new brick house is right there.

MR. TRAPANI: By Louie Sarinsky's farm.

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CHAIRMAN PORCO: You said the first earliest date would be the 22nd?

MR. ROSS: Yeah. We're required to give fourteen days notice, so the earliest possible date would be the 22nd of March.

MR. RICCIARDONE: March? The 22nd of March?

MR. ROSS: Yeah.

MR. TRAPANI: That's nineteen days.

MR. ROSS: What happens is we have the balloon test, we could probably turn around photo sims in a week or less, and then we can get them to the Board as soon as they're done and well in time for the public hearing if you wanted to schedule the public hearing for the April 7th meeting.

MR. BLASS: What if the next meeting of the Board on March 17th was used as a control date for nailing down the receptor sites on the visual, unless you want to complete that exercise tonight.

MR. HINES: It would give you guys an opportunity to drive around a little bit.

CHAIRMAN PORCO: I'm fine with using

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the 17th in case we want to drive around.

MR. HINES: Schedule it for the 22nd  
but we'll discuss it on the 17th.

MR. ARMSBY: You can still give notice  
of when it's happening.

CHAIRMAN PORCO: We may say we think  
this spot is a better spot.

MR. ROSS: That's fine.

MR. LOGUE: It makes sense.

MR. RICCIARDONE: We're saying for the  
22nd to go set the balloon test up and then on  
the 17th --

CHAIRMAN PORCO: Does the public  
somehow get notified of that?

MR. HINES: Yes. It goes in the local  
newspaper as a notification.

MR. ROSS: The public is going to know.

CHAIRMAN PORCO: I just wanted to make  
sure. I'm sure that will be asked.

MR. ROSS: I'll take an educated guess.  
I'm guessing this has to be referred to the  
County Planning Board. Would the Board be able  
to refer that --

MR. HINES: I think you have adequate

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information.

MR. ROSS: -- as soon as humanly possible?

MR. RICCIARDONE: We have to declare lead agency.

MR. BLASS: We're going to need a complete application to do that.

MS. NATLAND: An application from them. There's one in there. That whole thing.

MR. HINES: The new short form E.A.F.

MR. BLASS: Okay. It's not totally complete. Just for purposes of being clear with respect to Federal regulatory principles and completeness of applications and those particular wrinkles that we don't need to talk about tonight, probably the Board is not going to be deeming this application complete for those purposes until it has the visual aspects of it. Does that make sense?

MR. ROSS: Yeah, sure. Does that preclude referring it to County Planning?

MR. BLASS: I don't think so. I don't think so. I just want to make it clear that for purposes of regulatory scheme, this is not yet a

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complete application.

MR. ROSS: Understood.

CHAIRMAN PORCO: Would we also be declaring intent for lead agency and to circulate?

MR. BLASS: Mm'hm'.

MR. BRAND: These towers, are those existing, those other towers?

MR. ROSS: Well --

MR. BRAND: That's an existing tower?

MR. ROSS: I believe it was provided, you can correct me if I'm wrong, one of my colleagues has been working on that, Ken prepared the package. We provided to you a list of -- we asked that it be kept confidential.

MR. HINES: The cover letter has a list of their existing and proposed sites. Right on the front page of that.

MR. ARMSBY: Those ones that you see there are existing.

MR. ROSS: South Hills Mall, that I can tell you is -- there's a site there. My colleague worked on that. I've driven past this site.

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MR. BRAND: I was more interested in  
the other Marlborough --

MR. ROSS: The other Marlborough site.

MR. OSBORN: That's up Mount Zion Road.  
I think you're co-locating on that tower.

MR. ARMSBY: In the propagation study  
it will be as part of the application, the  
alternative site analysis. They'll give studies  
of what would have happened if we aren't  
currently co-locating there, what the co-location  
would be, and it basically provides evidence that  
it doesn't meet the required need for this  
particular coverage gap.

MR. TRUNCALI: Where is the next one  
further south on our side of the river?

MR. ROSS: We'd have to look at the --

MR. ARMSBY: We'd do a tower search.

MR. ROSS: I'd refer you to the letter  
we provided.

MR. HINES: Locust Lane in Newburgh.

MR. BRAND: Which letter is that?

MR. HINES: The front cover. The first  
two pages. It should pull right out.

MR. FALKENBERG: It's separate.

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MR. HINES: I think Locust Lane is right up off of Carter Avenue.

MR. RICCIARDONE: Carter. Locust cuts on the --

MR. HINES: That's the nearest one. I'm just looking at the addresses here quick. That looks to be the next one. Bannerman View Drive is in that area in Middlehope. They're actually doing a co-location right now, or upgrades on Bannerman View Drive.

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

(No response.)

CHAIRMAN PORCO: All right. Therefore --

MR. HINES: I have a bunch of comments just to run through.

CHAIRMAN PORCO: Yes.

MR. HINES: Our first comment states what they told you, it's 150 foot monopole, nine-antenna array, eighteen radio remote units and a small equipment tower -- equipment shelter. There is a 50 -- mine says 5, it's actually a 50 KW emergency generator, diesel powered proposed

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on the site.

The applicants have identified that the local fire department is interested in utilizing this tower also, and they have indicated a willingness to work with them to allow them to site an antenna on there.

They are going to be requesting a waiver. The ordinance requires a one-and-a-half times fall zone to the property line. They do not have that based on the location. They're designing a self-collapsing, collapsing within itself tower, and that's something that we'll be reviewing under the structural analysis. Rather than falling outward like a tree, it's designed to collapse in it's own footprint. So that's a waiver they're asking for.

Scheduling of the balloon test we just discussed.

The site is not located in your ridge preservation zone. It's at an elevation of approximately 540 feet. So 150 feet will be about 690 to the top.

MR. OSBORN: Wait. I don't think that's right.



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MR. ROSS: I'm sorry?

MR. OSBORN: That's the top of the tower, 590.

MR. HINES: Yeah. You're at 540 I think your surveyed showed. I don't know what their datum was. Their survey datum was 540 I thought. No?

MR. OSBORN: I don't think so but --

MR. HINES: Someone with better eyes. I'll give you a shot at it. There was a survey. Here it is. It's the one that says Alta Land Title Survey. Whose got their glasses on better than my contacts?

MR. BRAND: Which letter are you on?

MR. RICCIARDONE: The last page.

MR. HINES: The last page in section A.

MR. FALKENBERG: 360.

MR. HINES: That's a 3?

MR. RICCIARDONE: 360.

MR. HINES: I got that at 5. So it's -- I'll go with that. Time for thicker glasses I guess. I had that at 5, which is better. Better for your ridge preservation, not better for AT&T, obviously.

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MR. RICCIARDONE: 410 -- 510.

MR. HINES: That's on the upper hill there; right?

MR. RICCIARDONE: That's on the top of the crest. 360 is where it's going right through the center, angle to angle.

MR. HINES: Yup. I squinted that into a 540.

MR. OSBORN: I was pretty sure --

MR. HINES: I refuse to get a magnifying glass.

CHAIRMAN PORCO: Keep it hidden in your desk drawer. That's what I do.

MR. HINES: A County Planning referral is required.

The landscaping plan. They're proposing currently a double row of arborvitae, which are white cedar. They'll last about a week up there. We're going to need to take a look at planting something else or eliminating the planting at all. That species, if you put it out there tonight it will be gone in the morning.

MR. ROSS: So I guess I would -- maybe we don't even need that. I understand you have

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the power and the ability to waive the landscaping requirement.

MR. HINES: It's something the Board can look at. What I'm recommending is at least not that species and not a monoculture of any one species. If we are going to landscape, mix it up with something more deer resistant. I've seen where some of these things were planted in one species and then some disease, blight, something or other hits it and they all go at once.

MR. ROSS: You also see, it's exhibit T in your package, that we did a Google -- an aerial Google map of the site and it does show you are -- it's rare we get this kind of situation. It's very well screened in from the existing forest. I would say it's --

MR. HINES: T?

MR. ROSS: T as in tall. Tall trees.

MR. ARMSBY: I also believe there's green screening that goes around the actual fencing of the compound itself.

MR. HINES: The slats?

MR. ARMSBY: The slats. So you will not be able to see into it. In certain cases

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where there's public access very near to it,  
we'll put up trees to further protect it from the  
-- on the site.

MR. ROSS: You have the discretion to  
waive that.

MR. HINES: I'm just suggesting right  
now the species mix be different. It may be  
something, as you look at the site, there's no  
sense in hiding something that's already hidden.  
It's a maintenance issue for the long term.

MR. OSBORN: That will only make it  
more obvious.

MR. ROSS: On the other hand, the code  
requires it. We gave it our best shot. We do  
appreciate the input as to the arborvitae.

MR. HINES: Our next comment is for the  
Board to confirm that you're okay with hiring the  
wireless tower consultant we've used in the past  
to review the RF maps, the things those wireless  
guys do. I don't know if the Board wants to make  
that a motion.

CHAIRMAN PORCO: Yeah. Let's start  
first with a motion to declare our intent for --  
circulate for intent for lead agency status.

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MR. RICCIARDONE: I'll make that motion for the Marlborough Board to be lead agency in this application.

CHAIRMAN PORCO: To circulate for lead agency.

MR. RICCIARDONE: Circulate for lead agency.

CHAIRMAN PORCO: Do I hear a second?

MR. LOGUE: I'll second it.

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

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: All right. Next would be to authorize the Town to retain the services of the wireless consultant.

MR. HINES: He'll be working through my

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office actually.

MR. LOGUE: I'll make that motion --

CHAIRMAN PORCO: So we're not  
authorizing --

MR. HINES: You're authorizing MHE to  
retain those services and bill them through our  
regular services.

CHAIRMAN PORCO: Mike. Is there a  
second?

MR. RICCIARDONE: I'll second.

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

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Lastly I guess would be to set it up  
for a public hearing for the first Monday in  
April.

MR. BRAND: The public hearing,  
normally we do 500 feet when he sends out the

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letters to notify everybody.

MR. HINES: Yes.

MR. BRAND: Is that different for this project because of the --

CHAIRMAN PORCO: Site plan is 500 feet.

MR. BRAND: Okay.

MR. HINES: The notices for the balloon test are in the general newspaper.

CHAIRMAN PORCO: That's in the newspaper.

MR. BLASS: Can you get a visual simulation accomplished between the 22nd of March and the 1st of April?

MR. ROSS: Yes.

MR. TRUNCALI: Will the visual notice -- public notice also include the public hearing date?

MR. HINES: It's the 7th.

MR. ROSS: I'm sorry?

MR. TRUNCALI: Will the visual notice in the paper also include the public hearing date?

MR. ROSS: They would be two separate things.

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CHAIRMAN PORCO: Two separate notices.

MR. HINES: I believe you're looking for it to say both, that there will a visual balloon test and a public hearing.

MR. TRUNCALI: This way people who are not notified within the 500 feet would know when the public hearing is.

MR. BRAND: I think it's a good idea to have that.

MR. ROSS: So I just want to be clear on this. We're going to do joint -- a joint -- you'd like us to do a joint public notice for the public hearing and the balloon test?

MR. TRUNCALI: Balloon test.

MR. ROSS: Okay.

MR. TRUNCALI: That covers you also.

MR. ROSS: Absolutely. I just want to make sure I do exactly as the Board is directing us to do.

CHAIRMAN PORCO: The other thing we need is a motion to set it for a public hearing for the first Monday in April.

MR. RICCIARDONE: I'll make that motion, for a public hearing for the first Monday



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in April.

MR. FALKENBERG: I'll second it.

CHAIRMAN PORCO: Frank, and Walt seconded it. All those in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: I think that's it. We don't need a public hearing for the visual.

MR. HINES: A motion to do that?

CHAIRMAN PORCO: A motion. Or should we have one?

MR. HINES: I think you should probably. It wouldn't hurt to do it.

CHAIRMAN PORCO: Then we can have a motion to set the -- I guess the first date would be for --

MR. HINES: Do you want to schedule an

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alternate date now in case there's 20  
mile-per-hour winds?

CHAIRMAN PORCO: I would say let's do  
the alternate date the following weekend.

MR. HINES: That way we don't have to  
re-notice and save you two weeks.

MR. ROSS: Right.

MR. RICCIARDONE: I won't be here the  
29th.

CHAIRMAN PORCO: So let's have a motion  
to have the first date for the balloon test be  
March 22nd --

MR. RICCIARDONE: I'll make that  
motion.

CHAIRMAN PORCO: -- and the second date  
March 29th should the 22nd not be feasible.

MR. RICCIARDONE: I'll make that  
motion.

MR. BRAND: I'll second it.

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

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

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MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

MR. BRAND: Do we have a time? It's an all day event?

MR. ROSS: It can be any time between 7 and 4. It's a minimum of four hours. It can be any time -- basically you choose us to have it -- it has to be between 7 and 4 and it has to be for at least four hours.

MR. FALKENBERG: Why don't you just make it between 7 and 4.

CHAIRMAN PORCO: I don't know how long it --

MR. FALKENBERG: You're going to have people that work.

MR. LOGUE: On a Saturday?

MR. RICCIARDONE: I'll be up there somewhere around 10:00. The sun will be up higher.

MR. HINES: Do you want to do 10 to 2?

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Somewhere in that range?

MR. RICCIARDONE: Sound good to me.

CHAIRMAN PORCO: All right. Anything else we need to do?

MR. HINES: That's all you can do right now.

MR. ROSS: Do you need me to weigh in on any of these other waivers you've requested?

MR. HINES: We'll do that with the tower consultant.

MR. ROSS: If you have any questions, just feel free.

MR. FALKENBERG: In your notice are you going to put the times in it --

MR. ROSS: Absolutely.

MR. FALKENBERG: -- so people know enough to look?

MR. ROSS: We're going to follow the code to the letter, and it will have all the necessary information.

One of us will be at the meeting on the 17th to get the final direction on the --

MR. HINES: In the meantime, if the Board wants to take a ride around there and see

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NEW CINGULAR WIRELESS

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if you can see some points you want them to take  
the photo sims of.

MR. BLASS: March 17th -- what's the  
date of the balloon?

MR. FALKENBERG: 22nd.

CHAIRMAN PORCO: Which is a Saturday.  
The 17th is the next meeting.

MR. BLASS: So there's a minimum of a  
fourteen-day advanced publication.

MR. ROSS: We have to really move it,  
like now. We understand.

CHAIRMAN PORCO: Any other comments  
from the Board on this application?

(No response.)

CHAIRMAN PORCO: If there's none, any  
other things for the Board to bring before the  
Board?

(No response.)

CHAIRMAN PORCO: If there's none, a  
motion to adjourn.

MR. RICCIARDONE: I'll make that  
motion.

MR. LOGUE: Second.

CHAIRMAN PORCO: Frank and Mike. All

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NEW CINGULAR WIRELESS

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in favor, say aye.

MR. BRAND: Aye.

MR. TRAPANI: Aye.

MR. RICCIARDONE: Aye.

MR. LOGUE: Aye.

MR. TRUNCALI: Aye.

MR. FALKENBERG: Aye.

CHAIRMAN PORCO: Aye.

Thank you.

(Time noted: 8:26 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: March 15, 2014