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

----- X

In the Matter of

BRODY RIDGE

Project No. 8-2015
First Street
Section 103.1; Block 4; Lot 47.130

----- X

EXTENSION - SIX-LOT SUBDIVISION

Date: March 17, 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
FRANK RICCIARDONE
JOEL TRUNCALI

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

----- X

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

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BRODY RIDGE

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CHAIRMAN PORCO: If we could rise for
the Pledge.

(Pledge of Allegiance.)

CHAIRMAN PORCO: Thank you.

MR. TRUNCALI: Agenda, Town of
Marlborough Planning Board, March 17, 2014.
Regular meeting 7:30 p.m. Approval of
stenographic minutes for 1/21 and 2/3. Brody
Ridge, extension, six-lot subdivision; Gallo
Realty, extension, six-lot subdivision;
Cerone/Truncali, extension, two-lot subdivision;
New Cingular Wireless, sketch, site plan;
Chernobyl Power & Light Brewery/Pub, discussion
only. Next deadline: Friday, March 28th. Next
scheduled meeting: Monday, April 7th.

MR. HINES: March 28 is a Friday.

MR. BROWN: Usually it's the Friday
after the meeting.

MS. NATLAND: There's an extra week in
the month.

MR. BROWN: You're going to give us an
extra week?

MS. NATLAND: You don't have to take
it.

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BRODY RIDGE

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CHAIRMAN PORCO: Did Walt say he was not coming?

MS. NATLAND: I didn't hear from him.

CHAIRMAN PORCO: The minutes from January 21st, any changes, corrections, deletions for those?

MR. TRUNCALI: I was not at that meeting so I won't be voting on it.

CHAIRMAN PORCO: We won't have a quorum. We'll have to table that one.

How about February, were you here for that one?

MR. TRUNCALI: No.

CHAIRMAN PORCO: We'll table both of those until the next meeting so we have enough people to vote on them.

First is Brody Ridge, extension on a six-lot subdivision. I don't know if anybody heard from them.

Ron, maybe you want to go through where we're at in the discussion you had with code enforcement.

MR. BLASS: I had a conversation with the code enforcement officer today. He was

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taking a look at the agenda and the particular request for extension of prior subdivision approval or prior conditional subdivision approval. It was his understanding that -- actually all three of these subdivisions are seeking an additional extension after the expiration of the last extension which they obtained. He also made an observation, after talking with Kathi probably, that the extension process has gotten off track relative to the actual approval. The way the statute reads in New York, a conditional subdivision approval is good for six months. In the event you don't fulfill the conditions and are in a position to get the plat signed within those first six months, it formerly was you were entitled to two 90-day extensions so that in theory at the end of a year your only remedy was reapproval because your extension opportunities would have expired, run out or been exhausted. About two or three years ago the legislature amended the Town Law to take the two extension cap or ceiling out of the process and to leave it up to the discretion of the Planning Board as to how many additional 90-

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day extensions it would wish to grant under the circumstances.

So given those concerns of the code enforcement officer, I talked to Kathi, we took a look at the starting approval dates of each of these three projects, because in theory one would think that the first six months and then the second 90-day extension and the third 90-day extension would be all running off of that common ground, which would be the date of approval, which hasn't been the case.

So with respect to Brody Ridge, in the event the Board is interested in issuing a retroactive extension of an approval already expired, which by the way was done in the past, the date of approval was November 5, 2012. So by my computation, the extension -- the maximum extension you could give to get this thing back on track would be until May 5th of 2014, which is only two months, approximately, from today, but that would get the project back on a schedule of regular intervals based upon the approval date. The Board might want to consider, with respect to this project and with respect to the other

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BRODY RIDGE

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projects -- any other project, whether it wants to be in a position in the future where it is granting 90-day extensions, should it do so retrospectively for expired approvals. Maybe this is the last time you want to do this and maybe we should get the projects on track in the proper intervals and require, as a condition of future extensions, that they be applied for prior to the expiration of the last given extension.

So if you were to do that with respect to Brody Ridge, the extension would be until May 5th of 2014. If you were to do that with respect to Gallo, the extension would be until -- let's see. I had this figured out but it fell apart. They were approved on September 17, 2012, so September 17, 2013 would have been the end of the first year. October, November, December 17th of 2012 would have been the 90-day extension. January, February, March of 20 -- today would have been the --

MR. RICCIARDONE: Second.

CHAIRMAN PORCO: Then in December didn't we give Gallo a 90-day extension?

MR. BLASS: No. The last extension was

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BRODY RIDGE

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given in September of 2013 for 90 days according to Kathi. So I think with respect to Gallo, April, May, June, it should be June 17, 2014 to get it back in the right interval.

MR. BROWN: I'm pretty sure we were in in December for Gallo.

MR. BLASS: July 17, 2014 would get them back on the right track.

With respect to Cerone/Truncali, I don't think you have a quorum tonight but --

CHAIRMAN PORCO: I don't.

MR. BLASS: -- that was approved on November 7, 2011. Getting them back on the right track would be May 7th of 2014, which is something you may have to take up at the next meeting.

MR. RICCIARDONE: What was that next date?

MR. BLASS: May 7, 2014.

If the Board wants, we can get some correspondence out to the applicants with any conditions you want to attach, such as please apply in the future in advance of the expiration of this extension.

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BRODY RIDGE

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MR. RICCIARDONE: If they wanted another extension they'd have to come in before those dates that we're saying now?

MR. BLASS: You're now in a position where you're sort of reviving expired approvals, which you've done in the past. So it's kind of difficult to pull the rug out from that policy without advance -- without warning.

CHAIRMAN PORCO: As long as we're sure on these dates.

MS. NATLAND: I checked them all today.

CHAIRMAN PORCO: Okay. Does the Board have any --

MR. RICCIARDONE: I don't have any objection to putting it back on track. We should get out a letter to those applicants and say that their expiration date, they have to be in before that in order to get another extension.

MR. BROWN: That's fair.

CHAIRMAN PORCO: They would have to be on the agenda by the deadline with the request.

MR. BRAND: Is anyone no longer doing the retroactive ones?

CHAIRMAN PORCO: We want to bring them

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BRODY RIDGE

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up to the right date and then not give them the retroactive.

MR. RICCIARDONE: Like Brody Ridge, they'd have to come in prior to 5/20/14 to get an extension. Assume they don't come in for the extension after this one, what happens?

MR. HINES: They lapse.

MR. RICCIARDONE: They have to redo it?

MR. BLASS: Go through the process of reapproval, which means you'll be dusting off the original application, probably getting another fee for approval and having a public hearing and go through a lot of steps that will become almost minuscule.

MR. RICCIARDONE: Do you want to spell that out in the letter we're sending just to make sure they understand?

MR. HINES: The other thing is as they're applying you can request they give you the reason and the status. I think the original intent of the law was you couldn't bring your project to conditional approval and then sit on it and not pay the taxes on the subdivision until you got a buyer, run in and file the map.

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BRODY RIDGE

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Normally if there's a delay with the Health Department or some reason why, rather than just sitting back watching the market.

MR. RICCIARDONE: We're also going to ask for a reason for the extension?

MR. HINES: That tracks it. If someone has a valid reason, they're pursuing Health Department approval, but --

MR. BLASS: Right.

CHAIRMAN PORCO: If most of these reasons or some of these reasons may be financial, where does that leave the Board?

MR. HINES: It's up to the Board.

MR. RICCIARDONE: It's our discretion.

MR. BLASS: So it's for good cause shown. You probably have about -- here's three tonight. You probably have one or two others. It's a good idea to treat everybody the same way for purposes of equal protection. So it may be, if you want to --

MR. TRUNCALI: Wasn't that one reason, though, that the State extended it, because of economic reasons?

MR. BLASS: I would say that's

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definitely true. The recession, the legislature. So it is sort of the implicit policy of the State to -- it's the implicit policy of the State to take the ceiling off of extensions. One might say it's because of the recession and to cut applicants a break. Another possible legislative intent was to avoid a series of reapprovals every year, which becomes almost ministerial in nature, unless the Board wanted to not reapprove something it approved in the past. It's hard to say exactly what the legislative intent was. I think in part it was to avoid a process of repetitive applications for approval and reapproval, expiration of approval, reapproval. Sort of you go around in circles.

MR. HINES: It was 360 days and that was it, you lost it.

MR. BLASS: It used to be you needed reapproval every year, once a year. Now you don't need that any longer. So why don't I look at it from the perspective if there was an expiration of a one-year period and there was a reapproval application, how much attention would this Board be paying to that reapproval process

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BRODY RIDGE

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on the merits, assuming that things stayed the same in terms of the change of circumstances.

MR. TRUNCALI: If you have to come back for reapproval it would have to be subject to the new water regulations and drainage?

MR. BLASS: Yeah. Possible. Possible.

MR. HINES: Have the public hearing over again.

CHAIRMAN PORCO: Any other questions from the Board?

(No response.)

CHAIRMAN PORCO: On the case of Brody Ridge, to grant their approval for an extension, this would be until May --

MR. BLASS: May 5th.

MR. RICCIARDONE: May 5th?

MR. BLASS: May 5, 2014.

CHAIRMAN PORCO: Is there a motion on that?

MR. RICCIARDONE: I'll make a motion on that.

CHAIRMAN PORCO: Frank. Is there a second?

MR. TRUNCALI: I'll second.

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BRODY RIDGE

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

MR. BRAND: Aye.

MR. RICCIARDONE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

Any opposed?

(No response.)

CHAIRMAN PORCO: The motion is carried.

(Time noted: 7:43 p.m.)

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

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

DATED: April 3, 2014

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

----- X
In the Matter of

GALLO REALTY

Project No. 11-5008
Idlewild Road
Section 103.1; Block 4; Lot 47.130

----- X

EXTENSION - SIX-LOT SUBDIVISION

Date: March 17, 2014
Time: 7:43 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman
CHRISTOPHER BRAND
FRANK RICCIARDONE
JOEL TRUNCALI

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

----- X

MICHELLE L. CONERO
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CHAIRMAN PORCO: The Gallo extension, that was until June 17th?

MR. BLASS: June 17th.

MR. BRAND: Can I just ask for Brody Ridge, the original date was 11/5/12?

MR. BLASS: Right.

MR. BRAND: And the next one was 12/11 but we went from May to June. Is that what we're saying? June or July did you say?

MR. BLASS: On Gallo?

MR. BRAND: Yeah.

MR. BLASS: Gallo was approved on September 17, 2012.

MR. BRAND: Oh, September. Okay.

MR. HINES: It would lapse tonight in that series.

CHAIRMAN PORCO: So they're on schedule then as far as asking for an extension?

MR. BLASS: Except the fact the last extension was given in September and it was only for 90 days.

MR. BROWN: But we were early on that one. We submitted that early.

MR. BLASS: It depends on whether

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GALLO REALTY

17

you're looking forward or looking backwards.

MR. BROWN: Is the extension based upon the date you ask for it or on the expiration of the previous --

MR. BLASS: I'm having a senior moment I think. I think what I'm trying to say is the extension was given for 90 days in September of 2013 and it's now March 2014, so the 90-day extension --

MR. BROWN: I think we were early when we asked for that extension. In other words, it didn't expire for another month or so afterwards. The question is does the extension go from the date of the expiration of the previous extension?

MR. BLASS: It is now. It is now.

MR. BROWN: Okay. No problem.

MR. TRUNCALI: So their new date would be June --

MR. HINES: 17.

MR. BLASS: June 17, 2014. June 17th.

CHAIRMAN PORCO: 90 days from today.

MR. RICCIARDONE: We have to make a motion on Gallo?

CHAIRMAN PORCO: Someone can make a

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GALLO REALTY

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motion.

MR. RICCIARDONE: I'll make a motion on
Gallo.

CHAIRMAN PORCO: Frank.

MR. TRUNCALI: Second.

CHAIRMAN PORCO: Joel. Any opposed?

MR. BROWN: I'll also relay that to
Brody Ridge. Thank you.

CHAIRMAN PORCO: We'll get a letter
out.

(Time noted: 7:47 p.m.)

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

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

DATED: April 3, 2014

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

----- X
In the Matter of

CERONE/TRUNCALI

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

----- X

EXTENSION - TWO-LOT SUBDIVISION

Date: March 17, 2014
Time: 7:47 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman
CHRISTOPHER BRAND
FRANK RICCIARDONE
JOEL TRUNCALI

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

----- X

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CHAIRMAN PORCO: We'll have to table
this one for lack of a quorum.

(Time noted: 7:47 p.m.)

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

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

DATED: April 3, 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

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

----- X

SKETCH - SITE PLAN

Date: March 17, 2014
Time: 7:48 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman
CHRISTOPHER BRAND
FRANK RICCIARDONE
JOEL TRUNCALI

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

APPLICANT'S REPRESENTATIVE: DONALD ROSS

----- X

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CHAIRMAN PORCO: Cingular Wireless,
site plan.

MR. ROSS: Good evening, Mr. Chair.
I'm Don Ross from the law firm of Phillips,
Lytle. This is Marianne Terry.

I guess we're here for two reasons or
more, just to give you an update on what's
happened, transpired since the last time we met
two weeks ago, and then to get input from the
Board on where they'd like us to take the photo
simulations from for purposes of the balloon
test.

So since we last met notices have been
published in the paper and sent to residents
regarding the balloon test which is going to be
taking place, per the Board's instructions, this
coming Saturday, the 22nd, from 10 to 2. Notice
was published on the 15th and the 8th in The
Times Herald Record and on the 12th in the
Southern Ulster Times.

We're still working on a couple things
relative to the public hearing which is scheduled
for April 7th per the last meeting. The notice
needed to be corrected. The Town had asked us to

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correct the notice because I think there was a typo in the original notice.

MS. NATLAND: I sent a new one.

MR. ROSS: We got all that. We're going to get that out this week in plenty of time. That's the game plan.

I talked with our visual consultant today. We'll be running the balloon test so to speak, so she's ready to go.

We just need some direction from you as to where you want the pictures to be taken from. And of course if you have any other questions, we'll answer those too, about the balloon test and everything else.

CHAIRMAN PORCO: Other than the few addresses that we read off last time --

MR. HINES: We decided on four locations last time. I don't know if the Board --

MR. ROSS: I hadn't really written them down. If you want to restate them.

MR. HINES: Michelle would have them in the minutes.

MR. TRUNCALI: 9W near the ambulance

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building.

MR. RICCIARDONE: There was one off of Prospect.

MR. HINES: Wyms Heights.

MR. RICCIARDONE: Off of Manions Hill.

MR. HINES: Manions Hill, Wyms Heights, 9W between the ambulance corp and your shop.

MR. TRUNCALI: I had said Ridge Road near Apple Ridge Orchards.

MR. RICCIARDONE: Just south of the big brick house we were talking about.

MR. HINES: Those were the four.

CHAIRMAN PORCO: Which is just north of Wyms Heights.

MR. ROSS: Did we get your shop address?

MR. RICCIARDONE: 1504 Route 9W.

MR. HINES: It will be somewhere on the hill. I think you'll be able to see it from there.

MR. ROSS: Manions Hill and 1504 9W.

MR. HINES: It was somewhere near --

CHAIRMAN PORCO: Western Avenue. I don't know if I have a number.

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MR. RICCIARDONE: Does anyone know Doc Manions' house number?

CHAIRMAN PORCO: The top of the hill. How's that?

MR. RICCIARDONE: Well, when you make that right-hand turn on Western, coming off you bend around, there's a red barn on the left-hand side and you'll go up, approach up over a hill. At the top of the hill.

MS. TERRY: Is that on Western Avenue?

MR. RICCIARDONE: It's on Western Avenue.

MR. HINES: That's only a local name. There's no sign that says Manions Hill.

MS. TERRY: 9W near the ambulance building. Wyms Heights, is there an intersection?

MR. HINES: That's a loop road off of Prospect.

CHAIRMAN PORCO: It's off of Ridge Road.

MS. TERRY: Is there a particular place on --

MR. HINES: 1, 2 and 3. There's three

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houses there that this will be very visible from.

MR. HINES: Was it 1, 2 and 3?

CHAIRMAN PORCO: Steve, is that near where your lot line revision --

MR. OSBORN: My lot line revision is closer towards Ridge. You want to take the pictures out on the end of the horseshoe.

MR. LANZETTA: Is this all municipal property?

MR. RICCIARDONE: It's all Marlborough.

MR. LANZETTA: Marlborough owned property?

MR. HINES: No.

MR. LANZETTA: I thought that was the first choice.

MR. HINES: It is, and they've done the analysis to show none of that meets their coverage requirements for the area they're targeting.

MR. OSBORN: That was the information you got today from your FOIL request.

MR. LANZETTA: I didn't agree with it.

MR. HINES: We have a telecommunications consultant reviewing that.

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MR. BRAND: For the record, I did speak to the school district because I asked you guys that question. According to the superintendent they would be very interested in the project. He said to me they were in negotiations at one point, I didn't ask if it was with AT&T or Verizon, to have the tower built, and he said last minute things fell through and this is the first he had heard about this as well.

MR. RICCIARDONE: Where was he looking?

MR. BRAND: The high school. He said by the cross country track. I'm not a cross country guy. I think it's out behind the track.

MR. RICCIARDONE: It's kind of low.

CHAIRMAN PORCO: What are you looking for?

MR. TRUNCALI: The locations. There's four circles.

MR. ROSS: This is Manions and Western, and then up on Ridge. That's near the apple orchard. And then you had 9W.

MR. HINES: It's probably south of the ambulance corp where you get that view across.

MS. TERRY: Where is 1504 Route 9W?

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MR. HINES: It's between the ambulance corp, that address where you'll have that view across to the west. By the learning center.

MR. RICCIARDONE: Pinnacle and Churchill's house.

MR. BRAND: Do you have a copy of the public notice that went in the paper?

MS. TERRY: I have one. I did not receive anything from The Times Herald yet but I do have receipts. I have confirmation.

MR. ROSS: So you talked to the superintendent?

MR. BRAND: I did. I called him immediately.

MS. TERRY: This is for Southern Ulster and this is for The Times Herald.

MR. BRAND: I was just curious if there was mention of the size of the balloon to the size of the tower? It says there is going to be a balloon test.

MR. ROSS: The balloon by law has to be at least three feet in diameter.

MR. HINES: They're going to use that information to develop photo simulations --

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MR. ROSS: Correct.

MR. HINES: -- using the altitude of the balloon to put it in the right perspective in those photos.

CHAIRMAN PORCO: And then if that day the wind doesn't cooperate --

MR. ROSS: It will be on the 29th, the following Saturday.

CHAIRMAN PORCO: Do we know if there's anything posted at the town hall for that? Maybe on the door.

MR. OSBORN: Any what?

CHAIRMAN PORCO: Any notice.

MR. OSBORN: We will if you want us to.

CHAIRMAN PORCO: That would probably be a good idea. All right.

Do we have any other --

MR. HINES: Again, we're waiting for our tower consultant to complete their review. It's three weeks out at this point, so -- they'll be prepared with their review at the public hearing. The public hearing is on the 7th of April. We scheduled the public hearing. It was contingent upon being able to prepare the visual

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simulations.

MR. ROSS: I'm just curious, and I'm sure I'll be able to sort this out on Saturday, do you know how far, roughly, Ridge Road is? Is that the furthest away from the site?

MR. TRUNCALI: I would say 9W.

MR. ROSS: Would you say it's two, three miles?

MR. HINES: It's not that far. A mile.

CHAIRMAN PORCO: Maybe a mile.

MR. ROSS: Okay.

CHAIRMAN PORCO: All right. If there are no other questions from the Board, I guess we're set and we'll look for the balloon on Saturday.

(Time noted: 7:55 p.m.)

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

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

DATED: April 3, 2014

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

----- X
In the Matter of

CHERNOBYL P&L BREWERY/PUB

30 Main Street
Section 103.9; Block 2; Lot 29

----- X

DISCUSSION

Date: March 17, 2014
Time: 7:55 p.m.
Place: Town of Marlborough
Town Hall
1650 Route 9W
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman
CHRISTOPHER BRAND
FRANK RICCIARDONE
JOEL TRUNCALI

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

APPLICANT'S REPRESENTATIVE: RICHARD MILLER

----- X

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

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CHAIRMAN PORCO: Next on the agenda is Chernobyl P&L. Power and Light or Property and Loss.

MR. POLLOCK: When I look at Milton I think of Chernobyl.

MR. RICCIARDONE: I think this calls for a changing of the name.

MR. POLLOCK: It's not going to be called that. It's going to be whatever it is.

CHAIRMAN PORCO: It's here for a discussion only. So what are we discussing?

MR. MILLER: We're looking at the former bank building on Main Street, number 30. That's the facade of it. The proposal is a retail establishment. I guess these guys, what they are thinking -- Rob is the owner, I'm the architect.

MR. RICCIARDONE: The owner of what? The building?

MR. MILLER: The bakery is right next door. That's here.

MR. HINES: Coming soon it says; right?

MR. MILLER: Yes. It's close. This is Main Street. The building is here. There's

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about four spots available behind it for parking, in terms of that. The square footage upstairs was about 600 square feet, so we looked at two spots required based on retail use and we have three easily accessible. They also have the other -- it's adjacent, this entry to the -- this being the bakery coming down. So there's a lot that's connected to it as well.

The proposed use times are two days per week.

MR. ZIMMERMAN: Pretty much Friday afternoon, late afternoon, and Saturday.

MR. MILLER: They're talking about alcohol sales, beer sales, retail of t-shirts.

MR. NEIL TRAPANI: Gavel fills.

MR. HINES: Only two days a week?

MR. NEIL TRAPANI: It would be an accessory use of brewing on site.

MR. MILLER: Micro, small scale, specialty ale.

CHAIRMAN PORCO: The brewing would be a regular five-day a week, seven-day a week?

MR. ZIMMERMAN: Probably not. Two, three days.

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CHAIRMAN PORCO: It is only open to the public --

MR. ZIMMERMAN: Two days. On the weekends for now. We have, you know, normal 9 to 5s, so we fit it in with that for now.

MR. MILLER: The existing building, which is allowed in this district, has three apartments. Residential above retail. It's a two-story. There's also an apartment in the basement but that's pre-existing so the building inspector says that's cool, we'll be allowed to have three apartments.

MR. RICCIARDONE: So we're talking the bank building --

MR. MILLER: First floor.

MR. RICCIARDONE: -- first floor for the brewery?

MR. MILLER: Retail sales.

MR. RICCIARDONE: Which you're doing a microbrewery?

MR. NEIL TRAPANI: Correct.

MR. MILLER: Two apartments up, one in the back down.

MR. HINES: So three total.

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MR. RICCIARDONE: Two up here.

MR. HINES: There's a square footage limit on the apartments in the code.

MR. MILLER: Well I think these are what we call pre-existing. There's no proposed change to them.

MR. HINES: But you are changing the use of the structure.

MR. MILLER: Right. But we're not affecting those apartments. We're not encroaching or --

MR. HINES: There is a minimum square footage.

MR. MILLER: Okay.

MR. HINES: I'm seeing 500 square foot.

MR. MILLER: For what? The apartments?

MR. HINES: Yes.

MR. MILLER: I honestly haven't calculated --

MR. HINES: I'm looking here and there.

MR. MILLER: That's the retail space.

MR. HINES: Right. So if the apartments are that size you're good.

MR. MILLER: Yes. I'm following you.

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MR. HINES: Based on the scale there.

MR. MILLER: Took me a second. Yes.

MR. BRAND: There's going to be brewing
on site?

MR. ZIMMERMAN: Yes.

MR. MILLER: The thought is that that
could occur in the lower basement level which --

MR. RICCIARDONE: I thought there was
an apartment in the lower --

MR. MILLER: There is an apartment in
the back. There's an apartment here. This is a
storage space connected to the first floor
presently.

MR. RICCIARDONE: Okay. Then that's
the top floor.

MR. MILLER: Right. So this is the
retail. This is the existing bank vault which
would be really cool for --

MR. RICCIARDONE: All the money they
can earn.

MR. HINES: Troublemakers in the bar.

MR. POLLOCK: The high end stuff.

MR. MILLER: We have to lock it up at
night because these guys are good.

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In the back there's storage, there's an existing bathroom, existing related sink.

MR. KNEETER: The basement there -- I'm sorry to ask questions -- there's egress?

MR. MILLER: Yes. There's a door here. It's over three feet. Yes. And the stairs up also.

MR. KNEETER: That door on that side, is that adjoining the alleyway between the two buildings?

MR. MILLER: It's the -- yes. It's set back from -- the door is here and the driveway is here. I can't tell you how many feet it is exactly. You come out and you go up some steps.

MR. KNEETER: I'm trying to picture a door being there.

MR. ZIMMERMAN: It's behind the bushes. It's next to it so you wouldn't see it from up top unless you walk down that alleyway.

MR. MILLER: It's right --

MR. NEIL TRAPANI: It's on the side there. It's very hard to --

MR. KNEETER: It's on the bakery side?

MR. MILLER: If you look on the side of

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the building, what does it say?

MR. NEIL TRAPANI: Flowers.

MR. MILLER: So this was kind of cool storage.

MR. POLLOCK: An advertisement for flowers.

MR. KNEETER: For the bakery.

MR. POLLOCK: There was always a bank there. Before it was -- what was it? Wallkill --

MR. NEIL TRAPANI: Walden.

MR. KNEETER: Was it M&T?

MR. POLLOCK: Was there a Bank of Milton?

CHAIRMAN PORCO: You're going way back now. You're in another time zone.

MR. POLLOCK: Before my time. Way before my time.

MR. MILLER: So we're looking at upgrading the facade, making a more beautiful facade. We have a new canopy, new storefront that would be more in keeping with the neighbors, the historic character of the town, the historic buildings.

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MR. RICCIARDONE: That's a door to?

MR. MILLER: The upstairs. That's the apartments. It's a separate enclosed stairway.

MR. RICCIARDONE: Got it.

MR. MILLER: And the bottom apartment is off the back. They're all separate space.

MR. HINES: The bottom apartment accesses off the back. The bottom door comes off where you're going to brew. The side door wouldn't be for the brewing. The apartment exits here.

MR. MILLER: You're a allowed -- the three apartments need -- the Town allows five spaces.

MR. HINES: You get credit for five off street.

MR. MILLER: We used that up, so that's a wash. And then we have three more. The parking is covered.

CHAIRMAN PORCO: But only the public would be on the first floor?

MR. NEIL TRAPANI: That's correct.

MR. BRAND: Would the public be allowed in the basement portion as well?

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MR. MILLER: I mean they could look down and observe it but we didn't really --

MR. ZIMMERMAN: If allowed, the possibility to do a tour or something like that just to give people --

MR. BRAND: That's not part of regular business?

MR. ZIMMERMAN: Not like let people just roam around and poke around.

CHAIRMAN PORCO: Outwardly is there any concerns you see, Chief?

MR. KNEETER: The egress in the basement. I have to do some research on microbrewing. I'm used to Mannese.

MR. MILLER: It's one of the most enjoyable research projects I've worked on.

MR. KNEETER: It will be interesting.

MR. RICCIARDONE: I've been up into Connecticut and up around there to the microbreweries and a couple towns upstate. The microbreweries, the tanks and then they have Plexiglass right there where people look. They don't go towards the tanks, they stop right there, all right, and they look at the

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microbrewery, the tanks and everything right there. There's like a walkway and then you walk through it and you go upstairs and they have the tables and what not, tasting the beer that they're brewing downstairs.

MR. POLLOCK: They have it above I think.

CHAIRMAN PORCO: It's all in the middle. I've been to many microbreweries.

MR. POLLOCK: In the millhouse in the back there they have it in the back.

MR. RICCIARDONE: I've been to different types and they have them different places. You can't walk into where the tank area is, where the brewer guys are, which would be these two guys. They may not be there twenty-four/seven.

MR. MILLER: That would be cordoned off. There's nobody -- that's just looking down on them.

MR. RICCIARDONE: Maybe it would be cool if you looked straight down onto the tanks.

MR. ZIMMERMAN: The brewing system will be in that open area, so you'll be able to look

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at that.

MR. RICCIARDONE: That's nice looking.

MR. POLLOCK: To give you fire
concerns.

MR. RICCIARDONE: Can you get a license
to do bourbon and scotch?

MR. POLLOCK: That's Steve right here.
We don't want to step on any toes. I want Steve
to open soon. I don't want to -- I'm not a big
-- I drink bourbon.

MR. MILLER: It's not cohesive.

MR. ZIMMERMAN: The spent grain will go
to the animals.

MR. KNEETER: What's going to go to the
animals?

MR. ZIMMERMAN: Spent grain. The waste
we would have to dispose of in the landfill.

MR. POLLOCK: The chickens eat it.

MR. NEIL TRAPANI: It's all grain.

CHAIRMAN PORCO: Any other questions
from the Board at this point?

MR. RICCIARDONE: Looks good to me.

MR. HINES: I'm good.

MR. POLLOCK: You should have brought

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some samples.

MR. MILLER: No samples.

MR. HINES: They get credit for four on the street. We have to look at the spaces and do the calculation.

MR. POLLOCK: You're doing it now, aren't you? You're making beer?

MR. NEIL TRAPANI: Yes.

MR. ZIMMERMAN: About once a week now we do stuff.

MR. POLLOCK: How much do you make now?

MR. ZIMMERMAN: A month, ten, fifteen gallons.

MR. KNEETER: In the course of a week what would be your intentions here? How much will you be producing, estimate, ballpark?

MR. ZIMMERMAN: The system we're spec'ing out is a hundred gallons.

MR. KNEETER: Will that be enough?

MR. HINES: The firehouse is across the street.

CHAIRMAN PORCO: Other than people going in and buying it, are there tables and seats there where they can stay or is it just

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purchase?

MR. ZIMMERMAN: You can have samples, so you can hang out, taste things. You can't do larger than a three-ounce pour.

MR. POLLOCK: Don't tell them that.

MR. ZIMMERMAN: You can get either a quarter gallon or half gallon to go but it can't be consumed on premises.

MR. HINES: Why is that? Just the size of the microbrewery?

MR. ZIMMERMAN: No food. It's a different license type. It's essentially going to be just more, you know, stuff to go.

MR. KNEETER: Sample and purchase.

MR. OSBORN: The Town Board is working on a zoning change that will allow up to 2,500 gallons a year of beer production in the C Zone. The Board is under the belief that the current C Zone doesn't allow for beer production. Ron can clarify that.

MR. HINES: Ron is flipping the pages here back and forth.

MR. BLASS: I wasn't looking at that particular issue. I was looking at the apartment

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and mixed use, et cetera. Tom Corcoran's interpretation would be?

MR. OSBORN: It's not currently allowed in C, which is why we're working very quickly now to -- that's why when I talked to you earlier today about the 2,500 gallons, that's for this project.

MR. POLLOCK: That's why we're pushing retail.

MR. OSBORN: This and other projects like it.

MR. RICCIARDONE: Speed it up, will you.

MR. POLLOCK: What happens next?

MR. MILLER: What's your schedule?

MR. RICCIARDONE: Are you going to have those metal cans with the top things that you come in and put the beer in and snap them and you walk out?

MR. ZIMMERMAN: You could but they're a glass. There's a bunch of different kinds. That's part of what we'll have. They'll be small 32 ounce and 64 ounce bottles.

CHAIRMAN PORCO: You want to know

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what's next. You're here for discussion only. You have to fill out an application for a site plan, come before us again, do the public hearing. You know the rules.

MR. POLLOCK: I've never done this before.

MR. MILLER: I guess the question is based on the changes --

CHAIRMAN PORCO: I think it's looking good. It looks like it has Town Board support.

MR. OSBORN: The other thing I would advise you to do is to talk to Tony Falco.

MR. MILLER: Okay.

MR. POLLOCK: I'll give you Tony's number.

CHAIRMAN PORCO: Any other questions from the Board at this point?

MR. RICCIARDONE: I'm good. As long as I have my gavel.

MR. POLLOCK: I look forward to bread and beer.

MR. MILLER: Thank you.

MR. NEIL TRAPANI: Thank you very much.

MR. BRAND: Good luck.

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CHAIRMAN PORCO: Is there anything else
to bring before the Board?

MR. RICCIARDONE: No.

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

MR. RICCIARDONE: I'll make that
motion.

MR. BRAND: I'll second it.

CHAIRMAN PORCO: Everyone say aye.

MR. BRAND: Aye.

MR. RICCIARDONE: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN PORCO: Aye.

(Time noted: 8:10 p.m.)

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

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

DATED: April 3, 2014