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

----- X

In the Matter of

N&A DEVELOPMENT

Project No. 15-8003
Summit Drive
Section 108.4; Block 6; Lot 29.310

----- X

PUBLIC HEARING
SKETCH - LOT LINE REVISION

Date: September 8, 2015
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Chairman
BEN TRAPANI
CINDY LANZETTA
STEVEN CLARK
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY WILKLOW
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: NICHOLAS GALELLA

----- X

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

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CHAIRMAN TRUNCALI: We're going to start the meeting. If we could all rise for the Pledge to the flag.

(Pledge of Allegiance.)

CHAIRMAN TRUNCALI: "Agenda, Town of Marlborough Planning Board, September 8, 2015. Regular meeting 7:30 p.m. Approval of stenographic minutes for 7/6 and 7/20. N&A Development, sketch, lot line revision; New Cingular Wireless, public hearing, site plan; Cellco Partnership, sketch, amended site plan; M. Levesque Amended Site Plan, sketch. Next deadline, Friday, September 11. Next scheduled meeting: Monday, September 21."

MR. HINES: Joel, just for the record, the first and third items are actually public hearings tonight. They're on the agenda as sketch but they were scheduled for public hearings.

UNIDENTIFIED SPEAKER: I really can't hear you back here.

CHAIRMAN TRUNCALI: You can move closer.

I'd like to welcome our new Board

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N&A DEVELOPMENT

3

Member, Joe Lofaro.

First up is N&A Development, public hearing, lot line revision.

MR. GALELLA: The notifications were sent out. There were thirty-nine sent out and twenty-eight returned.

CHAIRMAN TRUNCALI: Thirty-nine sent, twenty-eight returned, one undeliverable.

MR. GALELLA: My name is Nicholas Galella, I'm the property owner. The map shows what I'm going to do. It's on Summit Drive.

I own the property, this seven-acre parcel here, along with two lots at the end of Summit Drive. I'm looking to have an access strip of fifty feet wide connected to --

MS. LANZETTA: Let me hold that.

MR. GALELLA: I have clips if you have a board.

MS. LANZETTA: I'll hold it up. I'll hold it while you do this.

MR. GALELLA: So here's the cul-de-sac for Summit Drive, a seven-acre piece. I own the two end lots and this seven-acre parcel. The fifty-foot strip is approximately 5,000 square

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feet. It would be taken from this lot here, which is lot 6. So we're adding 5,000 square feet to this larger piece accessing Summit Drive.

UNIDENTIFIED SPEAKER: Where is Orchard Street in relation to that? Can you talk louder?

UNIDENTIFIED SPEAKER: I think it's the acoustics in here.

MR. GALELLA: Orchard Street is -- this is Grand. Grand Street to the south. Orchard Street would be up in here. Orchard. Is it Orange?

UNIDENTIFIED SPEAKER: Orange is below.

MR. GALELLA: Orchard would be north in this section here.

MS. LANZETTA: We can put it on the board now.

UNIDENTIFIED SPEAKER: Orchard Street goes into Tommy's house.

CHAIRMAN TRUNCALI: We did receive a letter from the highway superintendent. Pat, would you like to comment on that?

MR. HINES: The highway superintendent has weighed in. He had a couple versions of the previous proposed subdivision -- schematic

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subdivisions. He has a concern identified in the letter that any access off of Grand Street, which is not subject to what we're doing tonight. Tonight you're only dealing with a lot line change, making the lot .2 acres -- less than .2 acres larger. Any access off of Grand Street, his comment, and it's good for the developer to hear now rather than later, that any potential development has an issue. He's concerned about stormwater flow from the site. This lot drops from Summit Avenue, the proposed access, in an easterly direction across the entire site, and he's identified a concern regarding drainage onto Grand Street. Any future development is going to have to address stormwater management.

He was reviewing in his file the formerly proposed sketch of the five-lot subdivision that showed one driveway coming off the site and he identified the forty-foot elevation difference between Grand Street and the proposed house location with the driveway running perpendicular to the contours which would have created a direct path for stormwater onto Grand Street. Rightfully so, his comment addressing

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the drainage is valid.

Tonight you're only interested in the lot line change. Any future submissions will have to address drainage.

CHAIRMAN TRUNCALI: He doesn't have any problem -- his letter doesn't have any problem with the lot line change?

MR. HINES: It doesn't address that. The lot line change merely changes lines on the map and kind of imaginary lines in the field. The actual property lines out there. Any future submissions, if the site is to be developed with anything other than a one single-family house will have to come before the Board, and at that time both the Town and DEC stormwater regulations will be reviewed for compliance. Any disturbance greater than an acre on the site will have to be addressed, both water quality and quantity, and the green infrastructure runoff reduction requirement.

MS. LANZETTA: If somebody puts one house on there they don't have to take into account his concerns about --

MR. HINES: Correct.

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MS. LANZETTA: -- water?

MR. HINES: Today they can go get one building permit on that lot. They do need a driveway permit from him. His concerns can't be disregarded. They do have to get a road cut driveway access permit from him.

Today the applicant could apply to the building inspector for one structure on that site, one residential structure, without approval of this Board.

CHAIRMAN TRUNCALI: This is a public hearing. We'll take comments from the audience. Please state your name for the record for the Stenographer.

MR. GAROFALO: James Garofalo. Just one quick question. Does a lot line change eliminate potential access anywhere?

MR. GALELLA: Eliminate?

MR. HINES: On the contrary. It's providing additional access to the lot.

MR. GAROFALO: It's not eliminating?

MR. HINES: It's proposing access. It's creating a fifty-foot wide strip to the cul-de-sac of Summit Drive which the 7.1 acre lot

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currently does not have. The only access is Grand Street at the location where the highway superintendent's concern is. If the Board was to approve this subdivision, it provides a fifty-foot access strip to Summit Drive, an existing Town road.

UNIDENTIFIED SPEAKER: Just exactly where on that map are the houses going?

MR. GALELLA: Nothing is being proposed to construct.

MR. HINES: There's no proposed houses at this time. It's merely a lot line change. A subdivision. Any future use of the parcel, as I just said, other than one single-family house, will have to come back before this Board for review.

UNIDENTIFIED SPEAKER: And you're dividing what part of that?

MR. GALELLA: It's coming off of this lot here, which is lot 7 -- lot 6 on the previous subdivision. This house is up. I don't know if you've been on that street, Summit Drive, at all. This house is built. I just have a buyer for it now. In order to build the next house I would

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want to have the boundary established. That's one of the reasons why.

UNIDENTIFIED SPEAKER: That piece underneath there, that's the seven acres, do you have plans for that?

MR. GALELLA: Excuse me. This is the large --

MR. HINES: The question is what do you have planned for the seven acres.

MR. GALELLA: I have some ideas but nothing proposed. It could stay like this for the next five, ten years. I had something as far as multi-family, I had something as far as four lots, five lots. The market isn't prime, it's not ready for anything to be developed. Like I said, I'd like to have a boundary set for this lot to put that house up.

MR. MAZZA: I have a question. When you --

CHAIRMAN TRUNCALI: State your name.

MR. MAZZA: I'm sorry. Steve Mazza. We're on the end of the Overlook Bluff. When you add this land to the current lot, is that going to allow like some monstrosity to be built? Is

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there a reason why you need the extra .2 acres?

MR. GALELLA: The acreage is just being added to here. Whatever this is, this twenty-foot strip gets added to this. This doesn't get any further land for anything.

MR. HINES: It greatly enhances the access. Right now --

MR. MAZZA: I understand the access. I'm also curious if that puts you like over some limit how you can build like a huge --

MR. HINES: The topography of the site drops dramatically from the proposed new access point to Grand Street. There was a relatively flat area behind your residence and the other residences.

MR. MAZZA: I know the back. It's old snowmobile land back before --

MR. GALELLA: The access is for me to maintain the property as well. I don't know if you noticed --

MR. MAZZA: It's right behind our house actually.

MR. GALELLA: -- there's three homes back there.

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MR. MAZZA: Yup. Are you looking to maintain the same kind of structures or are you looking -- is it going to be some highrise?

MR. GALELLA: Are you familiar with Summit Drive? I want to keep it --

MR. MAZZA: Like single-family or two-family maybe?

MR. GALELLA: Single.

MR. MAZZA: Okay. Thank you.

UNIDENTIFIED SPEAKER: These houses are huge.

CHAIRMAN TRUNCALI: Are there any other comments from the public?

(No response.)

CHAIRMAN TRUNCALI: If not, I'll entertain a motion to close the public hearing.

MR. TRAPANI: I'll make that motion.

CHAIRMAN TRUNCALI: A second?

MR. CLARK: I'll second it.

CHAIRMAN TRUNCALI: Steve seconds.
All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

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MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

Does the Board have any other comments?

MR. CLARK: My only comment would be --

I don't have a problem with the lot line revision. I may in the future, depending what is proposed, I think this better be like you're developing. Obviously there's concerns about runoff. From my perspective, keep that in mind.

MR. GALELLA: As far as what?

MR. CLARK: Because of the runoff issues that have been addressed by the highway superintendent. From my personal point of view, if you want to come back to this Board and I'm still on it, you better come back prepared.

MR. GALELLA: It's most likely. Coming from off of Summit Drive makes the runoff less. Coming from Grand Street as well, if there was something developable.

CHAIRMAN TRUNCALI: Any other comments?

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(No response.)

CHAIRMAN TRUNCALI: I guess the Board could entertain a motion to approve the lot line revision.

MR. HINES: First would be a neg dec. The applicant has submitted a short environmental assessment form for the project. Based on the minor lot line change, we would recommend a negative declaration. There's no construction proposed under this phase of the project.

CHAIRMAN TRUNCALI: Okay. Would the Board entertain --

MR. TRAPANI: I'll make that motion.

CHAIRMAN TRUNCALI: -- a negative declaration. I have a motion for a negative dec. Ben makes it. A second?

MR. CLARK: I'll second it.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

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All opposed?

(No response.)

CHAIRMAN TRUNCALI: All right. Now we can have a motion to approve the lot line revision.

MR. CLARK: I would make that motion as proposed.

CHAIRMAN TRUNCALI: A second?

MR. TRAPANI: I'll second.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

All opposed?

(No response.)

MR. GALELLA: Thank you.

(Time noted: 7:44 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK) : SS.:
COUNTY OF ULSTER)

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That the witness whose examination
is hereinbefore set forth was duly sworn and that
such examination is a true record of the testimony
given by that witness.

I further certify that I am not
related to any of the parties to this action by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of October 2015.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

NEW CINGULAR WIRELESS, PC, LLC

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

----- X

PUBLIC HEARING
SITE PLAN

Date: September 8, 2015
Time: 7:45 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Chairman
BEN TRAPANI
CINDY LANZETTA
STEVEN CLARK
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY WILKLOW
MICHAEL MUSSO

----- X

MICHELLE L. CONERO
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CHAIRMAN TRUNCALI: Next up is Cingular Wireless, a public hearing. I believe they're not here tonight.

Is there any comment? This is a public hearing. We'll take any comment if there is any.

MR. HINES: They did advise the Board -- they did submit a letter requesting that they be given additional time to address Mr. Musso's submittal, who is here tonight, until October 5th. It is a public hearing.

MR. BLASS: I think I'd like the record to reflect that the reason there's a request by the applicant to put off or to adjourn the public hearing to October 5th is because of the applicant's failure to submit supplemental material as it represented that it would. So there's no delay attributable to the Town or the Town's consultants. In fact, the delay is attributable to the applicant.

MS. LANZETTA: Thank you.

CHAIRMAN TRUNCALI: So then the Board will adjourn the public hearing to October 5th.

MS. LANZETTA: Can I just ask; Mike, were you prepared to speak on this tonight or --

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MR. MUSSO: No. I mean I can give you an update but really there's no real update to give. We're still waiting for a number of things to be submitted.

MS. LANZETTA: Thank you.

CHAIRMAN TRUNCALI: Do we put that in the form of a motion?

MR. BLASS: Yes.

CHAIRMAN TRUNCALI: Do we have a motion to adjourn the public hearing to October 5th?

MS. LANZETTA: I would make the motion to adjourn the public hearing to October 5th to allow sufficient time for the applicant to get the necessary supplemental materials to our engineer.

MR. CAUCHI: I'll second that motion.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

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NEW CINGULAR WIRELESS

Opposed?

(No response.)

CHAIRMAN TRUNCALI: So carried.

(Time noted: 7:46 p.m.)

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

----- X

In the Matter of

CELLCO PARTNERSHIP
d/b/a VERIZON WIRELESS

Project No. 15-8007
Mt. Zion Road
Section 102.3; Block 1; Lot 36.1

----- X

SKETCH
AMENDED SITE PLAN

Date: September 8, 2015
Time: 7:47 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Chairman
BEN TRAPANI
CINDY LANZETTA
STEVEN CLARK
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY WILKLOW
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: HYDE CLARK

----- X

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Wallkill, New York 12589
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CHAIRMAN TRUNCALI: Next up is Cellco Partnership, Verizon Wireless. This is a public hearing for an amended site plan.

MR. HYDE CLARK: My name is Hyde Clark, Attorney with the law firm of Young, Sommer, here on behalf of Cellco Partnership, d/b/a Verizon Wireless.

I understand that the Board asked us to bring in the capability of showing some images. I can get that set up now if you'd like.

MR. CLARK: While you're setting up, an issue that was raised to me that I would ask you to answer, these proposed new modules that are going up on the cell tower, what is the affect of electromagnetic affects and radiation affects and how far does it go?

MR. HYDE CLARK: As part of our supplemental, I believe we did submit an RF safety. That's our radiofrequency safety. As part of our FCC licenses we have to operate within a certain frequency that's safe for everyone surrounding that area. Verizon Wireless operates at a very small percentage of that. I'm sure Mr. Musso may talk to that more -- speak to

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that more. I mean there's no impact. Our RF safety professional has come up with that and prepared that for you, as well as Mr. -- I'm sure your consultant will probably speak to that as well.

MR. CLARK: Thank you.

MS. LANZETTA: Mike, do you want to just briefly address that? That's a concern, a health concern that you addressed once before for your us.

MR. MUSSO: I'd be happy to give a status report. I was here last month. I gave the Board an overview of some information that was requested, what was received, and some things that were still outstanding. You haven't seen the tech memo from me. I promise you it will be much shorter than the last one for AT&T for the alternate sites.

One thing that we're waiting on out of the number of things we asked for is a post-modification structural certification on the tower. The tower accommodates AT&T antennas at the current time. This is a 260 foot cable state lattice tower off of Mt. Zion Road. It also

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accommodates a number of other operators, radio stations. Some things are in use by other people. There's probably some old antennas up on the tower as well.

So 260 foot. Verizon is proposing an antenna array at 160 feet. So not at the top, sort of closer to the midpoint. There's no increase in the tower height. We're confirming the structural analysis that there's nothing more that needs to be done in terms of the structural integrity to accommodate.

We looked at a number of issues. To get to the radiofrequency emissions, the applicant rep tonight I think gave a decent summary of it. All wireless carriers, such as Verizon or AT&T who has co-located on that structure now, and other operators are licensed by the Federal Communications Commission. In the world of mobile telecommunications services, which initially was phones but now it's a number of different things, all sorts of data transmittal, e-mails, paging, internet, et cetera, et cetera. You see the commercials on TV I'm sure. The power frequency or the power

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levels have to be within what's called a maximum permissible exposure health level.

Modeling was done for this site. That was one of the things that we asked for that included the proposed Verizon. It also accounted for AT&T that exists. It also inventoried other antennas on that tower. So we're happy that it's a full cumulative analysis.

So then the question is where are people around that tower. Not including the tower climber who is doing maintenance. They have special training and special measures that they do when they get in very close proximity. Normally modeling is done within about a 500 foot distance from the tower looking at the ground level. It's proven that after that the signal really dies off significantly, from 100 or 160 feet down to the ground level. So the cumulative analysis in this case is on the order of one percent of the maximum permissible exposure limit, the MPE limit. We're happy with that analysis. We're very comfortable that even with Verizon co-locating, should that happen, the tower site itself will still be in full

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compliance with the Federal levels of health.

MR. BLASS: Mike, you might want to address the extent to which this Board can delve into that issue under the Federal Communications Act.

MR. MUSSO: A quick note on that. Municipalities like the Town of Marlborough have ordinances that are written for smart intelligent citing and regulations of such facilities. You have say into what things might look like for alternate A over alternate B, et cetera, et cetera. You also have a priority of preferred sites. So co-locating on an existing structure or co-locating on a tower that's already built would make more sense, obviously, than a new cell tower in a residential area. Sometimes that's not an option. In this case for Verizon it is an option. They provided coverage maps that show where there's a gap in service. This site would cover much of the northern half, particularly west of the Route 9W corridor, but even approaching down south in towards the hamlet area. This would be the first Verizon facility within the Town of Marlborough, within it's

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limits at least. There's others across the river, in Plattekill, Newburgh and points north.

When it gets to the radiofrequency emissions, there are certain things that are exempted by Federal law. This has been played out, as Ron could attest to, in case law. Things like interference and things like the radiofrequency emissions are what the Federal Government refers to as categorically excluded from municipal review.

My stance, and HDR works only on behalf of municipalities, we don't work for the carriers, we always like to have something on the record. If a neighbor or someone from the Town says gee what are those levels, what's the modeling, what are the calculations, we always like to see that. Probably ninety-eight out of a hundred times it's readily been provided by the carriers. However, decisions to prove or deny an application can not be based on radiofrequency emissions as long as they're within that MPE levels. There have been of course cases that have come up where there has been reports like the one provided that are submitted, but then the

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idea is well, we just don't believe the science or don't want to pay attention to the Federal laws and we're going to take action denying the application because of that. That's been played out. I think what Ron is referring to is there's this overlay with a town specific ordinance and Federal items such as radiofrequency emissions and interference.

I'm happy with what's been provided, with all that said.

MR. HYDE CLARK: If the Board would like, I could give a brief overview just from where we were before.

CHAIRMAN TRUNCALI: Sure.

MR. HYDE CLARK: So this is again a proposal to co-locate off Mt. Zion Road. The current tower is 260 feet. We're proposing to co-locate 160 feet. On the wall right now is just the coverage that will be provided. That's the latest type of coverage that we provide. In the green area will be what the new coverage would be with this co-location.

This is an application again for amended site plan review and special use permit.

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2 We're going to be proposing to co-locate twelve
3 antennas on that tower with associated equipment.
4 Per the Town law, this is the second highest
5 priority, second only to Town-owned property.
6 Hopefully this co-location is something we think
7 that allows us to provide coverage that we're
8 mandated to provide and without building a new
9 tower or -- essentially just being able to
10 provide that coverage within the Town's
11 preferences.

12 At the last meeting we did have some
13 additional information that Mr. Musso did
14 require. As he stated, we're still waiting for a
15 post-modification structural report. That will
16 just go through the changes to the tower that
17 were actually made and go through what the
18 capacity is for that in terms of the new
19 equipment that's going to be added.

20 There was also a request for more
21 generator information. We provided a noise
22 report. Again, Mr. Musso probably will go
23 through that as well.

24 I would like to provide the Board with
25 a copy of those reports that we did submit to

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him.

MR. CLARK: You have three photos on the map. It's pretty obvious. What's the difference between the white and light purple?

MR. HYDE CLARK: The purple is the coverage that already exists. The white is our gaps. The green is where those gaps are being filled in.

If I can approach just so the Board can have a copy of the report. That has the generator information.

This is a public hearing and I also have the affidavit of mailing. To the clerk?

MS. LANZETTA: Over there.

MR. HYDE CLARK: This is just confirming the proper notices were sent.

At this point, since this is our third time, I'm willing to take any questions or comments from the public or from the consultant.

MR. TRAPANI: You said the white was what?

MR. HYDE CLARK: Those are the coverage gaps currently. Purple is what's already -- what's currently being provided. The green fills

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in the gaps.

MR. CLARK: You're still going to drop calls by Maggie's.

MR. TRAPANI: Where we live, we're in the white.

MR. CLARK: You too.

MR. TRAPANI: I can see that light blinking all the time.

MR. MUSSO: Do you have the previous slide that show --

MR. HYDE CLARK: Yes.

MR. MUSSO: -- without the green?

MR. HYDE CLARK: Yes.

MR. MUSSO: If I could just orient you a little better. This is the Town of Marlborough boundaries in red here, and the river. So before that map this is what exists now for Verizon.

Blue being some existing coverage. You can see the 9W corridor. This is probably being covered from across the river. These are the gaps here.

What the applicant put up is an overlay on top of that. The white are gap areas. They certainly do get better. This is based on the 4G service.

Verizon operates at a few different frequencies

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that they're licensed to operate on. We did ask for maps that show open area, like if you're walking outside, in your driveway type of coverage. We also asked for maps in vehicle, which is a little less optimistic in terms of coverage pattern because it accounts for some loss getting into the vehicle, going through a metal roof or your windows or whatever. The punch line is there is a gap here in this area. It appears to me to be, you know, in accordance -- in general accordance with the Town's code to utilize that structure. The overlays with the green and the other map had an overlay, you could see the different coverage, different services that would be presented. Just to orient you, that's kind of the delta. That would be the differential between the two.

MR. TRAPANI: That white area up there --

MR. MUSSO: This one?

MR. TRAPANI: Yup. This is Milton Turnpike coming down here. On the other map we can see. This is Milton. This is all white in here. So it's not going to be covered? It goes

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down. Milton Turnpike down here by the Dome.
None of this area is still going to be covered.

MS. LANZETTA: The Dome is further
down.

MR. MUSSO: This is 9W here. So this is
9W. So the Dome I'm guessing is --

MR. TRAPANI: That's the Dome right
here?

MR. MUSSO: I'm guessing it's in this
area.

MR. TRAPANI: I'm sorry. I'm sorry.
This is it. This is Mulberry Lane right here.
Okay, good.

MR. MUSSO: To the west of the Town
border is something else.

MR. HINES: It's on the other side of
the mountain there.

MR. MUSSO: That's why I want to get
you oriented. This is the river. This is 9W.

MR. TRAPANI: Thank you.

MR. CLARK: I can see you but I can't
talk to you.

MR. HINES: That brings up the issue we
talked about, how high do you go and what

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coverage. They basically have to do a cost benefit. There are other carriers up there. They could go on top of the 200 something foot tower. I don't know if they can, they have leases, but they can get different coverage maps. I think that they struck a balance because there are other carriers above them. Those spots are currently leased. I think they are as high as they can get based on the guide wires of the carriers above them.

MR. BAKER: You're saying that's the best they can do?

MR. MUSSO: American Tower Company, which is a very large national tower and infrastructure company, they own this tower. Obviously they have lease agreements with AT&T that has a similar array that's up there now. They're the only commercial carrier. There's a number of other antennas at the top and along. So they are subject to a lease agreement.

The other thing I put into that is for this site for Verizon to work there would be a trade off between existing sites in the region, over in Plattekill, perhaps up further north,

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too. In that balancing act, the fine tuning site to site and how they communicate, this is probably an optimal height. A lot of towers, even though this sits up on a higher elevation, the distance from ground is 160 feet. We don't see much of that any more. Most towers -- the older ones were built in the '90s, early 2000s. Now the towers are generally a little shorter. When we see new tower siting going on, it's usually in the 100 to 130 foot level. That gives a good cross section of what's happening on the tower.

MR. BAKER: Do you know of other plans that would help us fill in those white spots? I think we're hoping to get all of the Town covered. So I guess something across the river that would beam this way might help us, or is there something in Plattekill that might help us?

MR. MUSSO: It's really tough because those color maps that you saw there, they're based on a number of things including specific topography in an area. There's some touching up that's done with treeline. The Town of Marlborough, you know better than anyone, the

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changes in topography, even going up from 9W and even up at different elevations you have different shading and shadowing that goes on.

MR. HINES: This is probably one of the highest tower sites you're ever going to get.

MR. MUSSO: These maps -- I have to say this, though. These maps are a projection of successful communication. So even within some of these areas here, depending on when it is, you may be able to get through with the call. It could also be seasonal, leaf-off conditions. It does change a little bit. But certainly what the applicant is depicting are these white areas that are staying white. That's what they would term as an area to be successfully served or optimally served. You still might get some signal in there. Then it's a priority of the carriers of, you know, network buildouts within a town or within a region like the Hudson Valley. And what's the second wave to go back. We're starting to see that a little now. Here, this is the first proposed -- well, first Verizon facility, potentially, in the Town. So that says something where they are within Ulster County.

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MR. BAKER: There's a fair amount of kind of high -- it's a populated area there west of 9W that's not going to be covered, which is kind of disconcerting.

MR. MUSSO: Down here?

MR. BAKER: Down a little bit further. In there. Someone coming down into the hamlet --

MR. MUSSO: It does shoot -- you're right. It does shoot right across, across kind of to the southeast there a little bit. But it's not going to cover here.

MR. HINES: That has to do with the topography just off of 9W and then the next road over.

MR. MUSSO: It's consistent actually with what we saw with another application we were reviewing. Very consistent.

MR. BAKER: People off of Old Post Road are getting nothing. Is that right?

MR. MUSSO: Down here?

MR. BAKER: South of the hamlet.

MR. MUSSO: Down here. Yeah. That's a little something there. You're right. At least based on these maps.

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CHAIRMAN TRUNCALI: Is there any other public comment?

MR. GAROFALO: James Garofalo. I'd just like to say that cell towers are really part of our critical communication infrastructure. I think these things are very important and you should look positively upon them. I don't know if it's the -- it's going to be fenced in, the facility?

MR. MUSSO: Well the facility will be within an enclosed shelter, locked and maintained and monitored remotely. One of the things we looked at, there will be an emergency generator that runs about forty-five minutes a week when needed. It's equipped with a 210 gallon tank with secondary containment capacity to -- for 125 percent of that tank's capacity. That also is within the shelter. So it's in Verizon's interest to really protect and make sure nothing can damage these facilities.

MR. GAROFALO: Is the property around it fenced?

MR. MUSSO: The property around it is not completely fenced.

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MR. GAROFALO: Can it be posted?

MR. MUSSO: Absolutely.

MR. HINES: The reason we say it's not fenced is there's an existing fenced compound. This control structure they're proposing is going to stick out like a peninsula out of the fence. It's going to be entirely secured. They would have to break through the precast concrete walls. There is an existing compound that they'll expand slightly, and this structure will also be secured.

MR. MUSSO: Warning signage for radiofrequency and also contact information has to be posted by law. That's a Federal law. That would be up there as well.

MR. GAROFALO: I was wondering like no trespassing signs so the police could come in there and remove people who would not be -- are not supposed to be on the property.

MR. MUSSO: I don't know.

CHAIRMAN TRUNCALI: Is there any other public comment?

(No response.)

CHAIRMAN TRUNCALI: If not, can I have

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a motion to close the public hearing?

MR. CLARK: So moved.

MR. TRAPANI: I'll second.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

Opposed?

(No response.)

CHAIRMAN TRUNCALI: The public hearing
is closed.

MR. HINES: We have to wait for
additional structural information. They can
maybe come back to the next meeting.

MR. BLASS: That's a timing issue as to
the timing of additional applicant submissions,
if any, and Mike's turnaround time. Is two weeks
enough? Four weeks?

MR. MUSSO: Do you know anything more
on the post-modification structural?

MR. HYDE CLARK: We've been in contact

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with the tower owner for pretty much the last month to try to get this. I, you know, tried again today. He still didn't have it today. It should be any time now.

MR. HINES: I guess the question is there's a meeting in roughly two weeks and a month from tonight.

MR. CLARK: What's that?

MR. HINES: There's a meeting roughly two weeks from tonight and a meeting roughly a month from tonight. It would have to be in by this Friday for the Monday, the 21st meeting, or sometime right after the 21st of September for the first meeting in October, which is the first Monday in October.

MR. MUSSO: I'm not around on the 21st.

MR. HINES: So I would suggest we just put it off until October, the first meeting in October.

MR. HYDE CLARK: I guess it would be our preference if we have substantially everything else, I don't know if the Board is comfortable doing a conditional approval. I mean the modifications have been made. It's more of a

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belt and suspenders approach to provide this as well. That's up to the Board's preference.

CHAIRMAN TRUNCALI: Ron?

MR. BLASS: I mean if the deadline of this Friday is not met by the applicant through no-fault of your own, then they won't be on the agenda anyway.

CHAIRMAN TRUNCALI: He's asking for conditional final approval tonight.

MR. BLASS: I didn't quite hear that.

CHAIRMAN TRUNCALI: Right.

MR. HYDE CLARK: With everything else that's substantially been submitted.

MR. BLASS: I don't think this Board has a history of doing conditional finals when there's outstanding requests for information. I don't know that you would want to defer -- I don't know that you want to do a SEQRA determination in advance of the receipt of such information. So I would not really recommend a conditional approval based on submission material. I think the real issue is whether it's two weeks or four weeks for your decision after you have received that material.

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MS. LANZETTA: Is it up to the applicant to get the material in? If he gets it in in time, we'll be ready for the next meeting. If not, then it will be the meeting after.

MR. HINES: Your consultant also has a scheduling issue, too.

MR. MUSSO: I mean I can get the report in, I just can't be here on the 21st.

MS. LANZETTA: I don't think it's necessary for you to be here. If you reviewed it, the pertinent information and acknowledge that it meets the criteria that we're looking at, then we could move forward from there.

MR. MUSSO: Sound good.

MR. HYDE CLARK: If I could just interject. If Mr. Musso can't be here at the next meeting, if you do have some things that we could go through tonight to at least discuss that while he's here to make sure if he did have any additional questions.

MR. HINES: I think he went through the structural.

MR. MUSSO: I think I covered the emergency generator. We talked about health and

1
2 safety based on a question. Noise. A report
3 would was provided by a New York State PE on the
4 generator itself. It's not running very
5 frequently, unless of course when we need it to
6 be running. That meets the property line limits
7 of -- the 65 dba are met at all the property
8 lines. It's just me packaging the report and
9 going over what I think I went over tonight. I'm
10 waiting on the structural.

11 MS. LANZETTA: Structural stuff is
12 critical.

13 MR. MUSSO: I think so. It's an
14 important question that comes up. There's been
15 modifications earlier this year that went to the
16 building department. They made those
17 modifications. The structural report that we
18 have from October 2014 is pretty good. We agree
19 with the methods that are used, but, you know,
20 that conclusion is not there. So they're fully
21 aware of what they need to provide, and I think
22 that's important to have on file.

23 CHAIRMAN TRUNCALI: Get your report to
24 Mr. Musso and then we'll be ready to act.

25 MR. HYDE CLARK: Sounds good.

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MR. BLASS: It sounds like a situation for Verizon that's being held up by it's landlord, which is a publicly traded company of some size that should be able to get this report generated.

MR. HYDE CLARK: Thank you.

(Time noted: 8:12 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

: SS.:

COUNTY OF ULSTER)

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That the witness whose examination
is hereinbefore set forth was duly sworn and that
such examination is a true record of the testimony
given by that witness.

I further certify that I am not
related to any of the parties to this action by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of October 2015.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

M. LEVESQUE AMENDED SITE PLAN

Project No. 15-8010
1100 Route 9W
Section 108.4; Block 5; Lot 27

----- X

SKETCH - AMENDED SITE PLAN

Date: September 8, 2015
Time: 8:12 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: JOEL TRUNCALI, Chairman
BEN TRAPANI
CINDY LANZETTA
STEVEN CLARK
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
KATHY WILKLOW
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: LOUIS DuBOIS

----- X

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

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M. LEVESQUE

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CHAIRMAN TRUNCALI: Next up, M. Levesque, amended site plan.

MR. DuBOIS: I'm Lou DuBois. I see everyone has a copy of the plans.

What we are here tonight is to present a proposed amended -- amendment to the approved site plan back in 2007 which was issued at that time for outdoor storage.

As you're familiar with this, it was the Marlborough materials area that since has been eliminated, for lack of a better word. It was vacated.

What we're here to do is -- the client who is Kiewit. If you look at special note number one, it kind of explains what it's about. Kiewit is one of the major national contractors who are going to put the sleeve, the lining under the aqueduct under the Hudson River. It's a piped lining which is sixteen foot in diameter. It comes in sixteen foot by forty foot lengths. They're being fabricated in Louisiana and being shipped up by barge to Hoboken and transported by truck to a storage area and then incorporated in the work that's being done in Middlehope. That

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M. LEVESQUE

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Middlehope operation that you see up there with the big crane actually is digging a monster shaft that's this big.

What will happen is these pipe sections will be stored here, that's the proposal, as they come in from Louisiana until they're ready to be incorporated. The necessary pipe length is roughly two miles under the river.

What happens is the section -- the pipe section will go from the Hoboken point, wherever the barge is, it gets trucked to here into Stewart until it's ready to be used. It's a two-year project, after which then he can find another use of the land. That's basically what it's for.

The original subdivision -- basically if you look at that map you can see where the storage approved areas were limited to the center. They were limited right here. This is where you had the materials stored. It was a retail/wholesale operation.

That's the reason why we need the increase. We're going to use the increase -- the total area is just strictly for storing pipe

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M. LEVESQUE

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sections.

CHAIRMAN TRUNCALI: They're not doing any land clearing or anything to the property?

MR. DuBOIS: No. We will be resurfacing the area so that the sections are going to be cradled. Obviously these are big pieces. That sign there is what, eight feet in diameter, behind you. Your seal. So double that. That is a big pipe. So needless to say, it takes up a lot of area.

As these sections come in, they'll be stored in here. The only area that we had proposed that would have been affected is a small area here on this corner, the southeast corner. If you look at this area right in here, that right now is a little wood area. We still maintain a buffer through here.

Pat made a note, a mention of it in his comments about, you know, to utilize as much area as we can. Obviously we want to.

MS. LANZETTA: You need to clear this area?

MR. DuBOIS: This little area. This is the wide line right here. We're not going to

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M. LEVESQUE

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touch any of this or any of this.

MR. TRAPANI: That's pretty steep
around the edge.

MR. DuBOIS: We're not doing anything
there.

CHAIRMAN TRUNCALI: The slope is right
there.

MR. DuBOIS: It drops right off.
That's the orchard.

MR. TRAPANI: That was supposed to be
cleared with the last project.

MR. DuBOIS: This area here is the pipe
area.

MR. TRAPANI: How many lengths of pipe
do they propose having on that site at one time?
Not all two miles of it?

MR. DuBOIS: No, no, no. You're never
going to get two miles of pipe there.

MR. TRAPANI: Not that big.

MR. DuBOIS: I don't know that
question.

MR. TRAPANI: Will they be stacked up
high?

MR. DuBOIS: You can't stack these

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M. LEVESQUE

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things.

MR. CLARK: Forty feet long, a hundred piece is 4,000 feet. He's talking two miles is going to be 10,000, almost 11,000 feet. How much are you going to get at one time?

MR. DuBOIS: They can only come up forty pieces on a barge at a time. That I do know. So no more than forty pieces would come at one delivery. Let's put it that way.

MR. HINES: They have acres and acres of storage area on the aqueduct site itself. They just recently purchased 24 additional acres next to that project to do some of this work as well.

MR. DuBOIS: Primarily that was for storage of the delivery vehicles.

MR. HINES: And the material will be deposited there.

MR. DuBOIS: There's going to have to be additional excavation done for this project to start.

MS. LANZETTA: You're saying they will not stack --

MR. DuBOIS: They can't stack.

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M. LEVESQUE

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Physically it's --

MS. LANZETTA: Nothing will be more than eighteen feet high?

MR. DuBOIS: It's going to be sixteen feet high.

MR. HINES: You're not proposing to stack them forty feet high.

MR. DuBOIS: No. You can't do that.

MR. HINES: They're going to lay flat.

MS. LANZETTA: They're not going to be stacked on top of each other?

MR. DuBOIS: No.

MR. TRAPANI: How long did you say they were?

MR. CLARK: Forty feet.

MR. DuBOIS: Roughly forty feet long.

MR. TRAPANI: They can't make that turn unless they make the entranceway a lot bigger.

MR. DuBOIS: It's a forty-foot trailer. Your normal trailer is fifty-three.

You asked a question. We were playing around. So we came up with how many we could store, you know. But that's that. That's optimistic.

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M. LEVESQUE

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MR. HINES: What was that number? I have some comments on some of the remnants of the previous use.

The hours of operation are noted to be until 11 p.m. There's very little, if any, site lighting on this site. If there's any proposed lighting, that needs to be shown on the plans.

The storage area is increasing from what was previously proposed at 82,400 to 140,660. So the Board's aware, it's going to be a bigger operation on the site.

We're also looking to see if there's going to be security fencing extended throughout the project. DEP has pretty significant regulations regarding fencing for their whole operation. The Newburgh site is fenced with twenty-four/seven security guards as well as police patrol in the areas. So if it's going to be fenced we need to see that.

My last comment is there's outdoor screening requirements. With the height of these, previously the piles were not sixteen feet high on this site. There was screening required for the landscape operation, which continues to

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exist on the site with that wood fence with some landscaping in front. With the increase in use there's trees to be cut, so we're looking to see if you are proposing fencing but also in compliance with the other screening requirements for the expanded storage areas should be addressed on the plans.

The wooded area to the rear of the project, as we move towards a public hearing the Board may or may not, some members are new, but the neighbor to the east was very concerned about activities on this site in the past and I'm sure will be interested in this operation during the public hearing.

You're going to have back-up alarms, noise issues associated with that. So some screening. Or if that wooded area can remain, that may be helpful moving forward.

MR. DuBOIS: Pat, do you know exactly where that house is on the plan?

MR. HINES: I don't know where the house is. The name is on your plan, though.

MR. DuBOIS: If we could --

MR. HINES: I don't know where the

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house is. Very interested at the previous public hearing.

MR. DuBOIS: I heard.

MR. HINES: There's an existing asphalt and a driveway. I'm not sure if that's the existing driveway depicted or if you're proposing a new.

MR. DuBOIS: I think what we're going to do is we're going to -- all the traffic is going from -- you know, it's a left-hand turn out of the property basically. So we're going to sweep. It's a longer truck, we're going to make sure that that southerly radius will handle the tractor trailers.

MR. HINES: Right. My question is there's an existing asphalt apron and then -- I don't know which one is actually the one there right now. If you're proposing a new access -- either way, if needs to go to the DOT.

MR. DuBOIS: I'll get a highway work permit.

MR. HINES: It's going to be need a highway work permit. They are going to be interested in the fact of these tractor trailers

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getting in and out of there. A commercial DOT driveway is going to be required. There is somewhat one there now. There may be one additional. DOT is going to be an involved agency as well as County Planning because it's located on the highway.

The surface area for the pipe storage is going to be what? Are you going to regrade that in item 4?

MR. DuBOIS: That's still in discussion by Kiewit. They don't know exactly what equipment is going to be used to move the pipe around.

MR. HINES: This Board needs to know that answer prior to approval.

MR. DuBOIS: I understand.

MR. HINES: We need to make sure that's not going to impact on the drainage from the site as that moves forward.

There is a note stating all existing vegetation will remain. Clearly there's a section there to the south of the existing --

MR. DuBOIS: We'll address that note.

MR. HINES: That note should be

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modified as appropriate and that wooded area be addressed in the plans.

MR. DuBOIS: Mm'hm'.

MR. HINES: That's where we're at right now. DOT is going to be very interested in how that's going to function. They're aware of this project and they're aware they're looking for other sites to support the project in general. They're a little restricted on the site there but DEP has significant control over their contractors. The Town of Newburgh has had zero issues with any of their contractors on that site.

MR. DuBOIS: Kiewit is a national Canadian, United States, South America, heavy construction. Big time.

MS. LANZETTA: Could I recommend to you that you contact Dennis Doyle up in Ulster County Planning and do like a pre-development meeting in which he'll bring DOT to the table with County Planning and the DOT, and that way you'll be able to work with both agencies together and it will save you a lot of time and aggravation.

MR. DuBOIS: Okay.

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MS. LANZETTA: You know, I know Mr. Baker, our Town Councilman, attended one of those pre-development hearings. You can get a lot of stuff ironed out ahead of time rather than waiting.

MR. DuBOIS: Okay. And I know the DOT people. I've worked there for thirty-seven years. Got it.

MR. HINES: The only action the Board can take tonight is to circulate for lead agency to the various agencies we just discussed.

MR. DuBOIS: Any other questions?

MR. CLARK: Do you have a proposed time limit where you would like to see this get done? Are you under stress to have these pipes come in?

MR. DuBOIS: They're very coy as to when the project is going to start. It's going to start sometime -- it has to do with the closure of the aqueduct. It's a major deal, you know. That's all we've been hearing up and down. I didn't go to the Village of New Paltz. They're going to be shutdown with water. It's like that.

MR. HINES: Water shuts down after that. The pipe you're putting in, the water

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shutdown is after your pipe is in place.

MR. DuBOIS: No.

MR. HINES: Yes.

MR. DuBOIS: We can't do that
underwater.

MR. HINES: You're not doing it
underwater. They're going to keep the other
aqueduct in place. Once the new pipe gets under
the river, the last section in. They're not
waiting on water diversion. They are several
hundred feet of the shaft before they even think
about this project. They get about twelve feet a
week.

MR. DuBOIS: I would say it's going to
be probably the end of 2016 before you see actual
movement.

MR. CLARK: That's what I'm saying, are
we under stress. So we have plenty of time to
work.

MR. DuBOIS: The company, they're very
good. They plan well ahead, you know. There's a
hundred people involved in this, this situation
of mobility. If you stop and think about it,
these pipes are being fabricated in Louisiana.

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All the logistics of moving them up here. I don't know how they're going to truck them from New Jersey to New York. They have special trucks that they're building, designing.

MR. CLARK: Sixty feet wide is a little oversized.

MR. DuBOIS: They're sixty feet high.

MR. CLARK: It's a circle.

MR. DuBOIS: A circle.

MR. TRAPANI: Sixteen feet high and they'll be trailered.

MR. DuBOIS: There's a lot of logistics involved. This is just a little piece of the pie. You're involved in a little piece of a big, big operation that's going on.

Any other questions from the Board?
Any other comments or questions?

CHAIRMAN TRUNCALI: Does anyone else have any comments from the Board?

MR. TRAPANI: No.

MR. DuBOIS: Thank you very much.

CHAIRMAN TRUNCALI: Do we have a motion to circulate the Planning Board as lead agency on this project?

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MS. LANZETTA: I'll make that motion.

CHAIRMAN TRUNCALI: Do I have a second?

MR. CAUCHI: I'll second it.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

Opposed?

(No response.)

CHAIRMAN TRUNCALI: Thank you.

Is there any other new business?

MR. BAKER: Yes. I would like to publicly ask if you guys would like to meet with the Town Board? We hoped to meet with you tonight, but maybe tonight turned out to be not a good night. At your next meeting we would like to meet with you afterwards to do two things. One is sort of almost a meet and greet because we have so many new Members on the Planning Board. Secondly, we'd like to discuss with you the business corridor overlay district that was an

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item of discussion at your last meeting and just sort of give you what we were -- the idea of what we were thinking about when we put it in place. Ron helped us certainly write it. Just make sure that we're both on the same wave length regarding that zoning change. I think your next meeting is your workshop meeting. Maybe we'll have a little more time to do that. I would ask you from the Town Board.

CHAIRMAN TRUNCALI: That's fine with me.

MR. BAKER: Could you guys be there for that?

MR. HINES: Yes.

MR. BLASS: A special meeting of the Town Board.

MR. BAKER: Okay. We'll take care of that.

CHAIRMAN TRUNCALI: We'll meet right here after our meeting.

MR. BAKER: Right after your meeting. Okay. Thank you.

CHAIRMAN TRUNCALI: Does anyone else have any new business?

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(No response.)

CHAIRMAN TRUNCALI: If not, I'll ask
for a motion to adjourn the meeting.

MR. CLARK: I'll make the motion.

MR. CAUCHI: I'll second that.

CHAIRMAN TRUNCALI: All in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CLARK: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN TRUNCALI: Aye.

Opposed?

(No response.)

(Time noted: 8:32 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

: SS.:

COUNTY OF ULSTER)

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That the witness whose examination
is hereinbefore set forth was duly sworn and that
such examination is a true record of the testimony
given by that witness.

I further certify that I am not
related to any of the parties to this action by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of October 2015.

Michelle Conero

MICHELLE CONERO