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

----- X

In the Matter of

JOHN CORCORAN

Project No. 15-8014
29 Watson Avenue, Milton
Section 103.3; Block 2; Lots 20.100 & 20.220

----- X

PUBLIC HEARING - LOT LINE REVISION

Date: February 1, 2016
Time: 7:30 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
EMANUEL CAUCHI

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN
STACEY CALTO

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

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JOHN CORCORAN

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CHAIRMAN BRAND: It's 7:30, I'd like to call the meeting to order. Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, February 1, 2016. Regular meeting 7:30 p.m. Approval of stenographic minutes for 11/16, 12/7 and 1/4. John Corcoran, sketch, lot line revision; Joan Diorio, sketch, lot line revision; New Cingular Wireless, open public hearing, site plan; Brody Ridge, extension; Chestnut Petroleum, sketch, site plan; Maria Mekeel, sketch, lot line revision; Gary Troncillito, discussion, site plan; Hennekens, discussion, two-lot subdivision. Next deadline: Thursday, February 5th. Next scheduled meeting: Tuesday, February 16th.

CHAIRMAN BRAND: I believe everyone has had time to review the stenographic minutes for the 11/16, 12/7 and 1/4 meeting. Could I have a motion to approve the stenographic minutes for those dates?

MS. LANZETTA: I'll make a motion to approve those minutes.

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CHAIRMAN BRAND: Is there a second?

MR. TRUNCALI: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN BRAND: I'll abstain since I
wasn't at those meetings.

First up, John Corcoran, sketch, lot
line revision.

"Legal notice, lot line revision
application. Please take notice a public hearing
will be held by the Marlborough Planning Board
pursuant to the State Environmental Quality
Review Act, SEQRA, and the Town of Marlborough
Town Code 134-33 on Monday, February 1, 2016 for
the following application: John Corcoran, at the
Town Hall, 21 Milton Turnpike, Milton, New York
at 7:30 or as soon thereafter as may be heard.
The applicant is seeking approval of a lot line
revision for lands located at 29 Watson Avenue,
Milton, New York, Section 103.3; Block 2; Lot
20.100/2.220. Any interested parties either for

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JOHN CORCORAN

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or against the proposal will have an opportunity to be heard at this time."

Is there anyone from the public?

(No response.)

CHAIRMAN BRAND: Nothing. I'd like to have a motion to close the public hearing.

Patti, sorry. I'm a little rusty, Patti.

MS. BROOKS: No problem.

The application before the Board is a lot line consolidation to take two previously approved lots, one 3.42 acres in size and 1.65 acres in size, and combine them back into one parcel of 5.07 acres.

The existing 3.42 acre lot has the existing dwelling on it and the 1.65 acre lot is vacant.

There was a question raised at the last meeting regarding the status of Old Indian Trail and whether the highway superintendent was interested in taking title to that portion of it used for roadway purposes. I consulted with superintendent of highways, Gael Appler, and we put a note on the map saying that the parcel is

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JOHN CORCORAN

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subject to an easement and right-of-way in and to the computed highway bounds along Old Indian Trail shown here based on a user highway maintained with thirty-three feet. We received a letter from the highway superintendent in concurrence with that resolution to try to mitigate the concern.

CHAIRMAN BRAND: Any questions or discussion from the Board?

MS. LANZETTA: I think that's the main thing we discussed last time.

CHAIRMAN BRAND: Okay.

MS. LANZETTA: Do we close the public hearing first?

CHAIRMAN BRAND: Pat, do you have any questions or comments on this?

MR. HINES: We have no outstanding issues. It's two lots becoming one. Our previous comments have been addressed.

CHAIRMAN BRAND: I guess I'd like to have a motion to close the public hearing at this time.

MS. LANZETTA: I'll make that motion to close the public hearing.

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JOHN CORCORAN

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CHAIRMAN BRAND: Is there a second?

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: Manny. All those in favor say aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. TRUNCALI Aye.

CHAIRMAN BRAND: Aye.

Opposed?

(No response.)

CHAIRMAN BRAND: Motion passes.

Do I have a motion for a negative declaration?

MR. HINES: We would recommend a negative declaration.

MR. TRAPANI: I'll make that motion.

CHAIRMAN BRAND: Is there a second?

MR. TRUNCALI: I'll second.

CHAIRMAN BRAND: All those in favor say aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

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JOHN CORCORAN

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MR. TRUNCALI: Aye.

CHAIRMAN BRAND: Aye.

Opposed?

(No response.)

CHAIRMAN BRAND: Motion carried.

Thank you.

MS. BROOKS: May I have final approval,
please?

CHAIRMAN BRAND: Do I have a motion for
final approval?

MR. TRAPANI: I'll make that motion for
final approval.

MR. TRUNCALI: I'll second it.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN BRAND: Aye.

Opposed?

(No response.)

MS. BROOKS: Thank you very much.

CHAIRMAN BRAND: You should be all set.

(Time noted: 7:34 p.m.)

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

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

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding 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 13th day of February 2016.

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

JOAN DIORIO

Project No. 15-8015
5 Anna Place, Marlboro
Section 108.012; Block 8; Lots 15 & 18

----- X

PUBLIC HEARING - LOT LINE REVISION

Date: February 1, 2016
Time: 7:35 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
EMANUEL CAUCHI

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN
STACEY CALTO

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

----- X

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JOAN DIORIO

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CHAIRMAN BRAND: Next up, Joan Diorio, sketch, lot line revision.

"Legal notice, lot line revision application. Please take notice a public hearing will be held by the Marlborough Planning Board pursuant to the State Environmental Quality Review Act, SEQRA, and the Town of Marlborough Town Code 134-33 on Monday, February 1, 2016 for the following application: Joan Diorio, at the Town Hall, 21 Milton Turnpike, Milton, New York at 7:30 p.m. or as soon thereafter as may be heard. The applicant is seeking approval of a lot line revision for lands located at 5 Anna Place, Marlboro, New York, Section 108.12; Lot 8; Lots 15 and 18. Any interested parties either for or against the proposal will have an opportunity to be heard at this time."

Is there anyone from the public here?

MR. MESSINA: Seven out and seven back.

Ms. Diorio, she owns two pieces of property on Anna Place, tax map 108.12-8-15, about a third of an acre. She also owns a property that's 1.6 acres that fronts Hudson Terrace. She would like to take about 1.2 of

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JOAN DIORIO

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that larger piece and add it to her one-third of an acre piece that has her house on it.

CHAIRMAN BRAND: Any questions or discussion from the Board?

(No response.)

CHAIRMAN BRAND: Pat?

MR. HINES: From our previous comments the only remaining issue is that we requested a note that each parcel is served by municipal water and sewer.

This does clean up some existing issues where one house had a garage and driveway access, the pool on the adjoining parcel. This new lot geometry serves the site well, putting the pool and the garage that serves the house all on the same lot. Then the two smaller houses off of Hudson Terrace will be on a reduced size lot that has the lot size for the two houses based on having water and sewer.

CHAIRMAN BRAND: Any other questions?

MR. TRAPANI: No.

CHAIRMAN BRAND: All right. I'd like to have a motion to close the public hearing.

MS. LANZETTA: I'll make a motion to

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JOAN DIORIO

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close the public hearing.

CHAIRMAN BRAND: A second?

MR. TRUNCALI: I'll second.

CHAIRMAN BRAND: Joel. All those in favor say aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Okay. May I have a motion for a negative declaration?

MS. LANZETTA: I'll make a motion to do a negative dec on this project.

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN BRAND: Aye.

Opposed?

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JOAN DIORIO

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(No response.)

CHAIRMAN BRAND: All right. A motion
for final approval.

MS. LANZETTA: I think we have to
condition that with Pat's comments.

MR. HINES: Just the note that says it
is served by municipal water.

MR. MESSINA: There's a note both lots
have water and sewer. Just above the title
block.

MR. HINES: Okay.

MS. LANZETTA: I'll make a motion for
final approval on this.

CHAIRMAN BRAND: A second?

MR. TRUNCALI: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN BRAND: Aye.

Opposed?

(No response.)

CHAIRMAN BRAND: Okay. Thank you.

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JOAN DIORIO

MR. MESSINA: Thank you.

(Time noted: 7:39 p.m.)

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

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

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding 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 13th day of February 2016.

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: February 1, 2016
Time: 7:40 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
EMANUEL CAUCHI
JOSEPH LOFARO (From 8:10 p.m.)

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN
STACEY CALTO

APPLICANT'S REPRESENTATIVES: KIMBERLY NASON, ADAM
WALTERS, DANIEL GOULETTE & MATTHEW ALLEN

----- X

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CHAIRMAN TRUNCALI: Next up is New Cingular Wireless. This is an open public hearing from the last meeting.

MS. NASON: I'm Kim Nason, I'm the attorney on the project. It might make sense if I can give a presentation first before the public speaks so we can remind everybody where we're at. This has been going on for a bit.

CHAIRMAN BRAND: Sure.

MS. NASON: I'm Kim Nason, I'm an attorney with Phillips, Lytle representing AT&T. With me is Adam Walters, also with Phillips, Lytle. We have Dan Goulette, he's the RF on the site. And Matt Allen is the visual analysis expert. Also we have Tim Rapp who is AT&T's site acquisition consultant on the project.

We're here tonight for the benefit of the new Board Members to again discuss the differences between the original Ann Kaley proposed site and the potential high school alternative site. We've brought everyone here from our team to be able to answer any questions and speak to the differences between the sites.

We would again reiterate that the Ann

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Kaley site remains the optimal location, provides better coverage and is a much better, well screened area. We would request that you would approve that application.

As you know, AT&T submitted the original application about two years ago now, in February 2014, and since that time AT&T has performed an exhaustive review of over thirty alternatives that were suggested by the Town for other locations for the site. We submitted a comprehensive analysis of all thirty-one properties, and that report produced one viable site, that was at the high school. That site did not provide equivalent coverage to the Ann Kaley site and had potential visual issues which we'll get into. But AT&T, to provide the Town with an alternative, did work for more than a year to pursue a lease with the high school site and did obtain a lease.

When we last appeared here back in July of 2015 we presented before this Board on both sites and we provided detailed info on the coverage provided by the Ann Kaley site and the coverage that is not provided by the high school

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site, as well as a discussion of the visual impacts of both sites. At that meeting we were looking for direction as to how AT&T should proceed. There was no majority support for AT&T to move to the high school site. At that time AT&T decided to proceed with it's original application.

AT&T had already reduced the height of the tower to 130 feet, and we then submitted a detailed supplemental submission that answered all of HDR's original questions that they gave to us back in May of 2014 on the Ann Kaley site. We responded to all of those.

In the meantime, while all this was going on, we were informed that the makeup of the Board had changed, there were some new Board Members that would like to again hear the description of the two sites and understand the differences between the two. That's what we're here for tonight, to provide a brief summary of our exhaustive review process and to again speak to the differences between the two sites and the benefits of the Ann Kaley site in comparison to the high school alternative.

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2 Matt Allen and Dan Goulette will speak
3 in a little more detail in a bit. Just to
4 provide a brief summary, a brief overview, with
5 the Ann Kaley feet site at 130 feet and the high
6 school alternative site at 110, the high school
7 does not provide equivalent coverage. The high
8 school provides little or no coverage to the
9 middle school, to Western Avenue or to the Hamlet
10 where many of the businesses are located. This
11 is due to some terrain issues that Dan can
12 describe in more detail. The Ann Kaley site
13 provides 400 percent more in-vehicle coverage on
14 roadways and 64 percent more coverage to local
15 businesses.

16 In addition, the Ann Kaley site is
17 located on a large property that's forested.
18 It's got a lot of acreage, a lot of screening,
19 and it's in a bit of a bowl and it's against
20 terrain in the back rather than the horizon.
21 It's also got very few residences in close
22 proximity to the site.

23 The high school site, in the
24 alternative, would be up against the horizon, as
25 HDR noted in their report. You would see more of

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a stark contrast there rather than a tower up against the terrain in the back. In addition, there are several surrounding residences that would have a view of the tower. They're in much more close proximity than the Ann Kaley site would be.

I'll just ask Dan first -- Dan performed the detailed RF analysis of all thirty-one sites and the high school site. I would ask Dan to just speak a little bit to the differences in coverage between the high school site and Ann Kaley.

MR. HINES: When you're discussing the high school site, there were two sites.

MS. NASON: This is the only site we have a lease for.

CHAIRMAN BRAND: Which is behind the softball fields; correct?

MS. NASON: Correct.

MR. GOULETTE: Good evening. Sorry for the delay. My name is Dan Goulette, I'm representing AT&T. Kim is handing out some materials that you don't currently have. All it is is two profile views from -- one from Ann

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Kaley to the Hamlet and the other profile is from the high school location that we have a lease for to the Hamlet. So we've got two different points.

Just as a quick review, you've all seen this exhibit. We had exhibit 3. We've had several exhibits. This happens to be exhibit 23, which we provided in one of the last hearings, which outlines -- the question was where is the ham -- what do you consider the Hamlet. So I went on your website and I found from the Department of Transportation and some other departments, they actually show where the Hamlet is.

Basically what AT&T was trying to do with the proposed site was cover Western Ave, Route 9, the Hamlet area where the businesses are and there's a lot of homes, the middle school, the high school area and South Street. Those were the four key target areas.

Now, what I want to show you is in addition -- this isn't just -- it's a coverage site and it's a capacity site. I really thought you had handouts of these. This is called -- it

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looks like a big mess but it's called the best server plot. We talked in the past about a dominant server for the area. Right now Marlborough has coverage from Newburgh, Wappingers Falls and Poughkeepsie, and there's one site up on Mount Zion that's physically in Marlborough. The problem is you have multiple servers all getting into a weak area, and that's what the mobile and the wireless devices try to lock on to. They need a dominant server. You can't have four or five residual signals coming across the river trying to cover Marlborough. It's going to be conducive to basically unreliable service. That's what AT&T was trying to cure. They wanted to bring a dominant server into this area. So right now you have five servers, three of which come from across the river, one from down here in Newburgh, and this one up here, way up in here, which is quite a distance away.

What the proposed site did, the orange that you see here -- I'm calling this exhibit 25, and I'll give you a copy of these. This is what Ann Kaley Lane would cover at 130 feet. So

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you'll notice what's happened here is we're getting into the Hamlet area fairly well, we're covering the high school, central high school, we're covering South Street, we're covering a lot of Route 9 and we're covering Western Ave.

The difference is -- I'm going to put up exhibit 26. What I did with this plot, exhibit 26, I used the same color, the orange, to represent the high school -- what the high school covers in comparison to Ann Kaley Lane. You might say -- these are exactly the same scale and you say gee, a lot more orange there from the high school site than there is from Ann Kaley. The problem is where a lot of this is there are no people. It's not where we're trying to cover. The key element is this dark green, this other green, the purple, the lighter shade of green. You still have -- in the Hamlet area and Western Avenue, you still have five servers. You've still got the three signals coming across the water that are the strongest server. There is no dominant server.

If you can flip down one. If you look at the area right in here, which is the Hamlet

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and Route 9 and Western Avenue, there's not a lot of difference between exhibit 25 and exhibit 26 as far as the targeted coverage area. Yes, the high school does the high school and South Street which it would, but the problem is it's providing all this coverage and this residual coverage up here that was already covered by the Mount Zion site. AT&T doesn't really need that. So we're missing -- the other thing is if you look at population counts for residential and commercial, the difference between Ann Kaley and the high school is 611 less pops. So less coverage. It's like 502 residential, a decrease of 502, and then the difference is the decrease in business pops that the high school site covers. So while AT&T is willing to go to the high school, I want to make it very clear to the Board that it is certainly not the preferred site for the Town. What could happen down the road is AT&T could be back here to find a solution to fix this, whereas if you went with the Ann Kaley site you have a solution to fix that.

CHAIRMAN BRAND: Could you refresh our memory as to the tower height? I know there was

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significant conversation about the different heights of the towers at both of those locations.

MR. GOULETTE: Well originally Ann Kaley was 150 and AT&T made the concession to reduce to 130. The high school site is 110. That's what the high school agreed to.

CHAIRMAN BRAND: And that's what the maps are showing?

MR. WALTERS: One of the things -- Adam Walters. One of the things that was looked at was would we get coverage to the Hamlet by going higher at the high school site. Dan did the numbers at one point. I think it was something like we had to get to 195 feet in order to get comparable coverage. So you have to go dramatically taller because of the ridge lines in between.

MR. GOULETTE: If you could -- if you could look at the exhibits that Kim just handed out, what we did was I drew a profile line from Ann Kaley to this point, the Hamlet, which is the intersection of Western Ave and 9 West. That's the point that I used. It's only one point but I wanted to just illustrate the difference between

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the topography and the terrain. And then I drew another profile from the high school, the actual location of the tower, to the same point. So if you look at exhibit 24 I believe in front of you -- actually, do you have any extras? If you look at exhibit 24, and you can -- I would have blown this up on a presentation size plot but the distance away you are, you never would have been able to see the slope of the terrain and everything. You can see it. That's a straight line that -- even though it looks crooked, that profile, that pink line on exhibit 25 and the two lines on exhibit 26, those are straight lines as the crow flies. What it's done is it's curved over the terrain, just so you can see the difference in elevation. While both sites are only a couple feet difference in ground elevation, the problem is what is between each site in the target area. You've got some substantial hills that you can see on that profile.

Down below, the aerial view, what I'm trying to show you here, the white line on the bottom in this dark area, that's terrain. The

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vertical lines that you see on top of it is what we call in the business clutter. It's trees, buildings. Trees can be deciduous, coniferous. We have thirteen clutter categories that we use. What this is showing you, the blue line from the top of the tower between the two fine gray lines is the actual signal. You can see what's happening on exhibit -- it would be your exhibit 24. From the high school site you can see that the signal drops off significantly before. It drops below threshold before it gets to the Hamlet area, and that's because it can't get through the terrain and the clutter because you've got higher hills between the high school and the Hamlet and Route 9 and Western Ave than you do when you go from Ann Kaley to the Hamlet. It's a different topography. So these things aren't just a straight function of height, it's a function of what is in between the proposed site and the targeted coverage area.

MS. LANZETTA: Are you showing the transmitter as being 150 feet?

MR. GOULETTE: No. It's 130 for Ann Kaley and it's 110 for the high school.

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MS. LANZETTA: On the elevation side here --

MR. GOULETTE: No. That's below 150. I checked it. It's 130 actual.

MS. LANZETTA: So that graph isn't showing it from where it's being transmitted?

MR. GOULETTE: It's simulating the height of the transmitter at 110. This one here is the high school, so that's 110 feet.

MS. LANZETTA: It isn't at the red spot there where that straight line is being shown from?

MR. GOULETTE: Yeah. That red line represents 110 feet.

MS. LANZETTA: At the top?

MR. GOULETTE: I don't know what the scale was. I did check it, though. I think --

MR. HINES: The scale is showing it at 150.

MS. LANZETTA: Yeah. For both of them.

MR. TRAPANI: Both. They're the same height.

MR. GOULETTE: I did check it. I don't know how the scale is shown like that. You can

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see the receiver threshold for Ann Kaley. By the time you hit the Hamlet, if you look at the receiver, it's actually above the threshold. If you look at the high school, it stays below the threshold. Once it hits that first hill, the white here --

MS. LANZETTA: At 150. But this is also --

MR. GOULETTE: Well even if that is 150, it's still -- it's only going to be 110 is the height of the tower at the high school.

MS. LANZETTA: That's what I'm trying to get clear. It would have -- that would have to be renegotiated to be a taller tower on the high school then.

MR. WALTERS: The taller tower on the high school site would not help.

MS. LANZETTA: Pardon me?

MR. WALTERS: I'm sorry. A taller tower on the high school site will not help unless you get up above 190 feet.

I apologize if these were confusing. We were trying to take six months of back and forth with the Board and boil it into ten

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minutes, and clearly that didn't work as well as we would like.

I would just remind the Board -- Mike Musso couldn't be here tonight, your consultant. This is very similar to the presentation he gave you in July where he basically explained the difference in coverages from his perspective, which confirmed everything Dan had previously said, which basically at 110 feet, which is a good alternative height for the high school versus 130 at Ann Kaley, you're going to have a gap in the Hamlet because you can not get above that ridge line. Mike actually, in his report to you, had a detailed elevation drawing showing how the beam hits the ridge line. So we did try to boil that down for you, but the facts are fairly clear.

MS. LANZETTA: I'm confused because in my reading they said if it was like 190 it would clear everything.

MR. WALTERS: At 195 feet I believe it does clear everything. But that's 195 foot tower at the high school site versus a 130 foot tower at Ann Kaley. That would be substantially more

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visible for an awful lot of the community. We would not under any circumstances suggest that you go for -- that you direct us for 195 foot tower at the high school site. We think that would be a really bad idea. Once you get into the visual analysis, and the impacts, and the public hearings and the community realizes that that's the alternative, we don't think that's going to go well.

MR. HINES: It would have to be lighted at that height as well; correct?

MR. WALTERS: Say it again.

MR. HINES: It would have to be lighted?

MR. WALTERS: 200 feet is generally the mark. If you are within a certain proximity of the airport, 195 feet could trigger. There's a specific You have to do with the FAA. We would obviously have to do that.

Again, we just wanted to summarize for the Board what the two options currently on the table are, and it's either Ann Kaley at 130 or the high school on the site we've leased at 110. Those are the two various options that basically

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get you equivalent coverage except in some of the key areas we really want to cover with this site, the whole purpose of building this site. But we're just laying that all out there.

MR. TRAPANI: At the high school site, say we okay the Ann Kaley site which covered that broad area; now, at the high school site there's bad reception down in that area down that way. Is there a possibility down the line they could put another tower not at the high school site but somewhere up on the hill or somewhere up there that could cover that area which would then cover both areas?

MR. WALTERS: I believe you're talking about some of those more rural areas that Dan was referring to?

MR. TRAPANI: Mount Zion and -- what is the name? Yeah, on top of --

MS. LANZETTA: Reservoir?

MR. TRAPANI: -- Reservoir Road and up here. Some people up there have a hard time getting --

MR. WALTERS: Some of the more rural areas?

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MR. TRAPANI: Yes. I mean is there a possibility that another tower somewhere down in that area could cover the area to where the Ann Kaley site ended?

MR. WALTERS: There is certainly a possibility. So I guess I've been doing this work for about twenty years for AT&T. Since the '90s. I've been back to many communities where I built an original tower serving the key areas, and then as the network continues to develop, we've seen the commercials, the blues, the reds, everybody is always in competition for coverage. So there's constant upgrades to the network, and every year there's a build plan for a number of new sites proposed to cover key target areas.

Marlborough, this site, this area, has actually been on the coverage objective list for about eight years. The original site -- you may have forgotten this. Just a quick reminder. We originally spent three years working with the high school to do a lease, and just before the lease was finalized -- before it was signed, it was actually finalized, the school board said we decided not to. So put back in the tank, you

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start looking for sites again. Two years later we came back with this site.

So this particular area has been an important coverage objective for a long time and it really is something we feel needs to be remedied. I hope that answers your question.

MR. TRAPANI: Like I said, at one of the meetings we got probably the toughest area of any place around with our terrain that we have. I work on a farm, I work right here spraying. I can see my friend up to top of the hill three-quarters of a mile away. I'm trying to talk to him on my cell phone. I can get out of the tractor and yell to him and he would hear me before he could hear the cell phone. It's the terrain.

MR. WALTERS: The terrain is a particular challenge in this area.

MR. TRUNCALI: So forget about 195 feet at the high school. I mean 130 feet or 150 feet has to provide better service than 110 feet.

MR. WALTERS: I'm going to ask Dan to --

MR. GOULETTE: You have all of those

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plugs. We ran the high school at 110, 150, 175, 195.

MR. TRUNCALI: I know you said 195 is what equals the Ann Kaley site.

MR. WALTERS: In order to cover those areas, the key target areas that the high school site can't cover, that's what you need to get to. Dan is going to look at those maps for you in a second.

CHAIRMAN BRAND: Could you highlight again for us perhaps the areas that were covered better from the high school site?

MR. WALTERS: Sure. I'm going to ask Dan to do that.

CHAIRMAN BRAND: Sure.

MR. GOULETTE: It was what we're calling the Hamlet area. Our example -- I can use Google Earth. The Hamlet area is what we're calling right by Western Ave, 14, and the junction of 9 West. It actually goes down -- it's outlined on this exhibit that we've provided. It's your exhibit -- exhibit 23, which I believe -- is that the July --

MS. NASON: June 29th.

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MR. GOULETTE: June 29th. We gave you that exhibit, and it's this dark reddish/orange line that runs through. That's the Hamlet area. That's right from your -- that's right from the Town's website. I just took what the Town had and I brought it into this map. So it is all these white -- where you see white doesn't necessarily mean that there's absolutely no coverage. It just -- it is not reliable coverage. Certainly it would be very unlikely that you would have in-building coverage, and that's what AT&T is looking for. They're looking for reliable, competitive, in-building coverage. What happens when you have weak coverage and all these multiple servers is you end up with what we call latency. You hit a key on your laptop or whatever and you just sit there and you wait, nothing happens. You get what they call detractors is what AT&T was trying to eliminate. It's just any interfering signals that detract from reliable service, and they measure that.

MR. WALTERS: Dan, can you go back to the gentleman's question earlier. If you go to 150 or 170 at the high school, what that does for

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the surrounding community in terms of coverage.

MR. TRUNCALI: The Mount Zion tower doesn't provide good service to the southern and western part of the Town, and we're just trying to come up with something that is the best for the whole Town. It's not like nobody lives there. You make it sound like it's desolate there. But there are a lot of people that don't have good coverage. That seems like the Town -- I know what you're talking about, the interference. The Village does have pretty good coverage. A lot of the Town has none.

MR. GOULETTE: Mount Zion is right here. This yellow that you see is the existing coverage from Mount Zion. You can see how it's very spotty in different areas. If you live along Lattintown Road in these areas that are white, you're not going to have good coverage.

But as was stated, this is this phase of AT&T's coverage objective which was started years ago. So what they are trying to do is get as many of the population -- as much of the population in Marlborough that they can cover with a site. Given the topography in this area,

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it's really challenging. So they are going to do this site, and after they get this site in they will then go and fine tune these other sites. Once this site is in place, they may change some of the surrounding sites. They may go to this site up here and change what they call the down tilt so now where it's overshooting some areas they might be able to focus the signal down a little bit off the horizon so it's not getting way out here where you don't want it, across the river. It's maybe covering some of these. Pretty much a lot of these white areas is just terrain. So you need another site somewhere in that area, or you need another solution. Let's put it that way.

MS. LANZETTA: Can we see the coverage with the high school again?

MR. BLASS: This might be a good time to remind the Board that it's own consultant did some work product relative to the comparison of these two sites. There is a colorized piece of work product which shows where the two towers overlap in coverage, where the Ann Kaley Road provides the only coverage, and conversely where

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the alternative high school site provides the only coverage. So that document is within HDR's work product of July, I believe, of 2015. You might want to eventually take a look at that.

CHAIRMAN BRAND: It's my understanding also Mike couldn't be here. Is there a representative here?

MS. CALTO: I am.

CHAIRMAN BRAND: Great.

MR. GOULETTE: The reason I did the plots that I showed was to illustrate what you just mentioned. Those colored plots show what the high school covers versus what the other sites are covering. Instead of trying to do it with like Photoshop overlays, that's exact. I have of course all the alternate candidates here but I don't see the high school at the higher height. I know we provided it.

MS. NASON: We did. We provided the high school at 200.

MR. GOULETTE: You provided the high school at 200 and I think you provided it at 150 and 175. They're in my packet or your packet. I have to dig it out.

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MR. WALTERS: Why don't we come -- let Dan -- you asked a specific question. We'll let Dan pull his stuff together. In the meantime why don't we keep moving.

We do want to discuss visual as well. Kim.

MS. NASON: So with our supplemental filing in December we submitted photo sims of the tower at the review site at 130 and the high school site. Matt Allen from Saratoga Associates did those photo sims. I would ask Matt to speak to the different visual impacts.

MR. ALLEN: I'm Matt Allen from Saratoga Associates. I was asked to put together a brief visual study for both sites, as Kim said. Those included viewshed analysis out to two miles. For those of you not familiar, a viewshed analysis simply identifies on a map view the geographic area where the tower at a particular alternative might be visible. And I also provided photo simulations that were prepared using 3D modeling of the tower that was merged with a full 3D model of the surrounding site that was merged into a photograph. So those are very

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accurate photo simulations. I think I did about nine photo simulations for each of the two sites, the Ann Kaley site and the high school site. The high school site was done at 110 feet that we've been evaluating and the Ann Kaley site was done at 130 feet.

Very simply, what the results show in the viewshed analysis is that even at 110 feet, the viewshed area over the affected area of the high school site at 110 feet was greater in geographic area than the tower would be seen at the Ann Kaley site at 130 meters. So right out of the box the affected land area is greater for the high school site. More importantly is within that affected geographic area for the high school site are more people and more homes. Simply because of the lay of the land and the development patterns around the high school site, there are more homes within close proximity that will have a direct view of the tower at the high school site than would have a direct view of the tower at the Ann Kaley site. It's difficult to actually count the number of homes that have a direct view. A direct view can mean different

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things to different people depending on whether you're looking through filtered vegetation. In general there's about a dozen homes within an eighth to a quarter mile of the high school site that will have an unimpeded view of the tower. At the Ann Kaley site it may be about four to five homes, maybe less depending on filtered views of the 130 foot tower at the Ann Kaley site.

So the result of the analysis was that the high school site affects fewer people and fewer residences. What I mean by fewer people is that the high school itself is used for athletic events, so on weekends and during school and after school there's a lot of individuals within an eighth of a mile of the high school tower that will be viewing it during recreational activities. That's of course secondary to residences. But that is something that's considered that is not a circumstance that occurs at the Ann Kaley site.

MR. WALTERS: Any questions for Matt on the visual issues and the comparison between the two?

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We did also the photo sims of both sites so you can see for yourself what those look like.

Okay. Let's go back to Dan. Dan has located two maps that are in the record.

Kim, do you want to explain where they are?

MS. NASON: On June 29th we submitted some additional information about the high school sites. We submitted a plot of the high school alternative site at 200 feet. Dan did conclude that we could go down to 190. He provided a plot 200 and dropped it -- decided we would get equivalent coverage if we dropped it 10 feet lower. There's another plot that is provided at 175 feet for the alternative location that was discussed. There's a plot for the 200 feet and we included in our narrative discussion of how tall the tower would need to be at the existing high school alternative site.

MR. GOULETTE: Do you want to take a quick look?

MS. LANZETTA: Yes, please.

MR. GOULETTE: So you won't have to dig

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it out, these are the two plots that were submitted. As you can see, there's 175. Even at 200 this Hamlet is still not covered.

MS. LANZETTA: This is Ann Kaley Lane?

MR. GOULETTE: No. This is the high school site. Everything on this plot is the high school. Here's the high school at 200. Because that ridge that runs this way, it does not cover this area here. You may end up with a little bit of in-vehicle coverage, but anybody in those buildings or in the homes in that area is not going to have a lot of coverage. We said we could go 10 feet less because it's not going to matter. If it doesn't cover it it doesn't cover it.

MS. NASON: Again, Dan has gone through a lot of detail here. We're trying to boil it down.

We just want to reiterate that Mike and HDR's report did concur with all of these findings, that there is an area that's not covered by the high school site, mainly the Hamlet, Western Avenue. His report concurs with our findings. We just wanted to be able to

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present all this information to you -- I know it's a lot -- just to go over it one more time. But Mike did concur with these findings, and you should have his report which has that information in it as well.

Again, we're happy to answer any questions, any questions from the public. We would just respectfully submit that Ann Kaley remains the optimal location, and we would like to have approval tonight. Any questions any of us from the team can answer.

CHAIRMAN BRAND: I'd like to hear from our representative first and then I'll get to the public comments.

MS. NASON: Sure.

MS. CALTO: We have -- as Kim mentioned and Ron mentioned, back in July HDR did do an overlay map of the two coverage maps, the 110 feet at the high school and the 130 feet at Ann Kaley, to specifically show the Board which areas were covered by which tower. The Board, knowing the Town and the Hamlet much more closely than any reviewers or the applicant, knows if those specific little areas are important or not for

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coverage. But we did also conclude that the high school was a viable option.

For the visual analysis we reviewed the simulations from both locations. The methodology and the process is fine. The simulations looked okay for, you know, what we've seen in the industry and, you know, they looked realistic in what they would provide.

As Matt noted, obviously the high school has a lot of people right there in front of the high school, so you're talking some visibility for a lot closer proximity people that are there.

The one thing I do want to note is on the Ann Kaley site, their recent analysis only went out two miles. At two-and-a-half miles you start hitting historic districts and historic sites across the river. As much as that is not -- it's not likely at two-and-a-half miles to be a visual impact looking across the river from New Hamburg, but it is noted that those sites would have visibility to the tower at Ann Kaley but they would not at the high school.

MS. NASON: If we could just respond to

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that. Mike let us know of that concern. We talked to Matt Allen and we submitted some additional information last week.

Matt, I don't know if you want to speak a little to the simulations you provided, talk about a narrow structure outside of two miles.

MR. ALLEN: Sure. Very simply, the comment is a good one. Typically for visual analysis, and I do visual analysis for a wide variety of project types, not just cell towers. On my desk today is a hundred turbine wind farm in Missouri that goes up 500 feet. There are no standards for a study radius but there's common sense things that you look at in determining how far to go out. Every mile you go further out your study area expands exponentially. So you want to keep it to a manageable number. Typically with cell towers two miles is a good rule of thumb, and the reason being that monopole cell towers are very narrow structures, typically only a few feet wide in the tower itself, and the antenna is more or less a lattice frame or it's not a solid so that it doesn't have the visible mass that say a building would, an equivalent

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height building. Therefore when you see it from a distance it tends to blend better.

I did take a look at the comments from HDR just to do a quick iterative look at what one might see from New Hamburg. Clearly there is a line of sight, however I provided as a supplemental some photo simulations, or just 3D model illustrations of what a monopole tower would look like at different distances from an eighth of a mile out to three miles so you can see the stepping down of visible perception as you move further away.

So it's my opinion that when you get out beyond two miles, even if you see the cell tower at or above the tree line, it is viewed within the greater context of the overall landscape and becomes a very small point on the landscape and is no longer a point of visual interest to a viewer. That's why we didn't go across the river and do a more comprehensive analysis.

CHAIRMAN BRAND: Any other questions or comments from the Board?

MS. CALTO: I have one more point I

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wanted to bring up. The memo that -- the application we got in December of 2015 answered a bunch of the comments that HDR had from the May 2014 memo from the Ann Kaley site. We've worked through most of those.

I just wanted to bring up, and this might be more a question for Ron, the setback issue. The tower is, I believe, 92 feet from one of the property lines and they've proposed a hinge point at 90 feet up the tower. If the tower fell down it wouldn't be the whole 130 feet, it would only be the 40 feet off the top. That still leaves the 90 feet of base pole itself. Being that the code requires two times the tower height for a setback, we brought up the question if that is something that a variance would be required for.

MR. BLASS: I'm not prepared to answer that question a hundred percent, but I believe that the Planning Board's jurisdiction under the Telecommunication Permitting Law gives it the power to vary the provisions of the law without the need to go to the ZBA.

Does that ring a bell with you?

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MS. NASON: Yes.

MS. CALTO: It's just something for the Board to understand, that even at a 90 foot high hinge point on a tower, breaking point on a tower, the tower is 92 feet from the closest property line. So it's just something to consider.

I don't think HDR had any other outstanding issues from the memos. We worked through the tree removal and wetland issues and things that needed to be on the site plans.

MR. TRUNCALI: Could we see the coverage map again of the Ann Kaley site?

MR. GOULETTE: Yes.

MR. WALTERS: You're going to make Dan find it. The problem is when you've run so many photo simulations, they all start to blend together in your head.

MR. TRUNCALI: The big one. I would like to see the one that's comparable to the maps you gave us with the orange.

MR. GOULETTE: So this is comparable to the ones you have in front of you. This is Ann Kaley at 130 feet. So you can see here 9 West,

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Western Ave is practically all filled in, and the high school area is covered, and Route 14. So that site at 130 feet does a decent job of meeting those four coverage objectives.

MR. WALTERS: Dan, in terms of some of the more rural areas of the Town which people live in, how does Ann Kaley compare generally?

MR. GOULETTE: Well I mean it's covering -- bringing in more coverage to Lattintown Road to people that didn't have it, but you still have -- you still have some gaps up here. You do get quite a bit of coverage, fill in to a lot of these areas. As a comparison, that's what you have today. So you've got all this by the middle school and everything and all along Route 14 and up here and down here near the high school and South Street, and that's what the site covers. That's the fill in.

MR. WALTERS: The bottom line is you're really not going to get significant coverage from Ann Kaley to the southwest corner of the Town but a good portion of the rest of it.

CHAIRMAN BRAND: Any other questions?

MR. TRUNCALI: These two maps you gave

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us, they say Ann Kaley on them.

MR. GOULETTE: That's because the whole project is Ann Kaley. If you look at the top right, the coordinates in that little window are for whatever subject site we're talking about on that plot. Every single plot, whether it was the water tank or another Town property, they all say Ann Kaley because that's the subject proposal.

MR. WALTERS: That's the application.

MR. GOULETTE: That's the application. That's all that references.

MR. TRUNCALI: The hill behind -- the hill to the west of the Ann Kaley site is higher than the tower itself. I really don't think it's going to do anything for Lattintown Road.

MR. GOULETTE: You're right. It's not going to get a lot to the west. For this site the western part of Marlborough wasn't it's objective. The biggest objective was, like I said, the Hamlet, Route 14, 9 West, the high school and South Street.

MR. WALTERS: It will improve coverage a little bit.

MR. GOULETTE: It will a little bit.

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It's going to be marginal. The ridge, you can't get over that ridge. It may have covered more at our original 150 foot proposed height. I mean that's another 20 feet that you're gaining so there would be some improvement. I'm not saying it would fill in all these white areas but we -- at the request of the Town we reduced the height to 130.

MR. TRUNCALI: How much visual impact do you think the difference in that is on that site from 130 to 150?

MR. ALLEN: At the Ann Kaley site?

MR. TRUNCALI: Yes.

MR. ALLEN: I didn't evaluate 150. I did -- I believe the package I submitted had photo simulations at 130 and 150. I don't believe I did a viewshed at 150 comparing the geographic area. I think you may get good information by looking at the side-by-side viewsheds at 130 and 150 that's in your package.

MR. TRAPANI: Would 150 get over to Lattintown Road at all? Do you have any idea?

MR. WALTERS: Yes, we do. There's going to be a coverage map in the applications

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for the original proposal which Kim is rapidly looking for. We'll answer that question for you.

CHAIRMAN BRAND: Questions from the public? State your name, please.

MR. GAROFALO: James Garofalo. I'll start with the easy one. When you're talking about coverage, you're only talking about AT&T?

MR. WALTERS: Yes.

MR. GAROFALO: The second question: The Hudson River has special designations. What is the visibility of these towers from the Hudson River?

MR. WALTERS: I was going to answer but I've got an expert.

MR. ALLEN: There is no visibility from the Hudson River from the high school site. There is an area of visibility, a relatively narrow band that extends from about mid river. Because we only did the viewshed out to two miles, we showed a very small area of visibility extending out to mid river, three-quarters of the way across the river, then you hit a two-mile limit. Since there's nothing in the way, that visibility would continue all the way to the

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opposite shore. It may be an area of visibility of maybe a half a mile to a mile wide on the river, extending from about halfway across the river to the opposite shore.

Now that's just -- we need -- when we're talking about visibility we need to talk about quantitative visibility, which is a very simple can you see it, do you have a line of sight to it versus qualitative visibility, which is what does it look like or how does one perceive it, or does one even perceive it. Because we didn't do photo simulations from on the river and we didn't extend it across the river, I don't have anything to show. The supplemental package that I put together showing what the scale of a cell tower at two miles and three miles would give you an idea that at that distance a monopole tower would tend to be a difficult to perceive structure in an environment that's heavily wooded. So my feeling is knowing that area, that at best you would see the top of the tower at or slightly above tree line and it would be virtually undetectable from the river on the other side.

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MR. GAROFALO: Next question: In terms of the way the tower is going to look, there's no attempt to change the perception of what the tower looks like, and has the Board been given a photo or photo simulation of a closeup of what the tower is going to look like?

MS. NASON: Yes.

MR. GAROFALO: And the final question deals with co-location. Not you co-locating somewhere else but I believe that the -- if you put up a tower at the high school and someone wanted to co-locate there, the high school -- the school district could basically say no. Is that -- is there a similar situation with the other location? Have you taken into account the fact that someone may come and want to co-locate on that tower, and can it handle additional, and how high would it go, how high would they be permitted to raise it in a co-location?

MR. WALTERS: Two questions.

MR. GAROFALO: A couple questions.

MS. NASON: We can't speak to what other heights other carriers would need or what the Town would approve them for. The Town Code

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does require that the applicant submit a commitment to share use. So AT&T submitted a certification that we would allow a co-locator on the tower. That's part of the code, you have to be open to that. If reasonable service can be arranged with a potential carrier, then AT&T is permitted to allow that shared use of the tower.

MR. WALTERS: Under a recent Federal law other carriers can co-locate on an existing facility by right. If it's not a substantial increase in size and one of the thresholds is more than a 20 foot extension. So 130 foot tower somebody else could go at 145 as of right.

MR. GAROFALO: Thank you.

CHAIRMAN BRAND: Any other questions from the public?

MR. GAROFALO: Can I make one more statement? Sorry. I think that providing service is a very important social, safety aspect. I certainly encourage the Board to look favorably upon any application to increase service to the public.

CHAIRMAN BRAND: Thank you.

Any other members of the public? State

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your name for the Stenographer.

MR. TRONCILLITO: Bob Troncillito.

Just a question from the fire district. Would we be allowed on that tower for our transmitter and antenna?

MR. WALTERS: To co-locate?

MR. TRONCILLITO: Yes.

MR. WALTERS: I believe AT&T does many leases with local fire districts. Yeah. And we have again committed and certified that others can co-locate on the facility.

MR. TRONCILLITO: Just one other question. Is the school board receptive to even putting a tower on the school grounds?

MR. WALTERS: We do have a lease. It did take a year-and-a-half to get but we did get it.

MR. HINES: For a very specific spot.

MR. WALTERS: For a very specific spot.

Actually -- I know we covered a lot. There is this issue of the alternative site at the high school as opposed to the site we've located. We did address that in our December 18th submittal.

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Just briefly, we don't consider that a viable location. It's very open, it's on a large hill. The tower has to be substantially higher because of it's location relative to the ridge line. The school district has not indicated -- the school district has said we've allowed you to go where we've allowed you to go. They won't say no but they haven't said yes as it relates to that alternative location. Tim's organization has been the most involved in that, so he can speak to that if you want more information. We do not consider the alternative high school site, other than the one we have a lease for, to really be a viable candidate at this point.

CHAIRMAN BRAND: Anything else from the public?

(No response.)

MR. CAUCHI: So you have had conversation with the school district and -- when was the last time you had any conference or conversation with the school?

MR. WALTERS: I'm going to ask Mr. Tim Rapp from Arrowsmith, our site acquisition consultant, to kind of summarize discussions with

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the school district.

MR. RAPP: So it's been about a year-and-a-half in negotiating with the school district for a lease on their property. As recent as November, December of 2015 we talked to the school district about locating on that alternate piece of property, of the parcel.

MR. CAUCHI: It has not been since a year-and-a-half since you talked to them?

MR. RAPP: No. For the last year-and-a-half we've been talking to them. As recently as December, this past December we had discussions with them about that.

MR. CAUCHI: With the new superintendent there?

MR. RAPP: Well at the time -- in December they said that, you know, they would consider other proposals from AT&T for leases on their property. They haven't said no to that piece of the parcel. However, when we did our design visit for the currently leased spot, you know, during discussions for the lease we have now it did make it clear that that was a spot that they had picked and that was the spot that

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they were interested in leasing to AT&T. That was, you know, pretty much the spot where they wanted us to go.

MR. WALTERS: Again, we would just reiterate at that alternative height, even though it's got higher elevation, because of it's relationship to the ridge line, I believe this might have been in the original alternatives analysis, the tower there would have to be 175 feet. So it has to be even taller to provide comparable coverage to the high school site at 110 or Ann Kaley at 130.

So again, just important to take into account viewshed impacts, that site on the hill is wide open and would be very visible. In fact, I believe at the July meeting your consultant Mike said that really isn't a good choice.

MS. CALTO: No.

MR. TRUNCALI: That point is a higher elevation, like you said, and that is the ridge that's blocking the other 130 foot tower. So why would that have to be higher? It seems like it could be much lower.

MR. WALTERS: Because how it relates to

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the back ridge line. So in order to provide coverage to the areas of the Town that aren't populated, put the Hamlet aside, put Western Ave aside, but the rest of the Town along 9W in that area you won't get coverage at all if you're on the ridge line if you're not about 175. It will provide great coverage to the west but really not great coverage to the east, again because there's really two ridge lines. You're either getting cut off by one or the other.

CHAIRMAN BRAND: There's nothing blocking from that site to the Village.

MR. WALTERS: I'll ask Dan to address that. He's done the maps.

MR. GOULETTE: Well, we ran the coverage blocks and provided it. You still need 175 feet because -- the reason for that is it isn't just what's blocking that plays into it. You have to remember on that ridge line is trees that the signal has to penetrate through. The other thing you have to consider is the elevation of the Hamlet. It's less than 200 feet. So you're trying to get -- what happens is you drop down from 300 feet as you approach the Hamlet,

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you're going -- you're going down towards the river and the river is the lowest point, obviously. So you get the shadow effect from the trees and the terrain. You're not getting that Hamlet, whereas Ann Kaley is on the other side of that ridge and it's shooting through that and it's able to hit the target areas better. Plus you've got an awful lot of homes that only have a little tiny row of trees between that field and several residential homes. That tower is going to be a lot more visible. It's to address the RF issue. That's the reason. It's the shadow. You have to consider the ground elevation, the height of the tower, the ridge that it's going over, or multiple ridges, and then the shadowing effect of where the target area is on a much lower elevation. I mean the tool, it doesn't -- it tells you exactly what's happening. It's a pretty accurate tool. We've tuned the models with drive test data. So it's -- we've eliminated a lot of the guesswork. It's not a hundred percent because people can come in and clear trees and open up some lots here and there. I mean the data that we have is from U.S.G.S.

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maps and everything, and satellite maps. It's not a hundred percent but it's very accurate.

MR. TRUNCALI: I really just don't see anything blocking from that site.

MR. WALTERS: We did provide coverage maps.

MR. GOULETTE: We provide coverage plots for it. You should have them in your packet.

MS. NASON: We provided those additional high school plots at the June 29th filing.

CHAIRMAN BRAND: Is the Board ready to give AT&T a direction, a clear direction at this time, or do we need more time to think about it?

MS. LANZETTA: I can tell you that I think from what I've been reading and listening to, and I've been following this for over a year-and-a-half I would say, our primary concern is the public health, safety and welfare. And based on all the reports, all the information that I've been given, I believe that this Planning Board should support the alternate proposed site for the following reasons:

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First of all, the coverage at the high school encompasses a larger geographical area, thus benefiting more of our immediate community. And with additional height, which I think could be negotiated, even more residents would be served. Because of a wider geographical area there is an increased public safety with the emergency calls. There is less environmental impacts at the high school site. There is less of a potential for an adverse viewshed issue in relationship to the Hudson River. The likelihood of additional carriers using the same site and being able to co-locate is higher at the high school site. And we know that the school district is amenable to this. And finally, I think the Town Code's intent is that the cell towers should be cited on public/town lands. I know that the school district is not exactly Town lands but it's public lands, and I'm afraid that allowing the cell tower to be sited on a private property might open a Pandora's box and we might have a lot of private individuals wanting to host cell towers on their land. So this could be a precedent setting venture if we do this.

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So it's my feeling that I would prefer the alternative high school site. That's my feeling.

MR. TRAPANI: Is the high school open -- they have a lease with the high school for 110 feet?

MR. WALTERS: We do have a specific proposed site right by the ballfields.

MR. TRAPANI: For 110 feet?

MR. WALTERS: 110.

MR. TRAPANI: Can it be raised any higher?

MR. WALTERS: If the direction from the Board is we understand there might be a higher visual impact if we go higher but we would be amenable to that for better coverage in the Town, that is certainly something we can go back and look at.

MR. TRAPANI: Would the high school be willing to raise it up higher?

MR. BLASS: Well right now there is a lease between the parties.

MR. TRAPANI: At 110 feet.

MR. BLASS: Let's assume that.

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MR. TRAPANI: Okay.

MR. BLASS: All commercial transactions can be modified if the parties are willing.

MR. WALTERS: I actually think the bigger issue is the fact that AT&T has been in this process for about a year-and-a-half. We spent a lot of time and energy. I think we would -- I know we would be willing to go to the alternative high school site. We have a lease for it. But I think from the Board we'd be looking for at least conceptually a streamlined process, meaning anything we've already submitted that's relevant to the high school site we would not be looking to resubmit. I think we would be looking for a waiver of the application fees. We obviously would pay the escrow fees. We'll have new plans. We would not submit new plots. We covered plots to death. As you can see there are many, many, many plots out there.

Kim -- we talked a little bit about how this might work. I'll ask Kim to kind of run through the list of things we'd be looking to submit with a revised application or an application on the high school site. We would

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keep this one in abeyance while that one processes. We'll just table this.

I think one of the other things is we would just ask the Board to make sure you've thought through the fact that in a month or two we may be in this room in a public hearing with a lot of neighbors who are going to be next to the new tower at the high school site. We were out there this afternoon, stood where virtually we think the tower was going to go, and I could tell you I could count an awful lot of houses that I can visually see, which means they'll visually see the tower, than I could at Ann Kaley. But if the Board is comfortable with that, I think AT&T is willing, willing to work with you to address some of those issues.

We obviously wouldn't agree with all the things you said but we don't need to fight about it.

MS. NASON: Just to run through a quick list. We would be willing to provide additional site plans to show the new layout at the site. Obviously a new environmental assessment form. We would provide a new additional tower and FAA

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assessment. Again, a list of the property owners within 400 feet so we could notify everyone of the public hearing. Our letter of intent we provided with this package and a copy of the lease with the school district to show our authority to submit an application at the site.

As far as what we would like to not have to submit given the extensive filings we've already made, no additional fees, no additional RF information. We've got a lot of plots on the record here. No additional visual analysis given that we've submitted sims already from the site. No balloons, no pre-application meeting, AT&T certifications. All of that information is in this application and would apply to that application as well, so there's no need for anything new.

And then we would be looking at the same waiver process that Ron had talked about, if there are setback issues as well they're to go through this Board rather than the ZBA.

And then finally I think we would be looking to a new shock clock. You may be familiar with the shock clock, the timeline for

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reaching a decision on these applications. The Town would commit to abide by the shock clock.

MR. WALTERS: You might remember on the first application your consultant didn't comment within thirty days. The shock clock just kept running while we were going back and forth. When it was about to expire we came in and asked for an extension and you said no. So we would be filing a new application, we'd be looking for at least a commitment from the Board to honor shock clock and comply. You've got 150 days from the time we file to make a decision. We hope you would be able to do that, hopefully much sooner.

MS. LANZETTA: If we did encourage you to raise the height on the school tower, to ask the school if that would be possible, then we probably would still want to see a visual simulation of what that would look like. We would have to have that for the public hearing.

MR. WALTERS: You would. So we would have to take that into account when we decide what we're doing. I think additional viewsheds, Matt is great, he's fantastic, but he's not free. We spent an awful lot of money to get here. He's

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prepared sims at 110. That's a fair point. I guess we'll have to think about that.

One of the things that would have to happen after tonight, we would go back to AT&T and explain the situation and try to get a commitment to move. I think we could do that. I do. A team, Matt's team and some construction folks are then going to have to do their field walk to actually figure out exactly where this site would be. So a walk was done with the school district on the lease. There's a lease exhibit that shows a rough area. But the construction folks need to come out and figure out how we're going to get up from the parking lot down there, up to the hill, exactly where it's going to go, how far into the tree line, how far from the property line. The variance issue we can't tell you just yet. We'll know more when we come back.

Conceptually, not looking for a commitment tonight. I know Ron is thinking to himself well I'm not going to commit to anything. We're just looking for a conceptual commitment for a streamlined application. We'll come back

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with a lot of the information that is lacking because we're going to a new site, but anything that really overlaps, we'd be looking to rely on the existing submittals.

We'll of course provide some type of letter certifying that the certifications would carry over. Something along those lines. But I think if I can go back and say that to AT&T, I think it's going to be an easier process to switch.

MR. TRAPANI: If they do raise that say to 130 feet at the high school, it will still be quite a bit of the Town and 9W area that will not be covered. So you still will need another tower someplace to cover that area?

MR. WALTERS: Something at some point.

MR. TRAPANI: Whereas if you put a tower say up on Lattintown Road, up there by Troncillito's, on that ridge or something up there, if you put a tower possibly up there, would that cover the southern area better?

MR. WALTERS: The southern --

MR. TRAPANI: I'm talking about that's only right behind the high school. That's by

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Plattekill Road. If you turn on Lattintown Road going up Plattekill, anywhere up in that area over there. The whole area, would that cover the southern part of the Town plus the mountain area? I'm trying to think of something that's going to cover the majority of the people now and something you come back later and it's going to cover the other part of the Town.

MR. WALTERS: Because of your terrain there's no easy solution there. What would happen, unfortunately if you said we're only interested in a tower to cover this part of the Town, because of those terrain issues you really need to focus here, that's probably not the higher priority on the build plan. This is the area where we're getting a lot of complaints. This is where people are dropping calls. This is the target area for purposes of this bill. That's going to have to be another day, you know what I mean. Really, after thirty-one alternatives we can say to cover what we need to cover, it's between these two. That's really what's left.

CHAIRMAN BRAND: I definitely do -- I

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would definitely lean towards the high school as well.

MR. LOFARO: I agree.

MR. TRUNCALI: I agree.

MR. CAUCHI: I agree.

CHAIRMAN BRAND: Ron, are the stipulations that he set forth --

MR. BLASS: I think you would want to get more definiteness on those concepts. Generally speaking, the proposal is that AT&T would be amenable to shifting away from the project it's invested in towards the alternative high school site. He's looking for some accommodations in the process so that the procedure that moves forward does not redundantly repeat work that's already done.

I think the best way to approach that is to set up the committee approach where Pat and somebody from Mike's office, Mike Musso's office and one or two Members of the Planning Board sit down with AT&T and go through their punch list of items of accommodation to see how expeditiously a new application can get off the ground. You certainly want to make sure that any comments

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that Mike has on eventually the new submissions would be responded to, consistent with shock clock requirements under the Federal regulation. AT&T is implicity looking for the Board to stay within the 150 day shock clock for co-location -- for actually a new tower location if in fact it's -- the adverse comments with respect to this application are properly handled and responded to.

So I think what you can give AT&T tonight is a commitment to engage in that committee approach in the near future so that -- the result of that committee approach would be taken back to AT&T, if that makes sense.

CHAIRMAN BRAND: Do the Members of the Board agree with that?

Okay. Mr. Garofalo?

MR. GAROFALO: James Garofalo. I have a question for the Board. Is the Board asking AT&T to go back to the school district and ask for a 195 foot tower or are they asking them to be talking about 110 or 130 with different coverage? That's my question to the Board, what exactly are you asking them to talk to the school

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district about?

CHAIRMAN BRAND: It's my understanding that we're asking them to go to the high school and to come up with some different plausible scenarios at the high school to see what could best suit the needs of the Hamlet.

MR. WALTERS: Also, before we do that we would look at the RF, engage Dan and he would kind of explain to AT&T what are the benefits of going up. Sometimes -- it seems weird but sometimes a 20-foot increase gives you two or three extra bins. These little boxes we talk about, we call them bins. Sometimes there's just not a lot of bang for that height buck. Sometimes there's tremendous increase in geographical coverage. We'll take a look at that.

MR. HINES: The other -- when you go up you provide more viable space for co-locators. That's also something to consider as you move forward, you can provide additional service to other carriers. Each of the carriers are usually 10 feet apart.

MR. WALTERS: That's right.

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MR. HINES: As you get too low they phase out.

CHAIRMAN BRAND: State your name for the Stenographer.

MR. GELI: Mark Geli, Chairman of the Marlborough Fire District. I would like to speak quickly about the aspect of public safety. Right now all my information comes from the Ulster County 911 services from Kingston. If you can dial 911 by your cell phone there's a 90 percent chance it will bounce through a tower over in Dutchess County, they'll take your name, number, figure out where you are, what your issue is, what kind of assets need to be sent. They're going to put you on hold, they're going to send you to Ulster County, they're going to take that information again, and in that whole going on time is being lost. Modern day structure fires double in size every 30 seconds. When it's 3 a.m. and you hear bumps in the night outside your bedroom window, time is of the essence. Someone is having a heart attack and needs someone there. If we can expedite the process of getting a cell tower somewhere in this Town, that would greatly

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help the public safety of the citizens of Marlborough.

And also AT&T has graciously allowed the Marlborough Fire District to put some radio equipment on there which would definitely increase the safety of our first responders and our citizens.

I understand there's a lot of things that need to be worked out, but if we can get things moving along that would be great. Right now public safety, if you can increase it it would be spectacular.

CHAIRMAN BRAND: Thank you. I think we're all set here.

MR. WALTERS: I do think we have some clear direction. We'll reach out through Ron's office to set up a meeting to discuss a streamlined application for an alternative site. We'll revisit height at that alternative site. We appreciate the Board's direction. It is clear and helpful. Clear is helpful. We will move forward in that direction.

For now we would ask that the application for the Ann Kaley be tabled.

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MS. LANZETTA: Thank you.

CHAIRMAN BRAND: Thank you.

Can I have a motion to keep the public hearing open for the next meeting as well?

MR. TRAPANI: I'll make that motion.

MS. LANZETTA: Do we keep it open or --

MR. BLASS: You can close the public hearing.

MR. HINES: It's been held open for a number of years.

MR. BLASS: You could close the public hearing and hold the application in abeyance that's been requested.

MS. LANZETTA: I'll make a motion to close the public hearing and hold the application in abeyance.

CHAIRMAN BRAND: A second?

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: All those in favor say aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

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MR. TRUNCALI: Aye.

CHAIRMAN BRAND: Aye.

Opposed?

(No response.)

CHAIRMAN BRAND: Thank you.

MR. WALTERS: Thank you.

(Time noted: 8:58 p.m.)

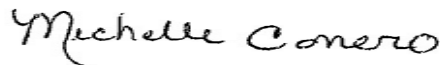
C E R T I F I C A T I O N

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

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding 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 13th day of February 2016.



MICHELLE CONERO

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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
Section 103.1; Block 4; Lot 47.130

----- X

FINAL APPROVAL - EXTENSION

Date: February 1, 2016
Time: 8:59 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

----- 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 BRAND: Next up, Brody Ridge, extension, final approval.

Is the applicant for Brody Ridge here?

(No response.)

MR. BLASS: This is a relatively customary request for an additional three-month extension of the time to fulfill the conditions for the final subdivision approval. These have been continually granted for the virtual real estate recession that developers are experiencing and builders are experiencing.

I would say that the action for you tonight is to approve the additional three-month extension running from the date of the expiration of the last thirty-day extension. That date I don't have with me.

MS. LANZETTA: Can I just get this clear? This hasn't been filed at the County, --

MR. HINES: No.

MS. LANZETTA: -- the subdivision?

MR. BLASS: No.

MS. LANZETTA: So you can get a subdivision and get final but just never have it

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-- have the Chairman sign off or have it filed and you keep getting extensions forever?

MR. BLASS: If you get the -- the State statute allows extensions to be given forever in theory. It's up to the Planning Board to determine whether or not the extension is in fact granted. If the Planning Board wanted to change course and conclude that with respect to this project or any other project that there's been enough additional three-month extensions to fulfill conditions of approval, then you could take that path. You could take another path which basically says that this is the last three-month extension so that the applicant is on notice of the need to fulfill the conditions of approval within that three-month window.

MS. LANZETTA: But that hasn't been the practice?

MR. BLASS: It has not yet been the practice.

MR. TRAPANI: Didn't we talk about that with Mr. Corcoran or something? There were so many of these going on, these extensions, and that it does cost money to somebody?

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MR. BLASS: There's no question that there are financial aspects to the extension. For instance, recreation fees are a condition of approval and recreation fees are not paid and they're deferred during the periods of extension. The filing of the subdivision plat increases the overall assessed valuation of the real property because a number of lots created by a filed plat has a greater aggregate value than an undivided parcel. So there's the deferral of real property assessment and taxation. There is arguably a deferral of bonding obligations which is not lost revenue for you but it is curtailed expenses for the developer to the extent that bonds are required to be put up. I think that the fiscal consequences to the Town are basically deferred rec fees and deferred real property tax assessment at a higher valuation.

CHAIRMAN BRAND: This particular project has been going on since 2010; correct?

MR. BLASS: I would not be surprised.

MR. KNEETER: Yes, it has. Sorry for speaking up.

MR. TRAPANI: This was in reference to

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BRODY RIDGE

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Tom Corcoran?

MR. BLASS: Yes.

MR. TRAPANI: I just wanted that to be known.

MS. LANZETTA: I just -- it seems to me that -- in your experience do other towns allow this kind of ongoing, open subdivision?

MR. TRUNCALI: There was a court ruling it was to be allowed. Isn't that correct, Ron?

MR. BLASS: There was a change in statute. It used to be that you were limited to one six-month extension and two ninety-day extensions. That was it. So about one year. And when that one year ran out you would have to then apply for re-approval. I would say my experience is that the thirty-day extensions that were -- the additional ninety-day extensions -- unlimited ninety-day extensions are routinely granted by planning boards throughout the Mid-Hudson Valley. For those municipalities which have a stricter rule by local law and maintain the one-year rule, every year you see a re-approval of the subdivision as opposed to the granting of a ninety-day extension. So

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extensions or re-approvals are generally what happens in the midst of a real estate recession.

MR. HINES: I've also seen projects go from final approval and drop back to preliminary. Some municipalities don't have a preliminary timeframe and some projects will drop back, which is not the case with you. They gave up their final. You lose the protection, zoning changes and so forth. Every municipality is doing that based on the economy. This is a smaller project. There are some larger projects.

MS. LANZETTA: So if there were significant changes in our subdivision law, then that would be a reason maybe to say no, we're not going to extend it. But barring that, there's really no reason?

MR. HINES: Or changes in that neighborhood. Should there be other projects approved that come forward or changes to the water system. This project has an extension of the water main, which I believe is the financial consideration that's holding them up right now. Any substantive change in the condition I guess could be something you would address.

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MR. BLASS: It's coming back to me now. I think I gave the supervisor a copy of a re-approval law that links re-approvals to the lack of the change of meaningful conditions since the prior approval. There has to be an examination or certification of the lack of change of relevant environmental considerations to get the re-approval. In the absence of a change in circumstances like that, you typically see re-approvals routinely granted or ninety-day extensions routinely granted.

MS. LANZETTA: Maybe we could ask in the future the building department's opinion as to whether there's been any significant changes that would make us not want to -- that would make us want to take another look.

MR. BLASS: We can lift that right out of the proposal of the law and make it a policy statement for the Planning Board to follow.

MS. LANZETTA: I'd feel more comfortable doing that than rubber stamping every time they come back.

MR. BLASS: Usually when you see that happen you'll see a requirement that the

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developer get a certification by an engineer of the lack of or change of conditions so that there's a consultant -- a paid consultant who certifies to that fact as a part of the process. So that could happen as well. The developer may not be qualified to speak to lack of significant change of the conditions.

MR. LOFARO: Is there a fee to the applicant for filing?

MR. BLASS: That was also something that Tom was interested in. I gave him some fee experience in other towns. My experience is that you don't typically see a fee charged for these ninety-day extensions that are allowed by statute. To the extent you find yourself -- you find yourself in a re-approval situation, by virtue of the exhaustion of the unlimited amount of extensions, you'll see re-approval fees established per lot in that case.

It may be one solution is that the Town does a local law which basically varies the State statute, which you can do, and does away with the process of unlimited ninety-day extensions, reinstates the old State rule that you have a

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year, a six-month and two ninety-day extensions equalling one year, and then require re-approval after that.

CHAIRMAN BRAND: You said you would do that via local law?

MR. BLASS: You would do that by local law.

MS. LANZETTA: That's something we would make a recommendation to the Town Board to look at?

MR. BLASS: You can do that. And you can do it by local law. The same local law would probably have this re-approval process -- streamlined re-approval process built in to it as well.

CHAIRMAN BRAND: Mr. Garofalo.

MR. GAROFALO: James Garofalo. Two things I'd like to say. One is part of the reason there's been this change has to do with both the economy and the process of getting some of the permits after approval. So the economy has slowed things up, the developers have not been necessarily pushing projects, and that has partially caused these extensions to be changed.

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BRODY RIDGE

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This system has really changed because of the economy.

The second reason is the permits. But when it comes down to permits, et cetera, you know, there's always the opportunity that the Board could call the applicant in and say, you know, what's -- where is your project, what's it doing, are you stuck in permits or what. That might be something that you might want to consider, hearing from them why they want the extension.

CHAIRMAN BRAND: Thank you.

That being said, do I have a motion for the extension of the Brody Ridge subdivision?

MR. TRUNCALI: I'll make that motion.

CHAIRMAN BRAND: Do I have a second?

MR. LOFARO: I'll second.

CHAIRMAN BRAND: All those in favor say aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

MR. TRUNCALI: Aye.

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CHAIRMAN BRAND: Aye.

Opposed?

(No response.)

CHAIRMAN BRAND: Okay.

(Time noted: 9:09 p.m.)

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

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

That hereinbefore set forth is a true record of the proceedings.

I further certify that I am not related to any of the parties to this proceeding 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 13th day of February 2016.

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

CHESTNUT PETROLEUM

Project No. 15-8001
1417 Route 9W
Section 109.1; Block 4; Lot 14

----- X

SKETCH - SITE PLAN

Date: February 1, 2016
Time: 9:10 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
EMANUEL CAUCHI
JOSEPH LOFARO

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: LEO NAPIOR

----- X

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

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CHAIRMAN BRAND: Next up is Chestnut Petroleum, sketch, site plan.

MR. NAPIOR: Good evening. On behalf of Chestnut Petroleum, Leo Napior with the law firm of Harfenist, Kraut & Perlstein.

I believe this matter is back before you based on submissions that were made following the last meeting this was heard where the Board adopted a negative declaration pursuant to SEQRA.

In addition I believe there has been some additional work product generated by the consultants retained by the Town.

With that, I defer to Ron and Pat.

MR. BLASS: To refresh the Planning Board's recollection, on December 21st the Board adopted a part 2 full environmental assessment form and asked for the preparation of a SEQRA determination of significance at the January 4th meeting. At it's January 4th meeting the Planning Board adopted a negative declaration under SEQRA, bringing the SEQRA process to a close. A week later, on January 11th, the Planning Board received correspondence from John Rusk of 1420 Route 9W with respect to the matters

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pertaining to 1406 Route 9W, across the street from the proposed project site. Among the points made in that January 11th letter, which postdated the negative declaration by a week, was that on November 17th of 2015 the Division of Historic Preservation of State Parks had issued a determination of eligibility for 1406 Route 9W to be potentially nominated for listing on the National Historic Register, and a copy of that November 17th eligibility determination of the property for historic treatment of that sort was attached to the January 11th correspondence.

Other relevant facts for the Board to take into consideration with respect to what to do with what is in essence a request for you to rescind, negate the negative declaration is the fact that on November 18th, a day after the determination of eligibility, it appears that the Division of Historic Preservation, preparer of the document, provided it to the owner of 1406 Route 9W.

On November 25th, about a week after November 17th, the State Office of Parks issued a no impact determination to the applicant who

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2 referred the matter to it for a cultural
3 resources review and report. The effect of that
4 was that even though on November 17th one branch
5 of the State Parks agency had determined that
6 there was historic eligibility for nomination
7 purposes, another branch of the State Parks
8 agency was unaware of that and reported, in
9 effect, that there were no cultural,
10 archeological or historic resources within
11 proximity to the project.

12 On January 4th there were comments
13 filed with the Planning Board relative to it's
14 SEQRA determination by the author of the
15 January 11th correspondence, and within the
16 January 4th comments that form a part of the
17 Planning Board's SEQRA record there was no
18 reference to the existence of a November 17th
19 historic eligibility determination.

20 So as I already indicated to you, the
21 fact of -- both for purposes of your knowledge
22 and the applicant's knowledge, the fact of this
23 historic eligibility determination of Office of
24 State Parks was unknown to all concerned at the
25 time of the January 4th negative declaration.

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So that's a fairly odd set of circumstances that I just laid out for you. You know, I've already given the Board a guidance memorandum dated, I believe January 22nd as to what your options are. One option is just to stay the course and keep your negative declaration in place under the circumstances. Another option is to rescind your negative declaration based on the fact of events that you didn't know about at the time that you issued it. And another option available to the Planning Board is to open up your SEQRA record of review for purposes of supplementing it and working in the direction of an amended negative declaration which takes into consideration these circumstances and others.

So I have -- since that recommendation was made the following has occurred with respect to the reopening of the SEQRA record: The Town has, through Pat Hines' office, commissioned and obtained the report of a historic consultant who did a site visit with respect to potential project impacts upon 1406 Route 9W by virtue of the proposed project, and that report has been

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provided to the Planning Board, and it was dated the 22nd of January 2016. The Planning Board has also arranged for Pat Hines to obtain a traffic report prepared by Creighton, Manning which is dated January 29, 2016 and has been provided to the Board and could be considered a part of your reopened SEQRA record. The police chief of the Town of Marlborough has weighed in with respect to certain community character issues, most particularly whether or not a potential twenty-four hour open operation, that the project site would have predictable and significant adverse impacts on public safety and the avoidance of crime. That is a part of the expanded SEQRA record and that is dated January 27th of 2016 I believe.

There has been written criticism of the Planning Board for not conducting a public hearing with respect -- in advance of it's SEQRA determination of significance. You've already been advised that SEQRA regulations do not require a public hearing before a negative declaration, but in fact, quite to the opposite, require one within twenty days or as soon

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thereafter as the Board feels it has received information adequate to move forward and bring the SEQRA process to close or to bring the SEQRA process into the direction of the preparation of an environmental impact statement.

In that regard the Planning Board has before it an option to include within a reopened SEQRA record the public hearing transcripts generated at the Zoning Board of Appeals which is on a parallel tract reviewing variance applications. There was a series of public meetings of the ZBA which reach back to the summer, the most recent of which was January 14th of 2016, and the Planning Board has been provided with a stenographic transcript of those public hearing minutes as well as digital data in the nature of documents which were submitted in furtherance of those public hearing comments. So the Board has the option of opening it's SEQRA record to include those public hearing comments as well.

So having said all that, what the Board has in front of it this evening is an amended declaration, both in red line version and in

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clean version, if you will. The red line version documents the changes that are made to the initial January 4th negative declaration as a consequence of the re-opening of the SEQRA record and the inclusion of those expert reports and those public comments and the comments of the Marlborough police chief who was an expert with respect to matters under his jurisdiction as well.

If the Board wishes to, it could entertain the amended declaration this evening or at some subsequent date to bring the SEQRA process to an adjusted close.

If you have any questions, I'd be happy to address them.

CHAIRMAN BRAND: Comments or questions from the Board?

MS. LANZETTA: I appreciated getting that extra information from Creighton, Manning. I know Steve Clark had talked about possibly taking a look at getting another set of eyes on that. It was interesting to me to see their take on the original traffic study.

Also the information on the historic

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aspects and to make sure -- I do want to make sure that SHPO is one of the interested agencies as we move forward so this -- even if we go with the amended SEQRA, that that would definitely be an important part of us doing the further planning of this project.

So I was very thankful for both of those consultants to be able to give us their input before we make any decisions.

CHAIRMAN BRAND: So we would like to have time to review these changes? Would you like to have time to review these, the amended SEQRA negative declarations, before we act on it?

MR. TRUNCALI: I think I'm fine.

CHAIRMAN BRAND: Can I have a motion to approve -- to adopt the amended SEQRA negative declaration?

MS. LANZETTA: Do we have to read it out?

CHAIRMAN BRAND: Do we have to read it out?

MR. BLASS: No. There's no obligation for you to do that.

CHAIRMAN BRAND: Thank you.

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MR. BLASS: It will certainly become a part of the public record and immediately available to everybody, certainly without need for FOIL'ing.

CHAIRMAN BRAND: So can I have a motion to accept this?

MR. TRUNCALI: I'll make the motion to accept the amended negative declaration.

CHAIRMAN BRAND: A second?

MR. CAUCHI: I'll second it.

CHAIRMAN BRAND: All those in favor?

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Mr. Garofalo.

MR. GAROFALO: I would appreciate if the Board could make available on the website this additional information, including the traffic report, so the public can actually get a

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look at this information and possibly make comment on it. I would have preferred we would have had an opportunity to at least provide some input to the Board prior to them making their determination. In any case, I would like to have that on the board for the public to review because that will become an issue dealing with the Zoning Board and the Department of Transportation.

CHAIRMAN BRAND: I believe it will all be made part of the public record.

MR. GAROFALO: And I would also like the Board to know that the school district in concert with the Town is looking into a draft report on the safe route to schools, and they will be meeting next week on that. Thank you.

CHAIRMAN BRAND: Thank you.

MS. LANZETTA: I want to put a plug in for the new updated website for the Town of Marlborough. It's coming along. They're working on it. They've got a lot of good stuff up there already. I hope everybody will check it out. We are hoping to get all of the material for public hearings and things like that up and available to

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CHESTNUT PETROLEUM

103

people before we have those meetings so that
you'll be able to be better prepared -- so
everybody can be better prepared coming into
these meetings.

CHAIRMAN BRAND: I believe that's it
for Chestnut Petroleum.

MR. NAPIOR: Thank you.

(Time noted: 9:23 p.m.)

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

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

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding 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 13th day of February 2016.

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

MARIA MEKEEL

Project No. 16-9001
32 Bingham Road, Marlboro
Section 108.4; Block 8; Lots 22.11 & 22.12

----- X

SKETCH - LOT LINE CONSOLIDATION

Date: February 1, 2016
Time: 9:23 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

BOARD MEMBERS: CHRIS BRAND, Chairman
JOEL TRUNCALI
BEN TRAPANI
CINDY LANZETTA
EMANUEL CAUCHI

ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
VIRGINIA FLYNN

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA

----- X

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

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MARIA MEKEEL

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CHAIRMAN BRAND: Next up, Maria Mekeel, sketch.

MR. MESSINA: Carmen Messina representing the owner, Maria Mekeel.

Marie owns two parcels on Bingham Road that were created by filed map 08-211. They were lot number 1 and lot number 2.

She wishes at this time to combine those two lots together. Lot number 1 is 4.6 acres and lot number 2 is 2.0 acres. Combined they would be 6.65 acres.

CHAIRMAN BRAND: Pat, do you have anything?

MR. HINES: I don't other than we had quite a process to subdivide these lots and now they are being combined together. Again, it's just a straightforward lot line change.

There's two existing lots, 4.6 and a 2 acre parcel. They're going to combine and create a 6.65 acre parcel, serviced by an existing private road. There is a mobile home pre-existing nonconforming on one of the lots along with the existing house. The lot that's getting added to the larger lot is undeveloped at this

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MARIA MEKEEL

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time. I believe there's one more parcel on the private road behind that.

MR. MESSINA: That has a house already.

MR. HINES: Correct.

CHAIRMAN BRAND: To the north?

MR. HINES: To the north. That was part of the subdivision that was many years ago.

MR. MESSINA: Before, yeah.

MR. HINES: It requires a public hearing, similar to the ones you had tonight. That could be scheduled.

CHAIRMAN BRAND: Okay. So we just schedule a public hearing for this? When is the next --

MS. FLYNN: It would be the first Monday in March.

MS. LANZETTA: Do we have to make a motion to schedule a public hearing?

MR. BLASS: Pardon?

MS. LANZETTA: Is that something done by motion, the scheduling of a public hearing?

MR. HINES: Yes.

MS. LANZETTA: I'll make a motion to schedule a public hearing on this lot line change

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MARIA MEKEEL

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for the first meeting in March.

MS. FLYNN: March 7th.

MS. LANZETTA: For March 7th.

MR. TRAPANI: I'll second.

CHAIRMAN BRAND: All those in favor
say aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

MR. TRUNCALI: Aye.

CHAIRMAN BRAND: Aye.

Opposed?

(No response.)

CHAIRMAN BRAND: All right.

MR. MESSINA: Thank you.

(Time noted: 9:26 p.m.)

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