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

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In the Matter of

NEW CINGULAR WIRELESS, PC, LLC - AT&T

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

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LOCATION
SITE PLAN

Date: May 16, 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
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: KIMBERLY NASON

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

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CHAIRMAN BRAND: I'd like to call the meeting to order with the Pledge of Allegiance to the flag.

(Pledge of Allegiance.)

MR. TRUNCALI: Agenda, Town of Marlborough Planning Board, May 16, 2016. Regular meeting 7:30 p.m. New Cingular Wireless, site plan; Troncillito Brothers, sketch, site plan; Michael Maniatis, sketch, lot line revision. Next deadline: Friday, May 20th. Next scheduled meeting: Monday, June 6th.

CHAIRMAN BRAND: First up is New Cingular Wireless, AT&T.

MS. NASON: Hello again, everyone. I'm Kim Nason with Adam Walters. We're both attorneys with Phillips, Lytle representing AT&T. Thanks for having us again. I know this has been kind of a long road.

As you know, and I know there are some newer members of the Board, AT&T originally submitted an application for a facility at Ann Kaley Lane over two years ago, back in February of 2014. Since that time we've made several supplemental submissions containing additional

1
2 information and we've appeared before the Board
3 with and without consultants to answer any
4 questions the Board may have.

5 At the last meeting we appeared at you
6 requested that we go back to AT&T regarding a
7 move to the high school site. You gave us those
8 reasons why you supported a move to the high
9 school site. We did that. We spoke with AT&T.
10 After careful consideration and review, both of
11 the reasons that were given for the move to the
12 high school site and the records that provide
13 that the Ann Kaley facility is a better choice
14 from a coverage perspective and to reduce any
15 potential visual impacts. AT&T has determined
16 that it must proceed with the Ann Kaley site, and
17 we filed some materials on that.

18 We understand tonight the Planning
19 Board is reviewing HDR's technical memo on the
20 Ann Kaley site. We generally agree with the
21 findings in the memo that the Ann Kaley location
22 is a reasonable choice to meet the coverage needs
23 of the Town and with the least visual impact.
24 AT&T has provided extensive documentation to that
25 effect.

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Based on our conversations with Ron and Mike, it's our understanding that the matter needs to be re-referred back to the County Planning Board based on some questions they had on the application from 2014. Tonight we brought with us copies of all the filings we've made to give to Ron so he can put that together in a package for the County so that they can answer any questions that they may have. We would request tonight that the Planning Board re-refer the matter back to the County Planning Board for their review.

After the County's review is complete, we believe that the Board would be in a position to make a determination regarding the Ann Kaley facility, and we would respectfully request that a determination be made at that time.

So we're happy to answer any questions that the Board may have tonight.

CHAIRMAN BRAND: Anybody? We'll hold off on questions until we hear from Mr. Musso and our attorney as well.

MS. NASON: That works. Thank you.

MR. BLASS: Just for the Board's

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edification, it last met on February 1st of 2016. At that time, at the end of the transcript on page 78, Mr. Walters, on behalf of the applicant, indicated that for now we would ask that the application for Ann Kaley be tabled. So am I correct in assuming that you wish that no longer to be tabled --

MR. WALTERS: Correct.

MR. BLASS: -- as a consequence of the March 29th correspondence of Ms. Nason?

MR. WALTERS: Exactly.

MR. BLASS: With respect to the Ulster County Planning Board process, under 239-M, this Board is familiar with it, the Ulster County Planning Board, for reasons that were unstated when it did it's recommendation, deemed the submittal of the referral to it to be incomplete. So Ms. Nason was commenting on the fact that in order to not guess or speculate as to why it was deemed incomplete by the County, she has rounded up all of the application documents and will send the whole package up to the County. I don't think there can be any chance that there will be a determination of incompleteness. The County

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has thirty days from the date of referral to make a recommendation back to the Planning Board.

CHAIRMAN BRAND: Can I ask a technical question? Since we had the public hearing open, the motion was tabled and we closed the public hearing. Would this require us to hold another public hearing since last the public knew they were not going to the Ann Kaley site?

MR. BLASS: No, I don't think so. I don't think that's necessary.

MR. WALTERS: Agreed.

MS. LANZETTA: The County said that the application was incomplete because they hadn't looked at alternatives to the Ann Kaley site. So that was the reason stated in the County's response originally.

MR. MUSSO: Right.

MR. BLASS: I would agree with that. And there were a couple of required modifications stated in the recommendation. So, you know, it's a little bit odd that the County would deem the referral to be incomplete and then go forward to make required modification recommendations in it's response. But be that as it may, there's a

1
2 hole in the record, I would venture to say, under
3 239-M of the General Municipal Law which we could
4 fill by doing a resubmission of all the relevant
5 documents.

6 CHAIRMAN BRAND: Mr. Musso.

7 MR. MUSSO: Mr. Chairman, Members of
8 the Board, Members of the Public, thanks for
9 having me back tonight. Mike Musso from HDR
10 working on behalf of the Town.

11 If acceptable to the Board, would it be
12 all right if I sit and take you through our tech
13 memo? I'd like to run through it quickly. Feel
14 free to stop me along the way with questions, or
15 afterwards. There's a few photos and exhibits
16 that are nested in that I think will be important
17 talking points. Please do interrupt when needed.

18 As mentioned in our tech memo here,
19 this report really focuses on the subject
20 property at 10 Ann Kaley Lane. Last summer I
21 appeared here in July, going through a very
22 detailed alternate site analysis. I have that
23 report on my hard drive here if we need to answer
24 any questions about that. I just want to set the
25 stage here. The focus of this report is really

1
2 looking back to a 2014 memo that HDR put together
3 when the initial Ann Kaley application was filed.
4 We asked for a number of different items to be
5 expanded on or to be provided to the Board so
6 that we could review. Of course in the interim
7 there was a big hiatus on the application.
8 Members here of the Town expanded on HDR's
9 comment to work out a detailed alternate site
10 analysis. In fact, the Town provided a number of
11 alternate sites that were Town owned or other
12 types of properties.

13 So without getting into any detail on
14 that, July of last summer we appeared with the
15 applicant. Both parties went through a number of
16 coverage maps. We did some independent analysis.
17 Really what we came up with were two viable sites
18 to meet AT&T's target coverage area. So that
19 concept was discussed quite a bit last summer.
20 Unless requested, I'm not going to go through
21 those coverage maps or analysis again on that.

22 The punch line of our report was out of
23 all the alternatives that were looked at, the Ann
24 Kaley site was certainly viable, and the high
25 school site was a viable candidate . For reasons

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that you've seen in the last few applicant submittals, the applicant would like to stay at Ann Kaley. Their target coverage area, which has been discussed previously, we agree is better served by a 130-foot monopole at the Ann Kaley site.

So just to set the stage now, we're going way back to our first submittal which was a request for additional information. I'm going to run through those items a little bit for the Ann Kaley site.

So the overview is a 130-foot monopole is being proposed. I have some photo simulations in here, you've seen those in the application packet, at the northwest portion of the 10 Ann Kaley Road site. It's is 19.85 acre property. The 130-foot monopole will accommodate AT&T antennas near the top, nine antennas situated in three different sectors, three, three and three, along with some ancillary equipment. At the base of the monopole, in a 60 foot by 60 foot area is a proposed equipment shelter. You've probably seen those at other cell sites if you've driven by them. It's 12 by 11 foot by about 9 1/2 feet

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tall. All of their base radios and supporting equipment would be contained within there. Besides that would be a 50 kilowatt emergency generator. Fencing, landscaping, which I'll talk to in a little bit, is all part of the proposal as well.

Our application review that responded for early comments on Ann Kaley predominantly looked at the December submittal from the applicant. Within that submittal they included updated zoning drawings which are the latest and greatest as we stand tonight. They provided a part 1 environmental assessment form, an archeological report, a radiofrequency emissions report, something that we always ask for although the applicants at times say it's exempt from municipal review. It's essentially a health and safety report that talks to people living at a cell tower site or in the neighborhood. An updated structural design report including a tower collapsability certification which I'll get into a little bit later, and importantly a visual analysis. Their visual analysis was updated from the early submittals based on the drop in height

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from 150 feet to 130 feet. So again, what's on the table now is at Ann Kaley, 130-foot monopole.

Within that visual analysis they also provided, as was requested, an analysis of the high school alternative site. So this is before the February meeting where it was discussed and the applicant was directed to look at the high school further. It was before the March submittal where AT&T said we're no longer interested in pursuing that alternative. But I thought it would be good to put into this report because you haven't heard me comment on that to this point.

There were a couple other submittals in January and in March as well.

So our report goes through several items. The first is the radiofrequency emissions. We did receive a report in December, it was put together by AT&T's radiofrequency engineers, a different set of radiofrequency engineers than the ones that have appeared here before, who developed the coverage maps. This is about health and safety at cell sites. AT&T would be operating at three frequencies that

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they're licensed to operate at. 850 and 1,900 megahertz are really the old cellular and PCS frequencies that are still utilized. Also at 700 megahertz, which is the newer LTE, long term evolution, frequency. AT&T, Verizon, Sprint, T-Mobile, they're all operating on that now. This is something that's newer in the last few years. We did look at their report, reviewed the methods that are used and we do agree that the general public maximum permissible exposure criteria will be met with the site. In fact, at ground level underneath or a distance from the 130-foot monopole they probably would be on the order of one percent of the allowable twenty-four-hour-a-day constant type of exposure. In our experience of taking measurements around cell tower sites and looking at a lot of these reports, we would agree with those findings, looking at the power levels, looking at the frequencies that would be operating. That is something that we would agree with.

One thing I thought of, and I'll show you some photo simulations a little bit later on, there are homes above the tower, which is a

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little bit unusual for a cell tower scenario. Often times when you think of a cell tower, it's in more of an open area, it's the highest thing around on all sides, and that analysis completely makes sense. One thing I wanted to look at, and I did look at some topography, that bluff that lies just to the west of the site, what might that mean for exposure on top of that bluff. Looking at the antenna patterns that are proposed, the coverage is really shooting to the south and to the east. There really would not be a lot directed back at that hill. It would just be very inefficient for AT&T to do that. Moreover, as you'll see in some of the photos, the top of that antenna or those antennas -- the top of the tower or where those antennas are placed are generally a bit below where someone might be exposed on the western side. So anyway, I could comment on that later if you want. That's our review of the radiofrequency emissions for this particular site.

We also looked at co-location. We had asked that there's a commitment from the carrier to provide the potential for co-location. That

1 would include a robust design of the foundation
2 and the structure itself that would allow other
3 commercial carriers in the future to co-locate
4 below those antennas. It's actually a provision
5 in the Town Code that carriers have to design for
6 that. So we have received a commitment to do
7 that in the application materials. Further,
8 there was discussion with emergency service
9 antennas and that the applicant would entertain
10 that notion as well as far as co- location. So
11 when you talk about co-location, the way the code
12 is written, et cetera, it typically means other
13 commercial carriers hopping on that structure.
14 In this case there may be an opportunity as well
15 for the Town to co-locate an antenna of their
16 own. We just note that in the future,
17 co-location would need to be approved, of course,
18 by the Town. If this monopole and the AT&T
19 antennas are approved, if they are constructed,
20 there is a process to go through. There are
21 Federal limitations of municipal review with
22 that, but certainly the building inspector's
23 review or building permit review would need to be
24 done. You just can't have Verizon show up one
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day and put twelve antennas underneath that.
That was some comments regarding co-location.

I discussed a little bit on some site plan items, and I think for that I will jump to the drawings here. Let me just expand this out a little bit.

MR. TRUNCALI: Mike, at 130 feet is it -- is that a feasible height for a co-location underneath their tower?

MR. MUSSO: I feel it is. I feel that if this is built there would be a desire for that from the other carriers. Just knowing -- you know, recently I worked on the Mount Zion Verizon application. I've worked and looked at some applications in Newburgh and across the river. I think there would be interest. Certainly they're above the treeline. They would likely have a similar target area of Route 9W. I can't talk to exact specifics. We've heard a lot from AT&T about their network. Yes, you would still be above a treeline height and you still would be able to get some antennas below that if need be.

This image here is from the plans showing the equipment compound and plan view. So

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this is the 60 foot by 60 foot area. I'm sorry. This is the whole leased area, 100 foot by 100 foot area. This would be looking down on the monopole from up above. You can see there's an antenna framing system. The antenna's lined up in three sectors here. You see north up on this. The hill would be back here, the ridge would be back here. So most of the frequency would be directed out in this direction. This is the equipment shelter I was talking about. The emergency generators are over here. This is the access road that would be developed off the main driveway into Ann Kaley Lane.

These notes here, I know you can't read them but this would include tree removal. There's about 21 deciduous trees that are proposed to be removed with this. The planting plan is shown here. Not trees but shrubs. Shrubs, some being a maximum height of about 15 to 20 feet with time, which doesn't do too much for the top of the tower but no tree really would. No planting plan would capture a 130-foot tall view. That's just a general site plan review.

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The panel antennas themselves, this is looking at a cross section. So these are three by three by three, nine total panel antennas. Each one of those panel antennas is about 96 inches long, about 11 inches wide and 7 inches deep. It's hard to see on this image but it does look like there's some smaller or mini-antennas beside these, and that's something called remote radio head units that are used, especially with newer frequencies, to boost antenna signal and manage the carrier's operations between those three frequencies. So HDR is looking at many upgrades from early generation cell towers where there's new antennas being swapped in and these remote radio heads being added to them as well.

This would be a perspective of plantings, at least the initial height of the plantings. Here's the equipment compound. The entire area would be surrounded by an 8 foot tall chain linked fence. So that's an aesthetic feature for you to consider at the base of the tower. The shelter is just a little bit taller than the proposed fence. I think the maximum height is 9 1/2 feet. Here's a connection with a

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cable bridge between the equipment shelter where AT&T would house it's base radios and switches and other equipment. Cables would be routed up within the inside of the monopole and connect to the antennas up here. Just to orient you on some of the drawings.

I mentioned a generator. A 50 kilowatt diesel powered generator is also part of this proposal. A motion sensor is being added. Important to note, this height of a tower, given it's location here in Marlborough, there's no lighting or strobe lighting that would be required at the top of it. 200 feet, and we're well below that. We're at 130 foot. A 200 foot tower and taller are a cut off for the FAA, the Federal Aviation Administration. Sometimes a lower height too. If you're looking to go in proximity to an airport, there could be a specific FAA determination that's needed. But here, and this is an important point because it plays into some of our conversations with the State agencies, there is no lighting needed, or required, or proposed on the top of the tower. Rather a motion sensor in case there's a service

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visit that would be needed at night for some reason, to fill up the generator or stop the generator during a power outage, an extended power outage, or to service base radios within the equipment compound.

In terms of the height here, I brought up under site plan issues, and I think it will come up again in this discussion, there is a waiver that's being requested -- there are two waivers that are being requested at this point. One is with regard to the Town Code in terms of a fall zone. Worst case activity -- these things do not collapse very often. We hear about it all the time. In a catastrophic situation the applicant is proposing to put a hinge point at about 40 feet from the top of the pole, more or less. So from 0 to 89 feet there would be a hinge point that if there is some kind of catastrophic failure, this pole would fail at that point. It's a point of weakness. So the top 40 feet or so would collapse down. The waiver that's being requested is that the setbacks on two sides are less than twice that 90 feet that remains, or the 89 feet that remains.

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So if you do the math and say okay, if this top 40 feet of the tower collapses, it means it sags down or falls within a very small radius, which is a good idea. The remaining 89 feet would require -- 89 times 2 -- 178 feet. That's a strict interpretation of the code. If there's a point of weakness it's going to be probably absorbed by that hinge point here. But many towers do not have a hinge point, and that measurement of the fall zone or setback distance is often dictated by the total tower height. What I'm suggesting is we take the part below that hinge point here, multiply by two as per the code, and that would require a couple waivers. I believe in the northern direction and the western direction towards the slope are the shorter sides that don't have that 178 foot setback at this time.

CHAIRMAN BRAND: They're at 131 and 92 respectively.

MR. MUSSO: Right. Which are both within one times that height but not within two times. I do say I've worked with municipalities where that fall zone or that setback is not

1 included in different town codes. It is here in
2 Marlborough. So it is a consideration and it's a
3 waiver that has to be considered.
4

5 MS. LANZETTA: I have a question with
6 the built-in hinge there. How does that affect
7 possible co-location sites?

8 MR. MUSSO: It shouldn't. They're down
9 about 40 feet from the top, so that would be at
10 about 90 feet. The applicant did provide some
11 co-location in a structural report, and
12 essentially it was for three additional providers
13 separated by about ten feet on the way down. So
14 130, 120, 110 and 100. It should be below that
15 point as a point of failure. When it's a hinge
16 it's not a point of weakness, it's just something
17 that's -- it is a point of weakness but it
18 doesn't make co-location or anything above it
19 unstable to co-locate on. It still can be put
20 in. The foundation and the pole can still
21 accommodate the co-location, it would just be
22 when there's a wind shear or wind stress, that
23 would be the first thing to fail. That's, I
24 think, a pretty smart design to have because
25 you're taking some of the top part of that tower

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and ensuring that it falls somewhere very close to it's base.

MR. CLARKE: Which direction is the -- would the hinge release the top of the tower to?

MR. MUSSO: That's a good question. I don't think that's specified. It's a general point of weakness.

MR. CLARKE: If you had more space to the south or the east --

MR. MUSSO: Maybe the applicant --

MR. WALTERS: Adam Walters. It's not a hinge as you think of a hinge where it's a specific direction. We call it a hinge point but what it in essence means is one section of the pole has been designed to the wind load standard, and the rest above and the rest below have been oversized to go up above the standard so that if there is a wind force --

MR. CLARKE: It depends on the wind which way it will break.

MR. WALTERS: Exactly. If you get a gale force wind coming in from whatever direction, it's designed to weaken at that point, and it kind of folds like a straw if you think

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about it. It is a round object, if you will. So it sort of bends like a straw in whatever direction the wind would be pushing.

MR. MUSSO: All right. Getting back to the site plan. I mentioned the landscaping which ties into the second proposed waiver. The code has a provision for 8-foot evergreen trees, meaning 8 foot at the time of planting. You can see on the plan here 70 -- in excess of 70 shrubs planted around almost all four sides of the equipment compound. So that's something to ask about. We didn't like the idea of having Arborvitae there for different reasons. In our region of the Hudson Valley we've seen those kind of be ravaged within six months to a year. The applicant did provide a couple other species that we feel a lot more comfortable with. Blue Point Junipers, which are 2 feet at planting but get to 15 to 30 foot at maximum growth. This is several years, obviously, down the road. And Little Leaf Blockwood which are 3 to 6 feet high. Those are the two waivers.

MR. CLARKE: Are there going to be any maintenance of those plantings?

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MR. MUSSO: I'll get to the recommendation on the maintenance plan. That would include fencing, landscaping, road, the whole bit. That would have to be worked into a maintenance plan by all means.

Visual impact. So getting back to the report. This is really what I would like to spend a couple minutes on. So a couple things we wanted to follow up on within the visual impact analysis. I noted that in December there were revised photos submitted for the 130-foot monopole at Ann Kaley, and there were also those photos from the 110 foot at the high school site. I'm going to run through those with you in a minute.

Early comments, discussion at the February meeting, and I think recent discussion looking at views of this site and viewshed that would have views from the Hudson River and from areas at a distance, we wanted to evaluate that in a little more detail. The applicant has not provided those specific viewpoints from across the river in Dutchess County but we wanted to hopefully put a little bit more perspective on

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that. In looking back to HDR's earlier comment on this, the idea about the DEC guidance for visual assessments would look at a five-mile radius. We also wanted to put a little bit more forth on that. We did speak with the DEC and tried to get some input on their guidance, and we also spoke with the State Historic Preservation Office, specifically on cell towers, and we had pretty good success, actually, in getting in touch with people that provided some input.

So photographic renderings. Let's see the best way to do this. I'm going to jump to the appendix now and run through these with you. This is the Ann Kaley site at 130 feet. So they're right in the middle of these one-mile and two-mile radius rings. You see the Hudson River here as orientation. North is up. The tower location is right in the middle here. The red images here that are dark, as they show up, would be projected visibility of the 130-foot tower. We asked for methods to be provided on how this was done. Saratoga Associates was the firm that prepared these. They did confirm what methods they used. It's a desktop analysis. It's also

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based on the early balloon test and then looking at vegetation in the area by sight recognizance. We felt pretty good about that. That's how visual assessment is normally done.

This is the same map but an aerial map image or satellite image. The yellow depicts where they took photos from.

I'm going to run through some simulations for you. This is from out front at Ann Kaley looking west back towards where the tower would be. I wanted you to keep that home in mind for a minute because I'm going to come back to this. This is one of the prominent homes you can see even across the river up on the ridge here. I don't know if we can dim the lights for effect. I don't know if that works.

I'll run through these with you. There's a before and after image on each of these. Again, here's some of the photo sims of before and after pictures. Here's from behind Ann Kaley looking to the east towards the river. The same view from up behind. That's an interesting one here. I think that stand of trees should be preserved according to the plan.

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That certainly is helpful for those trees in the foreground. Here's a view that I'll show you again. This is out front looking back towards the west. And then I'll return to the high school shots in a minute.

So the visual assessment did summarize what was provided, what was requested. They did do the revisions as I spoke about. We then felt it necessary, just to do due diligence, to reach out to the State agencies I spoke about. So we did get in touch with somebody from the New York State DEC who administers visual guidance. What I put in here for you on page 10 of the memo are really what defines what is a critical visual impact and not. That's right out of the DEC's guidance. The DEC had noted that their guidance -- they really don't get many calls on cell towers 130 up to 200 feet. Where they really applied this guidance to tower structures is for wind farms, wind turbines that normally are several hundred or in excess of 300 feet tall. What they did confirm, aside from what a board or somebody evaluating whether a visual impact is significant or not, is also to defer to State

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SHPPPO about that. So I did speak to somebody and was very fortunate I got in touch with the person I did. I gave him the SHPPPO no effect or no determination letter that the applicant submitted and I said well do you guys have a file on this, the Ann Kaley site. This person was kind enough to go back through the file. He noted what had been provided early on. There was early photo sims of 150 feet, there was the set of drawings, there were referral letters to different agencies. He said everything is here and this is what we looked at for our no effect determination. I said well what do you normally look at in terms of the radius, the viewshed radius. He described to me something that I was aware of, the FCC had an agreement or a commitment to work and to evaluate cell towers or other wireless towers in sensitive viewsheds. This might go into State and National parks, it might go into tribal lands or other stipulated properties. In general what's looked at is a half mile radius. In this case the applicant went out a little bit further than that. I asked SHPPPO, I said when would you go further, when

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would you expand that area of potential effect radius. He said it is done, again, with tribal lands or something that's very sensitive. What he indicated to me was about a three-mile radius is about the max that he's seen in his personal experience. So again, SHPPPO, there's a no determination letter. I now have confidence that SHPPPO looked at the application info. Yes, it's changed since then. The tower has gotten a little bit shorter. They did have the file on the Ann Kaley Lane site and did confirm that they -- if they were to flag some kind of critical view they would have done it and not have the determination that they made on that.

So we then went over to Dutchess County, and this is a two to three-mile radius. Let me just blow up a couple of these images. We were very curious, and I know there's some feeling about those views in the river or further east on the other side. This is a view here from the Wheeler Hill district I think in New Hamburg. You can see these types of views which are somewhat typical from that side of the river, either from here or from Bodoin Park in

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Wappingers Falls. We do have some trees that kind of shield the view from the river and across. You might get a view of the tower if this is built at Ann Kaley at 130 feet. This view, it would be slightly to the right or to the north up river. We then took several at Bodoin Park. I included a couple here. So this goes back to that photo simulation I showed you of the Ann Kaley site. Here's the tower at 130. I asked you to keep an eye on that home on top of the ridge. In scrolling down here -- I'll try to get this lined up right so I can toggle back and forth. Here's a view from Bodoin Park. That would be that same prominent home which is visible across the river. I wouldn't have thought that before Stacy got out and did this. So there's that home here. This would be the tower, at least how they're defining it, 130 feet with the gray finish. I guess the fortunate thing about that site in terms of these views from the east would be nothing would be rising above the ridge line. I just wanted to get this out here, some perspective with further afield views that might be out -- that might be of

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interest.

I have some other photos from Bodoin Park as well, walking along the waterfront a little bit. There's quite a bit of vegetation in some areas. This is where Stacy found, I think, the clearest view to the river and across to this area of Marlborough.

I wanted to memorialize, at least for this Board, the view -- the visual impact analysis that was done for the high school property. So whatever happens with that, or whatever discussions might ensue with that, I put in a little bit here from what we analyzed back in July of last year. Remember at that time we didn't have any photo simulations to compare or contrast. Stacy did a pretty nice mockup based on an auto CAD and some visual software that we have inhouse.

Just to get oriented here, the arrow is showing the south end of the high school. That would be that area that we had discussed previously at several meetings for the 110-foot tower at the high school.

What I'd like to do again is to jump to

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another attachment. So just like we saw for what was provided for the Ann Kaley site, I gave you a sample of some of those photo simulations. Here's what was provided in December for the high school site. So as would be expected, we have less view to the river. That kind of coincides with coverage, line-of-sight coverage. We do have some more views up to the west and north than we do at Ann Kaley. Hard to say, just based on these red shaded areas, what's better or worse. I think that's up to the Board to think about.

Running through the simulations that were provided, this is from the field looking back south towards the lease area. These are what the sims would look like. That's 110 feet. Another angle of the high school. I have other tall structures obviously on the campus, like light fixtures around the fields. A little bit peaking above the roof there from out front. Here's some homes in the vicinity and how a tower may or may not line up. That's shielded by trees but probably moving into this yard you get a better angle of that.

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Photo simulations normally are taken by not getting onto private property. The applicant would look to get into a public street. That's where they do their photos from.

A little bit back over here. Just a little bit over here.

As far as visuals go, I'm not going to say it's formality but we just want to be diligent and we want to provide that because we didn't have a chance to present you with this in one report prior.

Cultural resources I touched upon a little bit. There is a SEQRA E.A.F. short form that was filled out. There is a cultural resource assessment that was done, an archeological study of a phase 1-B report as it's called. A different area of potential effect and visual. This would be based on the actual proposed construction of that 60 by 60 foot compound for the pole and the equipment, some improvements to the access road as well. Nothing was culturally significant in that report. In fact, the report noted that much of that entire property has been tilled or reworked

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over the years. So there was nothing that was found there during that survey.

Then just running through the findings real quick. I'm sure you may have some questions, which hopefully I could help answer. Our conclusions or findings here, the Ann Kaley site appears to be a reasonable option looking at the existing site, looking at the treeline and also looking back to that alternate site analysis. At the onset of this presentation tonight, though, I did note that we felt that the high school would be a viable alternative. We do agree that the Ann Kaley site is optimal when dealing with AT&T's target coverage area. The 130 feet also seems reasonable. We feel it would allow for co-location. It's getting over treeline height to meet coverage to 9W and points south and east. The ridge line to the west is, I think, advantageous to this site from many views from the south or from east, across the river for instance. And from the north you will have the backdrop of a hill rather than a bare tower view. No FAA lighting is required, which is important. And the visibility, I think that the balloon test

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and visual impact did show rather focused areas of visibility.

I know I said this before in front of the Board. I would never say that these are invisible. They never are. There's going to be visual impacts. But I think it's up to the Board to think about some of the things that I lay out further in terms of configuration of colors or even going back to the high school alternative.

The radiofrequency emissions are in compliance with Federal Laws. I mentioned the two waivers earlier and then a series of recommendations. County filing as you heard from Ron about, the configuration. We would probably recommend a conventional monopole here. That's what we saw in the photo simulations. I think a stealth tree might have merits here. Don't laugh. Looking at the photos that we included in this report, it's going to be very hard to match that during all times of year. The stealth tree does work in some areas where there's pine in the vicinity, but it also adds bulk and it's a permanent color. So a conventional monopole I think would be a decent option to consider here.

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The applicant has suggested a gray finish. Whatever color you decide on, I think it has to be specified to be a mat, a non-shiny finish. That's important with these towers. A tan or brown might work here well after looking at some of the photos from across the river. Any ancillary equipment, like panel antennas, cables, anything that might be visible, they should match the pole itself.

Equipment compound fencing, chain link seems to be a good option. There's not going to be, I don't think, many views of the fencing itself or the proposed landscaping. The shelter will be predominantly behind that chain link fencing, but a gray or tan is a typical color of the equipment shelters.

Structural analysis and foundation analysis. I noted that the applicant has submitted one for the 130-foot monopole. We did look at the basis of the design, the criteria that were used, the wind speeds that were used. They're specific to Ulster County but we do suggest that a final be provided later on, and a couple of reasons why. The Board may not agree

1 with the conventional monopole based on
2 discussion. There might be some impetus for
3 another type of configuration. A stealth tree,
4 for instance, would change that structural
5 design. It's a completely different analysis
6 than a conventional pole. If there's any
7 shifting at that area of the property, then a
8 final structural analysis should be provided.

10 I touched on the hinge point or the
11 point of weakness at about 40 foot down from the
12 top. If that waiver is further discussed
13 tonight, there might be an option, might be an
14 option, to put in a second hinge point so that
15 the applicant would need -- would not need to
16 deal with the waivers. I haven't looked at the
17 feasibility or viability for that, but that would
18 have to make it's way into the structural
19 analysis as well.

20 And last, and this is really a
21 hypothetical for you to consider as a planning
22 exercise, co-location is absolutely viable below
23 130. The idea about possibly, possibly allowing
24 a height extension in the future might be a good
25 planning exercise. I've worked on sites where

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new facilities were built. There was one co-locator that comes below and then the third guy says we would love to co-locate here but here's a banker's box full of coverage maps why we can't do it, why it doesn't work, but if you gave us another 10 feet on this monopole it will work for us. That's something that you may or may not be confronted with in the future. A structural design perhaps can address that now. That's no endorsement that there should be a taller pole here. It's looking down the road and recognizing the changes in the industry. That might be something you're interested in considering for the structural analysis.

I have some other notes that can be considered as conditions regarding construction. Dealing and coordinating with the building department. Maintenance was issued not just for the appearance of the pole itself but also for the landscaping, the fencing, the equipment area. Those are the major items in the report.

It's a lot I just went over, I realize. I probably took more time than I should. I'm very happy to try to answer any questions or

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comments that you might have.

CHAIRMAN BRAND: I have a question for the AT&T representative. The two hinge points, is that something that's viable, in your opinion, for the pole?

MR. WALTERS: I've been doing this for about twenty years and I've never seen two hinge points. One hinge point usually is more than sufficient. It does ensure that in the event of unexpected gale force winds, the tower would hinge rather than completely collapse. Here we're talking about a waiver of a double setback. If you're familiar with the area where the pole is located, or proposed to go on the Ann Kaley farm, it's way in the back of the site. You kind of have to drive into the vineyards and go up above the hill to get there. It's a fairly wooded, secluded area. It's not like there's anything close to the property lines on the far side. We think this is a perfect case for a waiver with the single hinge point and ensures without a doubt that in the event of a catastrophic failure, as Mike said, we talk about it a lot in this industry but it really doesn't

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happen very often, the tower would absolutely stay on the property. Therefore we think we have addressed the intent of your setback law, which is to make sure your tower stays on your property.

MR. HINES: The only thing is you don't have control of that adjoining property in the future. The setback is from the adjoining property line to protect the neighbors, not necessarily the location where the tower is. Should something occur on that adjoining property in the future, it could be impacted by that.

CHAIRMAN BRAND: And the setback currently would only account for if the hinge -- if it bent at the hinge point It would cover the 130 of the tower?

MR. WALTERS: Right. That design is ensured. It's so that that happens first under any circumstances.

CHAIRMAN BRAND: Anything else from the Board?

(No response.)

CHAIRMAN BRAND: Anything else, Ron?

MR. BLASS: No. I was looking at the

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record. It appears that the Board had closed the public hearing as of the February 1st meeting. There are disclosures in the record that if there was to be another site pursued other than the Ann Kaley site, there would need to be an independent and separate public hearing and processing of the application through public hearing.

So the public hearing has been closed. We've received a report from Mike, which unless I'm wrong, Mike, seems to be a favorable report relative to the approval of this facility at this location.

MR. MUSSO: Yeah. There's a couple waivers to consider. Yeah, it's a reasonable site all things considered. I know we've been at this for awhile. It's been two years but there was a long hiatus for the applicant to get their alternate site analysis done. I've never looked at as many alternatives as I have with this site. Just perspective on it. I think it's been very thorough to this point.

MR. BLASS: To put it in perspective, although the Ann Kaley site application was tabled by the applicant at the February 1st

1 meeting, which was the last meeting of the Board,
2 by letter of March 29th the applicant advised the
3 Board that it wished to focus all attention on
4 the Ann Kaley site, not to pursue the high school
5 site for reasons of coverage, differential and
6 for reasons of poor aesthetic differential in
7 terms of visibility of the tower at the high
8 school site compared to the Ann Kaley site. So
9 since there is no application in front of you for
10 an alternative location other than Ann Kaley,
11 that position of the applicant has put the Board
12 in the position of needing to make a decision,
13 either approval, disapproval or conditional
14 approval, of the Ann Kaley site. You have no
15 alternative.
16

17 MR. CLARKE: We have to wait for the
18 County to come back with their report.

19 MR. BLASS: I'm not suggesting we do
20 that tonight. I'm just suggesting that that is
21 the position that the applicant has placed the
22 Board in.

23 This needs to be referred to the County
24 Planning Department to close the conclusion that
25 it was an incomplete referral to begin with.

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They will have thirty days to respond. I'm not sure whether they'll take the entire thirty days. They may come back and say it's a matter of local concern or they may have other concerns for you to address by way of recommendation.

There is a request for a couple of waivers, as you heard this evening. The Planning Board has the power to waive the terms and conditions of the regulations of Chapter 152. There's a request to reduce the two times height setback from two times 130 feet, which would be 260 feet, down to as small a separation as 92 feet from the adjoining property line based upon the design of the tower, the projection of how it would fall as you heard this evening, and the character of the location of the tower relative to anyone getting in harm's way I guess you'd have to say. There's also a request for a waiver to reduce landscaping below the eight-foot requirement set forth in the code.

CHAIRMAN BRAND: Just to jump in, the 92 setback that you have, that's the side closest to the western side of the site where it's the steep rise or that's the --

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MR. WALTERS: Can we ask Mike to cull it up?

MR. HINES: I think it's the northern side.

MR. MUSSO: Here is a Google image. North is to the left. I'll put the plans up in a second. Here's the entrance road to Ann Kaley. So this is the ridge up here; right?

MR. WALTERS: Mm'hm'.

MR. MUSSO: Let me pull up the drawings. It just gives existing conditions of what's there, the land use around there now. So the distance -- north is up. The setback is south. This is 780 feet. That's fine going out to Prospect. Obviously this is fine. So it's north.

MR. WALTERS: And it's 92.

MR. MUSSO: 132 going in the northern direction. Again, the hinge point -- minus the hinge point, that's about 90 feet where the bottom of the tower would collapse in that direction. Not two times as per the code but the 90 feet still would be okay with that. And then to the west, although it's not shown here, I

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think it's on another, this is where the 92 feet to the property line is. So even at the hinge point you're right at one times actually.

MR. CLARKE: How close is the nearest structure --

MR. MUSSO: I guess going back to --

MR. CLARKE: -- to the west?

MR. MUSSO: That's a good question. So this would be back in this direction here. The tower is actually over here. So west is this way. Do you guys have any --

MR. HINES: I think that's the prominent house on the hill.

MR. MUSSO: It's got to be that.

MR. CLARKE: There are no safety issues involved?

MR. WALTERS: To that direction.

CHAIRMAN BRAND: Sorry to interrupt, Ron.

MR. BLASS: Pardon?

CHAIRMAN BRAND: I'm sorry to interrupt you.

MR. BLASS: No problem. I think what you need to do is refer the matter to the Ulster

1
2 County Planning Department. Probably you should
3 table this matter for four weeks out to give them
4 the time to fulfill the statutory time to make a
5 recommendation and see what happens. You may be
6 able to make a determination on the majority
7 vote, you may need to have a supermajority vote
8 to make a determination depending on what the
9 County does.

10 CHAIRMAN BRAND: Do we need to make a
11 motion to send it to the County or we just send
12 it to the County?

13 MR. BLASS: I think we just send it to
14 the County administratively tomorrow.

15 CHAIRMAN BRAND: We'll go ahead and do
16 that and see what their determination is. Thank
17 you.

18 MR. BLASS: Do you want to table this
19 matter for the -- let's see -- the second meeting
20 of June?

21 MS. FLYNN: June 20th.

22 CHAIRMAN BRAND: June 20th is the
23 second meeting. Do you think we'll have it back
24 by June 20th?

25 MR. BLASS: Definitely.

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CHAIRMAN BRAND: We'll table it until the June 20th meeting.

Do I have a motion for that, a motion to table to the June 20th meeting?

MR. TRAPANI: I'll make that motion.

MS. LANZETTA: I'll second it.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Any opposed?

(No response.)

CHAIRMAN BRAND: Okay.

MS. NASON: If I could just add quickly, AT&T is very appreciative of the Board's time. We're not trying to back you guys into a corner here. We just feel after the two years of review, we've really seen throughout all the documentation and third-party consultation that this really is the most reasonable site, the

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optimal location. We're getting the greatest coverage out of this while really reducing any potential visual impacts.

MS. LANZETTA: We understand it's best for AT&T too. We still are not in agreement it's best for the Town.

MR. WALTERS: We would respectfully disagree but we understand that's your decision.

CHAIRMAN BRAND: I think one of the things for me personally is the lack -- just the lack of clear direction. You agreed to that site and now it seems like you've done a complete 180. That's a little troubling for me personally as well.

MR. WALTERS: I was the one who stood up here last in February and said I think if you give us clear direction AT&T will go in that direction. The problem is you did a very detailed resolution, and we shared that resolution with AT&T, and they evaluated -- they looked at the record, they are as familiar with it as we are, and they said wait a minute, looking at the reasons the Board cited, these things are clearly wrong and so what are we doing

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here. That triggered a whole high level evaluation of the two sites at a fairly high level within AT&T. I will tell you it went to a very high level before the answer was this doesn't make any sense. We're going to a site with less coverage and more visual impact and we don't know what we're in for when we have public hearings in that neighborhood, so we're just -- this is not something we would be comfortable with.

We understand you have to make a decision. If it's an adverse determination, obviously that's what it is. We'll then march off to court. We'll spend a lot of time in court for the next two years, but in the interim you're still going to have very little coverage in this Town. This was the issue when we first came in. There was an acknowledged lack of coverage in this Town. We have a way to remedy it. We think it's a good way. Mike seems to agree it's a reasonable approach. We understand there have been various reasons for going in different directions, but at this point I think the record is clear, I think, I hope the path is clear, but

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obviously that's your decision. That's why you guys get paid the big bucks.

MR. CLARKE: If it's clear, it's well defined now, there's only one choice. It's our choice to say yes or no. It's that simple.

MR. WALTERS: It is that simple. Agreed. Thank you.

CHAIRMAN BRAND: Thank you.

(Time noted: 8:32 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 31st day of May 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

GELA GROUP

1970 Route 9W
Section 103.1; Block 2; Lots 65 & 66

----- X

DISCUSSION
LOT LINE REVISION

Date: May 16, 2016
Time: 8:33 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
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

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GELA GROUP

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CHAIRMAN BRAND: Next up,
Troncillito Brothers.

MS. BROOKS: While they're finishing
up, I just wanted to make sure that you received
the information from Tom Corcoran regarding the
Gela Group and if you had any questions on it
before the public hearing, or are we set on that?

MR. BLASS: That was from the previous
meeting.

MS. BROOKS: That was from the previous
meeting that there was a question about Tom
Corcoran's letter of the setbacks.

MS. LANZETTA: Oh, yeah.

MS. BROOKS: I met with him and he
prepared another document, and I just wanted to
make sure that I made sense and everybody was
satisfied before we get to the public hearing.

MS. CLARKE: He appreciated it.

MS. BROOKS: I just pointed out
something that may have been overlooked. We're
good?

MS. LANZETTA: Mm'hm'.

MS. BROOKS: Okay.

(Time noted: 8:33 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 31st day of May 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

TRONCILLITO BROTHERS

267 Lattintown Road
Section 108.3; Block 2; Lot 36

----- X

SKETCH
SITE PLAN

Date: May 16, 2016
Time: 8:34 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
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

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MS. BROOKS: The application before the Board this evening for Troncillito Brothers is for a revision to a site plan approval which previously was granted in 2006. The change is to allow outdoor storage. Right now there are recreational vehicles, a tow truck, a boat, a mobile RV repair vehicle that is stored at this site.

When the site plan approval was originally granted it was for an industrial use of an application, and at that point in time there had been a provision that there was to be no outside storage of any of those steel materials.

At this point in time we're looking for the addition of outdoor parking on the site. The outdoor parking basically is in the location of where all the agricultural trucks are. I only have one copy. This is actually a real picture from a camera in an airplane. I'll pass this picture along. You can see where the parking is that we're proposing now. It's consistent with all the agricultural parking that previously took place at the site when it was --

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CHAIRMAN BRAND: That's the ten to twelve spaces?

MS. BROOKS: Yes. We did receive Pat's comments. I could not find where this had gone to DPW previously. I'm not sure why it didn't back in 2006. I would have thought it would have gone back then. I couldn't find any documentation in my file where we had sent it. We'll send it at this point in time.

I will have to find out from the applicants where the sanitary facilities are because I do not know.

All the parking that they're showing is in the gravel and dirt areas, it's not in any of the lawns. I'm hopeful, since it was parking area previously, that the septic is not under that area.

MR. HINES: Do you know there actually is one?

MS. BROOKS: Actually I'm not positive there is a bathroom facility in there. I assumed there was because it was the office previously.

MR. HINES: I'm just trying to get a handle on it. The previous approval was for a

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steel fabricator.

MS. BROOKS: When we had previously gotten the approval back in 2006 we had originally gotten the approval solely for that particular tenant. In discussions with the Planning Board, the Planning Board had said it's a recycled agricultural building, you don't necessarily want to come back here every single time you have a new tenant. So instead of doing a co-application with that tenant and the owner, the Board's suggestion at that point in time was to have the generic site plan of light industrial activities and recyclable agricultural buildings, that way each time a tenant changed, as long as it fell within the general conformity of a recycled agricultural building and a light industrial activity, the applicant would not have to come back. I'm not sure how many tenants he's had since 2006 but this is the first tenant that he has in there that is expanding beyond what the original criteria was in that he has outdoor storage or parking of vehicles which were not previously approved in the 2006 plan.

MR. HINES: So it's going to become an

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automobile repair shop? Is that what it's going into?

MS. BROOKS: He repairs RVs, not automobiles, to the best of my knowledge. I think it's RVs. He has a large tow truck that can haul the RVs and he has a mobile motor vehicle repair shop that goes to where they are broken down on the road, where they are at an RV park, campground, wherever they happen to be. Yes, they are also on the site.

I actually have another photograph of the site now showing the location of the RVs, if you want to pass that around.

Yes, the hours of operation are 5 a.m. to 10 p.m., the hours of operation that had been previously set and were part of the site plan approval. I was trying to make as few changes as possible to the original site plan approval by just adding what we wanted to add, but certainly we can revise those hours to be more consistent with what the proposed use is going to be. It's certainly unusual to have a -- most uses don't have to be 5 a.m. to 10 p.m.

MR. HINES: The reason I asked the

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question about the repair is my understanding of the recycled agricultural building is it has to meet the other uses allowed in that section of the code, the RAG-1. I realize light industrial activities is in there but I don't know if automobile repair is. That's more of an HD zone use.

MS. BROOKS: I will clarify with Mr. Troncillito exactly what the use is on the site, whether it's just storage and they're brought there. I honestly do not know.

MR. HINES: Moving forward, I think a more detailed narrative at this point. We're starting to expand. I think it's clear the original user, the steel manufacturer, everything was indoors.

MR. TRAPANI: Ira Conklin was down in the back.

MR. HINES: They were using that there as a construction yard?

MR. TRAPANI: Yes. Those were the only two that were there until now.

MR. HINES: The building inspector has a concern that there are numerous vehicles there

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on the site now and are unregistered.

MS. LANZETTA: They're illegal to be there, period.

MR. HINES: Right. Worse, with this operation going on there, there's no license plates on there. He uses the term junkyard, which is specifically not allowed there.

MS. BROOKS: Do you have a letter of determination from the building inspector?

MR. HINES: Yeah.

MS. BROOKS: If I could get a copy of that.

MR. HINES: Sure. He's suggesting, and I have a comment in there, that a note be added to the site plan if this moves forward that no unregistered vehicles be allowed on that site so that there's not the -- I don't know how many vehicles are there. Apparently there's quite a few there now and quite a few proposed.

CHAIRMAN BRAND: Do we know if the vehicles currently there are registered or we don't?

MS. BROOKS: I personally do not. I'm reading this now saying they are not for

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unregistered motor vehicles. My understanding -- well again, on the photograph my understanding is that many of them were like tow behind RVs. There are some tow behinds and some --

MS. LANZETTA: I've got a lot of questions about this because if you look at the code for recyclable agricultural buildings, it says that any activities that take place here, first of all that they should be preferably something having to do with warehousing or storage within the buildings themselves. It's the use of the building, it's not the property. You have to be careful that you're not creating any nuisances with odor, noise, smoke, dust or traffic generation. I suspect that we would have a lot of that involved with doing a business of that type on here.

It also specifies that the business should not take up more than thirty percent of the property. With all these parking spaces and the building and blacktopping, it looks like we're about almost half of the property here.

MR. HINES: Especially if you take out the pond.

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MS. LANZETTA: Yeah. Even right from the get I don't know if this should even be entertained for this spot. If it does become something we're entertaining, then we have to really look at this as a site plan that requires a lot of modifications. There's going to be stormwater problems. I looked at the original site plan and the County's recommendations which will require modifications were never done then. I'm sure they are going to require them -- they're going to want them required for any updating of this site.

You know, we're really talking about if, if, and that's a big if, if we even consider having some use like this in this spot, it's going to require some big investment on the part of the property owners to do it correctly. I don't know if they really want to make that kind of investment.

CHAIRMAN BRAND: Anything else?
Comments?

MS. BROOKS: I will bring the comments of the Board back to the applicant and see where he stands in the matter and either be back or

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withdraw the application depending on what his determination is.

MR. TRUNCALI: Ron, could you kind of clarify for us what is allowed here?

MR. BLASS: It looks like we're under 155-21, recycled agricultural buildings. Storage, processing and packaging buildings shall include coolers, packing houses and barns. These buildings may be utilized for non-agricultural activities such as warehousing and long-term storage when conducted without public hazard or nuisance caused by odor, noise, smoke, dust or traffic generation. A principal building with attendant accessory buildings and outside storage shall occupy no more than thirty percent of the lot which shall be created for such purpose. Such lot shall not be smaller than the minimum of two acres. I'm assuming that the two acres is --

MR. HINES: This is 2.3.

MR. BLASS: And so the principal building, the recyclable agricultural building so to speak, and all accessory buildings shall occupy no more than thirty percent of the lot. So there's a mathematical standard there. The

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lot shall not be smaller than 2 acres. All buildings when recycled or completed shall meet the requirements of the New York State Uniform Fire Prevention and Building Code.

I would agree with Cindy that the gist of the recyclable agricultural building use is for storage, processing and packaging, warehousing and long- term storage. I guess the issue is whether that's what we have here or not. The question I guess is where is the storage, where is the processing, where is the warehousing in the context of this use.

MR. HINES: One question that came to mind is does it have a DMV license for repairing the vehicles? That would lead me to believe it's more an HD use.

MS. BROOKS: Right. If it does it's not --

MR. HINES: I don't know what the RV repair does. You can register them. I assume you must need a repair license to fix them.

MS. BROOKS: Okay.

MR. TRUNCALI: Ron, those uses that you're saying, those aren't the original uses of

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the building?

MR. HINES: Agriculture. This was direct towards when you had a lot more coolers that were -- really the farmers were looking for a use for the buildings.

MS. BROOKS: When we originally got site plan approval it was under two provisions. In the RAG-1 district, in addition to the recyclable agricultural buildings which was special use G, there are also special uses allowed, neighborhood stores, light industrial activities or businesses of a kindred nature engaged in the manufacturing, processing, packaging or warehousing of agricultural and related products when conducted without public hazard or nuisance, mining and excavation, community buildings, recreation, amusement, home occupations, helipads, nursery schools, kennels, residences, cluster developments, bed and breakfasts and resort hotels. Those are all the things that are allowed in the RAG-1 in addition to the recyclable agricultural buildings. If he doesn't fit into that criteria, then it's not a permitted use in that zone.

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MR. BLASS: When we're talking about a permitted use or not a permitted use, this is really on the desk of Tom Corcoran. He's the gatekeeper. He makes his own determinations. He interprets the code. I'm not sure that he's done that yet.

MR. HINES: He's waiting --

MS. BROOKS: Again, he's going on the premise that the existing use is a recyclable agricultural building. I think what I'm hearing the Board saying is it has to prove that it's a recycled agricultural building and not an automotive establishment. So I have to -- the burden of proof is on the applicant to show the Board what the actual use is.

MR. BLASS: When the code speaks to vehicle sales or vehicle repairs, it does so specifically as Pat indicated such as in the HD zone, under special uses you'll have automobile service repair, filling stations, new and used car sales. So I think there's a distinction between vehicle repair and light industrial activity.

MS. LANZETTA: Yes.

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MR. BLASS: They're not the same. They're treated differently by the code. So this is really -- this is really an issue of permissible use or impermissible use, which is really not something that you guys typically get involved in. It's the zoning administrator's call.

CHAIRMAN BRAND: We bounce it back to them?

MR. HINES: We can ask them.

MS. BROOKS: Thank you.

CHAIRMAN BRAND: Thank you.

(Time noted: 8:49 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
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I further certify that I am not
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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 31st day of May 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

MICHAEL MANIATIS

127 Church Street
Section 103.1; Block 2; Lots 29, 30 & 31

----- X

SKETCH
LOT LINE REVISION

Date: May 16, 2016
Time: 8:49 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
JOSEPH LOFARO
MANNY CAUCHI
STEVE CLARKE

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

APPLICANT'S REPRESENTATIVE: MICHAEL MANIATIS

----- X

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

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MICHAEL MANIATIS

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CHAIRMAN BRAND: Next up, Mr. Maniatis.

Did I get that right?

MR. MANIATIS: Good afternoon. My name is Michael Maniatis, I'm the owner of the property. I'm here with my wife, Mary Ellen, sitting over there.

We live at 127 Church Street, right around the corner from here. I've been there about going on seven years.

Anyway, about a year-and-a-half ago the application was for a lot line revision. A year-and-a-half ago we bought the house next door which was 125 Church Street. The property line was a little unusual in that that property went all the way around our property like a horseshoe. It was divided up into three different properties. I don't know if you have a map there. The property we purchased was 103.1-2-31, our property was 32 -- was 30, and then there was another little piece of property on the end which was dash 29 which was owned by lot 31. It just had a different tax code. It's separate. So anyway, we acquired that property.

So what we'd like to do is annex that

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MICHAEL MANIATIS

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property, so annex 29 to 30, and then we extend the lot line pretty much straight back so the property behind the house would be part of the house.

If you have any questions.

MR. TRUNCALI: There's no other structures on the piece that you're adding?

MR. MANIATIS: No. The structures that you see are -- lot 31 is a house and a one-car garage, and then on our property there's a house and a one-car garage. That's it.

CHAIRMAN BRAND: So lot 2 that you have this mapped as, essentially there's just going to be a straight rectangular lot and this is all going to be one, 30, 29 and this piece?

MR. MANIATIS: Right. 29 will be annexed to 30.

CHAIRMAN BRAND: Do you actually own across the street as well?

MR. HINES: Yes.

MR. MANIATIS: Technically -- there's a hill there. There's a road and then it goes up a hill. So it's kind of unusable property. I know it's unusual. Our property extends in there but

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MICHAEL MANIATIS

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there's nothing you can do it with it.

CHAIRMAN BRAND: Ron, you had a couple comments. I'm sorry. Pat, you had a couple comments.

MR. HINES: Yeah. We have comments about the roadway. We're suggesting that it get submitted to Gael. We had one similar to this down along the river recently. We would like him to weigh in on it. If in fact Gael does agree, we would want at least the roadway and the maintained roadway there shown in the dashed lines to be depicted as a road by use to clearly define the Town has rights to that road by maintaining it.

MR. MANIATIS: What road is that?

MR. HINES: Church Street.

MR. MANIATIS: That's just a public road. The fact that our property line extends beyond it, it's kind of curiosity but --

MR. HINES: It's not unusual. Typically if this was a new subdivision and not a lot line change the Board would require a dedication strip where that would be dedicated to the municipality for roadway use. Because it's a

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lot line change which has a little smaller scrutiny, the Board, at a minimum, is going to send it to the highway superintendent to make a determination whether he wants that portion dedicated. I think if he doesn't want it specifically dedicated it should be labeled as a road by use to protect the Town's rights that they have there for any future use and maintenance of those roadways. It could impact the use. Potentially I don't think it's enough to affect the bulk area of the one lot. It is something Gael will have to weigh in on. We had one of these six months ago in Milton as well along the railroad tracks. Gael said he did not want an additional right-of-way there. That may be the case here, but we have to let him weigh in on it.

The other thing is we want to confirm that the lots are connected to both the municipal water and sewer.

MR. MANIATIS: We don't have sewer.

MR. HINES: We're going to need to see where the septic systems are shown on the map, at least to determine that they are -- that each of

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MICHAEL MANIATIS

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the house maintains their own septic system after the lot line change.

MR. MANIATIS: Yes. That's not an issue.

MR. HINES: It's probably the case but we need it shown on the map.

MR. MANIATIS: No problem.

MS. LANZETTA: Can we schedule it for a public hearing?

MR. HINES: I think so. As long as Gael is okay with it, I don't see any major hurdles here that can't be addressed in the next month.

CHAIRMAN BRAND: He could probably get those to us before June 20th.

MR. HINES: Yeah.

CHAIRMAN BRAND: Let's schedule this for the public hearing as well on June 6th.

MR. MANIATIS: Do you want me to submit a revised drawing showing septic?

MR. HINES: In the meantime I gave this woman here a copy of my comments. You'll be able to address that. If he has any questions he can call my office.

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MICHAEL MANIATIS

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MR. CLARKE: Make sure there's a provision for a reserved field as well as a septic.

MR. MANIATIS: Say that again.

MR. CLARKE: As well as the existing septic, you need an area called a reserve field, in case the initial septic field fails you have someplace to go.

MR. MANIATIS: Right. Okay.

CHAIRMAN BRAND: I think that's it.
Thank you.

MS. LANZETTA: I'll make a motion to schedule this for a public hearing on June 6th.

MR. LOFARO: I'll second.

CHAIRMAN BRAND: All those in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

Approved.

Anything else to bring before the

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Board?

(No response.)

CHAIRMAN BRAND: A motion to adjourn?

MR. CLARKE: So moved.

CHAIRMAN BRAND: A second?

MR. TRUNCALI: I'll second.

CHAIRMAN BRAND: All in favor?

MR. CLARKE: Aye.

MR. TRAPANI: Aye.

MS. LANZETTA: Aye.

MR. TRUNCALI: Aye.

MR. CAUCHI: Aye.

MR. LOFARO: Aye.

CHAIRMAN BRAND: Aye.

(Time noted: 8:56 p.m.)

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

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