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

In the Matter of

5

TADDEO/POLLOCK

6

7 Project No. 15-8008
24 & 26 Main Street
8 Section 103.9; Block 2; Lots 29 & 30

10 SKETCH - LOT LINE REVISION

11 Date: August 17, 2015
12 Time: 7:30 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: JOEL TRUNCALI, Chairman
16 BEN TRAPANI
16 CINDY LANZETTA
17 STEVEN CLARK
17 EMANUEL CAUCHI

18 ALSO PRESENT: RONALD BLASS, ESQ.
19 PATRICK HINES
KATHI NATLAND
MICHAEL MUSSO

21 APPLICANT'S REPRESENTATIVE: BILL EGGER

2 CHAIRMAN TRUNCALI: If we all could
3 rise for the Pledge to the flag.

4 (Pledge of Allegiance.)

5 CHAIRMAN TRUNCALI: "Agenda, Town of
6 Marlborough Planning Board, August 17, 2015.
7 Regular meeting 7:30 p.m. Approval of
8 stenographic minutes for 6/15, 7/6.
9 Taddeo/Pollock, sketch, lot line revision; N&A
10 Development, sketch, lot line revision; Cellco
11 Partnership d/b/a Verizon Wireless, sketch,
12 amended site plan; Kedem Winery, sketch, amended
13 site plan; Santini/Bizzy Bears, sketch, site
14 plan. Next deadline: Friday, August 21st. Next
15 scheduled meeting: Tuesday, September 8th."

16 Taddeo/Pollock. Is anyone here for
17 that?

18 (No response.)

19 CHAIRMAN TRUNCALI: I guess we'll skip
20 them until later if they come.

21 The stenographic minutes for 6/15, we
22 can vote on approving those.

23 MS. LANZETTA: Did we get those?

24 MR. TRAPANI: The last time.

25 MS. LANZETTA: I thought we approved

2 everything.

3 CHAIRMAN TRUNCALI: The ones for 7/6
4 we'll hold off on until the next meeting.

5 Do I have a motion to approve the
6 minutes for 6/15?

7 MR. TRAPANI: I'll make that motion.

8 CHAIRMAN TRUNCALI: A second?

9 MS. LANZETTA: I'll second it.

10 CHAIRMAN TRUNCALI: All in favor?

11 MR. TRAPANI: Aye.

12 MS. LANZETTA: Aye.

13 MR. CLARK: Aye.

14 MR. CAUCHI: Aye.

15 CHAIRMAN TRUNCALI: Aye.

16 All opposed?

17 (No response.)

18 CHAIRMAN TRUNCALI: So carried.

19 I'd like to welcome our new Board
20 Member, Manny Cauchi. Welcome.

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

22 (Time resumed: 8:38 p.m.)

23 CHAIRMAN TRUNCALI: Is there anyone
24 here for the Taddeo application? You missed your
25 turn.

2 MR. EGGERS: I was trying to find the
3 door. I missed it. I didn't know you were
4 meeting in the courtroom. I was on the other
5 side of the building.

6 MR. HINES: You were lonely.

7 MR. EGGERS: There are no cars there.

24 CHAIRMAN TRUNCALI: Pat, did you want
25 to go over your comments?

2 MR. HINES: I can't for the life of me
3 figure out where this property line is. Maybe
4 you can help me. Was there a place --

5 MR. EGGERS: There was an overlap
6 technically. I felt there was an overlap.

7 MR. HINES: I'm sorry but I'm going to
8 have him point this out. I've got two lot lines
9 to be deleted and a new lot line.

10 MR. EGGERS: This is where we were
11 saying that Pollock's line was and this is where
12 his surveyor was saying his line was. There was
13 a dispute about five feet out in the street and
14 then it narrows down to a point in the back.
15 What we've done is compromise so much down the
16 middle.

17 MR. HINES: My concern is here
18 somewhere -- I'm worried about creating a zoning
19 issue on the five-foot side yard setback based on
20 where the line actually was. This zone has a
21 five-foot side yard.

22 MR. BLASS: Where is the zone line?

2 five feet.

3 MR. BLASS: The new compromised line
4 might make a deficiency for setback?

5 MR. HINES: Correct.

6 MR. EGGERS: Somebody thought the
7 line before was not in conformance.

8 MR. BLASS: You don't want to create a
9 zoning deficiency if you can avoid it, otherwise
10 you need a variance.

11 MR. HINES: It does by default. If
12 this was the property line, then I'm making this
13 worse. If this was the property line, then I'm
14 making this worse. Striking a line down the
15 middle is creating a zoning issue but I don't
16 know which one is right or wrong. I'm wondering
17 if there's a way to do this not involving the
18 Planning Board.

19 MR. EGGERS: That was actually my --
20 originally I told them it's not a boundary
21 agreement, it's not a boundary adjustment. We
22 have a discrepancy over the line, you just agree
23 to where it's supposed to be and just be done
24 with it. The attorney for one of the parties
25 said oh no, no, I want to get a map filed and

2 make sure they don't have issues in the future
3 with title. That's why we're here. I thought we
4 should just sign the agreement and say that's it.

5 MR. BLASS: Maybe you want some time to
6 reconsider.

7 MR. EGGERS: I've been considering this
8 for almost a year now.

9 MR. HINES: I stared at it for about an
10 hour and I couldn't figure out what was going on.
11 Now I know there's a discrepancy in the property
12 lines. The side yard setback in the zone is five
13 feet. It's either zero if their lots are
14 touching, which is fine, or five feet.

15 MR. CLARK: The buildings are there.
16 They're existing.

17 MR. HINES: That's fine in that
18 condition. By changing the lot line you're
19 making one or more of them less conforming which
20 creates a zoning bulk table issue. I understand
21 the commonsense reason but --

22 MR. BLASS: Commonsense might dictate
23 reconsideration of the attorney's opinion on the
24 wisdom of having the map as opposed to just
25 handling this inhouse.

2 MR. EGGERS: Otherwise you're saying
3 you think it would have to go -- I heard somebody
4 say the Zoning Board of Appeals. A variance just
5 to do something that really is not an issue to
6 begin with.

7 MR. BLASS: You're looking to maintain
8 the buildings that exist now?

9 MR. EGGERS: Right. There's no change.

10 MR. BLASS: To eliminate some sort of
11 potential property line dispute between
12 neighbors?

13 MR. EGGERS: Right.

14 MR. BLASS: Maybe you want to do that
15 privately. I mean if you took it back and had
16 people reconsider their positions, they might
17 just --

18 MR. EGGERS: I only have one person who
19 has an issue with that and that's an attorney,
20 SO --

21 MR. BLASS: Well, they've been known to
22 change their mind.

23 MR. EGGERS: Yes. All right.

24 MR. HINES: You're going to go before
25 the ZBA and they are going to say what relief do

2 you want.

3 MR. EGGERS: Right.

4 MR. HINES: I don't know. I just know
5 by moving it you're making one of the side yards
6 less conforming.

7 CHAIRMAN TRUNCALI: How come I don't
8 see where they are moving it?

9 MR. HINES: Let me jump in here now
10 that I know what's going on and try to help. The
11 surveyor's opinion on here is that this is one
12 person's lot line they say and this is one
13 person's lot line. So in between those two
14 points is a boundary dispute. This commercial
15 building thinks that's their property line. This
16 house thinks that's their property line. The
17 deal was they're going to split it somewhere down
18 here. By doing that they're making this building
19 less conforming or this building less conforming,
20 and neither of them have a five-foot side yard.
21 You would have to send it to the ZBA.

22 CHAIRMAN TRUNCALI: How far from this
23 building? How far are you?

24 MR. EGGERS: It's three feet three
25 inches from here and this is six foot four over

2 here. So we've got -- we don't have room for
3 five feet. You can't get five feet at either
4 end.

5 CHAIRMAN TRUNCALI: You're making it
6 less conforming. He was conforming.

7 MR. HINES: He was conforming under his
8 survey. That was the bakery. We reviewed it as
9 the bakery and we said it's conforming.

10 MR. CAUCHI: What do you think should
11 be done?

12 MR. HINES: I like the idea of him
13 doing the boundary agreement and not involving --
14 I don't think you can approve it because you're
15 an administrative review board and it says it's
16 either five feet or zero feet. It would have to
17 go to the ZBA is their next step. He can try and
18 have the ZBA grant whatever relief they can
19 figure out. Those are the two options, it goes
20 to the ZBA to explain this and they strike
21 some --

22 MR. EGGERS: Usually if something is
23 nonconforming and you make it less
24 nonconforming --

25 MR. HINES: I would agree. If

2 you're making it less conforming you would be okay.

3 Either way you move this line you're making one or

4 the other more nonconforming. There's either the

5 ZBA relief or a private agreement through the

6 attorneys I believe. Ron is saying that's possible.

7 That doesn't get you a filed map.

8 MR. EGGERS: No. Then they can --

9 MR. HINES: The ZBA relief does. ZBA

10 back to here.

11 MR. EGGERS: I'll see how far they want

12 to string it out. See the date on the map there?

13 February. That was when we actually came to

14 terms on where the line was going to be. That

15 took about four months to get to that point.

16 MR. GAROFALO: I have a question. Can

17 they just decide which of the lines is correct?

18 MR. HINES: No.

19 MS. LANZETTA: It goes to the ZBA.

20 Either way it goes to the ZBA.

21 MR. GAROFALO: If they agree -- let's

22 say one of them paid off the other, here is some

23 money, could they jointly say --

24 MR. HINES: They being the parties

25 involved here? Absolutely.

2 MR. GAROFALO: It would actually make
3 it cheaper for them.

4 MS. LANZETTA: That's what we're
5 suggesting.

6 MR. GAROFALO: Let's decide one way or
7 the other, whoever gets the more property is who
8 pays more.

9 MR. HINES: That's sounds easy too.

10 Have you ever had property taken away from you?

11 MR. GAROFALO: Just a suggestion.

12 MR. EGGERS: Just to get them to agree
13 on a compromise, that was --

14 CHAIRMAN TRUNCALI: All right. Sorry
15 we couldn't help you.

16 MR. EGGERS: Thank you.

17 CHAIRMAN TRUNCALI: Is there any other
18 new business?

19 MR. TRAPANI: No.

20 CHAIRMAN TRUNCALI: Then I'll entertain
21 a motion for adjournment.

22 MR. TRAPANI: I'll make that motion.

23 MR. CAUCHI: I'll second it.

24 CHAIRMAN TRUNCALI: All in favor?

25 MR. TRAPANI: Aye.

2 MS. LANZETTA: Aye.

3 MR. CLARK: Aye.

4 MR. CAUCHI: Aye.

5 CHAIRMAN TRUNCALI: Aye.

6

7 (Time noted: 8:49 p.m.)

8

9

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

11

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

21

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23

24

25 DATED: September 7, 2015

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4 ----- X
5 In the Matter of
6

7 N&A DEVELOPMENT
8

9 Project No. 15-8003
10 Summit Drive
11 Section 108.4; Block 6; Lots 29.310
12 ----- X

13 SKETCH - LOT LINE REVISION
14

15 Date: August 17, 2015
16 Time: 7:35 p.m.
17 Place: Town of Marlborough
18 Town Hall
19 21 Milton Turnpike
20 Milton, NY 12547
21

22 BOARD MEMBERS: JOEL TRUNCALI, Chairman
23 BEN TRAPANI
24 CINDY LANZETTA
25 STEVEN CLARK
26 EMANUEL CAUCHI
27

28 ALSO PRESENT: RONALD BLASS, ESQ.
29 PATRICK HINES
30 KATHI NATLAND
31 MICHAEL MUSSO
32

33 APPLICANT'S REPRESENTATIVE: NICHOLAS GALLELA
34

35 ----- X
36 MICHELLE L. CONERO
37 10 Westview Drive
38 Wallkill, New York 12589
39 (845) 895-3018
40

2 CHAIRMAN TRUNCALI: N&A
3 Development.

4 The last time you were here you had a
5 few things to change on your map and your
6 application.

7 MR. GALLELA: The new map has been
8 corrected, and the application has been as well.
9 Everything is here.

10 MR. HINES: The last time it was
11 presented as a sketch. You have the survey now
12 from the licensed surveyor that's been stamped.
13 The metes and bounds for all the lots that are
14 involved have been added to the plans depicting
15 compliance with the zoning and bulk tables for
16 each of the respective lots.

17 Our only outstanding comment left was
18 it requires a public hearing for the lot line
19 change.

20 CHAIRMAN TRUNCALI: We did request the
21 moving of the driveway on the one lot which you
22 did do?

23 MR. GALLELA: Yes.

24 MR. CLARK: Was the short form E.A.F.
25 redone?

2 MR. HINES: They did submit a new short
3 form E.A.F., yes.

4 CHAIRMAN TRUNCALI: Does anyone else
5 have anything?

6 MS. LANZETTA: For the public hearing
7 is your surveyor going to be here?

8 MR. GALLELA: I haven't asked him to
9 be, no.

10 MS. LANZETTA: You would just --

11 MR. GALLELA: I'll be here.

12 MS. LANZETTA: -- representing
13 yourself?

14 MR. GALLELA: Yes.

15 MS. LANZETTA: Okay.

16 CHAIRMAN TRUNCALI: If there's nothing
17 else, I can entertain a motion to schedule for a
18 public hearing.

19 MR. TRAPANI: I'll make that motion, to
20 schedule a public hearing on this case.

21 MR. CLARK: I'll second it.

22 CHAIRMAN TRUNCALI: All in favor?

23 MR. TRAPANI: Aye.

24 MS. LANZETTA: Aye.

25 MR. CLARK: Aye.

2 MR. CAUCHI: Aye.

3 CHAIRMAN TRUNCALI: Aye.

4 All opposed?

5 (No response.)

6 MR. GALLELA: Thank you.

7 CHAIRMAN TRUNCALI: What is the date of
8 the next public hearing?

9 MS. NATLAND: September 8th, --

10 CHAIRMAN TRUNCALI: September 8th.

11 MS. NATLAND: -- Tuesday.

12

13 (Time noted: 7:38 p.m.)

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

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

23 DATED: September 7, 2015

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

In the Matter of

CELLCO PARTNERSHIP
d/b/a VERIZON WIRELESS

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

SKETCH - AMENDED SITE PLAN

11 Date: August 17, 2015
12 Time: 7:38 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: JOEL TRUNCALI, Chairman
16 BEN TRAPANI
16 CINDY LANZETTA
17 STEVEN CLARK
17 EMANUEL CAUGHT

18 ALSO PRESENT: RONALD BLASS, ESQ.
19 PATRICK HINES
KATHI NATLAND
MICHAEL MUSSO

21 APPLICANT'S REPRESENTATIVE: DAVID BRENNAN

MICHELLE L. CONERO

10 Westview Drive

Wallkill, New York 12589
(845) 895-3018

2 CHAIRMAN LOGUE: Kedem Winery.

3 MR. HINES: Do you want to do Verizon?

4 CHAIRMAN TRUNCALI: Did I skip one?

5 Sorry. Hold up. All right. Is Verizon Wireless
6 here?7 MR. BRENNAN: Good evening. May I sit
8 down? My name is Dave Brennan, I'm with the law
9 firm of Young, Sommer. I'm filling in. My
10 associate, Hyde Clark, was here I think at one of
11 the last meetings. I'm filling in for Mr. Clark.12 We're here this evening on a proposed
13 co-location of twelve new antennas on an existing
14 260 foot guide tower on Mt. Zion Road. Verizon
15 Wireless is proposing to add twelve antennas at
16 the 160 foot center line height and also add a
17 twelve-foot by thirty-foot equipment shelter at
18 the base of that tower.19 I believe at the last meeting it was
20 referred out to the Planning Board's consultant,
21 Mr. Musso, who I have heard of him but I've never
22 actually met him. I don't know if he's here this
23 evening.

24 CHAIRMAN LOGUE: He's here tonight.

25 MR. BRENNAN: Excellent. I know Scott

2 from my office deals with him more regularly but
3 I haven't.

4 I think the materials have been
5 submitted and we're here maybe for an interim
6 report. I defer to the Board and their
7 consultant on how you want to handle this. Maybe
8 we can see where we are with the status and go
9 from there.

10 MR. MUSSO: I have some verbal comments
11 to make, Mr. Chairman, if that's okay for
12 tonight.

13 We received supplemental information
14 from the applicant last week. At the
15 July 20th meeting they picked up an
16 application after the AT&T hearing was over.
17 We started reviewing it. I visited the site
18 also because I hadn't been there in quite
19 awhile. I have some pictures for you tonight
20 I want to run through quickly. We put
21 together a list of clarification needs and
22 additional info.

23 The applicant I think was responsive
24 to our information request, which I'll go
25 over point by point in a minute. We are just

2 finishing up a couple clarifications and
3 we'll submit a tech memo, much briefer I
4 think than the alternate site analysis we had
5 up on the screen for the other application,
6 before the next meeting. I think it
7 is appropriate for you guys to
8 consider a public hearing perhaps.

9 Let me run you through what we have
10 so far and my preliminary comments. These
11 are some photos from the Mt. Zion Road tower
12 site. These were taken on July 29th. I just
13 wanted to orient you in case you maybe
14 haven't been there in quite awhile.

15 Just running through these very
16 quickly. The first photo is the ground-based
17 area.

18 MR. BRENNAN: Could I have a copy,
19 please?

20 MR. MUSSO: Yes. The first photo is
21 the ground-based area. You might notice some
22 bollards and chains out front. That's a recent
23 update on the tower site. The tower is owned by
24 American Tower which is a large nationwide cell
25 tower infrastructure company. They're not a

2 carrier but they're the owner and operator of
3 this tower.

4 Just flipping through, in the second
5 photo you can see an existing AT&T array. The
6 proposed Verizon array is going to look similar
7 to this. It's about ten feet below this one at
8 160 feet. You can also see some existing
9 antennas above that. One of the things we had
10 asked for was a full inventory of who is on this
11 tower now. I knew about AT&T working on this in
12 the past but there are other antennas. We did
13 receive that, so we have a full inventory and
14 understanding of who is there.

15 The next photo shows the anchoring for
16 the guide cables. This is a lattice tower but
17 it's designed and supported by guide cables.

18 As you might notice in the following
19 photograph, this is an upgrade that's been done.
20 I believe it was done in 2014. American Tower
21 had gone before the building department to do
22 some upgrades on this, probably anticipating a
23 co- location in the future. So there were some
24 upgrades at the site. The site I think is
25 generally well maintained based on my experience

2 with cell towers.

3 The following photo shows an equipment
4 cabinet. This is at the base of the tower.
5 Verizon will be proposing something very similar
6 to this right next to the existing.7 You can see some fencing after that, a
8 view back to Mt. Zion Road. Just the general
9 nature.10 The last two photos show the top view
11 of the tower. So again, this is a 260 foot
12 tower. It's a pretty tall tower. There's
13 lighting that exists on it. That is needed.14 Verizon is not looking to increase the
15 size of the tower or the design or the cables. I
16 think that's already been done. They're looking
17 to place another array below the existing AT&T
18 one.19 What we had asked about, and just to
20 run you through that, we wanted to see a copy of
21 the structural assessment of the tower. It
22 wasn't provided -- it was not provided with the
23 initial materials. We wanted to give a check of
24 that. We have a structural engineer who also
25 visited the site with me. He's happy with that

2 report. We have a couple clarifications to make
3 regarding the inclusion of Verizon and the
4 overall findings of the structural analysis. It
5 says it passes with modifications. The report is
6 from 2014. Part of the supplemental materials
7 say hey, these modifications have been made
8 already. So we need to connect the dots in our
9 memo, which we'll do in a paragraph or two.

10 We also asked about the equipment
11 shelter. There is a ground-based shelter, thirty
12 feet long by twelve feet wide, right off a box
13 truck, usually brown color. That's where Verizon
14 will store it's radios and base station
15 equipment.

16 The applicant is proposing not to
17 extend the fencing of the existing equipment
18 compound. You may have seen in the photos those
19 equipment cabinets are within a fenced-in area.
20 They give some justification for doing that.
21 They would need more setback which would eat into
22 the access path that goes up to the site, and
23 certainly they need to maintain responsibility
24 that these things are locked and secured. So
25 that's something I'll put into our memo and

2 perhaps a consideration for this Board to opine
3 on. I've seen it both ways. Much of the time
4 there's a dedicated, completely fenced-in area at
5 the base of the tower, but I have worked on
6 Verizon applications in Orange County where they
7 weren't into bumping out the fencing and they
8 have a complete secure equipment compound of
9 their own. So they did provide clarification on
10 that.

11 I wanted to check also that all of the
12 anchors for the guide cables are on American
13 Tower property. They confirmed that they are.
14 Some of these go quite a distance away from the
15 tower when you visit the site.

16 I think there Mr. Hines had brought up
17 at the last meeting whether or not they were on
18 someone else's property. I think that's all been
19 resolved.

20 MR. HINES: In 2005 they were here for
21 the application then, some lot lines changes. At
22 that time they were on adjoining properties.

23 MR. MUSSO: Thanks, Pat. That was at
24 the time AT&T first co-located. It makes me
25 happy that all the components of that tower are

2 on the subject property.

3 I noted I wanted to get a full
4 inventory of all antennas and operators, so they
5 provided that.

6 I also asked a very fundamental
7 question, you know, what is the need for the
8 site. So I asked for coverage maps. Those were
9 not provided the first time around but in the
10 supplemental materials they gave me a couple maps
11 with frequencies with and without the Verizon
12 site. So I'll talk to Pat in the tech memo that
13 that's justification for a site here in
14 Marlborough. I also asked for a
15 radiofrequency emissions report including all the
16 antennas that exist, AT&T and the other
17 providers, and Verizon, to make sure that at
18 ground level there's nothing encroaching the
19 acceptable limits for people living or working or
20 driving by cell towers.

21 I also asked for a statement about the
22 priority of the site. Priority one in the code
23 would be existing tall structures on Town-owned
24 property. This site is actually priority two,
25 the second highest. It's an existing structure

2 but it's not on Town property. Tectonic, one of
3 the applicant's engineers, have provided a
4 statement, which I'll confirm, that there's no
5 other Town-owned property that would make sense.

6 I noted to the applicant that
7 discussions on things like signage or landscaping
8 around the ground would be part of our report,
9 part of your discussion when the time comes.

10 As far as a County referral, it doesn't
11 appear that a County referral is necessary for
12 this. Pat might want to chime in on that.
13 There's no County or State roads adjacent, and
14 the Town boundary is more than 500 feet away.
15 Tectonic had also provided an analysis of that.

16 One of the clarifications I need to
17 make is the emergency generator. There will be
18 at the site an emergency generator. It will be
19 completely enclosed within that twelve by thirty
20 foot shelter. Some of the things we took a look
21 at are noise attenuation and also secondary
22 containment. I need to see a spec on that. I
23 hope to get that within the next couple days and
24 that will be included in the report.

25 Otherwise I think it's a fairly -- I

2 don't want to say straightforward application but
3 I think this is the spirit of the code is to
4 utilize the existing infrastructure. There will
5 be no appreciable changes.

6 There was a short form E.A.F. provided.
7 No photo simulations were provided with this. I
8 don't advocate the need for those photo
9 simulations. Really at a distance I think most
10 people will not notice this new array that's up
11 there.

12 That's about it. That's a thumbnail of
13 what we received. I think it's adequate and
14 substantially complete at this point. I'll leave
15 it to you guys for discussion or any other
16 questions.

17 CHAIRMAN TRUNCALI: Okay.

18 MR. TRAPANI: Where is the other
19 storage building going to be in comparison to the
20 one that's there now?

21 MR. MUSSO: So if --

22 MR. TRAPANI: The south side, north
23 side of it?

24 MR. MUSSO: It would be on the west
25 side.

2 MR. TRAPANI: On the west side. It's
3 going to be in front of this then?

4 MR. MUSSO: Yes. Toward the road on
5 the west side. Going south you'd run into a
6 slope --

7 MR. TRAPANI: Right.

8 MR. MUSSO: -- and also the access path
9 that comes up.

10 MR. TRAPANI: East, too.

11 MR. MUSSO: When you go east into the
12 woods there's an immediate drop off.

13 MR. TRAPANI: Not much level property.

14 MS. LANZETTA: That's it.

15 MR. TRAPANI: It's going to be right in
16 front of here.

17 MR. CLARK: It's less than a tractor
18 trailer. It's smaller than a tractor trailer.

19 MR. MUSSO: Twelve by thirty and about
20 nine feet tall.

21 MS. LANZETTA: As in comparison to this
22 ground building, is it comparable?

23 MR. MUSSO: Yes.

24 MR. BRENNAN: It looks just like it but
25 it's a little bit longer. It will go across the

2 front of the generator that you can see and block
3 the view.

4 MR. CLARK: It's a very low density
5 area in terms of population.

6 MS. LANZETTA: You think.

7 MR. MUSSO: The scale of the proposed
8 is just like that but it will be towards me in my
9 perspective taking that photo.

10 MR. BRENNAN: I would say that's
11 probably a twelve by twenty shelter, give or
12 take, that's existing. It has an external
13 generator. It would basically I would say
14 block --

15 MR. CLARK: You're almost at the end of
16 -- it's not a dead end road but it might as well
17 be, unless you have a serious vehicle.

18 MR. MUSSO: My site observations going
19 up there, there are no signs of vandalism. It's
20 a pretty hefty fence up there. The guide cables
21 are in place. It looks like it's just something
22 that's kind of tucked away off the road. The
23 existing site seemed to be in order with
24 everything. I was very happy that American
25 Tower, you know, they got the structural report

2 to us right away. They seemed to really be on
3 top of the site in my opinion.

4 CHAIRMAN TRUNCALI: Does anyone else
5 have anything?

6 MR. KNEETER: What is going to fuel the
7 generator?

8 MR. BRENNAN: It's diesel.

9 MR. KNEETER: How big a tank?

10 MR. BRENNAN: 240 I think is the
11 maximum.

12 MR. MUSSO: A 50 kilowatt generator.

13 There's an outside lock built for it within the
14 equipment shelter.

15 MR. KNEETER: It's going to be within
16 the fence?

17 MR. BRENNAN: It's inside the building.

18 MR. MUSSO: It's inside the building.

19 MR. BRENNAN: It's a double wall tank
20 with internal monitoring that signals back if
21 there's any release to the intersequal space.

22 MR. KNEETER: Is there a dike around
23 the tank?

24 MR. BRENNAN: I'm sorry?

25 MR. KNEETER: Is there a dike around

2 the tank?

3 MR. HINES: Typically it's a double
4 wall tank.

5 MR. MUSSO: Within the shelter.

6 MR. KNEETER: Thank you.

7 MR. CLARK: It's Marlborough Fire
8 District.9 MR. MUSSO: That's a good question. So
10 we do need the spec on that exactly but it is 50
11 kilowatt. We know that from the drawings. The
12 existing information we have. We always look at
13 the secondary containment, and we look at noise
14 as well.15 CHAIRMAN TRUNCALI: This is not a
16 public hearing but we will entertain a couple of
17 questions.18 MR. GAROFALO: Cell towers are an
19 important infrastructure. I know the Town has
20 written an emergency management plan. I think it
21 would be a good idea to make sure that they get
22 emergency contact information in case there's a
23 problem.

24 MR. HINES: It will be on the fence.

25 MR. MUSSO: That's a great point.

2 Signage is required by the FCC. I believe it's
3 in the Town Code, too, under the wireless
4 telecommunication facility. It's not something
5 that's grossly obtrusive visually. My photos
6 that -- you can see the existing.

7 MR. GAROFALO: I was thinking it should
8 be in the plan itself and not just on the sign so
9 they don't have to go up there, they can just
10 call right away.

11 MR. MUSSO: The Town -- certainly the
12 building inspector will have that at their
13 fingertips. That is a good point. That's
14 something that we'll put into the conditions. I
15 don't think that's clear right now on what size
16 signage and what not.

17 MR. BRENNAN: Okay.

18 MR. MUSSO: I'll give you comments on
19 that.

20 MS. LANZETTA: I would like to make a
21 motion based on the amount of information we've
22 been given that we schedule a public hearing at
23 our next meeting.

24 MR. TRAPANI: I'll second that.

25 CHAIRMAN TRUNCALI: All in favor?

2 MR. TRAPANI: Aye.

3 MS. LANZETTA: Aye.

4 MR. CLARK: Aye.

5 MR. CAUCHI: Aye.

6 CHAIRMAN TRUNCALI: Aye.

7 All opposed?

8 (No response.)

9 CHAIRMAN TRUNCALI: So carried.

10 UNIDENTIFIED SPEAKER: I just had a
11 question. I know it's not a public hearing but
12 the anticipated improvement in the coverage you
13 mentioned before, what is that? What benefit
14 will it be to the Town?

15 MR. MUSSO: There's no Verizon facility
16 currently in the Town of Marlborough. One of the
17 things I had asked for was what existing Verizon
18 sites in neighboring communities are providing
19 some coverage within the Town boundaries. This
20 will shoot down directly east towards the 9W
21 corridor and in the northern part of Town.

22 Pat, do you have a coverage map?

23 MR. HINES: Yes.

24 UNIDENTIFIED SPEAKER: The short answer
25 is it should be an improvement?

2 MR. MUSSO: It will be.

3 UNIDENTIFIED SPEAKER: Hudson Valley
4 has the worst cell phone coverage in the United
5 States. I think Marlborough --

6 MR. MUSSO: It should be a substantial
7 coverage increase certainly.

8 UNIDENTIFIED SPEAKER: So we will
9 notice a difference? We won't notice a
10 difference physically but we'll notice it in
11 terms of our coverage as a Verizon user.

12 CHAIRMAN TRUNCALI: Thank you.

13 MR. BRENNAN: Thank you.

14 CHAIRMAN TRUNCALI: So the public
15 hearing will be September 8th.

16 MR. BRENNAN: One quick question. As
17 far as in the code it talks about notifying
18 surrounding properties within 300 feet.

19 CHAIRMAN TRUNCALI: Contact Kathi, the
20 secretary. She'll get you hooked up with who has
21 to be notified.

22 MS. LANZETTA: Can I also ask you for
23 the purposes of the public hearing that you bring
24 a lot of this information in electronic form so
25 that we can put it on the screen so the public

2 will be able to view it easier?

3 MR. BRENNAN: Absolutely. Just for
4 purposes of doing that, do you have a projector
5 or --

6 MS. LANZETTA: We can get one, yes.
7 You'll need one.

8 MR. BRENNAN: Okay. My humble
9 experience is I'm not sure anyone will show up
10 for a public hearing like this. Maybe I'm
11 dealing with a different area. Maybe I'm
12 mistaken. I'll certainly be prepared. I was
13 going to bring presentation boards but I'll bring
14 a thumb drive and we can do it electronically.

15 MS. LANZETTA: I have talked with the
16 town councilman and he says he can make a
17 projector available to us.

18 MR. BRENNAN: We have one in the
19 office. I can just bring my own stuff and we
20 don't have to worry about imposing on other
21 people or compatibility issues. I'll just bring
22 my own computer if you would prefer that.

23 MS. LANZETTA: That would be very nice.

24 MR. BRENNAN: We'll be absolutely
25 prepared to put on the full show and answer any

2 questions. I'll work with the Planning
3 Department on the notification.

4 MS. LANZETTA: Thank you.

5 MR. BRENNAN: Thank you for your time
6 tonight.

7

8 (Time noted: 7:54 p.m.)

9

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

11

12

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

22

23

24

25 DATED: September 7, 2015

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH PLANNING BOARD
4 ----- X
5 In the Matter of
6

7 KEDEM WINERY
8

9 Project No. 14-7008
10 1519 Route 9W
11 Section 109.1; Block 1; Lot 2.100
12 ----- X
13

14 SKETCH - AMENDED SITE PLAN

15 Date: August 17, 2015
16 Time: 7:54 p.m.
17 Place: Town of Marlborough
18 Town Hall
19 21 Milton Turnpike
20 Milton, NY 12547
21

22 BOARD MEMBERS: JOEL TRUNCALI, Chairman
23 BEN TRAPANI
24 CINDY LANZETTA
25 STEVEN CLARK
26 EMANUEL CAUCHI
27

28 ALSO PRESENT: RONALD BLASS, ESQ.
29 PATRICK HINES
30 KATHI NATLAND
31

32 APPLICANT'S REPRESENTATIVE: DENNIS LYNCH
33 ----- X
34 MICHELLE L. CONERO
35 10 Westview Drive
36 Wallkill, New York 12589
37 (845) 895-3018
38

2 CHAIRMAN TRUNCALI: Next is Kedem
3 Winery, a storage addition.

4 Do we have a board with an easel?

5 MR. LYNCH: I have an easel.

6 Good evening. Dennis Lynch with Day
7 Engineering. I'm here to discuss the addition to
8 the existing winery.

9 The total parcel is approximately 28
10 acres. What we're proposing is an existing -- a
11 new warehouse located between two existing
12 buildings. There is a building that's there and
13 it's to be removed.

14 This is a larger scale plan. What
15 we're proposing is 130 by 125 square foot -- I'm
16 sorry. The building is to be approximately
17 16,000 square feet with some parking here which
18 will serve the two existing buildings that are
19 tasting rooms.

20 The proposed use of the buildings, it's
21 to be strictly dry storage. This area here is
22 kind of natural occurring. We're using that as
23 some storage for stormwater, and also there's to
24 be installed a new pipe to relieve any of the
25 larger storms.

2 CHAIRMAN TRUNCALI: Okay. Pat, would
3 you like to go over your comments?

4 MR. HINES: We had previously discussed
5 stormwater on the site. It doesn't exceed the
6 threshold for the DEC stormwater regulations,
7 however it does meet the threshold for the Town
8 of Marlborough. Your code is a little more
9 stringent than the DEC code. They have provided
10 a stormwater pollution prevention plan which
11 directs the stormwater to the low depressional
12 area to the front. Our concern was the existing
13 drainage conditions further back and the
14 McGloughlin Drive area. There's been some
15 stormwater related issues back there that this
16 site had done some mitigation in the past. We
17 wanted to make sure no additional flows were
18 directed there, and there's not.

19 They are proposing now to put a
20 stormwater drainage system, a curtain drain
21 underground around the entire structure and bring
22 any of the flow from the roof drains to the
23 front, as well as the proposed parking area will
24 discharge there.

25 They have proposed a pipe across the

2 driveway which will act as a relief should any of
3 these storms exceed the design of that.

4 I do have a comment that the inverts
5 need to get looked at there. It shows a five
6 percent slope.

7 MR. LYNCH: That might be an error.
8 I'll address it.

9 MR. HINES: They provided the
10 calculations showing the design for the storm
11 events in that existing low area, and that will
12 serve to attenuate any of the increase.

13 We had asked about traffic from the
14 site and they've given us traffic projections of
15 about nine additional vehicle trips per hour.

16 The project is located on New York
17 State Route 9W, so we are suggesting the DOT
18 receive a copy of the entire application packet.
19 They're not proposing any changes but DOT should
20 weigh in on the acceptability of the existing
21 driveway.

22 The plans need to go to Ulster County
23 Planning for review. I don't think that's
24 occurred yet. This is the first time we've seen
25 the more detailed plans.

2 The warehouse is identified as dry
3 storage with no plumbing fixtures. The site is
4 serviced by an on-site sewage treatment facility
5 and is regulated by the DEC but there is no
6 additional flow proposed to that facility.

7 This does require a public hearing.

14 MR. LYNCH: The existing lot line is
15 right here. It's to be relocated or extinguish a
16 lot line realignment.

17 MR. HINES: It's a lot smaller than you
18 indicated. It's right behind the house.

19 MR. LYNCH: It's right along here.
20 There's an existing barn that's to be remove
21 here.

22 MR. HINES: It is a lot line change or
23 consolidation and a site plan. So it needs those
24 outside two agencies to weigh in and a public
25 hearing. I don't think you'll hear from those

2 agencies by the 8th. You might want to schedule
3 this for your next available hearing after that.

4 CHAIRMAN TRUNCALI: What's to happen
5 with that existing two-story house there?

6 MR. LYNCH: This one here is to remain.

7 CHAIRMAN TRUNCALI: Has it been vacant
8 for many years?

9 MR. LYNCH: I'm not sure how long it's
10 been vacant for.

11 MR. HINES: I don't know that either.
12 We can check with the code enforcement department
13 if it's not being used.

14 MS. LANZETTA: Did you say it's to
15 remain?

16 MR. LYNCH: Yes.

17 MS. LANZETTA: With the possibility
18 then of it being used?

19 MR. LYNCH: Possibly in the future,
20 yes.

21 MS. LANZETTA: Then where are the --
22 where is the septic or well with that house?

23 MR. LYNCH: It's not located. I
24 believe that it's located in this area. I can
25 have a surveyor --

2 MS. LANZETTA: We'd have to take that
3 into account I would think so that there's no
4 additional impact on the well.

5 MR. LYNCH: I can get that information
6 for you.

7 MR. HINES: More importantly, I want to
8 make sure that the new parking lot doesn't impact
9 that as well if the well and septic are an
10 existing condition. We want to make sure it's
11 not impacting those.

12 CHAIRMAN TRUNCALI: You should show the
13 well and septic for that house.

14 MR. LYNCH: I do believe they're
15 located over here. I'll verify with the
16 surveyor.

17 MS. LANZETTA: In the hydrology report
18 it said you were looking at the amount of storage
19 for runoff for a twenty-five year storm event.

20 MR. LYNCH: Twenty-five and larger
21 storm event.

22 MS. LANZETTA: It says only a
23 twenty-five year.

24 MR. HINES: A hundred. You have to be
25 able to pass a hundred. You attenuate the

2 twenty-five and be able to show it passes the
3 hundred.

4 MS. LANZETTA: That's why I was
5 concerned, because just in this section it
6 speaks --

7 MR. LYNCH: Currently there's the
8 driveway that comes here. There's an existing
9 low spot. All the drainage currently comes down
10 here naturally and stays down here and is
11 infiltrated into the soil. What we're proposing
12 is not changing the hydrology of that. This area
13 here with the grading will provide up to a
14 twenty-five year storm. What we're proposing to
15 do is insert or construct a weir, basically, to
16 go across the street so -- across the existing
17 driveway. Anything above a twenty-five year
18 storm, which would be a hundred year storm, would
19 discharge.

20 There's also another low lying area
21 here. If you look at the report in the hundred
22 year storm, it's a very small amount that would
23 be discharging.

24 MR. HINES: They also didn't take any
25 credit for the infiltration.

2 MR. LYNCH: Correct.

3 MR. HINES: Normally what percolates
4 into the soil they have to take a credit. It's
5 more of a conservative design. Currently it all
6 percolates through the soil.

7 MS. LANZETTA: What type of vehicles
8 will be using the parking lot?

9 MR. HINES: It's only designed for
10 passenger cars.

11 MR. LYNCH: Passenger cars and smaller
12 trucks. There will be an overhead door there but
13 it will be smaller box trucks. It wouldn't be
14 large semi-trucks.

15 MS. LANZETTA: So the possibility of
16 using permeable pavement for a large portion of
17 that, is that a good possibility?

18 MR. LYNCH: I can run it past the
19 owners. I know it does get expensive very
20 quickly.

21 MR. CLARK: When safety gets
22 involved --

23 MS. LANZETTA: It's to be cars, not
24 trucks.

25 MR. CLARK: But if you're dealing with

2 freight, you get into food safety issues and they
3 really want no dust. They want a no dust
4 situation. That comes from FDA.

5 MS. LANZETTA: If you have pavement,
6 that doesn't --

7 MR. HINES: One of the difficulties
8 with that is the smaller traffic, as he said it's
9 very expensive. You don't mix that stuff in
10 small batches.

11 CHAIRMAN TRUNCALI: What is proposed
12 for that area?

13 MR. LYNCH: It will be standard asphalt
14 pavement.

15 CHAIRMAN TRUNCALI: So we're not ready
16 to go to public hearing?

17 MR. HINES: I think you have other
18 agencies to weigh in and you're not going to have
19 it by the 8th. Maybe by your second meeting in
20 September. You can set the public hearing for
21 the first meeting in October.

22 CHAIRMAN TRUNCALI: I think we should
23 also check with the building inspector, code
24 enforcement officer on the existing house and see
25 what the status is.

2 MR. LYNCH: You said we'll come to the
3 meeting in October and then set the public --

4 MR. HINES: I think you'll come to the
5 meeting in September and set the public hearing
6 in October. Either one of those September
7 meetings, if you can chase down the other
8 agencies, County Health and DOT.

9 MR. LYNCH: That was circulated by the
10 Planning Department?

11 MS. NATLAND: For the notices you mean?

12 MR. HINES: For the County Planning.
13 You'll send it to DOT.

14 MR. LYNCH: Usually it comes from the
15 lead agency. It would have to come from a lead
16 agent and --

17 MS. LANZETTA: Do we have enough to
18 declare lead agency?

19 MR. HINES: It's to do that tonight as
20 well.

21 CHAIRMAN TRUNCALI: Tonight we should
22 do that. Yeah.

23 MR. BLASS: The resolution would be a
24 declaration of intent to be lead agency.

25 CHAIRMAN TRUNCALI: Do I have a motion

2 that the Marlborough Planning Board has the
3 intent to be lead agency on this project?

4 MS. LANZETTA: I'll make that motion.

5 CHAIRMAN TRUNCALI: A second?

6 MR. CLARK: Second.

7 CHAIRMAN TRUNCALI: All in favor?

8 MR. TRAPANI: Aye.

9 MS. LANZETTA: Aye.

10 MR. CLARK: Aye.

11 MR. CAUCHI: Aye.

12 CHAIRMAN TRUNCALI: Aye.

13 Opposed?

14 (No response.)

15 CHAIRMAN TRUNCALI: So carried.

16 MR. LYNCH: The two additional
17 comments, you need two more copies --

18 MS. NATLAND: Yes.

19 MR. LYNCH: Okay.

20

21 (Time noted: 8:05 p.m.)

22

23

24

25

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

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

23 DATED: September 7, 2015

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

In the Matter of

5 SANTINI/BIZZY BEARS

SKETCH - SITE PLAN

15 BOARD MEMBERS: JOEL TRUNCALI, Chairman
16 BEN TRAPANI
16 CINDY LANZETTA
17 STEVEN CLARK
17 EMANUEL CAUCHI

18 ALSO PRESENT: RONALD BLASS, ESQ.
19 PATRICK HINES
KATHI NATLAND
HOWARD BAKER

21 APPLICANT'S REPRESENTATIVE: STEVEN SANTINI
SHAWN HARBECK

2 CHAIRMAN TRUNCALI: Santini.

3 State your names for the --

4 MR. SANTINI: Steven Santini, owner.

5 MR. HARBECK: Shawn Harbeck,

6 H-A-R-B-E-C-K.

7 CHAIRMAN TRUNCALI: Would you like to
8 go over your business and tell us what you're
9 doing there?10 MR. SANTINI: Sure. I own a
11 landscaping business and we hold our mulches and
12 river stone in the back part of the property. In
13 the front part of the property inside we'll stock
14 trucks and in the back of the building we'll do
15 our soils and products like that. We have two
16 offices downstairs and one apartment upstairs.
17 The northern part of the building will be Shawn
18 from Bizzy Bears. He can explain.19 MR. HARBECK: Within the building we're
20 renting the last bay. We're going to do small
21 engine repairs which consists of weed whackers,
22 lawnmowers, ride-on mowers pretty much would be
23 the largest thing we would do inhouse. Within
24 that we have one office and two small parts rooms
25 within the building.

2 During the day we have, you know, some
3 mowers that go outside but at night everything is
4 pushed into my bay. Nothing is left out
5 overnight. If we leave everything, you know, is
6 put inside. There's always somebody there during
7 our operation hours.

8 MR. SANTINI: Nothing is going to
9 change physically with the buildings. We're not
10 asking for any --

11 MR. HARBECK: Property variances.

12 MR. SANTINI: We're not asking for any
13 changing of any buildings.

14 MR. HARBECK: We're not changing the
15 color, the structure, no nothing. We're using
16 the building as it stands.

17 CHAIRMAN TRUNCALI: Is tonight just a
18 meeting to go over everything? Have they
19 submitted all their documentation?

20 MR. HINES: I received the application
21 packet. What it's lacking is the site plan
22 consistent with the site plan application
23 checklist. We don't have a map, we don't have a
24 survey. The project is located on the State
25 highway, so DOT involvement is required. So is

2 County Planning, similar to what we just spoke
3 about.

4 We're suggesting a site plan in
5 compliance with the site plan checklist be
6 prepared identifying all the uses that we've just
7 heard on the site. It sounds like it's going to
8 be two businesses operating out of there, there's
9 going to be some outdoor storage which needs to
10 comply with the Town's outdoor storage
11 regulations with opaque screening or landscaping
12 materials.

13 The plans should identify the intensity
14 of the use, the amount of each of the products
15 that are to be stored outside, number of
16 vehicles, hours of operation, how the two
17 businesses are going to exist on the site.

18 I will say DOT may take exception, when
19 they review the plan, to the open access.
20 Currently there's no controlled access to the
21 site. It's kind of you drive in any which way.
22 There's no curbing or anything. That's going to
23 be in their jurisdiction.

24 The building department has identified
25 a comment regarding the apartment that was

2 mentioned is a not permitted use in that zone
3 currently. There may be, if the applicant wishes
4 to take advantage of the new HD, the highway
5 commercial overlay zone, that would take an
6 application to the Town Board after they develop
7 their site plan. They can look at that part of
8 the zoning versus the HD zone that I believe
9 they're in to see if there's any benefit to
10 taking advantage of that. That process can go
11 before the Town Board.

12 MS. LANZETTA: I'm confused. Are they
13 in the HD?

14 MR. HINES: I'm not sure.

15 MR. SANTINI: Nobody really knows.

16 MR. BAKER: Can I speak, Joel? Can I
17 speak?

18 CHAIRMAN TRUNCALI: What was that,
19 Howard?

20 MR. BAKER: Is it okay for me to speak?

21 CHAIRMAN TRUNCALI: Yes.

22 MR. BAKER: My knowledge is based on
23 our work on the Town Board to change the zoning
24 laws for this business corridor. This is really
25 the first test case where it's either R-1 or

2 RAG-1. I believe your lot is one of those. In
3 this case we can't float the HD Zone on top of
4 your property so that it comes compliant with the
5 HD -- whatever the HD requirements are. So I
6 don't believe it's HD now. That's why we're
7 floating the HD zone on top of it, to allow him
8 to do this business, because prior to this you
9 wouldn't be able to do it at all. The gentleman
10 that was there before you, my understanding is he
11 was grandfathered prior to zoning. So this is
12 really our first test case, you and another
13 applicant, and --

14 MR. SANTINI: I have one question.

15 MS. LANZETTA: What we're running into
16 here, this has been an issue. We've had the
17 issue with Empire. According to the new
18 regulations there is a checklist --

19 MR. BAKER: Yes, there is.

20 MS. LANZETTA: -- that the applicant is
21 supposed to complete --

22 MR. BAKER: Yes.

23 MS. LANZETTA: -- and present to the
24 Town Board, --

25 MR. BAKER: Yes.

2 MS. LANZETTA: -- and then when the
3 Town Board acknowledges that that is a completed
4 application, then they give -- I would assume it
5 should be in writing. They will give the
6 Planning Board the opportunity to do the site
7 plan review. This isn't quite how it's been
8 turning out. We've been having the applicants
9 come to us and we don't have complete
10 applications and we don't have any
11 acknowledgement from the Town Board that we
12 should be reviewing it.

13 MR. BAKER: You're absolutely right.
14 We went over this with Steve at our Town Board
15 meeting a couple of meetings ago. I think Steve
16 knows this is a requirement from the Town Board
17 because if you read the law, yes, the Town Board
18 has to receive this long checklist before we can
19 say okay, go to the Planning Board. I mean in
20 our, you know, view it's not going to be as
21 detailed as the Planning Board but we have to
22 have some idea of what's going on here. So yes,
23 we haven't received that.

24 MR. HINES: The Town Board has to --
25 one of the concerns that we have is as you apply

2 the HD Zoning requirements, residential uses are
3 not permitted in the HD Zone, which is similar to
4 the previous application we had this discussion
5 on it was an issue. So there may be a
6 requirement for that zoning being anchored in and
7 the zoning variance on top of that.

8 MR. BAKER: One step at a time.

9 MR. SANTINI: So coming back to the
10 meeting. Like I was told, ask the questions. In
11 that application that we filled out, I think
12 there's 41 or 42 things on there. As Mr. Osborn
13 had stated to me, there may be some things that
14 are going to have to be done and some things that
15 are going to be waived. That's what we need to
16 know, what's going to be waived, what has to get
17 done. They can't answer it. Someone has to.

18 MR. HARBECK: We were told to hand in
19 the --

20 MR. SANTINI: Hand it in and ask the
21 questions.

22 MR. HARBECK: Turn everything in and
23 come see the Zoning Board.

24 MR. SANTINI: They already gave me the
25 overlay of the HD. That's been done.

2 MR. BAKER: I think what we are asking
3 is --

4 MR. HINES: Who has given you that?
5 The Town Board granted that?

6 MR. BAKER: Not officially granted
7 that.

8 MR. SANTINI: Oh, yes. The first
9 meeting you guys granted it.

10 MR. BAKER: I think we made a mistake.

11 MR. SANTINI: Mistake or not, it was
12 granted.

13 MR. BAKER: As I said, you were the
14 first test case and we're trying to work with you
15 to make this happen, but, you know, we certainly
16 have requirements. One is a basic site plan
17 which --

18 MR. SANTINI: Basic or the 41 things
19 that we're talking about? The first time I came
20 in you said -- you guys all said, standing up
21 there, that there's going to be some things that
22 we have to do and there's going to be some things
23 that we don't have to do. At this point I need
24 to know what I need to do and what I don't have
25 to do.

2 MS. LANZETTA: I think you have to go
3 back to Section 155. It's actually less items
4 than we have in our requirements but those are
5 the minimal requirements that you guys need
6 before you can send it to us.

7 MR. BAKER: Yes, there's a long list.
8 Most of those are a typical site plan.

9 MR. SANTINI: But that goes for new
10 buildings, existing, non -- you know, like
11 Empire. So it's residential asking to be a
12 commercial property. All I'm asking is to
13 operate a commercial business out of a commercial
14 property.

15 MR. BAKER: All we're asking is for you
16 to provide us a site plan review.

17 MR. SANTINI: Perfect. Make it to what
18 has to get done for an existing --

19 MR. BAKER: It's in the law. You know,
20 it's right there. It's -- I'm not sure --

21 MR. SANTINI: So I have to do
22 everything that a new building has to do?

23 MR. BAKER: Unless we change our law,
24 I'm afraid so. That's my interpretation.

25 Ron, do you have anything additional?

2 MR. BLASS: Right now it's either in an
3 R1 Zone or Ag Zone.

4 MR. BAKER: Well, what he's referring
5 to is if you look at -- I apologize for this.
6 This is the list that we put together, which is a
7 typical site plan review list of things that you
8 need on your map. Yes, it's a long list but a
9 lot of these are, you know, name of the person of
10 the firm preparing the plan, the date --

11 MR. HINES: A survey.

12 MR. BAKER: There's a lot of stuff here
13 we can say it doesn't comply.

14 MR. SANTINI: That's what I would need
15 to know. To go forward I would need to know what
16 is going to apply.

17 MR. BAKER: I think we need everything
18 that's here. That would be my stance. That's
19 the law.

20 MR. SANTINI: So we need a hundred year
21 study when we're not changing anything? It's in
22 the Planning Board -- the application. You need
23 to see it again?

24 MR. BLASS: What's the point?

25 MR. SANTINI: So I have to do the

2 hundred year flood study?

3 MR. HINES: It's probably on the list
4 to show any flood planes. I'm not looking at the
5 list.

6 MR. SANTINI: There is several
7 different things on there. I think the list
8 needs to get updated. It's too broad. It's too
9 broad of a list.

10 MR. BAKER: It's a brand new list. I
11 don't see anything about a hundred year flood
12 plane. It's typical boilerplate site plan stuff
13 in my opinion.

14 Ron, you wrote it.

15 MR. BLASS: I think that -- the
16 starting point for discussion purposes, I
17 believe, is the fact that this is a residential
18 zone or an Ag residential zone, and the use that
19 we're talking about is not allowable at all until
20 and unless we applied this section of law which
21 gives the Town Board the authority to make it a
22 possibly permissible use.

23 MR. SANTINI: That's already been done.

24 MR. BLASS: You said that. I'm sort of
25 processing that. That couldn't happen the way

2 the law is written without a public hearing and
3 without a legislative act by the Town Board. I
4 don't think that that probably occurred.

5 MR. BAKER: Steve, what we told you at
6 the last Town Board meeting was we probably were
7 eager to make this happen and we probably didn't
8 follow all the letters of the law here. We need
9 you to do that. We gave you ninety days to come
10 back and do that.

11 MR. SANTINI: They gave me ninety days
12 to come in front of the Planning Board.

13 MR. BAKER: We gave you ninety days --
14 MR. HARBECK: It was to go to the
15 Planning Board. I was there.

16 MR. BAKER: I think we told you to go
17 to the Planning Board and get some information
18 and discuss it with them, but --

19 MR. SANTINI: You told me I had to
20 submit --

21 MR. BAKER: Regardless of whether you
22 go to the Planning Board or the Town Board,
23 you're going to have to have the site plan
24 information.

25 MR. SANTINI: We know exactly for what

2 my situation is --

3 CHAIRMAN TRUNCALI: You have to hire a
4 surveyor to draw up --

5 MR. SANTINI: So you're saying I have
6 to do everything on that list?

7 MR. BAKER: I think the surveyor is --

8 MR. SANTINI: Any business that -- I
9 don't know. When is this overlay, when did it
10 start?

11 MR. BAKER: It went into effect last
12 year, 2014.

13 MR. SANTINI: So any business from '88
14 or '80 until now had to go through this?

15 MR. BLASS: No. Not at all. This is a
16 special law that allows -- are you going to let
17 me finish?

18 MR. SANTINI: Yeah.

19 MR. BLASS: This is a special law that
20 allows for an exception to the rules that
21 generally prevail today. So if you were in a
22 residential zone or an agricultural zone, one or
23 the other, the use, the activity, the project
24 that you're presenting is not allowable. So this
25 law was enacted in the fall of 2014 to create a

2 window for the Town Board, if it was so
3 convinced, to allow your sort of activity to
4 occur. So you really have to -- that's the
5 context. So you're really the first or second --
6 you're the only application that I'm personally
7 aware of under this new law which was written for
8 the benefit of properties in your situation. So
9 because it was written for your benefit, that's
10 the good news. The bad news, if you think it's
11 bad news, is you have to follow the process in
12 the law in order to get the relief that the law
13 potentially makes available to you. So it's for
14 your benefit.

15 MR. BAKER: It's standard stuff.

16 MR. SANTINI: Can I see the site plan?

17 CHAIRMAN TRUNCALI: I think what Ron is
18 trying to say --

19 MR. BLASS: Do you want to go down the
20 list and tell me what you don't want to do?

21 MR. SANTINI: I'm not saying I don't
22 want to do anything. When we went in front of
23 the Board they said there's going to be certain
24 things we have to do. I want to know what those
25 are --

2 MR. BAKER: Right there.

3 MR. SANTINI: -- that I don't have to
4 do.

5 MR. BAKER: I don't think there's
6 anything.

7 MR. SANTINI: Maybe the application is
8 different from that. Maybe I'm wrong.

9 CHAIRMAN TRUNCALI: Existing buildings
10 with existing businesses are grandfathered in
11 until they're sold and changed, changed hands and
12 then a new business goes in there, then they have
13 to comply to these new regulations.

14 MR. SANTINI: So back in '88 when they
15 went for a commercial permit, it wasn't
16 considered commercial back then? What changed
17 the zoning, though?

18 MR. BAKER: Steve, the zoning has been
19 in place since the '70s. I'm not sure if that
20 was a change from RAG-1. It's either R-1 or
21 RAG-1 right now. What you're proposing to do --

22 MR. SANTINI: What is RAG?

23 MR. BLASS: It's a zoning district.

24 MR. SANTINI: You can't run anything
25 commercial in RA?

2 CHAIRMAN TRUNCALI: It's residential
3 agricultural one acre zoning.

4 MR. BAKER: Not really. That's why --
5 no, you couldn't do what you want to do now in
6 that zone.

7 MR. SANTINI: So the property is
8 virtually useless?

9 MR. BAKER: No, it's not, because we're
10 floating an HD on top of it so you can --

11 MR. SANTINI: You told me it's got to
12 go to a hearing or something.

13 MR. BAKER: Of course. Yes. We're not
14 going to just -- yes, there is a certain set of
15 rules that we have to go by here. Somebody wants
16 to do something, we're trying to open things up
17 so we can have more development along 9W, but it
18 has to be approved by the Town, it has to be
19 approved by the Planning Board. Unfortunately
20 some of these steps you have to go through and it
21 costs money. I understand that. Nobody likes to
22 spend money. That's --

23 MR. SANTINI: It's not appetizing for a
24 small business.

25 MR. BAKER: Well, the alternative

2 Steve --

3 MR. SANTINI: Places are going to be
4 closed up.5 MR. BLASS: That doesn't make any
6 sense.7 MR. SANTINI: Go from 84 to my shop
8 door and there's fifty-one places closed up.9 MR. BLASS: This is a law which was
10 written for your potential benefit to open up
11 business opportunities, and so that's the good
12 news. The bad news, if you want to deem it bad
13 news, is you have to follow the procedure to get
14 the benefit of the law. You're not -- it's not
15 zoned -- the property is not zoned in the Ag
16 district or in the R-1 district for the activity
17 that you want to engage in. So this is a way --
18 in October of 2014 there was no way for you to do
19 what you wanted to do. As of November 2014 there
20 is a way and this is it. So I would approach it
21 from the standpoint of there is a list of things
22 that you need to do. Which of those are you
23 saying you don't want to do or can't do or it's
24 impractical to do? Do you know what they are?

25 MR. SANTINI: I'd have to go through

2 it. I didn't memorize it.

3 MR. BLASS: I think that as the
4 property owner --

5 MR. SANTINI: I'm not the property
6 owner.

7 MR. BLASS: As the party of interest,
8 the burden is on the property owner or the people
9 that want to use the property to do that. The
10 burden is not on the Town to say you don't have
11 to do something when it's already done something
12 which opens up the opportunity to do something in
13 the first place.

14 MR. BAKER: Steve, we want to make this
15 work but we can't -- I agree, we probably jumped
16 the gun a little bit when you first met with us.
17 You have to give careful consideration and look
18 at the code. We have to require that you do some
19 of these things. I'm speaking for the rest of
20 the Board Members. I think we all feel the same
21 way, the Town Board. I'm not speaking for the
22 Planning Board. The way it's written, the Town
23 Board, yes, says okay this looks good, go ahead
24 and go to the Planning Board, let them review it,
25 they come back and make a recommendation to the

2 Town Board and the Town Board I think okays it,
3 and it could be subject to a public hearing at
4 that point. It seems like a lot of hoops you
5 have to jump through, and I'm sorry for that, but
6 as Ron said, had we not done this you wouldn't be
7 able to have this business at all because of the
8 change in use from the other guy. It's my
9 understanding it preceded zoning.

10 MR. SANTINI: I don't see how it was a
11 gas station at one time. It doesn't get any more
12 commercial than a gas station. Now we're asking
13 for a landscape company. It's a lot less
14 industrial than the two of those.

15 MR. BAKER: That was pre-zoning when it
16 was a gas station. I barely remember that.

17 MR. SANTINI: Businesses were doing
18 better than they are now.

19 MR. BAKER: We're not trying to kill
20 businesses. We're trying to do the exact
21 opposite. That's what this law -- maybe we need
22 to make some changes.

23 MR. SANTINI: I think you guys have to
24 make some big changes.

25 MR. BAKER: I understand your feelings

2 on that, but --

3 MR. HARBECK: Is there anywhere we can
4 get a copy of that so we know exactly what we
5 have to do, --

6 MR. BAKER: Absolutely.

7 MR. HARBECK: -- so this way we can
8 look it over and see if it's --

9 MR. BLASS: It's in the Town code book.

10 MR. SANTINI: It's not in the
11 application packet?

12 MR. HINES: The Zoning Code is not.

13 MR. BAKER: We can get you a copy of
14 this.

15 MR. HARBECK: That's different.

16 MR. BAKER: We're not trying to make
17 this hard for you but on the other hand there are
18 certain things that we require. We require and
19 it's what every town is going to require I
20 believe. It's not anything unique to
21 Marlborough. Am I right?

22 MR. BLASS: Yeah. Well, without the
23 law that we're talking about we wouldn't be
24 having this conversation tonight. It wouldn't
25 exist. So again, the opportunity has been

2 provided. It's just that your -- I think -- I
3 don't want to put words in your mouth but I'm
4 thinking you're saying in your opinion it's not
5 enough of an opportunity, it's not good enough.
6 Well, okay. So you're entitled to that opinion.
7 You're entitled to express that opinion. You're
8 telling the Town Councilman this evening what
9 your opinion is. You know, you probably would
10 tell the entire Town Board what your opinion is
11 if the Town Board was here. If you want to
12 develop that further as to what your precise
13 significant specific objections are for the Town
14 Board to take a look at, be our guest. Right now
15 there's a process here to follow, and if you're
16 looking to -- if you're looking for a copy of the
17 process, you can get that from the town hall. No
18 problem. If you're looking to change the process
19 and you have an opinion in that regard, then I
20 think you should put it in writing and share it
21 with anyone in the Town.

22 MR. SANTINI: So our next thing is to
23 go back in front of them?

24 MR. BAKER: Yes. With the site plan.

25 MR. HINES: The next thing is to get a

2 copy -- like Ron just said, a copy of the
3 regulation and develop a plan in compliance with
4 that and present it to the Town Board. The Town
5 Board will refer it to the Planning Board, my
6 understanding, the Planning Board will provide
7 comments, opinions --

8 MR. BLASS: Feedback.

9 MR. HINES: -- back to the Town Board.
10 Also you need to know that during the process
11 there's going to be a State Environmental Quality
12 Review which requires other agencies to weigh in
13 on this, the DOT -- because of the property
14 frontage, DOT may or may not have concerns about
15 the existing access or intensity of use you
16 propose. County Planning has a list of things
17 that they look for when they review projects that
18 are on State highways -- within 500 feet of a
19 State highway, municipal boundary. Because of
20 the proximity of your property to the State
21 highway, it also needs a referral to that board
22 who provides advice, either mandatory changes or
23 advisory comments, to the Planning Board.

24 MR. SANTINI: Is that something we can
25 get now to see what they are going to need?

2 MR. HINES: What they're going to need
3 is everything on that list. They look at the site
4 plan, typically the landscaping and traffic
5 issues. Similar to what the Planning Board does.
6 They look at it for more regional impacts rather
7 than this Board looking at the local impacts.
8 The County Board looks at intermunicipal and
9 regional impacts. They may have none or they may
10 have concerns. They may just give this Board
11 advice. Sometimes they weigh in and say there
12 should be more landscaping or you should look at
13 lighting or take a better look at the drainage.
14 They can give you mandatory comments which
15 require changes or a supermajority overruling by
16 this Board. The best advice I can give you is
17 talk to one of the local design professionals. I
18 know you talked to somebody because I got a call
19 from one of them seeking the same information
20 you're objecting to right now. That's probably
21 your streamline way to do it is to get some
22 assistance from a local engineering or survey
23 company that can put this together for you, and
24 it will go a long way to moving it forward. They
25 know. As the Town Councilman said, a lot of

2 things every design professional includes as a
3 matter of course, who the title block is on
4 there, the roads, the metes and bounds. It's
5 stuff any surveyor is going to put on a map. It
6 looks like a litany of items. It's the menu you
7 get when you hire a design professional.

8 CHAIRMAN TRUNCALI: Albert, do you have
9 something to say? State your name.

10 MR. ALBERT SANTINI: Albert Santini.
11 My question to the Board is isn't some of this
12 responsibility supposed to be incurred by the
13 actual property owner? I mean being a tenant at
14 this point on a two-year lease, why we have to
15 incur the cost of a hundred year flood study,
16 have to worry about landscaping, have to worry
17 about curb cuts. We have to worry about all of
18 these issues that should be addressed to the
19 actual property owner at this point in time.
20 Now, when he becomes property owner, if he wishes
21 to do so, based upon his agreement with that
22 property owner currently, then it would be his
23 obligation to either compensate that individual
24 for his expenses or continue on if there's some
25 sort of precedent that says no, because it was

2 grandfathered in, the current property owner
3 doesn't have to use it. It's only a lease
4 situation. Once this individual does take
5 ownership, then he's required to meet those
6 mandates.

7 CHAIRMAN TRUNCALI: I think you -- he
8 may need the owner -- the actual owner of the
9 property to sign that he can actually do this.

10 MR. BLASS: The owner is going to have
11 to consent to somebody else pursuing the
12 application for the owner's property.

13 MR. ALBERT SANTINI: I think that was
14 in the application.

15 MR. BLASS: The owner would have to
16 sign that or it wouldn't go anywhere.

17 MR. HINES: That's a negotiation with
18 your landlord and you. It should have occurred
19 before you moved in.

20 MR. SANTINI: We knew it as a
21 commercial building.

22 CHAIRMAN TRUNCALI: State your name.

23 MS. SANTINI: Kerry Santini. If the
24 property is only being leased as it's not
25 changing ownership, why does the grandfather

2 practice go away? There's no change of ownership
3 so shouldn't it still be grandfathered in?

4 CHAIRMAN TRUNCALI: It's a new use, a
5 change.

6 MR. BAKER: That use is not allowed in
7 either R-1 or RAG-1. That's why we float the HD.

8 MR. SANTINI: So if I decide to put a
9 gas station back in there, I can do it at any
10 time?

11 MR. HINES: No. The only thing you can
12 do in there is agricultural use, nurseries,
13 greenhouses.

14 MR. SANTINI: I can't put another well
15 company in there?

16 MR. HINES: Not if they've been gone
17 for a year.

18 MR. SANTINI: Nope.

19 MR. HINES: If they haven't been gone
20 for a year than their grandfathering still
21 exists.

22 MR. BLASS: Is this an application for
23 a well drilling permit?

24 MR. BAKER: Landscaping.

25 MR. SANTINI: I'm just trying to get an

2 idea here.

3 MS. LANZETTA: I want to remind
4 everybody that we have another application that's
5 in a similar situation and they came before us
6 and we weren't able to really give them
7 satisfaction until they returned to the Town
8 Board to get that direction from you. So it is
9 real important that we get the system down so we
10 don't frustrate applicants bouncing back and
11 forth between Boards.

12 MR. BAKER: I can tell you that other
13 applicant, I don't know if he showed you his site
14 plan but it's pretty much in order.

15 MS. LANZETTA: We still need that
16 direction from you because technically, legally
17 it's not allowed.

18 MR. BAKER: From the Town Board's
19 perspective we're trying to make these things
20 work and trying to address some inadequacies we
21 had in our zoning laws in the past. Really what
22 we've done here with this floating zone is
23 something that was recommended by the Ulster
24 County Planning Board. I don't think they're
25 going to have a lot of issues with what you're

2 trying to do. The DOT, I can't speak for them.

3 MR. SANTINI: So the right hand doesn't
4 talk to the left hand?

5 MR. BAKER: We try.

6 MR. SANTINI: It doesn't work. You're
7 saying a mistake you made. So the right hand is
8 not talking to the left hand.

9 MR. BAKER: We can do better. We're
10 not perfect. We're just regular people like
11 everybody else.

12 MS. LANZETTA: I have to say I
13 appreciate having you here, Howard. In the past
14 we haven't been able to express this with the
15 Board. I respect the fact that you're here.

16 MR. BAKER: You were our trial. You
17 were our test. You and the other applicant are
18 the first two that had come before us with this
19 change. So yeah, there are some rough spots.

20 MR. SANTINI: So anything that goes
21 vacant goes back to agricultural?

22 MR. BAKER: No.

23 MR. SANTINI: What made the ethics of
24 property agricultural?

25 MR. HINES: It's zoned that way.

2 MR. SANTINI: It was a gas station. It
3 was a gas station. You can't get any more
4 commercial than a gas station. Come on.

5 MR. HINES: At some point it was
6 zoned --

7 MR. SANTINI: Maybe it was zoned
8 incorrectly. We need to go back in the archives.

9 MR. HINES: That's not the case. At
10 some point the zoning was changed. At some point
11 the zoning along that corridor was changed to --
12 there's R zones toward the hamlet, there was more
13 sewer. There's the RAG and the AG zones along
14 9W.

15 MR. ALBERT SANTINI: Is there a format
16 that he can obtain to show the process that
17 occurs between the Planning Board and this Board?

18 MR. HINES: The regulations tell you
19 that.

20 MR. BLASS: In other words, if I had a
21 photocopy machine I'd copy it right now. I don't
22 have one in my back pocket.

23 MR. ALBERT SANTINI: I don't expect you
24 to have it with you this evening. Is it
25 something that's available to him?

2 MR. CLARK: Is that available
3 digitally?

4 MR. BAKER: I don't think so. We can
5 get it out in the mail tomorrow.

6 MR. ALBERT SANTINI: This way we can
7 have a better idea whether the cart or horse
8 comes first.

9 MR. BAKER: I totally agree.

10 MR. ALBERT SANTINI: As it seems to me
11 as an observer at this point, I don't think you
12 know where --

13 MR. BLASS: I know exactly.

14 MR. ALBERT SANTINI: Then I need to
15 know, he needs to know, because even that
16 individual up there, that young lady, she seemed
17 confused as to what comes first, what comes last.
18 If there's some format that we can receive so we
19 can make a decision based upon that so it's not
20 -- we're not looking to make an exception.

21 MR. BLASS: It's all written out.

22 MR. ALBERT SANTINI: He needs to know
23 what he needs to do.

24 MR. BLASS: I could flip it around and
25 say why don't you guys have a copy of it. It's

2 in the town code book. You know, it's right
3 there.

4 MR. ALBERT SANTINI: That's why we came
5 to you. We're not aware of what's available to
6 us. You're the instrument to let us know what is
7 available.

8 MR. BLASS: We did that tonight.

9 MR. ALBERT SANTINI: I appreciate that
10 greatly. Thank you very much.

11 MR. BAKER: We'll definitely get it to
12 you tomorrow.

13 MR. SANTINI: How come we haven't
14 gotten it already?

15 MR. BAKER: Have you asked for it?

16 MR. SANTINI: Okay.

17 CHAIRMAN TRUNCALI: You know what to
18 do? Here's a copy of Pat's comments. You can
19 take those.

20 MR. SANTINI: I have that.

21 That's it?

22 CHAIRMAN TRUNCALI: That's it.

23

24 (Time noted: 8:38 p.m.)

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

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6

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

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23 DATED: September 7, 2015

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