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2 STATE OF NEW YORK : COUNTY OF ULSTER  
3 TOWN OF MARLBOROUGH PLANNING BOARD  
4

X

In the Matter of

4

5

OSBORN/WAGNER

6

Project No. 14-7004

7

Wyms Heights & Prospect Street

8

Section 108.2; Block 4; Lots 26.1, 27.1 & 35

9

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10 PUBLIC HEARING  
LOT LINE REVISION

11

Date: April 7, 2014

12

Time: 7:30 p.m.

13

Place: Town of Marlborough

14

Town Hall

15

16 17 18 19 20 21 22 23 24 25 1650 Route 9W  
Milton, NY 12547

20

21

BOARD MEMBERS: JOSEPH PORCO, Chairman  
CHRISTOPHER BRAND  
BEN TRAPANI  
FRANK RICCIARDONE  
MICHAEL LOGUE  
JOEL TRUNCALI

22

23

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

24

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

25

----- X  
MICHELLE L. CONERO

10 Westview Drive

Wallkill, New York 12589

(845) 895-3018

2 CHAIRMAN PORCO: If we could all  
3 rise for the Pledge to the flag and to call  
4 the meeting to order.

5 (Pledge of Allegiance.)

6 CHAIRMAN PORCO: Thank you.

7 Joel, if you'll read the agenda for the  
8 minutes.

9 MR. TRUNCALI: Agenda, Town of  
10 Marlborough Planning Board, April 7, 2014.  
11 Regular meeting 7:30 p.m. Approval of  
12 stenographic minutes for 1/21, 2/3 and 3/3/14.  
13 Osborn/Wagner, public hearing, lot line revision;  
14 New Cingular Wireless, public hearing, site plan;  
15 Cerone/Truncali, extension, two-lot subdivision;  
16 Katelyn & Wade Davis, sketch, lot line revision;  
17 Copart Yard 24, sketch, amended site plan; Kedem  
18 Winery, sketch, amended site plan. Next deadline  
19 is Friday, April 11th. Next scheduled meeting is  
20 Monday, April 21st.

21 CHAIRMAN PORCO: Okay. The minutes from  
22 January 21st, we have not had an opportunity to  
23 approve those but we have had the opportunity to  
24 review them. Any changes to those, comments?

25 (No response.)

2 CHAIRMAN PORCO: A motion to approve  
3 those minutes.

4 MR. LOGUE: I'll make a motion to  
5 approve those minutes.

6 CHAIRMAN PORCO: Mike. A second?

7 MR. BRAND: I'll second.

8 CHAIRMAN PORCO: Chris. All those in  
9 favor, say aye.

10 MR. BRAND: Aye.

11 MR. TRAPANI: Aye.

12 MR. RICCIARDONE: Aye.

13 MR. LOGUE: Aye.

14 MR. TRUNCALI: Aye.

15 CHAIRMAN PORCO: Aye.

16 Any opposed?

17 (No response.)

18 CHAIRMAN PORCO: The minutes from  
19 February 3rd, any changes, corrections?

20 (No response.)

21 CHAIRMAN PORCO: If not, a motion to  
22 approve those.

23 MR. RICCIARDONE: I'll make that  
24 motion.

25 CHAIRMAN PORCO: Frank.

2 MR. LOGUE: I'll second.

3 CHAIRMAN PORCO: A second by Mike. All  
4 those in favor, say aye.

5 MR. BRAND: Aye.

6 MR. TRAPANI: Aye.

7 MR. RICCIARDONE: Aye.

8 MR. LOGUE: Aye.

9 MR. TRUNCALI: Aye.

10 CHAIRMAN PORCO: Aye.

11 Any opposed?

12 (No response.)

13 CHAIRMAN PORCO: You may not have had a  
14 chance to review the minutes from March 30th, so  
15 we'll table those until the next meeting.16 First on the agenda is a public  
17 hearing, Osborn/Wagner, a public hearing on a lot  
18 line revision.19 MR. TRUNCALI: "Legal notice, lot line  
20 revision application. Please take notice a public  
21 hearing will be held by the Marlborough Planning  
22 Board pursuant to the State Environmental Quality  
23 Review Act and the Town of Marlborough Town Code  
24 Section 134-33 on Monday, April 7, 2014 for the  
25 following application: Osborn/Wagner lot line

2 revision, at the Town Hall, 1650 Route 9W,  
3 Milton, New York at 7:30 p.m. or as soon  
4 thereafter as may be heard. The applicant is  
5 seeking approval of a lot line revision for lands  
6 located at Wyms Heights and Prospect Street,  
7 Marlboro, New York, Section 108.2, Block 4, Lot  
8 26.1/27.1/35. Any interested parties either for  
9 or against this application will have an  
10 opportunity to be heard at this time. Joseph  
11 Porco, Chairman, Town of Marlborough Planning  
12 Board."

13 MS. BROOKS: Twelve certified letters  
14 were mailed out and twelve certified letters were  
15 returned.

16 Do you want me to make a spiel?

17 CHAIRMAN PORCO: Yeah, you can do that.

18 MS. BROOKS: The application before the  
19 Board is to take an existing 13.36 acre parcel of  
20 land with road frontage on Prospect Street and  
21 combine it with two lots with road frontage off  
22 Wyms Heights. There will be one consolidated  
23 parcel of 17.54 acres.

24 The two lots on Wyms Heights were  
25 separated from lands of Pomarico back in 2009.

2 All of them are owned by Steven Osborn and  
3 Kimberly Wagner. We need to do a formal lot line  
4 revision because these are lots that were  
5 previously shown on a filed subdivision map and  
6 therefore the lot consolidation requires approval  
7 from the Planning Board.

8 CHAIRMAN PORCO: This is a public  
9 hearing. If anyone has any questions on this  
10 particular application, now would be the time to  
11 address the Board. Just give us your name for the  
12 record.

13 (No response.)

14 CHAIRMAN PORCO: Pat?

15 MR. HINES: We have no outstanding  
16 comments on this lot consolidation.

17 CHAIRMAN PORCO: I'm sorry.

18 MS. FORMICHELLI: Is the purpose --

19 CHAIRMAN PORCO: Can you just give your  
20 name to the Stenographer?

21 MS. FORMICHELLI: Absolutely. It's  
22 Ethel Formichelli. Does the purpose of the lot  
23 revision have anything to do with the cell tower?  
24 For an access road, parking lot, anything like  
25 that?

2 MS. BROOKS: No. It's not the same  
3 parcel.

4 MS. FORMICHELLI: I know it's not the  
5 same parcel. It would connect to the larger  
6 proposal it's proposed to be on.

7 MR. HINES: Even the larger parcel is  
8 not the same parcel.

9 MS. FORMICHELLI: Okay.

10 MR. HINES: Same owners, different  
11 parcels.

12 CHAIRMAN PORCO: Any other questions so  
13 far?

14 MR. MacFARLAND: Dale MacFarland, 7  
15 Wyms Heights. I'm just curious what's going to  
16 take place in my backyard basically, as far as  
17 clearing, et cetera, and what I'm going to be  
18 looking at out my back door?

19 MS. BROOKS: The application before the  
20 Board is simply for a lot line consolidation.  
21 There are no proposed uses that require site plan  
22 approvals. I am not aware of any proposals that  
23 the applicant has at this point in time. This is  
24 just a lot consolidation. So anything that  
25 requires a permit, obviously the applicants would

2 need to come back before this Board for approval  
3 or go to the building inspector, whatever was  
4 being proposed, whatever permit process that  
5 required. But I'm not aware of anything at this  
6 point.

7 CHAIRMAN PORCO: Yes, sir.

8 MR. GARAFALO: James Garafalo, 3 Young  
9 Avenue. I'd just like to make some suggestions to  
10 the Planning Board. One, on the agenda it is  
11 published and put up on the website. Rather than  
12 use PH, spell it out, public hearing, so the  
13 people know exactly what it is.

14 And then under the names, describe  
15 specifically what's being done, whether it's a  
16 building or a lot line revision or something  
17 there so people have an idea.

18 The third suggestion that I would like  
19 to make is that maybe before the meeting you  
20 could put up on a board the plan so the public  
21 would have a chance to come and look at it and  
22 get an idea of exactly what's going on, because  
23 it's not really terribly convenient at this point  
24 to have to go up and look at it even though it's  
25 been explained. Thank you.

2 CHAIRMAN PORCO: Your last suggestion  
3 we might be able to take into consideration. The  
4 Planning Board doesn't put anything on the  
5 website. I think that's done through the Town  
6 Board. I'm not aware of anybody here that puts  
7 stuff on the website.

8 Are you?

9 MS. BROOKS: And the maps are submitted  
10 to the Town two weeks before the actual meeting  
11 takes place and they are available for viewing  
12 during regular business hours. So that doesn't  
13 exactly address the question you had. I know that  
14 some towns actually post them for a certain  
15 period of time before the meeting, which is very  
16 helpful.

17 MR. GARAFALLO: It might be helpful to  
18 put that on the website or for the Planning Board  
19 to ask the Town Board to please don't use the  
20 abbreviation and please put some more information  
21 on there, you know. This isn't -- this particular  
22 one doesn't involve me but I think -- in all  
23 future cases I think it's good to inform the  
24 public as much as possible what's going on so  
25 that you don't get complaints later on what

2 happened here because I never heard of this.

3 Thank you.

4 CHAIRMAN PORCO: Thank you.

5 MS. RELYEA: My name is Jacqueline  
6 Relyea, I live on Ridge Road, 44 Ridge Road. I  
7 have a question. I guess we reserve the right to  
8 ask more about the lot line revision, because if  
9 you look at the section and the block of the lot  
10 line revision case and the cell tower case, we  
11 notice they're on the same section and block. I  
12 don't understand why you need a lot line  
13 revision. I really don't know what that involves  
14 or why you would be requesting that. We're just  
15 concerned about what that would mean for the  
16 property in the area.

17 MS. BROOKS: I honestly don't know  
18 anything about the cell tower property. I can not  
19 speak to that at all. What I can tell you is that  
20 the applicant contacted me three or four months  
21 ago, said I own three contiguous parcels of land,  
22 I'd like to consolidate them. Generally speaking,  
23 the primary reason for doing that is tax  
24 assessment purposes, because when you own three  
25 separate lots, each one of them right now is

2 considered to be a building lot and therefore the  
3 assessed value of each lot is independently  
4 higher. When you consolidate them, then you only  
5 have one building lot with accessory acreage. So  
6 the purpose of this lot line revision is to  
7 consolidate them which will reduce the tax burden  
8 but also take away the ability to construct on  
9 three individual lots. So instead of having three  
10 individual lots, the landowner will only have one  
11 lot on which they can obtain a building permit.

12 MS. RELYEAE: Thanks.

13 MS. BROOKS: So I don't know if I  
14 addressed the question.

15 MS. RELYEAE: Well now with the new lot,  
16 could you just repeat the amount of acreage that  
17 you're referring to?

18 MS. BROOKS: 17.54 acres. So before it  
19 was a 2 acre lot, a 2.14 acre lot and a 13.36  
20 acre lot. So there were three separate building  
21 lots. They've now been consolidated into one.

22 MS. RELYEAE: Okay. All right. Thank  
23 you.

24 CHAIRMAN PORCO: Thank you.

25 MS. BROOKS: And there's already a

2 house on the original lot.

3 CHAIRMAN PORCO: Any other questions so  
4 far from the public?

5 (No response.)

6 CHAIRMAN PORCO: Any questions from the  
7 Board?

8 (No response.)

9 CHAIRMAN PORCO: If there's no further  
10 questions from the public on this application,  
11 the Board can entertain a motion to close the  
12 public hearing.

13 MR. BRAND: I'll make that motion.

14 CHAIRMAN PORCO: Chris.

15 MR. TRAPANI: I'll second it.

16 CHAIRMAN PORCO: And Ben. All those in  
17 favor, say aye.

18 MR. BRAND: Aye.

19 MR. TRAPANI: Aye.

20 MR. RICCIARDONE: Aye.

21 MR. LOGUE: Aye.

22 MR. TRUNCALI: Aye.

23 CHAIRMAN PORCO: Aye.

24 Any opposed?

25 (No response.)

2 CHAIRMAN PORCO: Your engineer has  
3 recommended a negative declaration on this  
4 application. Unless there's any objection from  
5 the Board, we can issue a negative declaration.

6 MR. RICCIARDONE: I'll make a motion  
7 for a negative dec on this application.

8 CHAIRMAN PORCO: Frank. A second?

9 MR. LOGUE: I'll second that.

10 CHAIRMAN PORCO: And Mike. All those in  
11 favor, say aye.

12 MR. BRAND: Aye.

13 MR. TRAPANI: Aye.

14 MR. RICCIARDONE: Aye.

15 MR. LOGUE: Aye.

16 MR. TRUNCALI: Aye.

17 CHAIRMAN PORCO: Aye.

18 Any opposed?

19 (No response.)

20 CHAIRMAN PORCO: The motion is carried.

21 Unless there's any further questions  
22 from the Board, we can entertain a motion for a  
23 lot line revision.

24 MR. RICCIARDONE: I'll make that motion  
25 for a lot line revision.

2 CHAIRMAN PORCO: Frank.

3 MR. TRUNCALI: I'll second.

4 CHAIRMAN PORCO: And Joel seconded. All  
5 those in favor, say aye.

6 MR. BRAND: Aye.

7 MR. TRAPANI: Aye.

8 MR. RICCIARDONE: Aye.

9 MR. LOGUE: Aye.

10 MR. TRUNCALI: Aye.

11 CHAIRMAN PORCO: Aye.

12 Any opposed?

13 (No response.)

14 CHAIRMAN PORCO: The motion is carried.

15 There's no need for rec fees?

16 MS. BROOKS: No rec fees.

17 Thank you very much.

18

19 (Time noted: 7:42 p.m.)

20

21

22

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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: April 23, 2014

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

In the Matter of

NEW CINGULAR WIRELESS, PC, LLC

Project No. 14-7005

10 Ann Kaley Lane

Section 108.2; Block 4; Lot 43.410

PUBLIC HEARING  
SITE PLAN

Date: April 7, 2014

Time: 7:42 p.m.

Place: Town of Marlborough

## Town Hall

1650 Route 9W

Milton, N

15        BOARD MEMBERS:        JOSEPH PORCO, Chairman  
                                  CHRISTOPHER BRAND  
16                                BEN TRAPANI  
                                  FRANK RICCIARDONE  
17                                MICHAEL LOGUE  
                                  JOEL TRUNCALI

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

21  
APPLICANT'S REPRESENTATIVE: DONALD BOSS

MICHETTE, L. CONERO

10 Westview Drive

15 WESSEYVIEW DRIVE  
Wallkill, New York 12589

(845) 895-3018

2 CHAIRMAN PORCO: Next is a public  
3 hearing on a site plan for New Cingular Wireless.

4 MR. TRUNCALI: "Legal notice, Town of  
5 Marlborough, commercial site plan application.  
6 Please take notice a public hearing will be held  
7 by the Marlborough Planning Board pursuant to the  
8 Town of Marlborough Town Code Section 152-17 on  
9 April 7, 2014 for the following application: New  
10 Cingular Wireless, PC, LLC, at the Town Hall,  
11 1650 Route 9W, Milton, New York at 7:30 p.m. or  
12 as soon thereafter as may be heard. The applicant  
13 is asking for a special permit approval of the  
14 telecommunications tower on lands located at 10  
15 Ann Kaley Road -- Lane, excuse me, Marlboro, New  
16 York 12542, Section 108.2, Block 4, Lot 43.410.  
17 Any interested parties either for or against this  
18 proposal will have an opportunity to be heard at  
19 this time. Joseph Porco, Chairman, Town of  
20 Marlborough planning Board."

21 CHAIRMAN PORCO: How many notices were  
22 sent out?

23 MR. ROSS: Did you provide the notices?

24 MS. TERRY: They've already been sent.

25 MR. ROSS: You received the receipts

2 back?

3 Why don't we do this. I took care of  
4 the photo sims. We have the copies of the  
5 certified receipts and the affidavit of mailing.

6 Do you have originals?

7 MS. TERRY: Not with me.

8 CHAIRMAN PORCO: I need those for the  
9 file.10 MS. TERRY: I'll get them to you  
11 tomorrow. I have copies of them all.12 CHAIRMAN PORCO: I also need to know  
13 how many were sent out and how many were  
14 returned.15 MS. TERRY: I do have a complete XL  
16 sheet of all of them that were sent out, and we  
17 did receive them all back.18 MR. RICCIARDONE: Do you know how many  
19 went out?

20 MR. ROSS: I counted thirty-one back.

21 MS. TERRY: We got additional ones back  
22 in the last week.

23 MR. ROSS: Since?

24 MS. TERRY: They all did come back.

25 MR. ROSS: How many came back?

2                   This is all the ones we received back  
3                   as of Friday. The photo simulations are in here  
4                   as well.

5                   MS. TERRY: Thirty-seven of them.  
6                   Thirty-seven sent, thirty-seven returned.

7                   CHAIRMAN PORCO: And all thirty-seven  
8                   were returned?

9                   MS. TERRY: Yes.  
10                  CHAIRMAN PORCO: And can you just give  
11                  the Stenographer your names?

12                  MS. TERRY: Marianne Terry.

13                  MR. ROSS: I'm Don Ross, I'm an  
14                  attorney from Phillips, Lytle in Albany, New  
15                  York. That's Marianne Terry from -- not A-E-R-O  
16                  Smith -- A-I-R-O Smith Development.

17                  MS. TERRY: Yes.

18                  MR. ROSS: Thank you all for having us  
19                  back. Obviously we were here at the meeting on  
20                  March 17th. Two things have happened since then  
21                  of pretty significant importance. One is that the  
22                  balloon test and photo -- the balloon test took  
23                  place on March 22nd from 10 to 2. At the Board's  
24                  suggestion we took photo simulations from the  
25                  four locations that were suggested, and we also

2 took it --

3 UNIDENTIFIED SPEAKER: Can you speak up  
4 louder, please? We can't hear you back here.5 MR. ROSS: Sure. We took twenty-six  
6 pictures total, four of which were taken at the  
7 suggestion of the Board, twenty-two of which our  
8 consultant took additional pictures from public  
9 roads and historic sites. I've provided eleven  
10 copies of the results of that including the  
11 visual assessment here.12 The bottom line is of the four sites  
13 that the Town asked us to look at -- the Board  
14 asked us to look at, the tower was visible from  
15 one of those sites, and I'll show you pictures of  
16 that in a sec.17 We've also provided the map and all the  
18 publication and receipts of the notices and the  
19 affidavit that the notice of the hearing was  
20 published in The Southern Ulster Times and The  
21 Times Herald Record.22 Also important since then, the Board  
23 had asked us to look into discussions with the  
24 school district. At the last meeting we were told  
25 that you had reached out to the school district

2 and they were in fact interested. Since then we  
3 have had discussions with the school district.  
4 It's my understanding that they have been given a  
5 proposal and that at their meeting on the 3rd, on  
6 Thursday night, the board directed the  
7 superintendent and the director of finance to  
8 have further discussions with us. So there are  
9 going to be obviously some discussions with the  
10 school district on locating on one of the two --  
11 we have to certainly rule out, or rule in as the  
12 case may be, the possibility of locating at the  
13 middle school or the high school. How those  
14 discussions go is going to be a business issue  
15 and technical issue. We have to come to a meeting  
16 of the minds with the school on the business  
17 terms, and then there's going to have to be a  
18 discussion with them in terms of constructability  
19 and engineering issues, whether there's going to  
20 be a site that's adequate to hold a tower and  
21 whether that's going to work from the standpoint  
22 of RF engineers, whether they're going to be able  
23 to say yes, it's going to cover the coverage gap.  
24 I know for the members of the public I'll address  
25 the coverage gap in a second. You guys are

2 familiar what we talked about two meetings ago  
3 about the need to fill the coverage gap.

4 One of two things will happen. It's going to  
5 work at the school district or it's not going to  
6 work at one of the school buildings. The bottom  
7 line is what you have in terms of an analysis  
8 needs to be strengthened in terms of the  
9 alternatives. We need to be able to vet out to  
10 you that we've considered all the alternatives.  
11 As you pointed out, the school district needed to  
12 be contacted, and that contact has taken place.

13 CHAIRMAN PORCO: Okay. This is a public  
14 hearing, so obviously I'm going to take comments.  
15 Please one at a time. Just give your name.

16 MR. HINES: I think they have more of a  
17 presentation. We better show them the coverage  
18 maps.

19 MR. ROSS: I'll be quick on this.

20 CHAIRMAN PORCO: I thought you were  
21 done. I'm sorry.

22 MS. ROSS: That's okay.

23 This is what they call a coverage map.  
24 It's put together by AT&T's engineers and it  
25 basically says look, people in the areas in the

2 pink or the red do not have adequate in-building  
3 or in-car signal.

4 This is the site of the proposed tower  
5 at Ann Kaley Lane. Just to give you an  
6 orientation, there's no labeling on this, you  
7 have Route 9W here, you've got Western Avenue and  
8 Plattekill Road here, you've got Lattintown Road  
9 here and you've got Ridge Road running along  
10 here. This is obviously Ann Kaley Lane running  
11 off of Prospect Street. You have the middle  
12 school over here and you have the high school in  
13 this neck of the woods over here.

14 So when you see yellow and green, that  
15 means you want -- those are areas that have  
16 strong or good coverage. That means when you're  
17 in your house you're going to be able to use your  
18 4G smart phone and internet, you're going to have  
19 adequate voice coverage. When you're in the  
20 yellow and green you're going to have adequate  
21 coverage in your car. When you see something like  
22 this dark blue here, that means you've basically  
23 got a dead spot. Anything that's in red or pink  
24 is the area that you want to try to cover. So  
25 that's along here, along Western Avenue, along

2                   Plattekill and up along here. You want to try to  
3                   turn this, as much as possible, a gap from red  
4                   and pink to yellow and green.

How do we propose to do that. We

propose a 150 foot tall monopole. Many of you have probably seen monopoles. I guess the best way you can describe the way they look is functional. They typically have nine panel antennas. This would have nine panel antennas. The antennas would be designed to fill these coverage gaps. I'll show you the picture. If anybody wants to pass this around you can. This is not the biggest picture and it's not going to be seen by the vast majority of folks in the room. This is the result of the -- this is the one place in the areas that the Board asked us to look where the tower was going to be visible, and that's from the Wyms Heights location, if I say it correctly. You had asked us to take a look at that among the three other sites. If you want to pass that around, just get a sense of what the tower actually looks like.

24 How do we come to a conclusion on how  
25 the tower looks. What you do is when you have

2 these balloon tests, you float a three-foot  
3 diameter balloon at the height of the tower and  
4 then the consultants for AT&T put together a  
5 Photoshop simulation of what the tower would look  
6 like if it was superimposed on the site where the  
7 balloon was. That gives you a sense of what the  
8 tower looks like in a real world sense rather  
9 than just looking at a drawing.

10 MR. BRAND: That location was the only  
11 place --

12 MR. ROSS: That was the only place of  
13 the places that you had asked us to look at. We  
14 did twenty-six total simulations and photo snaps,  
15 and it was visible or partially visible from six  
16 locations.

17 I'll make my way down here. This is not  
18 the ideal shot but I was not able to get these  
19 blown up in time for the meeting. If you want me  
20 to get these blown up for the next meeting, I can  
21 do that too.

22 This is another shot the Board asked us  
23 to look at coming up Ridge Road. It's not visible  
24 there because of the differences in vegetation.  
25 All this is in the handout.

2 MR. BRAND: I'll pass it back.

3 MR. ROSS: If you want to pass it back,  
4 that is fine. There's like twenty of these. I  
5 don't know how much in terms of paper -- I'll  
6 just keep bringing them out.

7 This is another predetermined location  
8 on Route 9W at the ambulance building location.  
9 It's about one-and-a-quarter miles away as the  
10 crow flies from the proposed tower site. Because  
11 of the topography and the vegetation, you can't  
12 see it from that location.

13 We were also asked to look at a site by  
14 the Board on the top of the hill on Western  
15 Avenue to the south or southwest of the site.  
16 It's about a quarter mile as the crow flies from  
17 the site. Because of the vegetation you wouldn't  
18 be able to see the tower.

19 Now, I have to say if things come back  
20 positive with the school district in terms of if  
21 they want to work with us and from a  
22 constructability point of view it's going to  
23 work, we're probably going to have to do  
24 simulations from the school district.

25 MR. HINES: You absolutely will.

2 MR. ROSS: It's a figure of speech. But  
3 the fact of the matter is that we obviously  
4 aren't looking at the last word. The Board asked  
5 us, based upon what we presented at the last  
6 meeting, to provide some sort of photo sims at  
7 certain locations.

8 Obviously this is -- we took one from  
9 the side of the driveway at the Stoutridge Winery  
10 which is the general parcel where this is going  
11 to be sited. You can obviously see it if you're  
12 standing to the side of this -- you can see to  
13 the west of the location.

14 We also took another shot on County  
15 Road 14A which I think is also Western Avenue. It  
16 continues northwest.

17 MR. HINES: You submitted these all to  
18 the Board and they'll be part of the record.

19 MR. ROSS: I'm just kind of passing it  
20 around for the public's benefit, to the extent  
21 they aren't on the floor.

22 The bottom line is that there is  
23 visibility -- there is visibility from the most  
24 sensitive sites in the Town for the historical or  
25 cultural resources. That's for the 150 foot

2 monopole to be located on Ann Kaley Lane. In the  
3 interim, since we last met with you, there's been  
4 additional discussions taking place with the  
5 school board. Whether it's going to be at the  
6 middle school or the high school I couldn't tell  
7 you. That's going to have to be vetted out in the  
8 discussion between our folks and their folks.  
9 That's going to hopefully bear some fruit in time  
10 for either the next meeting or the meeting after  
11 that. That will be something we'll have to  
12 consider. One of two things is going to happen.  
13 Either it works and we have to withdraw this  
14 application, perhaps, and move forward with that  
15 site or we have to provide to you and rule out a  
16 better job of --

17 CHAIRMAN PORCO: Can I have it quiet  
18 out there, guys.

19 MR. ROSS: Just do a better job of  
20 ruling out what the alternatives that we've  
21 considered have been, because obviously, as was  
22 pointed out by you, the Members of the Board, we  
23 need to do a better job of that.

24 CHAIRMAN PORCO: Anything else?

25 MR. ROSS: I don't have anything else.

2 If the public has questions.

3 CHAIRMAN PORCO: I'm sure there is.

4 Yes. Chief, give your name for the  
5 Stenographer.6 MR. TRONCILITTO: Bobby Troncilitto,  
7 Chief of Marlboro Fire. You showed a coverage  
8 where it's bad. Do you have an overlay of what  
9 the improvements would be? That would be nice to  
10 see .

11 MR. ROSS: Do you mind if I --

12 CHAIRMAN PORCO: Go ahead.

13 MR. ROSS: I don't know if the  
14 questions are directed at us or you. I just want  
15 to --16 CHAIRMAN PORCO: They're going to be  
17 directed at you.18 MR. ROSS: I just want to make sure I  
19 observe the formalities, Mr. Chair. Some boards  
20 don't like it when I start answering questions  
21 without speaking --

22 CHAIRMAN PORCO: That's all right.

23 MR. ROSS: All right. This is a  
24 coverage map. Let's just assume for the sake of  
25 argument this thing gets built out at 150 feet as

2 approved. I identified the gaps in coverage, what  
3 they were. When you see green and yellow, that's  
4 good or better. That means it's ideal coverage  
5 for both in-building and in-car, especially in-  
6 building which is really where AT&T is trying to  
7 move it because everybody has these smart phones  
8 saying I want to be able to do things on my IPad  
9 in my house. Where you had all these dead spots  
10 along Plattekill, along Western, along this part  
11 of Lattintown and over here where the high school  
12 is, you still have -- you have slightly improved  
13 coverage. It's not ideal but it's definitely  
14 improved. Over here at the middle school you're  
15 going to have a full yellow zone. That's negative  
16 75. Negative 75 is a measurement of dba.  
17 Basically what it says is when it's green and  
18 yellow it can go through modern construction,  
19 masonry and brick and so on. Modern day suburban  
20 construction. When you're in your car, when you  
21 have 75 you're going to have a full set of bars.  
22 You're not going to have anything cutting out on  
23 you when you're driving. In other words, this  
24 fills the gap.

25 MS. LANZETTA: My name is Cindy

2 Lanzetta. First of all, I'm wondering is this --  
3 are the Planning Board meetings still filmed and  
4 put on public access so that people can see them?

5 MR. HINES: Not for years.

6 MS. LANZETTA: Not for years? Okay.

7 MR. ROSS: I'm all dressed up, too.

8 Sorry. This is a new tie.

9 MS. LANZETTA: I just have a comment  
10 that I'd like to read and submit for the public  
11 record. The Town Code Section 152-7 B is very  
12 specific on the siting of cell towers in the Town  
13 of Marlborough. This code should come as no  
14 surprise to the applicants as it is a boilerplate  
15 law suggested by the State of New York for  
16 incorporation into all the town codes. AT&T and  
17 it's agents know the proper procedure and the  
18 need to establish clear records in order to  
19 follow the law. Based on the lack of records I  
20 believe that this has not been done in this case.  
21 The written explanation as to the choice of site  
22 done by acquisition specialist Marianne Terry is  
23 woefully inadequate. According to her document,  
24 she came to her conclusion to site the cell tower  
25 on the private lands of the town official based

2 on conversations and assumptions. There is also  
3 no record of an evaluation of the economic  
4 impacts to the taxpayers of siting the cell tower  
5 on private lands versus the preferred public  
6 choice. It is my hope that the Town Planning  
7 Board will find this application incomplete and  
8 the public hearing will be held open until the  
9 required reasoned explanation, backed by  
10 sufficient records and detail, will be presented  
11 as to why the cell tower can not be sited on  
12 public lands. Only then will the Planning Board  
13 have the information on which to make a decision  
14 in the best interest of the public's health,  
15 safety and welfare. Thank you.

16 CHAIRMAN PORCO: Thank you.

17 I see a hand. Yes, sir.

18 MR. MANION: Jim Manion, Western  
19 Avenue. I think there's an obvious need for this  
20 tower, but I think the prime objective from our  
21 perspective is that it should be on municipal  
22 property -- that means town and school of course  
23 -- for obvious reasons. I accept the less than  
24 perfect criteria as determined by the carrier. If  
25 it's 90 percent less effective, maybe that's the

2 way it has to be. The prime objective is for the  
3 Town to benefit financially, among other things.  
4 So I don't feel this is a reactionary statement.  
5 I think it's what's best for us. I don't think  
6 that what is best for the Town and for the  
7 carrier are mutually exclusive. So I think  
8 further negotiations are in order. I'm delighted  
9 to hear that maybe the school is coming to the  
10 fore. Thank you.

11 CHAIRMAN PORCO: Thank you.

12 MR. LOGUE: Thank you.

13 CHAIRMAN PORCO: Other questions,  
14 comments? Yes, sir.

15 MR. GARAFALO: James Garafalo. A couple  
16 of different things. One thing is I hope the  
17 Board will consider the co-location criteria and  
18 any findings they do, define what can and can't  
19 be added before they have to come back to you. I  
20 think that's very important. I think cell towers  
21 are critical to our health services because  
22 people can call in emergencies, et cetera. And  
23 it is important I think to have good cell  
24 service. So I think in general, you know, this is  
25 something that the Town wants to have, it's just

2 a question of where it should be and how it  
3 should look. I certainly would like to see maybe  
4 that report put in the library and made  
5 accessible to the public so they can come back,  
6 maybe at another public hearing, and be able to  
7 respond to it.

8 I don't know as if they've looked into  
9 any possibilities of alternative designs. I don't  
10 particularly like the tree design but there are  
11 certainly other designs, sculptures,  
12 et cetera, that can hide towers. I think that  
13 maybe some thought could be put into such  
14 designs. Certainly on some of the buildings they  
15 can make them almost invisible. I'm not sure if  
16 you can co-locate them with the police cell  
17 towers, but if you can I think that's something  
18 to consider. I don't know if the Town is going to  
19 move it with this shifting of the town hall, if  
20 that's one of the things that may end up getting  
21 moved or not, but I think that should be --  
22 should be looked into. So I think these are  
23 things that I hope the Board will consider.

24 Also, the Hudson River is a critical  
25 environmental area I believe. I don't know if

2 the pictures from the Hudson, whether you can see  
3 it, or areas across the Hudson as to whether or  
4 not you can see this, but I think that that  
5 should be something that should be looked into  
6 because that's a resource for the entire State  
7 and we don't want to mess that up for them. We  
8 don't want them pointing and saying look at that  
9 eyesore from the Hudson. I don't know if you can  
10 or can't see that. I don't know if that was  
11 looked at. I hope that report may answer that  
12 question.

13 I certainly hope we will get better  
14 cell service in the Town. Thank you.

15 CHAIRMAN PORCO: Thank you.

16 Yes, sir.

17 MR. ROSS: Can I respond? I had a  
18 positive response to that comment. I was just  
19 going to say if you need -- can give us the  
20 information about the police or any other Town-  
21 owned structures so we can at least evaluate  
22 that, we'd be happy to do that.

23 CHAIRMAN PORCO: Sure.

24 MR. ROSS: As to the stealth design, I  
25 guess I leave that to you. If you want to have

2 that considered, we'll give that a go obviously.

3 CHAIRMAN PORCO: Okay. Very good.

4 MR. DOLSON: Mike Dolson, Lattintown  
5 Road, Marlborough. I have a question in regards  
6 to the mono tower. You mentioned a height of 150  
7 feet. Can that height be adjusted to suit the  
8 specific application it's meant for, either  
9 raised or lowered?

10 MR. ROSS: Well, to answer the first  
11 part of your question, it is adjusted so that --  
12 it's designed so that we're at the top. In other  
13 words, we'd be at -- the top of the R antennas  
14 would be at 150 feet, the bottom would be at 142.  
15 So the center line of the antenna is 146. If the  
16 question is could it be at a lower height, then  
17 if the Board so directs we can certainly give  
18 consideration to that issue. I can't say no and I  
19 can't say yes because I think we'd have to make  
20 sure it fits our coverage objectives. It's not as  
21 a matter of principle, just of course not it has  
22 to be 150 feet.

23 MR. DOLSON: I'm just talking about the  
24 article in The Southern Ulster Times. It said  
25 that certain locations were not considered

2 because of height considerations. I'm just  
3 basically curious if the heights could be raised  
4 or lowered for whatever specific place it had to  
5 be.

6 MR. HINES: They are.

7 MR. ROSS: To answer your question is  
8 that the height that was considered, the 150  
9 feet, is considered the optimal to fill this  
10 area. There's obviously going to be certain  
11 locations because of topography and because of  
12 vegetation and because of trees. The stuff needs  
13 to get better vetted out for the public, let's be  
14 clear. Locations are ruled in or ruled out  
15 because of heights and topography. What you're  
16 saying is could be it be higher to serve a larger  
17 area or made lower to serve the same area without  
18 being -- without an aesthetic issue?

19 MR. DOLSON: Raised or lowered to move  
20 to other locations is more the point.

21 MR. ROSS: In other words, if it was,  
22 for example, located at the middle school or high  
23 school would it be different. That may be very  
24 well possible. I think that's a question that we  
25 have to sort of go back and chew on.

2 MR. BRAND: Is 150 a standard? Is that  
3 something that's typical?

4 MR. ROSS: I would say it's about  
5 average. I don't think -- I wouldn't call it  
6 standard. I think it's not uncommon in upstate  
7 New York anyhow.

8 MR. HINES: The Planning Board has  
9 retained a consultant to review the information  
10 submitted. One of the actions they're reviewing  
11 is the tower height, whether it could be higher  
12 or lower to provide that optimum coverage. It's  
13 kind of a balance between the coverage maps and  
14 how high it is. Certainly the higher the better  
15 for the carrier, but there's a cost benefit and a  
16 coverage for those heights. That's one of the  
17 things that the Town's wireless consultant is  
18 reviewing in the application.

19 MR. ROSS: There's also an aesthetic  
20 consideration. We don't want to make it too high.  
21 Ideally this is a site that's pretty well  
22 screened, however, obviously as you can see from  
23 our analysis, you can see it from a handful of  
24 places in the Town. The taller it is the more  
25 people are going to see it.

2 MR. HINES: To answer your question,  
3 that's one of the things the Planning Board's  
4 wireless consultant is evaluating as part of the  
5 review.

6 MR. DOLSON: Thank you.

7 CHAIRMAN PORCO: Yes, ma'am. Your  
8 name?

9 MS. FORMICHELLI: Ethel Formichelli.  
10 You've obviously spent a lot of time on the  
11 presentation, the investigation, seeing where the  
12 coverage would be. I'm curious as to why we're  
13 spending so much time and money on one site when  
14 the school board hasn't been addressed, other  
15 public places owned by the Town haven't been  
16 addressed. Is that part of the normal practice  
17 and when is it and who did you address when  
18 bringing this to -- did you bring it to the Town,  
19 to the Planning Board, did you do a test? How  
20 did you come up with this site?

21 MR. ROSS: I think the -- I think we  
22 need to do a little bit more due diligence. I  
23 understand what you're saying, why are we even  
24 sitting and talking about this when there's more  
25 work to be done.

2 MS. FORMICHELLI: It just seems like a  
3 lot of money and effort, we've hired a  
4 consultant, all these things, to review something  
5 that obviously hasn't been done thoroughly.

6 MR. HINES: The consultant is being  
7 paid for by the applicant actually through an  
8 escrow. It's not taxpayers.

9 MS. FORMICHELLI: That's fine. I don't  
10 care who is paying for it. I hate to see somebody  
11 waste money on something that hasn't been  
12 thoroughly explored.

13 CHAIRMAN PORCO: The applicant first  
14 went to the building department, code enforcement  
15 officer for specific areas, then, if they are  
16 interested, they need to fill out an application,  
17 come before the Planning Board. The Planning  
18 Board gathers the information, and this process  
19 is part of gathering that information. So I know  
20 the application was submitted. We're not done  
21 yet.

22 MS. FORMICHELLI: I know, but I  
23 guess --

24 CHAIRMAN PORCO: The Board is not  
25 satisfied.

2 MS. FORMICHELLI: I guess my more  
3 specific question would be is this something that  
4 the cell company came to the Town about or is  
5 this something that the applicant went to the  
6 cell company about?

7 MR. ROSS: We are the applicant, so we  
8 came to the Planning Board.

9 MS. FORMICHELLI: Okay. So you did  
10 some sort of testing on the Town of Marlborough  
11 to see what the prime locations are?

12 MR. ROSS: There were already results  
13 that showed there was coverage gap. What we have  
14 to do is figure out the best way to fill that  
15 gap. What we do when we come before boards and  
16 before the public, we claim to have all the  
17 answers, and a lot of times we do. That doesn't  
18 mean the people in the Town don't know their own  
19 town best. We always say to the Planning Board  
20 are there any other questions or considerations,  
21 see what we presented, what's the -- what else.  
22 Is there something we're not seeing here. One of  
23 the members of the Board said well what's the  
24 deal with the school district. You guys need to  
25 give these guys a call. That was two weeks ago.

2 That call was made and those discussions have  
3 taken place. Would it have been great if they had  
4 taken place earlier? Probably. We don't live in  
5 a perfect world and we got the information we  
6 needed.

7                   What we hope to achieve tonight,  
8 obviously the public is getting some information  
9 about where we're going and the public will have  
10 more information as we get it. We also conducted  
11 the balloon test and photo sims and we felt like  
12 we needed to present those results to the Board  
13 tonight.

14                   MS. FORMICHELLI: But there are still  
15 other locations being considered?

16                   MR. ROSS: They're being considered  
17 both from an engineering and business  
18 perspective. I would say those discussions are  
19 taking place with the school as we speak.

20                   MS. FORMICHELLI: Any other public  
21 property other than the school?

22                   MR. ROSS: Well there are -- it is our  
23 understanding that there's some Town property,  
24 and we're still in the process of considering  
25 whether that's going to work from an engineering

2 perspective. If it is, we call the Town. If not,  
3 then -- you know, the primary objective is to  
4 fill the coverage gap from our standpoint.  
5 Obviously we want to work with the Town and we  
6 want to work with the municipalities because  
7 that's a great situation. We want to be a  
8 partner. On the other hand we also have a  
9 business assessment to look at.

10 MS. FORMICHELLI: What is the benefit  
11 for the Town or the school to have this on their  
12 property?

13 MR. ROSS: Well, hypothetically they're  
14 going to get revenue. It's going to be -- they'll  
15 be able to secure a lease.

16 MS. FORMICHELLI: Is there an estimate  
17 on how much revenue it would bring in monthly or  
18 annually?

19 MR. ROSS: It depends. Once it gets  
20 negotiated with the school -- I wouldn't want to  
21 give you an estimate because it tends to vary.

22 MR. BRAND: What's a typical lease?

23 MR. ROSS: A typical in terms of term  
24 of years? They're typically anywhere between  
25 twenty and thirty years.

2 MR. BRAND: What's the average typical  
3 lease fee per year?

4 MR. ROSS: Again, it really depends.

5 MR. BRAND: 50 bucks a year, 5,000  
6 bucks a year?

7 MR. ROSS: Again, there's a range. I  
8 mean it could be anywhere from -- it could be  
9 anywhere from 50 to 5,000. It's typically not 50.  
10 Folks are a lot savvier than that. It really  
11 depends.

12 MR. HINES: Most of them escalate as  
13 you co-locate. The first carrier is on -

14 MR. BRAND: So each one of those other  
15 carriers --

16 MR. HINES: Each one pays in. Your  
17 ordinance requires that. That's one of the  
18 priorities that have to be reviewed is the  
19 possibility for co-locating. The next carrier in  
20 this area, one of their tasks would be going  
21 through the hierarchy in your ordinance to co-  
22 locate on existing towers.

23 MR. BRAND: Got you.

24 CHAIRMAN PORCO: Yes.

25 MR. GARAFALO: James Garafalo again.

2 That co-location issue is why it's very important  
3 to decide whether or not if you go any -- higher  
4 than what it is, whether or not they have to come  
5 back to the Board or not. Certainly, unless  
6 they're going so high they'll eliminate another  
7 tower somewhere else, the higher they go the more  
8 expensive it's going to be for them. They  
9 certainly have an interest in not building it up  
10 to the sky. They have a vested interest in  
11 keeping it at a reasonable height for cost  
12 purposes also.

13 MR. ROSS: There's also a structural  
14 issue, too. At some point the structure is  
15 affected by wind and ice, like any other tall  
16 structure. You have certain practical limitations  
17 on the height of the tower. When you address the  
18 co-locators, each one of them -- let's just say  
19 it's Verizon or T-Mobil or Sprint, they're going  
20 to have to come before -- as you said, they're  
21 going to have to come before this Board.

22 MR. HINES: Any co-location needs  
23 approval from the Board, and it goes through the  
24 same process as we're going through now.

25 MR. TRUNCALI: This type of tower that

2 they're putting in here, is the coverage much  
3 less than say the one on Mount Zion?

4 MR. ROSS: The Mount Zion tower, is  
5 that -- I'm sorry. There is another tower which  
6 we call Marlborough. Would that be Mount Zion?

7 MR. TRUNCALI: Yes.

8 MR. ROSS: I only have a partial map of  
9 the coverage from Mount Zion. If you need me to  
10 get something that's a little more thorough, I  
11 could probably provide that to you.

12 MR. TRUNCALI: Did you tell us now they  
13 are putting in more local towers to cover smaller  
14 areas? Smaller towers that are covering smaller  
15 areas of higher density population?

16 MR. ROSS: You'll see that. I mean this  
17 isn't that case. This is -- when I was talking  
18 about a tower being a typical height, this is in  
19 the range of what a typical height of a tower is.  
20 It's to cover an area I would call rural or  
21 ex-urban, not completely rural --

22 MR. HINES: I think the question is  
23 this is covering or being proposed to take up a  
24 coverage gap, not a capacity issue.

25 MR. ROSS: I think that's --

2 MR. HINES: There were some capacity --

3 MR. ROSS: -- that's a fair statement.

4 MR. HINES: Is that what you meant,  
5 Joel?

6 MR. ROSS: I think that if -- what I  
7 would want to do is get a little clarification on  
8 that from our RF guys because sometimes it's --  
9 it's not always just one or the other, sometimes  
10 there's a measure of both, and especially when  
11 you've got things like 4G and the smart phones  
12 and you have an issue where things could be both  
13 capacity and a coverage issue. So that is  
14 something I will have to answer for you next  
15 time.

16 MR. TRUNCALI: This proposed tower also  
17 doesn't do much for the west part of the Town  
18 where you have really a lot of dead zones back  
19 there.

20 MR. ROSS: That's true enough.

21 MR. TRAPANI: That's because of the  
22 terrain, isn't it, though?

23 MR. ROSS: Yes.

24 MR. TRAPANI: When they talked about  
25 putting the tower here, they said they would have

2 to put another tower at the ambulance corp  
3 because of the terrain.

4 MR. ROSS: Terrain is a big factor.

5 MR. HINES: It's line of sight  
6 technology.

7 MR. TRUNCALI: This one you're  
8 proposing at that height really doesn't crest  
9 over the top of the hill that's right behind it.  
10 Is that blocking the coverage to the west?

11 MR. ROSS: It may, it may not. I think  
12 -- I'm not trying to be coy with you. To give you  
13 an answer for that I would have to get back to  
14 our guys and say okay. If you'd like us to  
15 address this gap over here, we could throw  
16 together something to give you at least an idea  
17 of what kind of height would be needed to cover  
18 that. There may not be an ideal solution, I can  
19 throw up 150 foot tower and blow up like a full  
20 tilt. There's a point of diminishing returns to a  
21 certain extent, typically when you get up to a  
22 certain height. It's not just structural. It has  
23 also to do with the ability to reach the people  
24 you're trying to reach.

25 MR. HINES: There's only three people

2 where you're pointing. You're on top of the ridge  
3 in the woods.

4 MR. ROSS: The member asked and I  
5 answered.

6 MR. HINES: And that might be a lot,  
7 actually.

8 MR. ROSS: There's no question you've  
9 identified there's a gap over here.

10 MR. HINES: It's woods.

11 MR. ROSS: Would you like us to see  
12 what we can do to throw something together?

13 MR. TRUNCALI: Sure.

14 MR. ROSS: You may not be happy with  
15 the result.

16 MR. MANION: Jim Manion, Western  
17 Avenue. This is a question for the Board. There  
18 are guidelines for the Planning Board, I hope,  
19 for choosing sites in the public interest for  
20 such things as this.

21 MR. BLASS: There are. There is a  
22 section --

23 MR. MANION: Are there priorities?

24 MR. BLASS: There's a section on  
25 priorities. I could review it if the Board

2 wishes.

3 CHAIRMAN PORCO: I believe everyone  
4 knows it's --5 MR. MANION: Thank you. I'm glad to  
6 know that.

7 CHAIRMAN PORCO: -- co-locations.

8 MR. BLASS: I think we should clean up  
9 the record with respect to the concept of the  
10 municipally owned properties. I could go through  
11 the priorities. I think we should do that. There  
12 may be a bit of a misunderstanding as to what --13 MR. RICCIARDONE: Keep the public  
14 hearing open?15 MR. BLASS: Sure. Sure. This is public  
16 information. So the priorities are basically,  
17 number one, highest priority on existing towers  
18 or other tall structures on Town property. So  
19 that is a co-location of a new antenna only on an  
20 existing tower on a Town piece of property. So  
21 that's the highest priority, favoring co-location  
22 and disfavoring a new tower, as you might expect.23 Number two, co-location on a site with  
24 existing telecommunications facilities or other  
25 tall structures in the Town. So the second

2 priority is co-location, no new tower on property  
3 not owned by the Town of Marlborough. Priority  
4 number two.

5 Priority number three, on other lands  
6 owned or controlled by the Town of Marlborough.  
7 So that basically presupposes a new tower, no  
8 co-location. New tower on lands owned or  
9 controlled by the Town of Marlborough.

10 The fourth priority is industrial zoned  
11 or highway development zoned lands.

12 The fifth priority is lands within the  
13 RAG-1 zoning district, R-1 zoning district with a  
14 minimum of four-acre lot size.

15 So the priorities -- those are the five  
16 priorities. So the priorities are tailored  
17 towards -- when it comes to municipal property,  
18 the priorities are tailored towards municipal  
19 property owned by the Town of Marlborough, which  
20 obviously is distinct from any other municipal  
21 corporation. Does that make sense, what I just  
22 said? So those are the five priorities.

23 MR. TRUNCALI: Can you read the  
24 exclusions also?

25 MR. BLASS: Exclusions?

2 MR. TRUNCALI: The next sentence.

3 MR. BLASS: No tower shall be sited in  
4 the RAG-1 zone above elevation 700.

5 MR. TRUNCALI: Also none in the village  
6 or in the C-1, C-2 --

7 MR. BLASS: No telecommunication  
8 facilities in C-1, C-2 or R zones.

9 MR. TRUNCALI: What if the school is in  
10 the R zone?

11 MR. BLASS: If the school is in the  
12 C-1, C-2 or R zone, that's an exclusionary piece  
13 of property.

14 CHAIRMAN PORCO: Can you also -- you  
15 mentioned municipal owned property, Town owned  
16 property. Where does school fall into municipal  
17 owned property? It's not Town owned property,  
18 it's municipal owned property.

19 MR. BLASS: Okay. I will tell you that  
20 the property of the Marlborough Central School  
21 District is not the property of the Town of  
22 Marlborough and vice versa. They are distinct  
23 municipal entities. They're both public entities,  
24 they're both municipal entities by law, but the  
25 priority schedule in the code speaks to property

2                   owned by the Town and by definition virtually  
3                   does not speak to property owned by the school  
4                   district.

5                   This Board at the last meeting asked  
6                   for -- on the basis of alternatives or  
7                   examination of alternatives, that a look be taken  
8                   at whether or not school property would be a  
9                   usable, viable location, alternative location for  
10                  a tower. I must tell you that having reviewed  
11                  the code precisely, there's no legislative  
12                  requirement that school property be used over  
13                  private property.

14                  CHAIRMAN PORCO: That's what I thought,  
15                  the way I read it, too.

16                  MR. LANZETTA: Excuse me. Could you  
17                  elaborate on the intent of the law?

18                  MR. RICCIARDONE: Could you state your  
19                  name, please?

20                  MS. LANZETTA: My name is Cindy  
21                  Lanzetta. Could you elaborate --

22                  MR. BLASS: My view on the intent of  
23                  the law is to prioritize the use of property  
24                  owned by the Town of Marlborough over private  
25                  property.

2 MS. LANZETTA: For what purpose?

3 MR. BLASS: Well, there's a revenue  
4 purpose built into it. There may be a thought --  
5 there may have been a thought that associating  
6 communication facilities with public owned  
7 properties would have less impact than  
8 associating them with private property. But I  
9 would say it's probably -- I'm guessing now,  
10 having not written this code and having not  
11 lawyered it's adoption, that one intent is  
12 revenue raising and another intent is the  
13 perceived consistency of towers with public  
14 buildings.

15 MS. LANZETTA: Is it not if the public  
16 is going to be subjected to any possible negative  
17 impacts of a cell tower siting, that it should  
18 also be gained, some sort of positive, from that  
19 impact?

20 MR. BLASS: I would say that that's  
21 more of a SEQRA issue. That's more of an  
22 environmental review issue. That's more of a  
23 visual impact issue. That's more of another  
24 impact issue than it is a black and white pecking  
25 order under a local law. So the Board, in

2 reviewing site plans and special permits, is  
3 always going to take a look at potential adverse  
4 impacts of the suggested site. To a large degree,  
5 the Board, depending on how the SEQRA process  
6 rolls out, would be interested in alternatives as  
7 well for purposes of SEQRA review. Does that make  
8 sense? Is that responsive I hope?

9 MS. LANZETTA: The intent of the law is  
10 right in the beginning of the law as well.

11 MR. BLASS: Well I'm not sure what  
12 section that you're referring to, Cindy. If you  
13 have anything, I'll look at it.

14 CHAIRMAN PORCO: Someone in the back  
15 there has been waiting patiently.

16 MS. DORAN: Michelle Doran. Has the  
17 applicant approached the school district in the  
18 past years? And, if so, did they come to an  
19 agreement or not and the reasons for that?

20 MR. ROSS: It's my understanding, and  
21 this is something that we're still trying to do a  
22 little bit of work on, there were discussions  
23 with the school district, I'm going to say  
24 roughly 2009, 2010.

25 MS. DORAN: That's what I seem to

2 remember.

3 MR. ROSS: Those ultimately obviously  
4 didn't bear any fruit, so the decision was made  
5 not to move forward. That's something we're still  
6 trying to get a bit of a handle on. It's  
7 something we've also learned in the course of  
8 trying to prepare the discussion for this meeting  
9 and trying to vet the suggestion that was --10 MR. LOGUE: Was it AT&T or a different  
11 carrier?12 MR. ROSS: It was AT&T. I don't know if  
13 other carriers had this discussion with the  
14 school district. I know we did. I wasn't  
15 personally involved in those but I know they took  
16 place. I guess, you know, our approach at this  
17 point has been well that happened but now, you  
18 know, there seems to be -- probably could be new  
19 folks involved. That might have something to do  
20 with it. At any rate, they are open to  
21 considering it now, so I believe we have to move  
22 forward.

23 CHAIRMAN PORCO: Yes, ma'am.

24 MR. ANGST: My wife and I own the  
25 property just north --

2 CHAIRMAN PORCO: Give your name.

3 MR. ANGST: Fred Angst, A-N-G-S-T, of  
4 the Stoutridge Vineyards property. We have a  
5 comment. My southern border is his northern  
6 border for that segment. We obviously opposed the  
7 program because I don't want to look at it. I can  
8 see -- just driving up there, I can see the  
9 Stoutridge buildings, I can see all the  
10 grapevines in line. It's definitely, I would  
11 think, going to lower my property value and  
12 probably make it less desirable rental property,  
13 which we now use it for. We rent the property to  
14 two families. I think that tower, the way I  
15 figured the scale on there, is going to be 900  
16 feet from my main house, which is, depending upon  
17 whether you believe that it's no health issue or  
18 a health issue, if you don't want to -- I  
19 hesitate to raise that issue of health because it  
20 scares the hell out of people.

21 MS. RENAUD: I second that. I second  
22 that. Laura Renaud across the street. And I have  
23 an issue with that. No mention -- is there any  
24 like levels that you give us of the EMF radiation  
25 coming out this tower? I'm across the street.

2 CHAIRMAN PORCO: Just give Mr. Angst --  
3 let him finish.

4 MS. RENAUD: I'm sorry. I was  
5 seconding you.

6 MR. ANGST: I'm all set. Thank you.

7 MS. RENAUD: You can finish that  
8 sentence if you'd like. I'm sorry.

9 Since I'm speaking as a neighbor, and  
10 he has issues and I have issues, do we have any  
11 say in this? I mean I'm concerned about my  
12 family's health. I'm also concerned about the  
13 property value of our -- you know, right now it's  
14 agriculture on our property. Is there anybody  
15 that we can -- is there anything that can be  
16 done? Do we have any rights? That's what I want  
17 to know. Do we have any rights or say about this?

18 MR. BLASS: We could have a toss up  
19 here on the health impacts. Do want to handle  
20 that or --

21 MR. ROSS: Well I will say that the --  
22 these antennas are categorically excluded from  
23 regulation. In other words, they're not subject  
24 to any regulation by the FCC, that they're more  
25 than 30 feet above the ground.

2 MS. RENAUD: But there's a new  
3 technology. It's not the same FCC --

4 MR. ROSS: It's been determined that  
5 the same technology, the 4G technology, the same  
6 rules apply.

7 MS. RENAUD: As what? Fifty years ago?

8 MR. ROSS: There wasn't this technology  
9 fifty years ago. These have all been promulgated  
10 within the last ten years. I might add, planning  
11 boards --

12 MS. RENAUD: But the FCC laws about  
13 protecting the radiowave -- the area, I mean --

14 MR. ROSS: They are considering impacts  
15 both on the ground and in the air. Any impact on  
16 the ground doesn't --

17 MS. RENAUD: Cell towers within two  
18 miles of a residential area, plus the schools.  
19 You guys are talking about your schools. You  
20 don't know the impact on the health of your  
21 children in the schools.

22 MR. ROSS: I can only tell you --

23 MS. RENAUD: I heard one mention of  
24 that tonight.

25 MR. ROSS: -- people have certainly

2 given it a lot of consideration. Again, it's  
3 categorically --

4 MS. RENAUD: You're a doctor. Am I  
5 wrong?

6 MR. ROSS: I might add it's not  
7 premised --

8 MR. BLASS: I can address that. Do you  
9 mind if I jump in on the health issue? You're  
10 not going to like to hear this answer but there  
11 is a Federal Telecommunications Act of 1996,  
12 which, because it is a Federal statute to a large  
13 degree preempts local regulation and State  
14 regulation. There is an expressed exclusion of a  
15 local municipality's rights to get involved in  
16 the issue of assessing the public health, safety  
17 of a cell tower, telecommunications facility. So  
18 even if the Town wanted to put the applicant to  
19 certain paces to establish safety, the Federal  
20 Act of 1996 precludes towns from doing that. It's  
21 a very disappointing answer to most people in  
22 your situation but it is unfortunately the  
23 answer.

24 With respect to property values and the  
25 impact on property values which you were raising,

2 however that is fair game for consideration in  
3 the context of review of this sort of facility.

4 MS. RENAUD: So a property owner would  
5 have to just, you know, sue somebody or  
6 something? You have to do it personally?

7 MR. BLASS: It's always good practice,  
8 if someone wants to make the investment, to rely  
9 on more than generalized comment.

10 MS. RENAUD: So you need a scientific  
11 study?

12 MR. BLASS: With respect to real  
13 property it would probably be wise for any person  
14 interested in advancing that issue to get an  
15 appraisal or to get appraisal expert proof in  
16 that regard and to put it into the record.

17 MS. RENAUD: You mean of the property  
18 value?

19 MR. BLASS: Correct. Or the impact of  
20 the facility on property values. That's really a  
21 matter of expert opinion.

22 MS. RENAUD: Would you want that next  
23 to your kids and grandchildren? I mean --

24 MR. BLASS: I hear what you're saying.  
25 I'm sorry I can't comment on that.

2 MS. RENAUD: I'm just saying because  
3 nobody else mentioned it. I just wanted to just  
4 say it.

5 MS. RELYEAE: I just have a quick  
6 comment. My name is Jacqueline Relyea, I live on  
7 Ridge Road. This is the first meeting I've  
8 attended regarding this subject. I think, like  
9 many other people, the first I was aware of it  
10 was from the article in The Southern Ulster  
11 Times. Since I read that article I also looked at  
12 Chapter 152 in our Town Code which I found very  
13 interesting. As this gentleman mentioned, it's  
14 almost thirty pages of detail. When you look at  
15 this chapter it raises more questions to the  
16 average citizen than I think anyone has addressed  
17 here.

18 My question is the information that  
19 you're preparing and the information that you  
20 presented to the Planning Board, is that  
21 information that is accessible to us? For  
22 example, the chapter mentions that two other  
23 towers may go up. There may be something in the  
24 plan where you would say that in the future you  
25 could have two other -- this is the Town of

2 Marlborough chapter. It talks about a parking lot  
3 needed for access by emergency equipment and by  
4 delivery trucks. It talks about many things that  
5 no one is really answering. We just would like  
6 to know is there a place that we can get these  
7 answers and have you answered these questions for  
8 the Planning Board? We don't know that either.

9 MR. HINES: All the applications are  
10 available at the town hall during normal business  
11 hours. There is a site plan that has been  
12 included in the application packet that's  
13 currently being reviewed both by my office as the  
14 planning Board engineer and the Town's wireless  
15 consultant is also reviewing that data.

16 MS. RELYEAE: Have all of you looked at  
17 this chapter? I mean it talks about so many  
18 things. I assume everyone is familiar with the  
19 Town Code, and the attorney is obviously familiar  
20 with it. All of these things that are being  
21 addressed in our Town Code, have you discussed  
22 this with the applicant or is this the first time  
23 you're getting into, for example, the health  
24 issue, aesthetic issue, being in residential  
25 areas?

2 MR. BLASS: In the first instance it's  
3 the applicant's wise course to become familiar  
4 with the Town Code and to tailor it's application  
5 to meet it's processing requirements, and then it  
6 becomes -- once the application is complete, then  
7 it becomes the function of the Planning Board to  
8 take public comment on issues related to those  
9 standards, and eventually to apply those  
10 standards when it's called upon to make a  
11 decision.

12 MS. RELYEAE: So the application, am I  
13 correct, is not complete because the gentleman  
14 mentioned you're now going to open it up to the  
15 school? Is the application complete or is it  
16 still an open application?

2 resources evaluation that needs to be done by  
3 virtue of the category of the site according to  
4 the applicant's own documents, and that hasn't  
5 yet been done. We just received the visual impact  
6 study tonight, and that will probably necessitate  
7 or give rise to a question as to whether or not  
8 the public hearing needs to be adjourned to allow  
9 the public comment to catch up to the submissions  
10 as they come in.

11 MS. RELYEAE: Will that information be  
12 available online or do we need to go to the town  
13 hall to get copies of the application?

14 MR. BLASS: It's not the practice of  
15 the Town to put this material online yet. Some  
16 towns do, most towns don't. So it is -- it is  
17 available at the offices.

18 MS. RELYEAE: Perhaps the timing on all  
19 this, you mentioned the next meeting is in two  
20 weeks. What are your next steps as far as all of  
21 this is concerned then?

22 MR. HINES: The Planning Board's  
23 meeting is in two weeks. We're not saying this is  
24 going to be scheduled at that time. It could be  
25 put off further than that.

2 MR. BLASS: I think what the Board will  
3 be entertaining is whether or not to adjourn the  
4 public hearing. If it adjourns the public  
5 hearing, that's going to put it over for four  
6 weeks of necessity.

7 CHAIRMAN PORCO: Dr. Manion?

8 MR. MANION: I am as much an  
9 environmentalist as anybody, but I have to say  
10 this. I think the concept that high-powered lines  
11 and cell phones and so forth cause brain tumors  
12 and things like that, leukemia, has been  
13 generally debunked, there is no evidence-based  
14 medicine to support it, and that's why a  
15 municipal board like this can't really consider  
16 those concerns. I think if I'm going to choose  
17 another thing besides benefit to the Town as an  
18 excuse for being against this proposition is the  
19 visual impact of a cell tower. I think they're  
20 ugly as sin. We've got to have them. I don't  
21 think that's a strong argument. It's not strong  
22 enough to make you win.

23 CHAIRMAN PORCO: Yes, sir.

24 MR. GARAFALO: James Garafalo again.

25 Just for your benefit, since 2009 the school

2 district has closed two schools. It's really  
3 a difference between night and day from then  
4 until now. So I certainly encourage you to  
5 talk to the School Board because there's  
6 certainly been some major changes since 2009.

7 MR. ROSS: Understood. Thank you.

8 CHAIRMAN PORCO: Yes, ma'am.

9 MS. RELYEAE: Lucy Relyea, Ridge Road.  
10 If this is approved, can you just show me where  
11 the access to this tower will be? Will it be  
12 from Prospect or Wyms?

13 MR. ROSS: It's from Prospect.

14 MR. HINES: Through the Stoutridge  
15 access road.

16 MR. ROSS: Through the existing --

17 MS. RELYEAE: Thank you.

18 CHAIRMAN PORCO: Questions from the  
19 Board so far? I know we haven't had time to  
20 review everything.

21 MR. RICCIARDONE: I'm just looking to  
22 see what we're going to do with the public  
23 meeting.

24 CHAIRMAN PORCO: No doubt it's going to  
25 be held over.

2 MR. RICCIARDONE: I'm good.

3 CHAIRMAN PORCO: But if you had any  
4 specific questions --

5 MR. RICCIARDONE: I have a couple.

6 Number one, have you scheduled anything with the  
7 School Board to actually physically meet with the  
8 superintendent of the schools and talk about  
9 their properties? And two, have you physically  
10 talked to or have times that you can meet with  
11 the Town Board to look at their properties?

12 MR. ROSS: We'll have to make -- to  
13 answer your first question; no, not yet.

14 To answer the second question, we'll  
15 get on that, look into it.

16 MR. RICCIARDONE: Both municipal and  
17 school properties. All right. That would be  
18 something that the public would definitely want  
19 to know, whether it's feasible for you to have  
20 your coverage and put a tower up. The same way  
21 with the school, all right. And then obviously  
22 talk about heights in those areas as far as where  
23 it's possible to go. Heights of cell towers,  
24 whether they stand 150 feet, you have to go to  
25 125 feet, 160 feet. All right.

2 MR. ROSS: Right.

3 MR. RICCIARDONE: I think that would  
4 help.

5 MR. BRAND: To go from what he's  
6 saying, I'd like to see some type of map similar  
7 to this where you're looking at all those  
8 properties and showing us exactly what the  
9 coverage would be here, at the school -- maybe  
10 all of those municipal properties.

11 MR. LOGUE: The school districts, all  
12 the parcels the Town owns. Give us a sort of --

13 MR. BRAND: What the difference in  
14 coverage would be.

15 MR. RICCIARDONE: Only the ones that  
16 are feasible. The ones that are not feasible,  
17 make a list of what is not feasible so we know  
18 what properties are not feasible in your eyes,  
19 all right. Again, I don't know how many -- there  
20 are properties that the school owns that are --  
21 there's the property on Lattintown Road, that's a  
22 piece of property that the school owns. There's  
23 things like that that you can get into, all  
24 right. And then the next step, you know, bring  
25 in obviously individual private owner cell

2 towers.

3                   My other comment is I know cell towers  
4 are ugly but I guarantee you there isn't a person  
5 in this room that doesn't own a cell phone. So  
6 the fact of the matter is that cell towers are  
7 here and cell phones are here. As a community  
8 you better understand that we need cell service,  
9 not only specifically for our 911 and our  
10 emergency calls via police, okay. So you're going  
11 to need them in this community.

12                  I'm glad everybody is here to show a --  
13 to show support that they want something done,  
14 but it can't be always a negative outlook on how  
15 it gets done. The thing is if you don't want it  
16 by me can't work all the time. Okay. It has to be  
17 for the greater good of the community. That's my  
18 comment.

19                  CHAIRMAN PORCO: Any other questions  
20 from the Board?

21                  MR. BRAND: I just have one other. I'd  
22 also like to see -- I asked you specifically  
23 about the fees associated with this and you were  
24 unable to answer that. I'd like to see what kind  
25 of money we actually are talking about, how it

2 would benefit the school, the Town, what that  
3 would be.

4 MR. ROSS: Okay. We'll put something  
5 together. It's going to be obviously subject to  
6 some degree of confidentiality.

7 MR. BRAND: Just give me a range.

8 MR. LOGUE: A ballpark.

9 MS. TERRY: A proposal has been given  
10 to the school district with fees, and they are  
11 having internal conversations to discuss it.

12 MR. BRAND: Okay.

13 MR. ROSS: Let me ask a follow-up  
14 question to your question.

15 MR. RICCIARDONE: Yes.

16 MR. ROSS: In terms of the Town  
17 properties, who would be the best person to reach  
18 out to?

19 MR. RICCIARDONE: The Town Supervisor,  
20 go before the Town Board, reach out to them.

21 MS. LANZETTA: Supervisor?

22 MR. RICCIARDONE: Cindy, that isn't a  
23 joke. He is the Town Supervisor.

24 MS. LANZETTA: He's an applicant. He's  
25 a party to this application.

2 MR. RICCIARDONE: Who else would you  
3 like to say?

4 MS. LANZETTA: The other members of the  
5 Town Board.

6 MR. RICCIARDONE: I just said that,  
7 Cindy. I just said the other Town members.

8 MR. BAKER: We have three councilmen  
9 here tonight.

10 MR. RICCIARDONE: There's a councilman  
11 there, there's another councilman. They all know  
12 who's on the Town Board. It's not a laughing  
13 matter.

14 MR. LOGUE: All right.

15 CHAIRMAN PORCO: What I would like to  
16 do is have a motion to continue the public  
17 hearing. I'm not sure what the timeframe should  
18 be, though.

19 MR. BLASS: One month or two.

20 CHAIRMAN PORCO: It all depends on when  
21 the applicant feels they might have some more  
22 information available.

23 MR. ROSS: When would be the next Town  
24 Board meeting we could appear at to at least talk  
25 about it informally?

2 MR. BAKER: April 14th.

3 MR. HINES: The Board only holds -- oh,  
4 the Town Board?

5 MR. ROSS: The member suggested we talk  
6 to them.

7 MR. RICCIARDONE: Could you address  
8 that, please?

9 MR. BAKER: April 14th at this exact  
10 location.

11 MR. ROSS: Mechanically are there any  
12 steps we need to get on the agenda or could you  
13 sort of --

14 MR. BAKER: We'll get you in there.

15 It's going to be a busy night but we can get you  
16 on.

17 CHAIRMAN PORCO: We would typically  
18 hold it open until one month, which would be  
19 May 5th. Now, we could hold it open until then  
20 but if you're not ready we can continue to extend  
21 to hold it open for another month.

22 MR. ROSS: May 5th, let's try to shoot  
23 for that. If it works for you, it sounds  
24 reasonable, and I appreciate that. If we don't  
25 have a full set of answers for you, then we're

2 not going to come in and just give you answers  
3 piecemeal. If we're not ready to go for the  
4 meeting for the 5th, we'll have to revisit.

5 MR. RICCIARDONE: The next meeting  
6 would be the 19th.

7 MR. ROSS: After the 5th.

8 CHAIRMAN PORCO: Not for public  
9 hearings. It would be the first Monday in June.  
10 That would be Monday, June 2nd.

11 So if the Board doesn't have an issue  
12 with that, unless there's any other questions for  
13 this evening, I think the Board is going to  
14 entertain a motion to keep the public hearing  
15 open right now for a period of one month, which  
16 would be the first Monday in May.

17 MR. HINES: You'll have your wireless  
18 consultant's comments back by then also.

19 CHAIRMAN PORCO: We'll have additional  
20 comments and have had a chance to review the  
21 flight simulations here.

22 MR. ROSS: I wish it was that much fun.

23 CHAIRMAN PORCO: The Board will  
24 entertain a motion to keep the public hearing  
25 open until Monday, May 5th.

2 MR. RICCIARDONE: I'll make that  
3 motion.

4 CHAIRMAN PORCO: Frank.

5 MR. TRAPANI: I'll second it.

6 CHAIRMAN PORCO: And Ben seconds it.

7 All in favor, say aye.

8 MR. BRAND: Aye.

9 MR. TRAPANI: Aye.

10 MR. RICCIARDONE: Aye.

11 MR. LOGUE: Aye.

12 MR. TRUNCALI: Aye.

13 CHAIRMAN PORCO: Aye.

14 Any opposed?

15 (No response.)

16 CHAIRMAN PORCO: That motion is  
17 carried.

18 Thank you, everyone, for your comments  
19 this evening.

20

21 (Time noted: 8:46 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: April 23, 2014

2 STATE OF NEW YORK : COUNTY OF ULSTER  
3 TOWN OF MARLBOROUGH PLANNING BOARD  
4

----- X  
3 In the Matter of  
4

5  
6 CERONE/TRUNCALI  
7

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

----- X  
12 EXTENSION  
13 TWO-LOT SUBDIVISION  
14

15 Date: April 7, 2014  
16 Time: 8:47 p.m.  
17 Place: Town of Marlborough  
18 Town Hall  
19 1650 Route 9W  
20 Milton, NY 12547  
21

22 BOARD MEMBERS: JOSEPH PORCO, Chairman  
23 CHRISTOPHER BRAND  
24 BEN TRAPANI  
25 FRANK RICCIARDONE  
MICHAEL LOGUE  
26

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

31 APPLICANT'S REPRESENTATIVE: MR. CERONE  
32

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

2 CHAIRMAN PORCO: We're going to call  
3 this meeting back to order. Thank you.

4 Next on the agenda is Cerone/Truncali,  
5 extension on a two-lot subdivision.

6 Joel is recusing himself from this  
7 application. That's noted.

8 You had some --

9 MR. BLASS: I think the extension  
10 should go to May 7th to bring it into consistency  
11 with the ninety-day timeframe.

12 CHAIRMAN PORCO: Does the Board have  
13 any questions on that, to extend this application  
14 until May 7, 2014?

15 MR. TRAPANI: May 7th?

16 CHAIRMAN PORCO: Yes.

17 If there are no issues with that, we  
18 can have a motion to --

19 MR. LOGUE: I'll make a motion to  
20 extend this until May 7, 2014.

21 MR. RICCIARDONE: I'll second it.

22 CHAIRMAN PORCO: Mike and Frank. All  
23 those in favor, say aye.

24 MR. BRAND: Aye.

25 MR. TRAPANI: Aye.

2 MR. RICCIARDONE: Aye.

3 MR. LOGUE: Aye.

4 CHAIRMAN PORCO: Aye.

5 Motion carried.

6 MR. HINES: Just for the applicant, we  
7 need to get the request in a timely manner to  
8 extend it once again. Just so you're aware of  
9 it.

10 MR. CERONE: Thank you.

11

12 (Time noted: 8:50 p.m.)

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

4

5

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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DATED: April 23, 2014

24

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

In the Matter of

## KATELYN & WADE DAVIS

Project No. 14-7007  
39 Reservoir Road

Section 108.2; Block 9; Lots 12.2 & 12.3

SKETCH  
LOT LINE REVISION

Date: April 7, 2014  
Time: 8:50 p.m.  
Place: Town of Marlborough  
Town Hall  
1650 Route 9W  
Milton, NY 12547

15        BOARD MEMBERS:     JOSEPH PORCO, Chairman  
                                  CHRISTOPHER BRAND  
16                                BEN TRAPANI  
                                  FRANK RICCIARDONE  
17                                MICHAEL LOGUE  
                                  JOEL TRUNCALI

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

21 APPLICANT'S REPRESENTATIVE: KEVIN CASEY

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

2 CHAIRMAN PORCO: Next is Katelyn and  
3 Wade Davis, sketch on a lot line revision.

4 MR. CASEY: I'm representing my  
5 daughter and son-in-law on a lot line revision.

6 MR. HINES: This is a proposal to  
7 combine two lots. We've seen several of those  
8 lately. There's two approximately two-acre lots  
9 that are going to become one four-acre lot.

10 It needs a public hearing consistent  
11 with the ones we've done two previous meetings to  
12 accomplish that.

13 The only thing we're suggesting is that  
14 the section number be added to the section, block  
15 and lot on the plans.

16 CHAIRMAN PORCO: Any questions from the  
17 Board?

18 MR. RICCIARDONE: No.

19 CHAIRMAN PORCO: What we need to do is  
20 make a motion to set it up for a public  
21 hearing, --

22 MR. HINES: May 5th.

23 CHAIRMAN PORCO: -- which would be the  
24 first Monday in May, May 5th.

25 MR. LOGUE: I'll make that motion to

2 set it up for a public hearing for May 5th.

3 MR. TRAPANI: I'll second it.

4 CHAIRMAN PORCO: Mike and Ben. All  
5 those in favor, say aye.

6 MR. BRAND: Aye.

7 MR. TRAPANI: Aye.

8 MR. RICCIARDONE: Aye.

9 MR. LOGUE: Aye.

10 MR. TRUNCALI: Aye.

11 CHAIRMAN PORCO: Aye.

12 Any opposed?

13 (No response.)

14 CHAIRMAN PORCO: The motion is carried.

15 That's all we need to do tonight.

16

17 (Time noted: 8:53 p.m.)

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

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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: April 23, 2014

24

25

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

In the Matter of

COPART YARD 24

Project No. 14-7006

## Riverview Drive

Section 109.1; Block 2; Lot 5.311

## SKETCH

AMENDED SITE PLAN

11 Date: April 7, 2014  
12 Time: 8:53 p.m.  
13 Place: Town of Marlborough  
Town Hall  
1650 Route 9W  
Milton, NY 12547

15       BOARD MEMBERS:     JOSEPH PORCO, Chairman  
                                  CHRISTOPHER BRAND  
16                            BEN TRAPANI  
                                  FRANK RICCIARDONE  
17                            MICHAEL LOGUE  
                                  JOEL TRUNCALI

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

MICHELLE L. CONEBRO

10 Westview Drive

Wallkill, New York 12589

(845) 895-3018

2 CHAIRMAN PORCO: Next is Copart Yard  
3 24, sketch on an amended site plan.

4 MR. BROWN: I brought Tom Smith with me  
5 from Copart.

6 This is a parcel that we had approved a  
7 couple years ago. Since that time the road has  
8 been dedicated. We provided the property lines to  
9 reflect the property line now is at the edge of  
10 the right-of-way.

11 The building is significantly smaller.

12 The impervious area now is roughly the  
13 same as what we had at the last approval.

14 We've maintained the same stormwater  
15 facility.

16 The only other big difference is we've  
17 added another entrance onto Riverview Drive to  
18 facilitate getting trucks in and out. The trucks  
19 will be coming from the yard down below and  
20 pulling in here briefly to get their orders to  
21 wherever they're going to go next.

22 We did get some comments from the  
23 highway department, from Gael. He wants us to do  
24 an eighteen-inch culvert under the new entrance.  
25 That is shown on the plans I brought with me, not

2 on the plans you have. I did do that.

3 CHAIRMAN PORCO: Which entrance?

4 MR. BROWN: This entrance down here.

5 CHAIRMAN PORCO: The lower one?

6 MR. BROWN: Yup. In addition, he asked  
7 us to put some guide rail along the embankment  
8 here. Right here, this is sheet 2 which has the  
9 grading. That's the next page. That does show a  
10 significant embankment.

11 We also dropped it down to a one-inch  
12 water service line. That is because this building  
13 is going to be a steel building, it's not a stick  
14 building, therefore it doesn't need to be  
15 sprinklered.

16 MR. HINES: That's a great idea. That  
17 four-inch water main --

18 MR. BROWN: Yeah. We do have from the  
19 Health Department a preliminary approval.  
20 The only thing they're waiting for is a sign off  
21 from the town water department. I have some for  
22 the Board if you want to pass it around.

23 Tommy is here, your building inspector,  
24 because he's the one that relayed the information  
25 to Gael Appler as far as the highway permit. So

2 we're here to hopefully get this thing rolling.

3 CHAIRMAN PORCO: So did Copart purchase  
4 the property?

5 MR. BROWN: Yes. They own it now.

6 They're owner and applicant.

7 CHAIRMAN PORCO: And this is just going  
8 to be office building, no storage of --

9 MR. BROWN: Correct.

10 CHAIRMAN PORCO: -- the cars?

11 MR. HINES: We're going to request  
12 notes be added that no vehicles, unregistered, be  
13 stored on this site.

14 MR. BROWN: We have no problem with  
15 that.

16 MR. HINES: We haven't had a problem of  
17 late but in the past we had vehicles dropped off  
18 on that road.

19 MR. LOGUE: Are you essentially moving  
20 your office from down below up to here?

21 MR. SMITH: Yeah.

22 CHAIRMAN PORCO: Like any other site  
23 plan, we're going to need some architectural  
24 renderings, building materials, colors, --

25 MR. BROWN: Lighting.

2 CHAIRMAN PORCO: -- lighting,  
3 landscaping.

4 MR. BROWN: All right. I did discuss  
5 the lighting with my client Tom, and maybe I'll  
6 let him address that when I'm done here. Because  
7 it's their facility I did ask them if they want  
8 to put parking lot lights in, and they preferred  
9 not to do that. If that's something the Planning  
10 Board is going to require, then obviously we'll  
11 put it on there.

12 MR. RICCIARDONE: How late -- what is  
13 the lateness in the winter? How you late are  
14 people working? 6:00, 7:00, 8:00 at night?

15 MR. BROWN: What are your hours?

16 MR. SMITH: 7 in the morning until 6 at  
17 night. 6 p.m.

18 We put convenience lights around the  
19 building outside but generally try to stay away  
20 from the pole mounted lights in the parking lot.

21 MR. HINES: You'll have wall packs on  
22 the building?

23 MR. RICCIARDONE: How far out do those  
24 wall packs go out?

25 MR. BROWN: It would not reach the

2 third aisle.

3 MR. RICCIARDONE: You're saying 6:00.

4 Does everybody get out of there at 6:00 and  
5 there's nobody in that parking lot that has to  
6 walk through the dark at all or are there people  
7 left there at 6:00, going to be there until 7:30,  
8 8:00 at night working, all right. Again, in the  
9 morning --

10 CHAIRMAN PORCO: If it's not open to  
11 the public I see no point of parking lot  
12 lighting.

13 MR. RICCIARDONE: Well parking lot  
14 lighting is workers are working there and if he  
15 walks out and there's a dark parking lot --

16 CHAIRMAN PORCO: I don't think the  
17 Board needs to require that since it's not open  
18 to the public. If the applicant wants to put it  
19 there for their own safety reasons.

20 MR. RICCIARDONE: I'm just putting out  
21 the issue.

22 MR. HINES: The neighbor across the  
23 street may appreciate the lack of lighting.

24 CHAIRMAN PORCO: That's what I'm  
25 driving at. The public -- you know, CVS, you're

2 going in and out, of course you need that stuff.

3 MR. BROWN: Can we get a consensus on  
4 that?

5 MR. HINES: Let's show the wall packs  
6 and the lighting lines for that so the Board gets  
7 a handle on that. Strategically located, that  
8 could light the parking lot fairly well.

9 MR. BROWN: I don't think so. The  
10 building is -- I mean at the eaves there's only  
11 about twelve foot.

12 MR. HINES: You're not going to get a  
13 lot of light.

14 MR. BROWN: You get underneath that,  
15 it's not a fifteen-foot pole. I'll put it on  
16 there, sure.

17 MR. HINES: You could set the pole  
18 lights so you can turn them off, too. The last  
19 guy out. They make some bollard lighting.

20 CHAIRMAN PORCO: The bollard lighting,  
21 that might help illuminate that without causing  
22 trespass to the rest of the neighbors. Just a  
23 thought.

24 MR. HINES: At 6:00 in the winter it's  
25 dark. 7:00 in the winter it's dark.

2 CHAIRMAN PORCO: I think it was dark  
3 most of this winter.

4 Anyway, any other questions from the  
5 Board so far?

6 Pat has some comments.

7 MR. HINES: They have my comments. Some  
8 of them are clean up, some of them have been  
9 addressed. The Health Department we just heard  
10 about. I believe the property lines that are  
11 depicted have changed, especially across the  
12 street. When that became a dedicated roadway  
13 there was some additional dedication.

14 MR. BROWN: The map does show the new  
15 property line which used to be the right-of-way  
16 line.

17 MR. HINES: On your side. On the  
18 Woodward side I think that changed, too.

19 MR. BROWN: That was actually our  
20 property line. We owned the whole road.

21 MR. HINES: In the past. Okay.

22 MR. BROWN: The entire fifty foot.

23 MR. HINES: If that's been updated  
24 that's fine.

25 MR. BROWN: The entire fifty foot was

2 with this property.

3 MR. HINES: You did some of the  
4 dedications.

5 MR. BROWN: Yup.

6 MR. HINES: What I'm saying is I think  
7 Woodward did a dedication also on his side.

8 MR. BROWN: Really. Okay. I'll check.

9 MR. HINES: The grading along Riverview  
10 Drive, specifically you said you added that  
11 culvert. There was quite a large swale put along  
12 there to convey the runoff through there.

13 The gravel area for truck staging,  
14 we're suggesting that that be paved just for dust  
15 control issues, and it probably should be a more  
16 heavy duty pavement.

17 You have car carriers coming in here;  
18 right?

19 MR. SMITH: Yeah.

20 MR. HINES: It doesn't look like  
21 they're going to make that radius into there.

22 MR. BROWN: I laid them on there.  
23 That's a twenty-five foot radius.

24 MR. HINES: Then you hit the --

25 MR. RICCIARDONE: Are the car carriers

2 coming in or --

3 MR. SMITH: They're going down to the  
4 storage facility but the dispatch function will  
5 be happening in this building so they'll pull in,  
6 get paperwork.7 MR. HINES: That island is obviously  
8 not curbed. I don't think they're making that S  
9 turn in.10 MR. BROWN: We're just going to stripe  
11 that.12 MR. HINES: That would probably  
13 function if it wasn't curbed. We are suggesting  
14 that be paved, though, rather than have a dust  
15 surface there. In August you're going to have car  
16 carriers pulling in and out of there.17 MR. BROWN: I did discuss that with my  
18 client. We don't have a problem doing that. That  
19 is going to adjust the drainage a little bit.20 MR. HINES: If you want to use pervious  
21 pavement there or something.22 MR. BROWN: Or I could use an  
23 infiltration trench between catch basin A-3 and  
24 A-2.

25 MR. HINES: That's fine. The water

2 service you just addressed, so that's -- if you  
3 can get the information to the highway  
4 superintendent.

5 If you can show the sight distance  
6 after clearing, too.

7 MR. BROWN: Okay. Yup.

8 MR. HINES: It's not good what you're  
9 showing there. I think after the clearing you'll  
10 have quite a bit more, especially if they're in  
11 trucks and sitting up higher.

12 MR. BROWN: There's a mound in the way  
13 on that one side.

14 MR. HINES: Yeah. Otherwise it's a  
15 little smaller.

16 MR. RICCIARDONE: I'm stuck on the car  
17 carriers.

18 MR. HINES: I am, too. I don't want to  
19 see them driving through. If you can lay them in  
20 there. Show the driving so we make sure it makes  
21 it in there. It looks like they're making that S  
22 turn coming in.

23 MR. BROWN: If somebody was waiting to  
24 get out, they're going to have to wait. In other  
25 words, a car would have to pull out first. It

2 does make it -- I will show that.

3 MR. HINES: You'll most likely be  
4 holding up your own traffic if you do that.

5 MR. RICCIARDONE: Do these guys come in  
6 at 3:00 in the morning, 4:00 in the morning and  
7 sit there?

8 MR. HINES: That hasn't been an issue.  
9 Fifteen years ago that was an issue on this site.  
10 I don't think it is any more. Right?

11 MR. CORCORAN: No. No issue.

12 MR. SMITH: The primary purpose of them  
13 pulling in is to just get paperwork. They'll come  
14 down and go down to the existing facility, drop  
15 their cars. When they come back up they have to  
16 get paperwork for their next run.

17 MR. RICCIARDONE: They're not coming in  
18 with loaded cars?

19 MR. SMITH: Yeah. They'll be going down  
20 here.

21 MR. RICCIARDONE: With the loaded cars  
22 and coming up here empty?

23 MR. SMITH: Yes.

24 MR. RICCIARDONE: They're not staying  
25 overnight or anything like that?

2 MR. SMITH: No. If he's loaded he  
3 might drop five off, pick two up. Some type of a  
4 delivery function as well.

5 MR. HINES: They're doing both,  
6 otherwise their system doesn't work.

7 MR. SMITH: Well, yeah.

8 CHAIRMAN PORCO: No money made in  
9 driving around empty trucks.

10 MR. SMITH: When you see two go in  
11 opposite directions empty --

12 MR. BROWN: That's a no-no.

13 MR. HINES: Gas at \$4 a gallon.

14 CHAIRMAN PORCO: Who scheduled that  
15 one?

16 MR. BROWN: Would this be scheduled for  
17 a public hearing eventually?

18 MR. HINES: With the Health Department  
19 letter I'm okay with scheduling it for the next  
20 available date.

21 MR. BROWN: Can we go before the cell  
22 tower, too?

23 MR. HINES: I don't even know if  
24 they're going to be here.

25 CHAIRMAN PORCO: First of all, any

2 further questions from the Board?

3 MR. LOGUE: I'm comfortable.

4 CHAIRMAN PORCO: When would it get  
5 submitted to County?

6 MR. HINES: It could go -- they  
7 probably want to add the lighting on.

8 CHAIRMAN PORCO: You might want to do  
9 the things I asked for, like the architectural  
10 rendering. If you get that to us --

11 MR. HINES: Kathi can send it to the  
12 County.

13 CHAIRMAN PORCO: I'm not really sure  
14 when the County meets. We may not have County --  
15 Walt is not here to answer that.

16 MR. HINES: It's the day after our  
17 meeting usually.

18 CHAIRMAN PORCO: The first Wednesday of  
19 the month; right?

20 MR. HINES: It will be two days after  
21 our meeting.

22 MR. BROWN: May 7th we won't make.

23 MR. HINES: You can get approval two  
24 weeks after.

25 CHAIRMAN PORCO: We may not have County

2 comments by the public hearing.

3 MR. BROWN: Okay.

4 MR. HINES: We'll have them by the  
5 19th, by the next one.

6 CHAIRMAN PORCO: This won't make the  
7 close of the public hearing, though?

8 MR. BLASS: Not necessarily.

9 MR. HINES: You just can't make a  
10 determination. And this is a scaled down --  
11 they've seen this one before. It's a little bit  
12 different use but a scaled down site plan.

13 MR. BROWN: We actually had a two-story  
14 office building and then another building  
15 attached to it that was a little more storage,  
16 warehouse, contractor bays. That again was  
17 probably what prompted the sprinkler system,  
18 because of the multi uses. This is the same as  
19 before, steel building, all office.

20 MR. SMITH: I can explain to you --

21 MR. LOGUE: That's all right.

22 MR. SMITH: We'll get you some  
23 pictures.

24 CHAIRMAN PORCO: Only because the  
25 County gets pretty particular on certain things.

2                   If the Board doesn't have a problem  
3                   with it, we can make a motion to schedule it for  
4                   a public hearing also Monday, May 5th.

5                   MR. BRAND: I'll make that motion.

6                   CHAIRMAN PORCO: Chris. A second?

7                   MR. LOGUE: I'll second it.

8                   CHAIRMAN PORCO: Mike. All in favor,  
9                   say aye.

10                  MR. BRAND: Aye.

11                  MR. TRAPANI: Aye.

12                  MR. RICCIARDONE: Aye.

13                  MR. LOGUE: Aye.

14                  MR. TRUNCALI: Aye.

15                  CHAIRMAN PORCO: Aye.

16                  Any opposed?

17                  (No response.)

18

19                  (Time noted: 9:07 p.m.)

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

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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: April 23, 2014

24

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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

13 ----- X  
14 SKETCH  
15 AMENDED SITE PLAN  
16

17 Date: April 7, 2014  
18 Time: 9:07 p.m.  
19 Place: Town of Marlborough  
20 Town Hall  
21 1650 Route 9W  
22 Milton, NY 12547  
23

24 BOARD MEMBERS: JOSEPH PORCO, Chairman  
25 CHRISTOPHER BRAND  
BEN TRAPANI  
FRANK RICCIARDONE  
MICHAEL LOGUE  
JOEL TRUNCALI  
26

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

31 APPLICANT'S REPRESENTATIVE: JACOB VIZEL  
32

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

2 CHAIRMAN PORCO: Next is Kedem Winery,  
3 sketch on an amended site plan.

4 MR. HINES: This is a proposed 15,000  
5 square foot L-shaped building proposed at the  
6 Kedem Winery site off of 9W.

7 There's currently some outstanding  
8 issues from the previous application that need to  
9 be resolved here, the filing of an easement here  
10 and the installation of some drainage  
11 improvements to the rear. So that's an issue  
12 here.

13 The map we have here is basically a  
14 boundary and planimetric survey. There's no  
15 topography on the map. We're going to need that  
16 in compliance with the site plan checklist. I  
17 gave you a list of other items that need to be  
18 shown per the site plan checklist.

19 I think one of the biggest  
20 considerations or issues here that we need to  
21 address is the stormwater from the site. I don't  
22 know if you're familiar with the history of the  
23 site.

24 MR. VIZEL: I heard from --

25 MR. HINES: The neighbors' impact. As

2 the site plan moves forward there's going to be a  
3 need to comply with the Town of Marlborough and  
4 the DEC stormwater regulations for the increase  
5 in impervious surfaces on the site and to make  
6 sure that we mitigate any impacts to down  
7 gradient properties, which is why we're asking  
8 for the information regarding the existing system  
9 and the proposed improvements there.

10 The E.A.F. identifies the water supply  
11 as an on-site well or nothing. Is there going to  
12 be a water service to this structure?

13 MR. VIZEL: We just need water for the  
14 bathrooms. If there's an issue with the Board, to  
15 make another well for water and septic, or if  
16 it's going to be shale we can not do it.

17 MR. HINES: That leads into the sewer.  
18 There's a package sewage treatment plant on the  
19 site. There's no need for a septic. It has a  
20 surface discharge.

21 MR. VIZEL: They're not using the  
22 sewer. I think they have an existing septic in  
23 the bathrooms. It's just for the grape juice.

24 MR. HINES: I think it would  
25 certainly --

2 MR. VIZEL: He's not using it. We have  
3 a septic.

4 MR. HINES: This could be tied into  
5 that rather than go through a septic system. It  
6 has a permitted surface discharge. Take a look  
7 at that as you develop these plans.

8 The access road. Obviously how you're  
9 going to get in to and out of the building needs  
10 to be developed.

11 MR. VIZEL: This is what they have for  
12 the existing road.

13 MR. HINES: They're going to show us on  
14 the plans. It needs to be developed on how  
15 they're going to get there and how it's going to  
16 be paved.

17 DOT needs to weigh in on it because it  
18 accesses a highway. I don't believe they'll have  
19 any concerns.

20 Ulster County Planning.

21 The building inspector project review  
22 form, I did receive that tonight. I don't know if  
23 the Board is aware, anything making it to your  
24 Board now, there's a gatekeeper function. The  
25 office has taken over and just gives everything a

2 broad brush view to make sure there's not  
3 anything zoning related to get kicked back. We  
4 did get that tonight. It wasn't in our original  
5 package.

6 The letter of agent we just did  
7 receive.

8 Basically as a sketch for what we have  
9 it's fine but it needs additional site  
10 development details, and just realizing that the  
11 drainage on the site is very sensitive to the  
12 down gradient neighbors.

13 MR. BRAND: Very sensitive.

14 CHAIRMAN PORCO: Where is this in  
15 relation to what we were working on with the  
16 building for the treatment plant?

17 MR. HINES: That was strictly just the  
18 building for the treatment plant which was  
19 located in the area where it says metal tanks.  
20 This is a very large building compared to what  
21 you had. Last time it was 400 square feet. This  
22 is 15,000 square feet.

23 MR. BRAND: Was that other building  
24 built?

25 MR. HINES: I want to say yes because

2 they were under a DEC consent order to do that.

3 MR. BLASS: But the conditions attached  
4 to this Board's approval I don't think have yet  
5 been fulfilled. There's some unfinished business  
6 that needs to be cleaned up on that.

7 MR. VIZEL: Okay.

8 MR. BLASS: Talk to Mike Moriello.

9 MR. HINES: He's Mr. Herzog's attorney.

10 MR. BLASS: I think what was holding us  
11 up to a degree is that the property is owned by  
12 the Ulster County Industrial Development Agency.

13 MR. HINES: It's an IDA property.

14 MR. BLASS: It's an IDA property.

15 MR. VIZEL: Which one?

16 MR. HINES: The whole thing.

17 MR. BLASS: It's an Ulster County  
18 Industrial Development Agency project.

19 MR. HINES: So they couldn't file the  
20 easement.

21 MR. BLASS: They own the property I'm  
22 pretty sure. There's probably a lease.

23 MR. VIZEL: We need to have them also  
24 involved here?

25 MR. BLASS: Well I think that's --

2 maybe. I'll wait for the Board to catch up.

3 CHAIRMAN PORCO: Well, how do you  
4 proceed with this one knowing the conditions in  
5 the previous one still haven't been addressed?

6 MR. BLASS: One option for the Board is  
7 to not really proceed with this one until the  
8 first one is cleaned up or not schedule a public  
9 hearing until the first one is cleaned up.

10 CHAIRMAN PORCO: We're definitely not  
11 going to schedule a public hearing because --

12 MR. LOGUE: Meaning the little 600  
13 foot --

14 MR. HINES: There were conditions of  
15 approval regarding drainage improvements and a  
16 requirement to file an easement where the pipe  
17 leaves the property. I think there was some legal  
18 issues holding that up. It may be the fact the  
19 IDA owns the underlying parcel as part of a  
20 finance package, which is not unusual when IDA  
21 funds projects.

22 CHAIRMAN PORCO: Any other questions?

23 MR. HINES: They have a lot of work to  
24 do to develop this into a site plan. With my  
25 comments I don't think we'll see them for a bit.

2 MR. TRUNCALI: What's this building  
3 going to be used for?

4 MR. VIZEL: Storage.

5 MR. TRUNCALI: Storage.

6 MR. VIZEL: Just a question. Didn't  
7 they find that the drainage water was like a  
8 broken pipe or something I think?

9 MR. HINES: It was a clogged pipe.

10 MR. VIZEL: So it's still an issue with  
11 the neighbors?

12 MR. HINES: Yeah, because the easements  
13 weren't filed and there were some improvements to  
14 be done. An outlet control structure on the  
15 northern part of the property was to be  
16 installed. That I don't believe has been  
17 completed yet.

18 MR. VIZEL: I will have Drew see.

19 MR. HINES: Keystone Engineering was  
20 doing that work, so --

21 MR. VIZEL: Yup. I'm not familiar with  
22 that part, the professionals.

23 MR. HINES: Yup.

24 MR. VIZEL: I come here with this. It's  
25 more technical. This is just a simple structure,

2 prefab.

3 MR. HINES: The architecture is not  
4 much and there's a history here. When we have the  
5 public hearing, you saw the room tonight, it's  
6 going to look not unlike that.

7 MR. VIZEL: At least like that.

8 MR. HINES: At least.

9 MR. VIZEL: What you want to see is  
10 about the water from the roofs, where it's going  
11 to go?12 MR. HINES: The roofs and any other  
13 parking access. Obviously this needs additional  
14 parking to get in here. It doesn't quite line up.  
15 A grading plan showing how that's going to fit on  
16 the site. I think there's a rock cliff somewhere  
17 right in there. You may have missed it. Again,  
18 that's why we need the topography. Somewhere in  
19 here there's a ledge and it drops off. I  
20 wouldn't be surprised if it's at the edge of this  
21 road. But that's why -- the site plan checklist  
22 requires all those in my item 1. It needs to all  
23 be on the map as you bring it in.24 MR. VIZEL: To get access around the  
25 building.

2 MR. HINES: The grading and how it's  
3 going to work, and where the roof leaders are  
4 going to go, the grading, the drainage, if  
5 there's going to be a water line for a bathroom,  
6 if there's going to be a septic system. All  
7 that. And it's spelled out in my first comment.

8 CHAIRMAN PORCO: We should really get  
9 that before we can even proceed with the sketch.

10 MR. HINES: We're not anywhere near  
11 that.

12 CHAIRMAN PORCO: Any further discussion  
13 from the Board, questions from the Board?

14 MR. RICCIARDONE: Not on this.

15 CHAIRMAN PORCO: Okay. Then you've got  
16 a copy of Pat's comments. Get those addressed  
17 before we can continue.

18 MR. RICCIARDONE: I have a question on  
19 another matter.

20 CHAIRMAN PORCO: Hang on.

21 MR. HINES: Have a good night.

22 MR. VIZEL: Thank you.

23 MR. RICCIARDONE: Did we ever read the  
24 letter that Dr. Pascale --

25 CHAIRMAN PORCO: No, we didn't. The

2 public hearing is still open.

3 MR. RICCIARDONE: I just wanted to --

4 CHAIRMAN PORCO: As far as I know -- I  
5 mean you guys have all been told about the letter  
6 and he wants it read to the Board. The Chairman  
7 hasn't been told he wants it read to the Board.

8 MR. RICCIARDONE: I thought he  
9 contacted you.

10 CHAIRMAN PORCO: I haven't heard from  
11 him and I haven't received a letter from him. So  
12 I mean I would think if he wants something  
13 addressed in to the Board, he should either leave  
14 it with Kathi --

15 MR. LOGUE: I gave her my copy.

16 MR. BRAND: I think it is addressed to  
17 you.

18 CHAIRMAN PORCO: It may be but I never  
19 received it, so I can't -- you can address  
20 anything you want to me. If I don't get it it  
21 doesn't make any sense, does it?

22 MR. RICCIARDONE: Joe, don't feel bad,  
23 Ben didn't get one either.

24 MR. TRAPANI: When did they give it  
25 out?

2 MR. RICCIARDONE: They knocked on my  
3 door at 9:00 in the morning.

4 CHAIRMAN PORCO: The only thing I want  
5 to bring up before we close, we all got a copy of  
6 next Monday is a planning board seminar at SUNY  
7 Ulster in Stone Ridge and it talks about local  
8 unwanted land use regulations like  
9 telecommunication facilities.

10 If there's nothing else to bring before  
11 the Board, a motion to adjourn.

12 MR. RICCIARDONE: I'll make that  
13 motion.

14 MR. BAKER: Before you adjourn, I am  
15 your rep now, or the Town's rep to the Ulster  
16 County Planning Board. So I have attended at  
17 least two meetings. I'm your man.

18 MR. RICCIARDONE: That's two  
19 meetings --

20 MR. BAKER: Their monthly meetings.

21 CHAIRMAN PORCO: So is Walt considered  
22 the alternate?

23 MR. BAKER: Steve is the alternate. I  
24 think Walt asked to come off of it.

25 CHAIRMAN PORCO: Great. That's good.

2 I'm glad somebody is able to do it.

3                   Okay. In that case, if there's nothing  
4                   else to bring before the Board, a motion to  
5                   adjourn.

6                   MR. RICCIARDONE: I'll make that  
7                   motion.

8                   MR. TRUNCALI: I'll second.

9                   MR. BRAND: Aye.

10                  MR. TRAPANI: Aye.

11                  MR. RICCIARDONE: Aye.

12                  MR. LOGUE: Aye.

13                  MR. TRUNCALI: Aye.

14                  CHAIRMAN PORCO: Aye.

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16                  (Time noted: 9:20 p.m.)

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

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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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DATED: April 23, 2014

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