

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

5 NEW CINGULAR WIRELESS, PC, LLC

7 Project No. 14-7005  
 8 10 Ann Kaley Lane  
 Section 108.2; Block 4; Lot 43.410

9 - - - - -  
 10 CONTINUED PUBLIC HEARING  
SITE PLAN

11 Date: July 7, 2014  
 12 Time: 7:30 p.m.  
 Place: Town of Marlborough  
 13 Town Hall  
 1650 Route 9W  
 14 Milton, NY 12547

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

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

21 APPLICANT'S REPRESENTATIVE: DONALD ROSS

23 - - - - -  
 24 MICHELLE L. CONERO  
 10 Westview Drive  
 Wallkill, New York 12589  
 (845)895-3018

25 MICHELLE L. CONERO - (845)895-3018

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2 approve those minutes.

3 CHAIRMAN PORCO: Mike. And a second?

4 MR. RICCIARDONE: I'll second it.

5 CHAIRMAN PORCO: Frank. All those in  
 6 favor, say aye.

7 MR. TRAPANI: Aye.

8 MR. RICCIARDONE: Aye.

9 MR. LOGUE: Aye.

10 CHAIRMAN PORCO: Aye.

11 Any opposed?

12 (No response.)

13 CHAIRMAN PORCO: The motion is carried.

14 Okay. First is New Cingular Wireless,  
 15 a continuation of a public hearing on a site  
 plan.

17 MR. ROSS: Good evening again, Mr.  
 Chair. Requesting -- in the first instance we're  
 requesting an extension. Our consultants -- we  
 brought in outside consultants to further  
 evaluate the Town's sites that were suggested by  
 the Town Board and by the school district. That  
 review is taking a bit longer than I expected.  
 The thinking on our end is that process won't  
 even be completed in time for the August meeting,

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2 CHAIRMAN PORCO: If we could all rise  
 3 for the Pledge.

4 (Pledge of Allegiance.)

5 CHAIRMAN PORCO: Agenda for the Town of  
 6 Marlborough Planning Board for July 7th.  
 7 Approval of the stenographic minutes for 5/5/14,  
 8 5/19/14, 6/2/14. New Cingular Wireless, public  
 9 hearing, site plan; Stewart's Shops, public  
 10 hearing, site plan; Wenz Consolidation, public  
 11 hearing, lot line revision; William Woodward,  
 12 public hearing, lot line revision; The Carriage  
 13 House, extension of a site plan; E. Affuso,  
 14 sketch on a timber harvest. Next deadline,  
 15 Friday, July 11th. The next scheduled meeting  
 16 will be Monday, July 20th.

17 The minutes that need to be voted on, I  
 think we just received the -- you may have just  
 received the minutes from May 19th and June 2nd.  
 The minutes from May 5th, any changes,  
 corrections to those?

22 (No response.)

23 CHAIRMAN PORCO: Can I have a motion to  
 24 approve those minutes?

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

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2 so to that end I would like to request an  
 3 extension to your September meeting.

4 Part B of this whole discussion, it's  
 5 been ongoing with one of my colleagues and I know  
 6 Mr. Blass has been -- do you want me to do the  
 7 initial discussion and you can sort of jump in  
 8 or --

9 MR. BLASS: Let me just ask a couple of  
 10 questions to put it in perspective, because we're  
 11 about to talk about a Federal regulation that  
 12 deals with cell towers. The supplemental  
 13 material would be completed and filed in August,  
 14 and you want to adjourn this public hearing for  
 15 two months?

16 MR. ROSS: Correct.

17 MR. BLASS: To the first Monday in  
 18 September?

19 MR. ROSS: Correct.

20 MR. BLASS: Okay. So that's the  
 21 anticipated timeframe for your receipt of  
 supplemental information as a Board.

23 Now, the next order of business is the  
 24 fact that the FCC adopted a regulation a couple  
 25 of years ago or more that deals with an issue of

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<p>1 what is a reasonable time for the making of a  2 decision by a planning board or other agency  3 relative to the establishment of a new commercial  4 Federally licensed cell tower. There is a  5 Federal Telecommunications Act which basically  6 has, as one of its core provisions, that  7 decisions shall be made within a reasonable time.  8 That was an act of congress. The Federal  9 Communications Commission, as a Federal agency,  10 decided to adopt a regulation which would address  11 the issue of reasonableness of time of review,  12 and did so by concluding that it would be  13 reasonable, presumptively reasonable, not  14 definitely reasonable, but there is a presumption  15 that it's reasonable to have a decision rendered  16 within 150 days of the date that the agency, you  17 guys, have the complete application, or an  18 application which one might deem complete and  19 capable of review.</p> <p>21 There is a suggestion in a letter  22 written on July 2nd by the attorneys for the  23 applicant that the 150-day time period under the  24 FCC regulation began to run on the day of the  25 filing of the application, I believe on or about  MICHELLE L. CONERO - (845)895-3018</p>	<p>5  2 yet reviewed, and would be asked to agree that  3 you could render a decision by October 1st of  4 this year.  5 Now, as I play out that scenario, is it  6 possible for you to render a decision by October  7 1st, because you're probably going to meet after  8 October 1st, unless it's a Monday. You couldn't  9 possibly review it, unless you were to receive  10 the material and rubber stamp it.  11 MR. TRAPANI: It's on a Wednesday,  12 isn't it?  13 CHAIRMAN PORCO: Besides the point, the  14 applicant has been asking for the extension of  15 the hearing month after month. It's not the  16 review of this Board. So we're not the ones that  17 are holding it up.  18 MR. BLASS: I would say that you're  19 absolutely correct. So I would suggest that if  20 we did nothing at all, it would be very difficult  21 for someone to make an argument that the Planning  22 Board has somehow engaged in unreasonable delay  23 of making a review and a decision in this matter,  24 and probably that claim would never be made and  25 you'd never have to defend it given the facts as  MICHELLE L. CONERO - (845)895-3018</p>
<p>1 6  2 February 21st of this year, and that the 150 days  3 will run out about -- on or about July 21st of  4 this year, after this meeting and before the next  5 meeting.  6 Consequently the applicant is  7 suggesting two things, one implicitly and two in  8 the second explicitly. The implication in the  9 letter is that the Board had everything it  10 reasonably needed to begin review and to make a  11 decision as early as the date of the filing of  12 the application, otherwise you wouldn't be  13 running with the 150 days from that particular  14 date. So that's subject to some argument or  15 debate.  16 The other suggestion is that --  17 explicitly is that since under that theory the  18 150-day period would run out on or about July  19 21st, it's suggested that the parties, meaning  20 the Planning Board and the applicant, mutually  21 agree to extend it to, October 1st is the  22 proposal. So if we play out that scenario if I  23 may, you would be next having this matter on your  24 agenda for the review of materials generated in  25 August that you have not yet seen and have not  MICHELLE L. CONERO - (845)895-3018</p>	<p>8  1 they exist today.  2 So one of your options is basically to  3 internally conclude, without the need of any  4 agreements or stipulations with applicant, that  5 the shot clock may not yet even have begun to  6 run, or even if it began to run at some earlier  7 date, any delay is not -- is not on you,  8 obviously, given the requests for extension.  9 Or alternatively, you could tinker with  10 this Federal regulation and consider negotiating  11 a date by which it might be expected that you  12 could review and make a decision in this matter  13 based on whatever representations, expectations  14 you have as to when you're going to get the  15 material. That may be a little tough to do.  16 MR. LOGUE: I don't like that.  17 CHAIRMAN PORCO: I mean my  18 interpretation of that would be that since we've  19 asked the applicant to go back out and look at  20 other municipal properties, we have not yet  21 deemed the application complete. I would say the  22 shot clock hasn't started to run.  23 I'd also like to see us close this  24 public hearing and then advertise for a new one  25 MICHELLE L. CONERO - (845)895-3018</p>

<p>1 when they're ready, because with the constant  2 extension of the public hearing, it doesn't get  3 re-advertised. If we're looking at a completely  4 different location, people might not even be  5 aware of it. I mean you saw how many people were  6 here for the first meeting and the second  7 meeting, and it's dwindled off since then because  8 they either don't know about it or maybe they  9 lost interest, or they don't know yet where the  10 proposed placement may be. I mean that's just a  11 suggestion. I understand it's the same  12 application and we've asked them to go out and  13 look at different properties, but I'm just  14 wondering if it would be more feasible to say  15 okay, let's close this public hearing and then,  16 when they're ready, re-advertise for a new one. I  17 don't even know if that's correct.</p> <p>18 MR. BLASS: That's one option. Another  19 option might be to condition an adjournment of  20 the public hearing for this ongoing application  21 upon the re-noticing and re-publication.</p> <p>22 MR. LOGUE: Say that again, Ron.</p> <p>23 MR. BLASS: Instead of just closing the  24 public hearing and making it be rescheduled, you</p> <p style="text-align: right;">MICHELLE L. CONERO - (845)895-3018</p>	<p>9</p> <p>1 re-publication.,</p> <p>2 MR. RICCIARDONE: To the public.</p> <p>3 MR. BLASS: To the public.</p> <p>4 CHAIRMAN PORCO: Thoughts on that?</p> <p>5 MR. LOGUE: As long as we have enough</p> <p>6 time before the public hearing to review</p> <p>7 potential new sites.</p> <p>8 MR. BLASS: You just don't know that.</p> <p>9 I guess there's no way for you to absolutely know</p> <p>10 when you'll have it.</p> <p>11 MR. RICCIARDONE: Assume from now until</p> <p>12 September, are we going to be able to look at</p> <p>13 sites or -- sites that were rejected or sites</p> <p>14 that weren't rejected, sites that they possibly</p> <p>15 could use? How are we going to know --</p> <p>16 MR. BLASS: What are you working on?</p> <p>17 MR. ROSS: I mean the -- what will be</p> <p>18 done is -- we had the meeting in April. That led</p> <p>19 to further discussions with the Town Board that</p> <p>20 sent us to some sites they've asked us to</p> <p>21 consider. There was obviously the school</p> <p>22 district, school district sites that were also</p> <p>23 asked to be looked at in some greater detail</p> <p>24 based on some initial expressions of interest by</p> <p style="text-align: right;">MICHELLE L. CONERO - (845)895-3018</p>
<p>1 could simply just condition the adjournment of  2 the public hearing until September.</p> <p>3 CHAIRMAN PORCO: If they are in a  4 completely different area, I mean those people  5 wouldn't even be notified as adjacent property  6 owners, would they?</p> <p>7 MR. BLASS: Well, I think what the  8 applicant is doing is surveying alternative  9 sites, both to comply with the content of your  10 regulation and to comply -- to honor your  11 request, your application of the regulation  12 itself.</p> <p>13 So I think there may or may not be  14 alternative viable sites on lands of the Town of  15 Marlborough or other public lands. That's just  16 an unknown which is being played out. You,  17 unfortunately, just don't know when you're going  18 to be in a position to have that information.</p> <p>19 MR. ROSS: Right.</p> <p>20 MR. BLASS: So I think that it's  21 probably sounder to keep the application alive,  22 keep the public hearing alive, adjourn the public  23 hearing until September but condition you're  24 adjournment of it on the re-noticing and the</p> <p style="text-align: right;">MICHELLE L. CONERO - (845)895-3018</p>	<p>10</p> <p>12</p> <p>1 the school district.</p> <p>2 And let's flashback to my presentation</p> <p>3 at the April meeting when I was awkwardly</p> <p>4 handling showing you those colored maps. I would</p> <p>5 describe it as a more sophisticated analysis</p> <p>6 along those same lines where you have colored</p> <p>7 maps showing coverage gaps and the ability of</p> <p>8 each particular site that we've been asked to</p> <p>9 consider to fill those gaps so that it would</p> <p>10 present -- and then it would be some sort of</p> <p>11 written -- if you're talking about the written</p> <p>12 work product, there's going to be something in</p> <p>13 writing to say okay, we've evaluated each of</p> <p>14 these sites, here's, as the case may be, the</p> <p>15 merits of it or the defects of it, without having</p> <p>16 come to any conclusion.</p> <p>17 MR. RICCIARDONE: On a sliding scale</p> <p>18 you're going to say this site is least applicable</p> <p>19 to what we want and then this is a better site?</p> <p>21 MR. ROSS: I wouldn't go so far as to</p> <p>22 say there might be a sliding scale, but I think</p> <p>23 there will be an objective analysis to say this</p> <p>24 works -- it's either going to work or doesn't</p> <p>25 work. There probably will be a couple where</p> <p style="text-align: right;">MICHELLE L. CONERO - (845)895-3018</p>

1	13	15
2	there maybe is going to be a gray area. There's	2 know what, we're going to look at them, you
3	a bit of a hypothetical going on here. You'll	3 prolong it and before you know it's another year.
4	have the ability, I believe, to be able to say	4 MR. HINES: Can I suggest you stipulate
5	hey, okay, we're going to tell you what we think,	5 it's 150 days from when the Board deems the
6	but you'll have data in front of you that will be	6 application complete, which doesn't jeopardize
7	able to give you enough information, we think, to	7 the Board or the regulation in any way? I'm
8	have you make a decision that you --	8 looking at Ron when I say that.
9	MR. RICCIARDONE: On a site.	9 MR. LOGUE: We have to be able to have
10	MR. ROSS: On a site or sites. Yes.	10 time to see it, review it before it's actually
11	MR. RICCIARDONE: Once we say okay,	11 boom, here's the public hearing.
12	we're looking at that site to be site specific to	12 MR. RICCIARDONE: Is that 150-day
13	what you want, like Joe says, we need time to be	13 deadline on the subject of us just finishing
14	able to give the public a chance to look at it.	14 looking at all of the places and getting an
15	MR. ROSS: Sure.	15 application that's solid and that we present to
16	MR. RICCIARDONE: Can we do that by	16 the public or are there going to be multiple
17	September? I mean, you know, we've got a cold	17 sites we're going to be looking at and if we
18	table right now.	18 don't come across at that 150 everything is off
19	MR. ROSS: Practically speaking, I	19 the table and everybody goes bye-bye?
20	guess it depends on how quickly we go into in	20 MR. BLASS: I think we can only take
21	advance of September.	21 this one step at a time. There's an application
22	MR. HINES: If a site changes there	22 for this particular site in front of you now. If
23	needs to be a new balloon test.	23 nothing changes in terms of a new application for
24	MR. ROSS: Yeah, there's obviously some	24 a new site, you're going to have to ultimately
25	practical issues.	25 make a decision, thumbs up or thumbs down, with
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1	14	16
2	MR. HINES: Is the intent of this	2 respect to this site. Hypothetically --
3	letter to extend it out -- are you saying	3 MR. ROSS: If there's a better site
4	October 1st your client is going to pull the plug	4 we'll file another application.
5	and say whatever we've done to date is approved	5 MR. BLASS: If there is a better site I
6	or is this to extend it out to give everyone time	6 would think that would be the subject of a new
7	to --	7 application in front of you --
8	MR. ROSS: The purpose is to extend it.	8 MR. ROSS: I think that's fair to say.
9	It's not to give a date where we say the gates	9 MR. BLASS: -- as opposed to this being
10	are coming down.	10 a free flowing shifting exercise from site to
11	MR. HINES: That's not the way I took	11 site.
12	it.	12 MR. RICCIARDONE: So this site that
13	MR. ROSS: It is the request -- the	13 we're looking at now, the deadline is 150 days
14	discussion to be able to trigger the discussion	14 from now or that deadline we set up in September,
15	to request an extension. Essentially --	15 and in the meantime we're going to get a chance
16	MR. RICCIARDONE: How do we move the	16 to look at other sites that you're going to
17	ball forward without seeing anything to move	17 present to us in the meantime?
18	forward with? I mean I'd like to see stuff that	18 MR. ROSS: You're going to be looking
19	is on the table and say okay, these sites are	19 at supplemental information to the application
20	what we're looking at and having picked one site,	20 that we initially presented to you in February.
21	two sites, three sites and let the public comment	21 MR. RICCIARDONE: At that time, after
22	on that. It is their Town and they are going to	22 the September meeting, we're going to say yeah or
23	want to comment on it.	23 nay, it's a non-completed site or application or
24	MR. TRAPANI: And not wait until	24 it is a complete application, and we move forward
25	September to get these other sites and say you	25 on the site that's open before the public now?
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<p>1 MR. BLASS: Yeah. I think it's --</p> <p>2 yeah, I think it would be a good idea to focus in</p> <p>3 on the September meeting and to begin discussing</p> <p>4 a date beyond that particular meeting for</p> <p>5 purposes of this FCC regulation as to when you</p> <p>6 might be expected to make a decision.</p> <p>7</p> <p>8 MR. TRAPANI: How do we get around the</p> <p>9 150 days from February?</p> <p>10 MR. BLASS: I'm not sure that you need</p> <p>11 to get around it at all yet. I'm in no position</p> <p>12 to agree that the 150-day clock began to run on</p> <p>13 February 21st, the very day the application was</p> <p>14 filed with the Planning Board.</p> <p>15 MR. ROSS: Essentially it's our</p> <p>16 position the 150 days ran from the day of the</p> <p>17 filing, Mr. Blass doesn't agree, and then there</p> <p>18 is an attempt to sort of meet minds.</p> <p>19 MR. BLASS: We're now the process of</p> <p>20 discussing a reasonable date based on a certain</p> <p>21 hypothetical, and the hypothetical would be that</p> <p>22 you have everything you need relative to review</p> <p>23 of alternative sites in comparison to this site</p> <p>24 by your September meeting, and then using that as</p> <p>25 the baseline, your September meeting, and</p> <p>MICHELLE L. CONERO - (845)895-3018</p>	<p>19</p> <p>2 we've gotten from the Board tonight.</p> <p>3 CHAIRMAN PORCO: Why don't we do an</p> <p>4 extension until September.</p> <p>5 MR. BLASS: We can leave the FCC</p> <p>6 regulations alone, to be addressed in the future.</p> <p>7 I don't think the Town is at any great risk now</p> <p>8 of any claim that it's violated the regulation by</p> <p>9 not rendering a decision tonight, which is what</p> <p>10 the argument would have to be. We can address</p> <p>11 that at some future time depending on how things</p> <p>12 play out. Maybe we can have this decision at the</p> <p>13 September meeting when the facts crystalize.</p> <p>14 MR. ROSS: Fair enough. We're not</p> <p>15 conceding the point either way, but we appreciate</p> <p>16 you're point of view.</p> <p>17 MR. BLASS: Right.</p> <p>18 CHAIRMAN PORCO: And the meeting for</p> <p>19 September is actually going to be September 2nd.</p> <p>20 MR. ROSS: The day after Labor Day.</p> <p>21 CHAIRMAN PORCO: Labor Day falls on the</p> <p>22 first Monday.</p> <p>23 MR. ROSS: Somebody will be here.</p> <p>24 CHAIRMAN PORCO: September 2nd. We</p> <p>25 always have the Tuesday.</p> <p>MICHELLE L. CONERO - (845)895-3018</p>
<p>1 18</p> <p>2 considering whether or not we should and can</p> <p>3 agree on a timeframe after that, starting then,</p> <p>4 for purposes of rendering any decision on this</p> <p>5 matter.</p> <p>6 MR. RICCIARDONE: On this particular --</p> <p>7 MR. BLASS: On this particular</p> <p>8 application, this particular site. It may be</p> <p>9 hypothetically there's another piece of Town</p> <p>10 property that has reasonably good signal</p> <p>11 propagation to address a gap in coverage, and it</p> <p>12 may be that it's better, and it may be that this</p> <p>13 particular site is not approvable because of the</p> <p>14 superiority of the other site.</p> <p>15 MR. RICCIARDONE: If that happens we</p> <p>16 close this application and create a new</p> <p>17 application under the new site?</p> <p>18 MR. BLASS: That's very possible.</p> <p>19 That's very possible.</p> <p>20 MR. LOGUE: All right.</p> <p>21 MR. BLASS: I don't know if we're in a</p> <p>22 position -- are you in a position to negotiate a</p> <p>23 date at this time?</p> <p>24 MR. ROSS: I'm not in a position to</p> <p>25 negotiate a time but I can take the feedback that</p> <p>MICHELLE L. CONERO - (845)895-3018</p>	<p>20</p> <p>1 Okay. So if the Board doesn't have a</p> <p>2 problem with that, then we can entertain a motion</p> <p>3 to extend the public hearing until Tuesday,</p> <p>4 September 2nd.</p> <p>6 MR. TRAPANI: I'll make that motion.</p> <p>7 CHAIRMAN PORCO: Ben. And a second?</p> <p>8 MR. LOGUE: I'll second that.</p> <p>9 CHAIRMAN PORCO: Mike. All those in</p> <p>10 favor, say aye.</p> <p>11 MR. TRAPANI: Aye.</p> <p>12 MR. RICCIARDONE: Aye.</p> <p>13 MR. LOGUE: Aye.</p> <p>14 CHAIRMAN PORCO: Aye.</p> <p>15 Any opposed?</p> <p>16 (No response.)</p> <p>17 MR. HINES: We're going to re-notice</p> <p>18 that public hearing?</p> <p>19 MR. BLASS: Is that a condition of</p> <p>20 re-noticing and re-publishing?</p> <p>21 CHAIRMAN PORCO: The original one, the</p> <p>22 application was for 10 Ann Kaley Lane. If it's</p> <p>23 not there anymore --</p> <p>24 MR. HINES: You need to know that by</p> <p>25 your August -- that's the hypothetical we don't</p> <p>MICHELLE L. CONERO - (845)895-3018</p>

1	21	23
2	know about. By August 4th you're going to need	MR. ROSS: Practically speaking, the
3	to know that, if that's your 30 days before your	ball is obviously in our court to get you the
4	September 2nd meeting.	materials.
5	CHAIRMAN PORCO: How do you re-notice	The narrow legal issue we've been
6	if you don't know where it is?	discussing is it's -- there's a presumption of
7	MR. BLASS: I think the best you can do	reasonableness when we talk about the 150 days.
8	is assume that it's going to stay where it's	MR. BLASS: I think it's --
9	proposed until and unless this application is	MR. ROSS: We aren't holding you to 150
10	withdrawn and a new one is filed or until you	days.
11	render a decision saying thumbs up or thumbs	MR. BLASS: That's true. I think it's
12	down. I think you have to stay the course based	in your court as to whether to march to a Federal
13	on this proposed site. So you're just	court tomorrow and claim the Board is being
14	re-publishing, giving the public notice of the	unreasonable in it's review and delay, and that's
15	continuation.	the risk the Board is assuming. It's not a fixed
16	CHAIRMAN PORCO: Do you want to add	shot clock. It's not like the NBA shot clock or
17	that condition to the motion, re-notice --	a clock where when it runs out it runs out. It's
18	re-notify --	nothing more than a presumption.
19	MR. RICCIARDONE: The public hearing	MR. ROSS: Presumptions are like all
20	gets recertified, re-mailed out again.	presumptions are. That would be our position.
21	MR. BLASS: Re-noticed.	MR. BLASS: You would be in a position
22	MR. RICCIARDONE: All right. I'll make	to defend yourself by saying under the facts and
23	that motion, to re-notify the public of the	circumstances in the record here, how could you
24	September 2nd meeting.	have made a decision by tonight.
25	MR. TRAPANI: I'll second.	MR. ROSS: Our position alternatively
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1	22	24
2	CHAIRMAN PORCO: All those in favor,	would be under the facts and circumstances
3	say aye.	presented, that you have everything you need.
4	MR. TRAPANI: Aye.	MR. RICCIARDONE: Okay. Hopefully that
5	MR. RICCIARDONE: Aye.	ball gets bounced back to us with all the
6	MR. LOGUE: Aye.	information.
7	CHAIRMAN PORCO: Aye.	MR. ROSS: We will work diligently to
8	Any opposed?	provide you that information.
9	(No response.)	MR. HINES: Their consultants and your
10	CHAIRMAN PORCO: The motion is carried.	tower consultants have had some conversations
11	All right.	that are ongoing. They're awaiting a submission
12	MR. ROSS: And the next step I suppose	also.
13	is -- obviously I don't think there is going to	MR. BLASS: There's an outstanding
14	be any further discussions regarding the	comment letter from HDR dated May 5, 2014 with
15	stipulation until after the September meeting.	several items that I'm not sure whether they've
16	MR. BLASS: Probably not until shortly	been addressed or not yet.
17	in advance of the September meeting. Between the	MR. HINES: We have not seen a revised
18	receipt of materials, perhaps, and the September	submission.
19	meeting.	MR. ROSS: It's all part of the big
20	MR. ROSS: As for the narrow shot clock	ball of wax so to speak.
21	issue, the ball is basically in our court to make	Thank you all.
22	the call.	CHAIRMAN PORCO: Thank you.
23	MR. BLASS: Yeah, that's in your court.	(Time noted: 7:55 p.m.)
24	MR. RICCIARDONE: If you get us the	MICHELLE L. CONERO - (845)895-3018
25	material before the September 2nd meeting --	
	MICHELLE L. CONERO - (845)895-3018	

1	25	1	27
2		2	CHAIRMAN PORCO: Next is Stewart's
3	<u>C E R T I F I C A T I O N</u>	3	Shops, public hearing on a site plan.
4		4	Legal notice, commercial site plan
5		5	application. Please take notice a public hearing
6		6	will be held by the Marlborough Planning Board
7	I, Michelle Conero, a Shorthand	7	pursuant to Town of Marlborough Town Code 165-31
8	Reporter and Notary Public within and for	8	on Monday, July 7, 2014, for the following
9	the State of New York, do hereby certify	9	application: Stewart's Shops, at the Town Hall,
10	that I recorded stenographically the	10	1650 Route 9W, Milton, New York at 7:30 p.m. or
11	proceedings herein at the time and place	11	as soon thereafter as may be heard. The
12	noted in the heading hereof, and that the	12	applicant is asking for a commercial site plan
13	foregoing is an accurate and complete	13	application on lands located 1872 Route 9W,
14	transcript of same to the best of my	14	Milton, Section 103.1, Block 2, Lot 88.2. Any
15	knowledge and belief.	15	interested parties either for or against this
16		16	proposal will have the opportunity to be heard at
17		17	this time. Joseph Porco, Chairman.
18		18	MR. BODER: You have all the --
19	-----	19	CHAIRMAN PORCO: How many were sent out
20		20	and how many returned?
21		21	MR. BODER: Fourteen sent out, Eleven
22		22	back.
23	DATED: July 30, 2014	23	CHAIRMAN PORCO: Fourteen sent out and
24		24	eleven returned.
25	MICHELLE L. CONERO - (845)895-3018	25	Okay. Before I ask for a public
1	STATE OF NEW YORK : COUNTY OF ULSTER	1	MICHELLE L. CONERO - (845)895-3018
2	TOWN OF MARLBOROUGH PLANNING BOARD	2	
3	----- X	3	
4	In the Matter of	4	
5		5	
6	STEWART'S SHOPS	6	
7	Project No. 14-7010	7	
8	1872 Route 9W	8	
9	Section 103.1; Block 2; Lot 88.200	9	
10	----- X	10	
11	<u>PUBLIC HEARING</u>	11	
12	<u>SITE PLAN</u>	12	
13	Date: July 7, 2014	13	
14	Time: 7:55 p.m.	14	
15	Place: Town of Marlborough	15	
16	Town Hall	16	
17	1650 Route 9W	17	
18	Milton, NY 12547	18	
19	BOARD MEMBERS: JOSEPH PORCO, Chairman	19	
20	BEN TRAPANI	20	
21	FRANK RICCIARDONE	21	
22	MICHAEL LOGUE	22	
23	ALSO PRESENT: RONALD BLASS, ESQ.	23	
24	PATRICK HINES	24	
25	KATHI NATLAND	25	
21	APPLICANT'S REPRESENTATIVE: CHRISTOPHER BODER	21	
22	----- X	22	
23	MICHELLE L. CONERO	23	
24	10 Westview Drive	24	
25	Wallkill, New York 12589	25	
	(845)895-3018		
	MICHELLE L. CONERO - (845)895-3018		

1	29	1	31
2	same. We're going to add one new light within	2	CHAIRMAN PORCO: If there are no
3	that twelve-foot addition in the soffit. It's	3	further questions from the public, we can
4	going to be a recessed LED light like the other	4	entertain a motion to close the public hearing.
5	ones on the site now.	5	MR. LOGUE: I'll make that motion to
6	That's pretty much --	6	close the public hearing.
7	CHAIRMAN PORCO: This is a public	7	CHAIRMAN PORCO: Mike.
8	hearing. If anyone has any questions on this	8	MR. RICCIARDONE: I'll second it.
9	application, just give your name to the	9	CHAIRMAN PORCO: Frank. All those --
10	Stenographer.	10	MR. HINES: It's a Type II action, less
11	MS. DONELSON: It just looks like it's	11	than 4,000 square feet, so there is no SEQRA
12	an addition.	12	action required.
13	CHAIRMAN PORCO: Can you just give your	13	Our previous comments have been
14	name to the Stenographer?	14	addressed.
15	MS. DONELSON: Joy Donelson. It looks	15	The only thing we're awaiting is the
16	like it's just an addition on the rear of the	16	County Planning comments haven't come in for the
17	building as it stands.	17	plans that were submitted last month.
18	MR. BODER: That is it. Yes.	18	CHAIRMAN PORCO: But they've been
19	MR. HINES: Twelve feet.	19	submitted?
20	MR. BODER: Twelve feet, yup.	20	MR. HINES: Yes.
21	MS. DONELSON: Pardon?	21	CHAIRMAN PORCO: So we're at a
22	MR. BODER: Twelve feet.	22	standstill.
23	MR. HINES: The entire length of the	23	MR. HINES: You can't take any action
24	building.	24	until after -- I think the County meeting is
25	MR. BODER: Correct.	25	tomorrow.
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	30	1	32
2	CHAIRMAN PORCO: Yes.	2	MR. BLASS: It was last week. The 2nd
3	MR. COUPART: Tom Coupart. The	3	of July.
4	addition is going to be used for?	4	MR. HINES: Oh, yeah.
5	MR. BODER: We'll remodel the entire	5	CHAIRMAN PORCO: If we have it by the
6	inside of the store. We'll do the flooring,	6	next meeting --
7	lights, our counters. We're going to increase	7	MR. HINES: By the next meeting we can
8	storage back room space, cooler. We'll redo the	8	certainly take action. I don't even know if the
9	entire inside along with the addition. It allows	9	applicant's representative needs to be here.
10	us to change the configuration of the store	10	CHAIRMAN PORCO: Probably not. You
11	inside.	11	understand what we're saying?
12	MR. HINES: It's our understanding it's	12	MR. BODER: Right.
13	a corporate upgrade based on your current	13	CHAIRMAN PORCO: We can't go any
14	standards.	14	further until we review the County comments
15	MR. BODER: The store is growing and	15	16 because it goes to the County Planning Board. We
16	it's outgrowing the space it has today.	17	have not received those comments back from them
17	CHAIRMAN PORCO: Any other questions	18	yet. They just met last week.
18	from the public?	19	MR. BODER: Is there any way for a vote
19	(No response.)	20	contingent upon receiving those?
20	CHAIRMAN PORCO: Any from the Board?	21	MR. TRAPANI: That's what I just said.
21	MR. TRAPANI: You did say it's going to	22	You can't make it conditional?
22	stay open, right, --	23	CHAIRMAN PORCO: The County doesn't
23	MR. BODER: That is correct.	24	like that.
24	MR. TRAPANI: -- while they're doing	25	MR. BODER: All right.
25	it? We don't want to lose it.		MR. RICCIARDONE: They're not going to
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<p>1 be happy if you try to do that.</p> <p>2 CHAIRMAN PORCO: They reprimand us.</p> <p>3 We're not supposed to.</p> <p>4 MR. BODER: Okay.</p> <p>5 MR. HINES: We do have a meeting on the</p> <p>6 21st, though.</p> <p>7 CHAIRMAN PORCO: We meet again in two</p> <p>8 weeks.</p> <p>9 MR. HINES: Either the timeframe will</p> <p>10 have run out or we will have received them.</p> <p>11 MR. BLASS: That was discussed at the</p> <p>12 last meeting. You weren't here. It was</p> <p>13 discussed at the initial presentation that this</p> <p>14 would occur.</p> <p>15 MR. BODER: Save us the two-hour ride</p> <p>16 down.</p> <p>17 MR. HINES: I don't know if they need</p> <p>18 to do that. Once we see what the comments are,</p> <p>19 if there's no substantive issues --</p> <p>20 CHAIRMAN PORCO: You don't have to be</p> <p>21 here.</p> <p>22 MR. BODER: I guess once we see the</p> <p>23 comments. If there are no comments, I guess</p> <p>24 there's no need to come.</p> <p>25</p>	<p>33</p>	<p>1</p> <p>2</p> <p>3 <u>C E R T I F I C A T I O N</u></p> <p>4</p> <p>5</p> <p>6</p> <p>7 I, Michelle Conero, a Shorthand</p> <p>8 Reporter and Notary Public within and for</p> <p>9 the State of New York, do hereby certify</p> <p>10 that I recorded stenographically the</p> <p>11 proceedings herein at the time and place</p> <p>12 noted in the heading hereof, and that the</p> <p>13 foregoing is an accurate and complete</p> <p>14 transcript of same to the best of my</p> <p>15 knowledge and belief.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 -----</p> <p>20</p> <p>21</p> <p>22</p> <p>23 DATED: July 30, 2014</p> <p>24</p> <p>25</p>	<p>35</p>
<p>1 MICHELLE L. CONERO - (845)895-3018</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> 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1	37	1	39
2	CHAIRMAN PORCO: Next is Wenz	2	two. However, in this case the Wenz parcel which
3	Consolidation, public hearing on a lot line	3	was to the west is now involved in the action.
4	revision.	4	There was a driveway issue at the access to
5	Legal notice, lot line revision	5	Plattekill Road on the east side of the property,
6	application. Please take notice that a public	6	so there ended up being a land swap. So the
7	hearing will be held by the Marlborough Planning	7	original Wenz parcel is going to be 5 acres in
8	Board pursuant to the State Environmental Quality	8	its entirety. New proposed lot number 1 will be
9	Review Act and Town of Marlborough Code 134-33 on	9	5.06 acres. New combined lot 2 will be 5.18
10	Monday, July 7, 2014, for the following	10	acres. The parcels -- all three lots, the lot
11	application: Wenz Consolidation, at the Town	11	that was sold, original lot number 2, filed map
12	Hall, 1650 Route 9W, Milton, New York at 7:30	12	-- proposed lot 1 and proposed lot 2 will all be
13	p.m. or as soon thereafter as may be heard. The	13	serviced by a common driveway which is outlined
14	applicant is seeking approval of a lot line	14	in yellow on the map. That driveway will
15	revision for lands located at Plattekill Road in	15	continue in a horseshoe which exists already down
16	Marlborough, Section 108.2, Block 9, Lots 33.1/3/	16	to a second entrance onto Plattekill Road. We
17	4/5 and 34. Any interested parties either for or	17	have received a letter from the fire chief.
18	against this proposal would have an opportunity	18	I'm hoping, Kathi, that you have it.
19	to be heard at this time. Joe Porco, Chairman.	19	MS. NATLAND: I don't.
20	How many in and how many out?	20	MR. SCALZO: I have a copy here,
21	MR. SCALZO: I've got seven out and six	21	although it's not on letterhead. It's from Mr.
22	back.	22	Troncilitto. He has reviewed it. I will hand
23	CHAIRMAN PORCO: Seven out and six	23	that to you. It's saying that he agreed to the
24	returned.	24	horseshoe as long as it was maintained wide
25	This is a public hearing on a lot line	25	enough for his emergency vehicles as well as any
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	38	1	40
2	revision. If anyone has any questions on this	2	trees that were hanging in the right-of-way or in
3	application, now would be the time to address the	3	the access drive were cleared and available for
4	Board. Give your name to the Stenographer,	4	emergency vehicles.
5	please.	5	Currently my client's attorney is
6	MR. SCALZO: My name is Darren Scalzo,	6	working with Mr. Blass's office to come up with
7	I'm here representing the lot line consolidation	7	an acceptable driveway maintenance agreement
8	and lot line change for the Wenz parcels.	8	which will include the emergency access.
9	What I'm going to do is take you back	9	That's all I have. I open it to
10	to 2006 when this all started. In 2006 the	10	questions, Mr. Porco, or the Board.
11	Planning Board had approved a five-lot	11	CHAIRMAN PORCO: Once again, any
12	subdivision as depicted here. This is Plattekill	12	questions from the public?
13	Road. It was going to be serviced by a private	13	(No response.)
14	road that was going to end in a cul-de-sac. As I	14	CHAIRMAN PORCO: If there are none, we
15	say, there were five lots. We had a stormwater	15	can entertain a motion to close the public
16	management pond which was going to have	16	hearing.
17	controlled flow into the existing ponds on the	17	MR. RICCIARDONE: I'll close the public
18	property.	18	hearing.
19	Since then lot 2 has been sold and it's	19	CHAIRMAN PORCO: Frank.
20	no longer going to be included in anything that	20	MR. TRAPANI: I'll second.
21	we're discussing here.	21	CHAIRMAN PORCO: Ben. All those in
22	Moving forward, what we have now are	22	favor, say aye.
23	outlined in pink, we've consolidated the original	23	MR. TRAPANI: Aye.
24	five. The one was sold so now we're actually	24	MR. RICCIARDONE: Aye.
25	down to four. We're going to consolidate into	25	MR. LOGUE: Aye.
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1	41	1	43
2	CHAIRMAN PORCO: Aye.	2	all by my little self and lonesome. That's
3	Any opposed?	3	really what we're talking about now.
4	(No response.)	4	MR. RICCIARDONE: Is their attorney
5	CHAIRMAN PORCO: The motion is carried.	5	talking to you?
6	Comments from the Board?	6	MR. BLASS: Not yet.
7	MR. TRAPANI: What's decided about	7	MR. RICCIARDONE: I thought that's what
8	anybody else using that other access? How are we	8	you said.
9	going to stop the people from using that other	9	MR. SCALZO: I had been led to believe
10	emergency around at horseshoe? We had discussed	10	Mr. Cray's office reached out to you for this.
11	it last time.	11	MR. BLASS: On the record, that didn't
12	MR. SCALZO: Through a driveway	12	happen.
13	maintenance agreement only. There are no rights	13	MR. SCALZO: Okay.
14	for the owner of the lot now owned by Pacino as	14	MR. RICCIARDONE: So now we're back to
15	well as combined lot number 1 and combined lot 2.	15	square one. You get the maintenance agreement,
16	They have no rights to cross over the remaining	16	iron it out and, guess what, we go forward.
17	Wenz parcel. That's all I can offer.	17	MR. SCALZO: Okay.
18	MR. LOGUE: Wenz himself is going to be	18	CHAIRMAN PORCO: We're not going to go
19	responsible for maintaining this?	19	any further until we get that done, get the
20	MR. SCALZO: With a properly crafted	20	letter for the file. You say it's not on
21	maintenance agreement. The details, I don't have	21	letterhead?
22	those yet. They're being worked out at this	22	MR. SCALZO: It's not on the fire
23	time.	23	department's letterhead.
24	MR. BLASS: So the status of the work	24	CHAIRMAN PORCO: I could have typed it.
25	out is that I haven't seen anything.	25	MR. SCALZO: Exactly. Which I was also
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1	42	1	44
2	MR. SCALZO: I understand that. I was	2	informed or led to believe that it was delivered
3	informed of that -- no, no. I was informed of	3	to your -- to Kathi last week.
4	that today.	4	MS. NATLAND: No.
5	CHAIRMAN PORCO: And why would the	5	CHAIRMAN PORCO: I would have the chief
6	other party want to use that?	6	make it official.
7	MR. TRAPANI: You came to visit me and	7	MR. TRAPANI: We can't do anything
8	I live in this house, one of these houses here,	8	anyway until everything is hammered out between
9	you decide you want to go -- is anybody legally	9	the lawyers.
10	responsible because you want to go the other way,	10	CHAIRMAN PORCO: Okay.
11	you didn't want to go the way I said you should	11	MR. SCALZO: Thank you very much.
12	go? I don't know.	12	MR. HINES: Those issues mirror my
13	CHAIRMAN PORCO: I don't know the	13	comments.
14	answer to that.	14	MR. SCALZO: Actually, the comment
15	MR. TRAPANI: I don't know.	15	regarding the County Department of Public Works,
16	MR. RICCIARDONE: If someone stops	16	is that something -- am I reaching out to them or
17	them, they turn around.	17	are you?
18	MR. BLASS: I think it's been discussed	18	MR. HINES: You are.
19	at prior meetings that there's a whole can of	19	MR. SCALZO: Okay. That's fine.
20	legal worms here that would need to be worked	20	MR. HINES: The same issues are there.
21	through one by one. That's certainly an issue	21	
22	that would have to be worked through. So I think	22	(Time noted: 8:15 p.m.)
23	it's really -- if I were to put it in a nutshell,	23	
24	the issue is whether you're going to work it	24	
25	through or whether it will be worked through me	25	
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1	45	1	47
2		2	CHAIRMAN PORCO: Next is William
3	<u>C E R T I F I C A T I O N</u>	3	Woodard, public hearing on a lot line revision.
4		4	Legal notice, lot line revision
5		5	application. Please take notice a public hearing
6		6	will be held by the Marlborough Planning Board
7	I, Michelle Conero, a Shorthand	7	pursuant to the State Environmental Quality
8	Reporter and Notary Public within and for	8	Review Act and the Town of Marlborough Town Code
9	the State of New York, do hereby certify	9	134-33 on Monday, July 7, 2014 for the following
10	that I recorded stenographically the	10	application: Woodward Lot Line Revision, at the
11	proceedings herein at the time and place	11	Town Hall, 1650 Route 9W, Milton, New York at
12	noted in the heading hereof, and that the	12	7:30 or as soon thereafter as may be heard. The
13	foregoing is an accurate and complete	13	applicant is seeking approval of a lot line
14	transcript of same to the best of my	14	revision for lands located at Riverview Drive,
15	knowledge and belief.	15	Marlborough, New York, Section 109.1, Block 2,
16		16	Lot 5.220/5.231. Any interested parties either
17	-----	17	for or against this proposal will have the
18		18	opportunity to be heard at this time. Joe Porco,
19		19	Chairman.
20		20	In and out?
21		21	MS. BROOKS: Seven out, six back in.
22	DATED: July 30, 2014	22	One was undeliverable as the forwarding address
23		23	had expired.
24		24	CHAIRMAN PORCO: Okay. This is a
25		25	public hearing. If anyone has any questions on
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	46	1	48
2	STATE OF NEW YORK : COUNTY OF ULSTER	2	this application, now would be the time to
3	TOWN OF MARLBOROUGH PLANNING BOARD	3	address the Board?
4	----- X	4	(No response.)
5	In the Matter of	5	CHAIRMAN PORCO: Being that there's
6		6	nobody left but Ricky, I'll entertain a motion to
7	WILLIAM WOODWARD	7	close the public hearing.
8	Project No. 14-7009	8	MR. LOGUE: I'll make the motion to
9	Riverview Drive	9	close the public hearing
10	Section 109.1; Block 2; Lots 5.220 & 5.231	10	CHAIRMAN PORCO: A second?
11	----- X	11	MR. TRAPANI: I'll second it.
12	<u>PUBLIC HEARING</u>	12	CHAIRMAN PORCO: Ben. All those in
13	<u>LOT LINE REVISION</u>	13	favor, say aye.
14		14	MR. TRAPANI: Aye.
15	Date: July 7, 2014	15	MR. RICCIARDONE: Aye.
16	Time: 8:15 p.m.	16	MR. LOGUE: Aye.
17	Place: Town of Marlborough	17	CHAIRMAN PORCO: Aye.
18	Town Hall	18	Any opposed?
19	1650 Route 9W	19	(No response.)
20	Milton, NY 12547	20	CHAIRMAN PORCO: The motion is carried.
21	BOARD MEMBERS: JOSEPH PORCO, Chairman	21	Pat says his office takes no exception.
22	BEN TRAPANI	22	MR. RICCIARDONE: Pat, could you
23	FRANK RICCIARDONE	23	explain that comment, please?
24	MICHAEL LOGUE	24	MR. HINES: It's pretty simple.
25	ALSO PRESENT: RONALD BLASS, ESQ.	25	MS. BROOKS: I didn't get your comment.
	PATRICK HINES		MICHELLE L. CONERO - (845)895-3018
	KATHI NATLAND		
	APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS		
	----- X		
	MICHELLE L. CONERO		
	10 Westview Drive		
	Wallkill, New York 12589		
	(845)895-3018		
	MICHELLE L. CONERO - (845)895-3018		

1 MR. HINES: It says I take no  
2 exception.

3 CHAIRMAN PORCO: Any SEQRA  
4 determination?

5 MR. HINES: We would recommend a  
6 negative declaration on this action.

7 CHAIRMAN PORCO: The Board can  
8 entertain a motion for a negative declaration.

9 MR. RICCIARDONE: I'll make a motion  
10 for a negative dec.

11 MR. TRAPANI: I'll second.

12 CHAIRMAN PORCO: All those in favor,  
13 say aye.

14 MR. TRAPANI: Aye.

15 MR. RICCIARDONE: Aye.

16 MR. LOGUE: Aye.

17 CHAIRMAN PORCO: Aye.

18 The motion is carried.

19 We can also have a motion for a lot  
20 line revision approval.

21 MR. RICCIARDONE: I'll make a motion  
22 for lot line revision.

23 CHAIRMAN PORCO: Frank.

24 MR. LOGUE: I'll second it.

25 MICHELLE L. CONERO - (845)895-3018

2  
3 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.

16  
17  
18  
19 -----  
20  
21  
22  
23 DATED: July 30, 2014  
24  
25

MICHELLE L. CONERO - (845)895-3018

1 CHAIRMAN PORCO: And Mike. All those  
2 in favor, say aye.

3 MR. TRAPANI: Aye.

4 MR. RICCIARDONE: Aye.

5 MR. LOGUE: Aye.

6 CHAIRMAN PORCO: Aye.

7 The motion is carried.

8 MS. BROOKS: Thank you.

9  
10 (Time noted: 8:17 p.m.)  
11  
12  
13  
14  
15  
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25

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

5  
6 THE CARRIAGE HOUSE

7 Project No. 9-3007  
8 Route 44/55  
9 Section 95.2; Block 1; Lot 37  
----- X

10 EXTENSION  
11 SITE PLAN

12 Date: July 7, 2014  
13 Time: 8:17 p.m.  
14 Place: Town of Marlborough  
15 Town Hall  
16 1650 Route 9W  
17 Milton, NY 12547  
18

19 BOARD MEMBERS: JOSEPH PORCO, Chairman  
20 BEN TRAPANI  
21 FRANK RICCIARDONE  
22 MICHAEL LOGUE  
23

24 ALSO PRESENT: RONALD BLASS, ESQ.  
25 PATRICK HINES  
KATHIN NATLAND  
26

27 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS  
28

29 ----- X  
30 MICHELLE L. CONERO  
31 10 Westview Drive  
32 Wallkill, New York 12589  
33 (845)895-3018  
34

35 MICHELLE L. CONERO - (845)895-3018

36 MICHELLE L. CONERO - (845)895-3018

1	53	1	55
2	CHAIRMAN PORCO: Moving right along,	2	reason I applied for it now was because the
3	The Carriage House, extension on a site plan.	3	approval was granted in July but the site plan
4	I guess we received a letter that	4	wasn't signed until December.
5	they're asking for a one-year extension.	5	MR. BLASS: It would be until July 2nd
6	MR. HINES: That's what's available to	6	of 2015?
7	them.	7	MS. BROOKS: Sure. I can live with
8	CHAIRMAN PORCO: Since the project was	8	that.
9	not constructed within its original two-year	9	MR. RICCIARDONE: I wrote it down in
10	timeframe. Pat's office again takes no	10	ink.
11	exception.	11	MS. BROOKS: That's it then.
12	MS. BROOKS: I did bring a copy of the	12	CHAIRMAN PORCO: So do we have a
13	site plan in case anybody --	13	motion?
14	MR. RICCIARDONE: We take no exception.	14	MR. LOGUE: I'll make that motion.
15	MR. HINES: You better hurry up before	15	MR. TRAPANI: I'll second it.
16	the wetland gets bigger.	16	CHAIRMAN PORCO: Mike and Ben. All
17	MS. BROOKS: I know.	17	those in favor, say aye.
18	CHAIRMAN PORCO: Are there any	18	MR. TRAPANI: Aye.
19	questions on this?	19	MR. RICCIARDONE: Aye.
20	MR. LOGUE: No.	20	MR. LOGUE: Aye.
21	MR. BLASS: This extension runs from	21	CHAIRMAN PORCO: Aye.
22	when?	22	Any opposed?
23	MS. BROOKS: From July 7, 2014 until	23	(No response.)
24	July 7, 2015.	24	CHAIRMAN PORCO: The motion is carried.
25	MR. BLASS: It's an extension of what?	25	MS. BROOKS: Thank you very much.
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1	54	1	56
2	MS. BROOKS: One year of the site plan	2	(Time noted: 8:19 p.m.)
3	approval.	3	
4	MR. BLASS: On the approval itself?	4	
5	MS. BROOKS: Yes.	5	<u>C E R T I F I C A T I O N</u>
6	MR. HINES: It will go July 2nd to July	6	
7	2nd. The original approval was July 2nd.	7	I, Michelle Conero, a Shorthand
8	MS. BROOKS: The original approval was	8	Reporter and Notary Public within and for
9	July 2nd but the maps were not signed until	9	the State of New York, do hereby certify
10	December 17th. I didn't want to wait and then	10	that I recorded stenographically the
11	worry that I was past the two years, because I	11	proceedings herein at the time and place
12	didn't really know whether it ran from the time	12	noted in the heading hereof, and that the
13	the conditions were met or whether it ran from	13	foregoing is an accurate and complete
14	the time that the site plan was signed.	14	transcript of same to the best of my
15	MR. BLASS: Right, right. What's	15	knowledge and belief.
16	supposed to happen within the two years?	16	
17	MS. BROOKS: Commence construction.	17	
18	MR. BLASS: We're extending that rule?	18	
19	MS. BROOKS: Correct.	19	
20	MR. HINES: I believe it's only a one-	20	
21	year extension is all that's available.	21	
22	MR. BLASS: That's right. Do we have a	22	DATED: July 30, 2014
23	date -- a proposed date from which to extend it?	23	
24	When does it start and when does it end?	24	
25	MS. BROOKS: I guess that was my -- the	25	
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1 STATE OF NEW YORK : COUNTY OF ULSTER  
2 TOWN OF MARLBOROUGH PLANNING BOARD  
3 ----- X  
4 In the Matter of  
5  
6 E. AFFUSO  
7  
8 Project No. 14-7011  
9 Plattekill Road  
Section 108.3; Block 4; Lots 33.210, 33.220, 33.230 & 33.240  
Section 108.3; Block 4; Lots 25, 26, 27 & 29  
----- X  
10  
11 SKETCH  
12 TIMBER HARVEST  
13 Date: July 7, 2014  
14 Time: 8:19 p.m.  
15 Place: Town of Marlborough  
16 Town Hall  
17 1650 Route 9W  
18 Milton, NY 12547  
19 BOARD MEMBERS: JOSEPH PORCO, Chairman  
20 BEN TRAPANI  
21 FRANK RICCIARDONE  
22 MICHAEL LOGUE  
23  
24 ALSO PRESENT: RONALD BLASS, ESQ.  
PATRICK HINES  
KATHI NATLAND  
25 APPLICANT'S REPRESENTATIVE: ERIC AFFUSO & JOHN MORGAN  
----- X  
MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018  
MICHELLE L. CONERO - (845)895-3018

1  
2 MR. MORGAN: I can do it.  
3 MR. AFFUSO: You're aware?  
4 MR. MORGAN: Yeah.  
5 MR. HINES: I did just receive -- my  
comment 2 was to obtain records of the timber  
crews. There's a number of trees per acre. I  
just received a copy of that just now. The lands  
of Moorehead, which is one of the -- it's a  
thirteen-acre section of this, has 130 trees to  
be cut, 10 trees -- 11 trees per acre it says.  
Lands of Affuso which has multiple section, block  
and lots, has 200 trees or approximately 13 trees  
per acre. Not an inordinate amount of trees to  
be harvested. That's typical to what we see in a  
timber harvest.  
MR. AFFUSO: I plan on retiring. That  
along with my Town retirement.  
MR. HINES: This requires a public  
hearing. This is a special permit use and  
requires a public hearing for a timber harvest.  
So the Board could set the public hearing for  
that, and that would be the first meeting in  
August when the public hearing could be  
scheduled, which would give you time.  
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1 58  
2 CHAIRMAN PORCO: Next is E. Affuso,  
3 sketch on a timber harvest.  
4 MR. AFFUSO: I'm not sure what the heck  
5 I'm doing, guys, but I want to cut some trees  
6 down. What do I need?  
7 MR. HINES: We need some more stuff. I  
8 just received additional information on the  
9 parcels. There's multiple parcels here. I think  
10 there are eight parcels.  
11 MR. AFFUSO: Four-lot subdivision,  
12 landlocked parcels. It's off of Plattekill Road.  
13 MR. HINES: Right at the Plattekill/  
14 Marlborough line.  
15 MR. AFFUSO: On the south side.  
16 MR. RICCIARDONE: Where that road cut  
17 is.  
18 MR. HINES: The road cut I'm assuming  
19 is going to be the whole road area. Basically  
20 that's a County road there, so you're going to  
21 need a County permit for access, egress in and  
22 out of there.  
23 MR. AFFUSO: I have no idea.  
24 MR. HINES: Yeah.  
25 MR. AFFUSO: How do I go about that?  
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1 60  
2 MR. AFFUSO: Pat, this is what you need  
3 from me?  
4 CHAIRMAN PORCO: Which is August 4th?  
5 MR. HINES: Yes.  
6 CHAIRMAN PORCO: We can entertain a  
7 motion to schedule a public hearing for Monday,  
8 August 4th.  
9 MR. LOGUE: I'll make a motion to  
10 schedule a public hearing for August.  
11 CHAIRMAN PORCO: Mike.  
12 MR. TRAPANI: I'll second it.  
13 CHAIRMAN PORCO: Ben seconds it. All  
14 those in favor, say aye.  
15 MR. TRAPANI: Aye.  
16 MR. RICCIARDONE: Aye.  
17 MR. LOGUE: Aye.  
18 CHAIRMAN PORCO: Aye.  
19 Any opposed?  
20 (No response.)  
21 CHAIRMAN PORCO: Ron, does it have to  
22 go to County?  
23 MR. HINES: It's a County road. It has  
24 to go to the Town DPW. It does go to County  
25 Planning.  
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	61 MR. BLASS: It's on a County road. CHAIRMAN PORCO: We're going to run into the same problem where we have a public hearing before we hear from County Planning. MR. MORGAN: I can get a letter from them. I've gotten them before. MR. BLASS: So the meeting is going -- the County will probably meet the first Wednesday in August. MR. AFFUSO: It is what it is. CHAIRMAN PORCO: Which is the 6th. MS. NATLAND: It's two days after. MR. BLASS: The option the Stewart's guys faced a month ago was have the public hearing in August and then have to wait or have the public hearing in September by which time the County will have done it's thing. MR. AFFUSO: If we come in August, their comments aren't going to be here, I have to go to the next meeting anyway. CHAIRMAN PORCO: Our next meeting is August 18th rather than September. MR. AFFUSO: Do you want to do the August 18th? MICHELLE L. CONERO - (845)895-3018	63	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	doesn't meet in August until August 6th. So we're August 4th and August 18th? MR. HINES: Yes. You're going to need a couple copies of the map for Kathi. MR. AFFUSO: A couple more copies? MR. HINES: You turned in this map. Those maps that you gave so that she has a complete application. MR. AFFUSO: Two more copies. Two more map copies. MR. RICCIARDONE: How many trees you got there? MR. AFFUSO: It was 200 of no name trees. We haven't figured out the species yet. CHAIRMAN PORCO: Is there anything else to bring before the Board? (No response.) CHAIRMAN PORCO: If there are none, a motion to adjourn. MR. RICCIARDONE: I'll make that motion. CHAIRMAN PORCO: Frank. MR. LOGUE: I'll second it. CHAIRMAN PORCO: And Mike. Everybody MICHELLE L. CONERO - (845)895-3018
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	62 MR. HINES: You can do the 4th and the 18th. CHAIRMAN PORCO: Do it on the 4th but we won't be able to give approval until we get -- MR. MORGAN: I can get a letter from him next week. MR. AFFUSO: It's not him. It's the Ulster County -- MR. HINES: That's not the letter. We also need County Planning because it's on the County road. So the County DPW, I do concur you may be able to get. MR. MORGAN: It's a piece of paper. I did it on 32. CHAIRMAN PORCO: It's two different entities. MR. AFFUSO: Which I just realized. All right. So if I get those three things covered, we're good to go. MR. HINES: Number two has been addressed in the information provided. MR. AFFUSO: That's his crew. CHAIRMAN PORCO: It's the County Board. MR. AFFUSO: It's another Board. It MICHELLE L. CONERO - (845)895-3018	62	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	64 say aye. MR. TRAPANI: Aye. MR. RICCIARDONE: Aye. MR. LOGUE: Aye. CHAIRMAN PORCO: Aye. (Time noted: 8:26 p.m.) <u>C E R T I F I C A T I O N</u> I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief. DATED: July 30, 2014 MICHELLE L. CONERO - (845)895-3018