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

X

In the Matter of

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5

BRODY RIDGE

6

7 Project No. 8-2015  
8 First Street  
Section 103.1; Block 4; Lot 47.130

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X

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11 EXTENSION - SIX-LOT SUBDIVISION

12

Date: March 17, 2014  
Time: 7:30 p.m.  
Place: Town of Marlborough  
Town Hall  
1650 Route 9W  
Milton, NY 12547

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BOARD MEMBERS: JOSEPH PORCO, Chairman  
CHRISTOPHER BRAND  
FRANK RICCIARDONE  
JOEL TRUNCALI

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

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

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

4 (Pledge of Allegiance.)

5 CHAIRMAN PORCO: Thank you.

6 MR. TRUNCALI: Agenda, Town of  
7 Marlborough Planning Board, March 17, 2014.  
8 Regular meeting 7:30 p.m. Approval of  
9 stenographic minutes for 1/21 and 2/3. Brody  
10 Ridge, extension, six-lot subdivision; Gallo  
11 Realty, extension, six-lot subdivision;  
12 Cerone/Truncali, extension, two-lot subdivision;  
13 New Cingular Wireless, sketch, site plan;  
14 Chernobyl Power & Light Brewery/Pub, discussion  
15 only. Next deadline: Friday, March 28th. Next  
16 scheduled meeting: Monday, April 7th.

17 MR. HINES: March 28 is a Friday.

18 MR. BROWN: Usually it's the Friday  
19 after the meeting.

20 MS. NATLAND: There's an extra week in  
21 the month.

22 MR. BROWN: You're going to give us an  
23 extra week?

24 MS. NATLAND: You don't have to take  
25 it.

2 CHAIRMAN PORCO: Did Walt say he was  
3 not coming?

4 MS. NATLAND: I didn't hear from him.

5 CHAIRMAN PORCO: The minutes from  
6 January 21st, any changes, corrections, deletions  
7 for those?

8 MR. TRUNCALI: I was not at that  
9 meeting so I won't be voting on it.

10 CHAIRMAN PORCO: We won't have a  
11 quorum. We'll have to table that one.

12 How about February, were you here for  
13 that one?

14 MR. TRUNCALI: No.

15 CHAIRMAN PORCO: We'll table both of  
16 those until the next meeting so we have enough  
17 people to vote on them.

18 First is Brody Ridge, extension on a  
19 six-lot subdivision. I don't know if anybody  
20 heard from them.

21 Ron, maybe you want to go through where  
22 we're at in the discussion you had with code  
23 enforcement.

24 MR. BLASS: I had a conversation with  
25 the code enforcement officer today. He was

2 taking a look at the agenda and the particular  
3 request for extension of prior subdivision  
4 approval or prior conditional subdivision  
5 approval. It was his understanding that --  
6 actually all three of these subdivisions are  
7 seeking an additional extension after the  
8 expiration of the last extension which they  
9 obtained. He also made an observation, after  
10 talking with Kathi probably, that the extension  
11 process has gotten off track relative to the  
12 actual approval. The way the statute reads in  
13 New York, a conditional subdivision approval is  
14 good for six months. In the event you don't  
15 fulfill the conditions and are in a position to  
16 get the plat signed within those first six  
17 months, it formerly was you were entitled to two  
18 90-day extensions so that in theory at the end of  
19 a year your only remedy was reapproval because  
20 your extension opportunities would have expired,  
21 run out or been exhausted. About two or three  
22 years ago the legislature amended the Town Law to  
23 take the two extension cap or ceiling out of the  
24 process and to leave it up to the discretion of  
25 the Planning Board as to how many additional 90-

2 day extensions it would wish to grant under the  
3 circumstances.

4 So given those concerns of the code  
5 enforcement officer, I talked to Kathi, we took a  
6 look at the starting approval dates of each of  
7 these three projects, because in theory one would  
8 think that the first six months and then the  
9 second 90-day extension and the third 90-day  
10 extension would be all running off of that common  
11 ground, which would be the date of approval,  
12 which hasn't been the case.

13 So with respect to Brody Ridge, in the  
14 event the Board is interested in issuing a  
15 retroactive extension of an approval already  
16 expired, which by the way was done in the past,  
17 the date of approval was November 5, 2012. So by  
18 my computation, the extension -- the maximum  
19 extension you could give to get this thing back  
20 on track would be until May 5th of 2014, which is  
21 only two months, approximately, from today, but  
22 that would get the project back on a schedule of  
23 regular intervals based upon the approval date.  
24 The Board might want to consider, with respect to  
25 this project and with respect to the other

2 projects -- any other project, whether it wants  
3 to be in a position in the future where it is  
4 granting 90-day extensions, should it do so  
5 retrospectively for expired approvals. Maybe  
6 this is the last time you want to do this and  
7 maybe we should get the projects on track in the  
8 proper intervals and require, as a condition of  
9 future extensions, that they be applied for prior  
10 to the expiration of the last given extension.

11 So if you were to do that with respect  
12 to Brody Ridge, the extension would be until  
13 May 5th of 2014. If you were to do that with  
14 respect to Gallo, the extension would be until --  
15 let's see. I had this figured out but it fell  
16 apart. They were approved on September 17, 2012,  
17 so September 17, 2013 would have been the end of  
18 the first year. October, November, December 17th  
19 of 2012 would have been the 90-day extension.  
20 January, February, March of 20 -- today would  
21 have been the --

22 MR. RICCIARDONE: Second.

23 CHAIRMAN PORCO: Then in December  
24 didn't we give Gallo a 90-day extension?

25 MR. BLASS: No. The last extension was

2 given in September of 2013 for 90 days according  
3 to Kathi. So I think with respect to Gallo,  
4 April, May, June, it should be June 17, 2014 to  
5 get it back in the right interval.

6 MR. BROWN: I'm pretty sure we were in  
7 in December for Gallo.

8 MR. BLASS: July 17, 2014 would get  
9 them back on the right track.

10 With respect to Cerone/Truncali, I  
11 don't think you have a quorum tonight but --

12 CHAIRMAN PORCO: I don't.

13 MR. BLASS: -- that was approved on  
14 November 7, 2011. Getting them back on the right  
15 track would be May 7th of 2014, which is  
16 something you may have to take up at the next  
17 meeting.

18 MR. RICCIARDONE: What was that next  
19 date?

20 MR. BLASS: May 7, 2014.

21 If the Board wants, we can get some  
22 correspondence out to the applicants with any  
23 conditions you want to attach, such as please  
24 apply in the future in advance of the expiration  
25 of this extension.

2 MR. RICCIARDONE: If they wanted  
3 another extension they'd have to come in before  
4 those dates that we're saying now?

5 MR. BLASS: You're now in a position  
6 where you're sort of reviving expired approvals,  
7 which you've done in the past. So it's kind of  
8 difficult to pull the rug out from that policy  
9 without advance -- without warning.

10 CHAIRMAN PORCO: As long as we're sure  
11 on these dates.

12 MS. NATLAND: I checked them all today.

13 CHAIRMAN PORCO: Okay. Does the Board  
14 have any --

15 MR. RICCIARDONE: I don't have any  
16 objection to putting it back on track. We should  
17 get out a letter to those applicants and say that  
18 their expiration date, they have to be in before  
19 that in order to get another extension.

20 MR. BROWN: That's fair.

21 CHAIRMAN PORCO: They would have to be  
22 on the agenda by the deadline with the request.

23 MR. BRAND: Is anyone no longer doing  
24 the retroactive ones?

25 CHAIRMAN PORCO: We want to bring them

2 up to the right date and then not give them the  
3 retroactive.

4 MR. RICCIARDONE: Like Brody Ridge,  
5 they'd have to come in prior to 5/20/14 to get an  
6 extension. Assume they don't come in for the  
7 extension after this one, what happens?

8 MR. HINES: They lapse.

9 MR. RICCIARDONE: They have to redo it?

10 MR. BLASS: Go through the process of  
11 reapproval, which means you'll be dusting off the  
12 original application, probably getting another  
13 fee for approval and having a public hearing and  
14 go through a lot of steps that will become almost  
15 minuscule.

16 MR. RICCIARDONE: Do you want to spell  
17 that out in the letter we're sending just to make  
18 sure they understand?

19 MR. HINES: The other thing is as  
20 they're applying you can request they give you  
21 the reason and the status. I think the original  
22 intent of the law was you couldn't bring your  
23 project to conditional approval and then sit on  
24 it and not pay the taxes on the subdivision until  
25 you got a buyer, run in and file the map.

2 Normally if there's a delay with the Health  
3 Department or some reason why, rather than just  
4 sitting back watching the market.

5 MR. RICCIARDONE: We're also going to  
6 ask for a reason for the extension?

7 MR. HINES: That tracks it. If someone  
8 has a valid reason, they're pursuing Health  
9 Department approval, but --

10 MR. BLASS: Right.

11 CHAIRMAN PORCO: If most of these  
12 reasons or some of these reasons may be  
13 financial, where does that leave the Board?

14 MR. HINES: It's up to the Board.

15 MR. RICCIARDONE: It's our discretion.

16 MR. BLASS: So it's for good cause  
17 shown. You probably have about -- here's three  
18 tonight. You probably have one or two others.  
19 It's a good idea to treat everybody the same way  
20 for purposes of equal protection. So it may be,  
21 if you want to --

22 MR. TRUNCALI: Wasn't that one reason,  
23 though, that the State extended it, because of  
24 economic reasons?

25 MR. BLASS: I would say that's

2 definitely true. The recession, the legislature.  
3 So it is sort of the implicit policy of the State  
4 to -- it's the implicit policy of the State to  
5 take the ceiling off of extensions. One might  
6 say it's because of the recession and to cut  
7 applicants a break. Another possible legislative  
8 intent was to avoid a series of reapprovals every  
9 year, which becomes almost ministerial in nature,  
10 unless the Board wanted to not reapprove  
11 something it approved in the past. It's hard to  
12 say exactly what the legislative intent was. I  
13 think in part it was to avoid a process of  
14 repetitive applications for approval and  
15 reapproval, expiration of approval, reapproval.  
16 Sort of you go around in circles.

17 MR. HINES: It was 360 days and that  
18 was it, you lost it.

19 MR. BLASS: It used to be you needed  
20 reapproval every year, once a year. Now you  
21 don't need that any longer. So why don't I look  
22 at it from the perspective if there was an  
23 expiration of a one-year period and there was a  
24 reapproval application, how much attention would  
25 this Board be paying to that reapproval process

2 on the merits, assuming that things stayed the  
3 same in terms of the change of circumstances.

4 MR. TRUNCALI: If you have to come back  
5 for reapproval it would have to be subject to the  
6 new water regulations and drainage?

7 MR. BLASS: Yeah. Possible. Possible.

8 MR. HINES: Have the public hearing  
9 over again.

10 CHAIRMAN PORCO: Any other questions  
11 from the Board?

12 (No response.)

13 CHAIRMAN PORCO: On the case of Brody  
14 Ridge, to grant their approval for an extension,  
15 this would be until May --

16 MR. BLASS: May 5th.

17 MR. RICCIARDONE: May 5th?

18 MR. BLASS: May 5, 2014.

19 CHAIRMAN PORCO: Is there a motion on  
20 that?

21 MR. RICCIARDONE: I'll make a motion on  
22 that.

23 CHAIRMAN PORCO: Frank. Is there a  
24 second?

25 MR. TRUNCALI: I'll second.

2 CHAIRMAN PORCO: Joel. All those in  
3 favor, say aye.

4 MR. BRAND: Aye.

5 MR. RICCIARDONE: Aye.

6 MR. TRUNCALI: Aye.

7 CHAIRMAN PORCO: Aye.

8 Any opposed?

9 (No response.)

10 CHAIRMAN PORCO: The motion is carried.

11

12 (Time noted: 7:43 p.m.)

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

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

23                  DATED: April 3, 2014

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

In the Matter of

GALLO REALTY

Project No. 11-5008  
Idlewild Road  
Section 103.1; Block 4; Lot 47.130

## EXTENSION - SIX-LOT SUBDIVISION

12 Date: March 17, 2014  
13 Time: 7:43 p.m.  
14 Place: Town of Marlborough  
Town Hall  
1650 Route 9W  
Milton, NY 12547

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

MICHELLE L. CONERO

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

2 CHAIRMAN PORCO: The Gallo  
3 extension, that was until June 17th?

4 MR. BLASS: June 17th.

5 MR. BRAND: Can I just ask for Brody  
6 Ridge, the original date was 11/5/12?

7 MR. BLASS: Right.

8 MR. BRAND: And the next one was 12/11  
9 but we went from May to June. Is that what we're  
10 saying? June or July did you say?

11 MR. BLASS: On Gallo?

12 MR. BRAND: Yeah.

13 MR. BLASS: Gallo was approved on  
14 September 17, 2012.

15 MR. BRAND: Oh, September. Okay.

16 MR. HINES: It would lapse tonight in  
17 that series.

18 CHAIRMAN PORCO: So they're on schedule  
19 then as far as asking for an extension?

20 MR. BLASS: Except the fact the last  
21 extension was given in September and it was only  
22 for 90 days.

23 MR. BROWN: But we were early on that  
24 one. We submitted that early.

25 MR. BLASS: It depends on whether

2 you're looking forward or looking backwards.

3 MR. BROWN: Is the extension based upon  
4 the date you ask for it or on the expiration of  
5 the previous --

6 MR. BLASS: I'm having a senior moment  
7 I think. I think what I'm trying to say is the  
8 extension was given for 90 days in September of  
9 2013 and it's now March 2014, so the 90-day  
10 extension --

11 MR. BROWN: I think we were early when  
12 we asked for that extension. In other words, it  
13 didn't expire for another month or so afterwards.  
14 The question is does the extension go from the  
15 date of the expiration of the previous extension?

16 MR. BLASS: It is now. It is now.

17 MR. BROWN: Okay. No problem.

18 MR. TRUNCALI: So their new date would  
19 be June --

20 MR. HINES: 17.

21 MR. BLASS: June 17, 2014. June 17th.

22 CHAIRMAN PORCO: 90 days from today.

23 MR. RICCIARDONE: We have to make a  
24 motion on Gallo?

25 CHAIRMAN PORCO: Someone can make a

1                   GALLO REALTY

18

2                   motion.

3                   MR. RICCIARDONE: I'll make a motion on  
4                   Gallo.

5                   CHAIRMAN PORCO: Frank.

6                   MR. TRUNCALI: Second.

7                   CHAIRMAN PORCO: Joel. Any opposed?

8                   MR. BROWN: I'll also relay that to  
9                   Brody Ridge. Thank you.

10                  CHAIRMAN PORCO: We'll get a letter  
11                  out.

12

13                  (Time noted: 7:47 p.m.)

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

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

23                  DATED: April 3, 2014



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2 CHAIRMAN PORCO: We'll have to table  
3 this one for lack of a quorum.

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5 (Time noted: 7:47 p.m.)

6

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

8

9

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

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24 DATED: April 3, 2014

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2 CHAIRMAN PORCO: Cingular Wireless,  
3 site plan.

4 MR. ROSS: Good evening, Mr. Chair.

5 I'm Don Ross from the law firm of Phillips,  
6 Lytle. This is Marianne Terry.

7 I guess we're here for two reasons or  
8 more, just to give you an update on what's  
9 happened, transpired since the last time we met  
10 two weeks ago, and then to get input from the  
11 Board on where they'd like us to take the photo  
12 simulations from for purposes of the balloon  
13 test.

14 So since we last met notices have been  
15 published in the paper and sent to residents  
16 regarding the balloon test which is going to be  
17 taking place, per the Board's instructions, this  
18 coming Saturday, the 22nd, from 10 to 2. Notice  
19 was published on the 15th and the 8th in The  
20 Times Herald Record and on the 12th in the  
21 Southern Ulster Times.

22 We're still working on a couple things  
23 relative to the public hearing which is scheduled  
24 for April 7th per the last meeting. The notice  
25 needed to be corrected. The Town had asked us to

2 correct the notice because I think there was a  
3 typo in the original notice.

4 MS. NATLAND: I sent a new one.

5 MR. ROSS: We got all that. We're  
6 going to get that out this week in plenty of  
7 time. That's the game plan.

8 I talked with our visual consultant  
9 today. We'll be running the balloon test so to  
10 speak, so she's ready to go.

11 We just need some direction from you as  
12 to where you want the pictures to be taken from.  
13 And of course if you have any other questions,  
14 we'll answer those too, about the balloon test  
15 and everything else.

16 CHAIRMAN PORCO: Other than the few  
17 addresses that we read off last time --

18 MR. HINES: We decided on four  
19 locations last time. I don't know if the  
20 Board --

21 MR. ROSS: I hadn't really written them  
22 down. If you want to restate them.

23 MR. HINES: Michelle would have them in  
24 the minutes.

25 MR. TRUNCALI: 9W near the ambulance

2 building.

3 MR. RICCIARDONE: There was one off of  
4 Prospect.

5 MR. HINES: Wyms Heights.

6 MR. RICCIARDONE: Off of Manions Hill.

7 MR. HINES: Manions Hill, Wyms Heights,  
8 9W between the ambulance corp and your shop.9 MR. TRUNCALI: I had said Ridge Road  
10 near Apple Ridge Orchards.11 MR. RICCIARDONE: Just south of the big  
12 brick house we were talking about.

13 MR. HINES: Those were the four.

14 CHAIRMAN PORCO: Which is just north of  
15 Wyms Heights.16 MR. ROSS: Did we get your shop  
17 address?

18 MR. RICCIARDONE: 1504 Route 9W.

19 MR. HINES: It will be somewhere on the  
20 hill. I think you'll be able to see it from  
21 there.

22 MR. ROSS: Manions Hill and 1504 9W.

23 MR. HINES: It was somewhere near --

24 CHAIRMAN PORCO: Western Avenue. I  
25 don't know if I have a number.

2 MR. RICCIARDONE: Does anyone know Doc  
3 Manions' house number?

4 CHAIRMAN PORCO: The top of the hill.  
5 How's that?

6 MR. RICCIARDONE: Well, when you make  
7 that right-hand turn on Western, coming off you  
8 bend around, there's a red barn on the left-hand  
9 side and you'll go up, approach up over a hill.  
10 At the top of the hill.

11 MS. TERRY: Is that on Western Avenue?

12 MR. RICCIARDONE: It's on Western  
13 Avenue.

14 MR. HINES: That's only a local name.  
15 There's no sign that says Manions Hill.

16 MS. TERRY: 9W near the ambulance  
17 building. Wyms Heights, is there an  
18 intersection?

19 MR. HINES: That's a loop road off of  
20 Prospect.

21 CHAIRMAN PORCO: It's off of Ridge  
22 Road.

23 MS. TERRY: Is there a particular place  
24 on --

25 MR. HINES: 1, 2 and 3. There's three

2 houses there that this will be very visible from.

3 MR. HINES: Was it 1, 2 and 3?

4 CHAIRMAN PORCO: Steve, is that near  
5 where your lot line revision --

6 MR. OSBORN: My lot line revision is  
7 closer towards Ridge. You want to take the  
8 pictures out on the end of the horseshoe.

9 MR. LANZETTA: Is this all municipal  
10 property?

11 MR. RICCIARDONE: It's all Marlborough.

12 MR. LANZETTA: Marlborough owned  
13 property?

14 MR. HINES: No.

15 MR. LANZETTA: I thought that was the  
16 first choice.

17 MR. HINES: It is, and they've done the  
18 analysis to show none of that meets their  
19 coverage requirements for the area they're  
20 targeting.

21 MR. OSBORN: That was the information  
22 you got today from your FOIL request.

23 MR. LANZETTA: I didn't agree with it.

24 MR. HINES: We have a  
25 telecommunications consultant reviewing that.

2 MR. BRAND: For the record, I did speak  
3 to the school district because I asked you guys  
4 that question. According to the superintendent  
5 they would be very interested in the project. He  
6 said to me they were in negotiations at one  
7 point, I didn't ask if it was with AT&T or  
8 Verizon, to have the tower built, and he said  
9 last minute things fell through and this is the  
10 first he had heard about this as well.

11 MR. RICCIARDONE: Where was he looking?

12 MR. BRAND: The high school. He said  
13 by the cross country track. I'm not a cross  
14 country guy. I think it's out behind the track.

15 MR. RICCIARDONE: It's kind of low.

16 CHAIRMAN PORCO: What are you looking  
17 for?

18 MR. TRUNCALI: The locations. There's  
19 four circles.

20 MR. ROSS: This is Manions and Western,  
21 and then up on Ridge. That's near the apple  
22 orchard. And then you had 9W.

23 MR. HINES: It's probably south of the  
24 ambulance corp where you get that view across.

25 MS. TERRY: Where is 1504 Route 9W?

2 MR. HINES: It's between the ambulance  
3 corp, that address where you'll have that view  
4 across to the west. By the learning center.

5 MR. RICCIARDONE: Pinnacle and  
6 Churchill's house.

7 MR. BRAND: Do you have a copy of the  
8 public notice that went in the paper?

9 MS. TERRY: I have one. I did not  
10 receive anything from The Times Herald yet but I  
11 do have receipts. I have confirmation.

12 MR. ROSS: So you talked to the  
13 superintendent?

14 MR. BRAND: I did. I called him  
15 immediately.

16 MS. TERRY: This is for Southern Ulster  
17 and this is for The Times Herald.

18 MR. BRAND: I was just curious if there  
19 was mention of the size of the balloon to the  
20 size of the tower? It says there is going to be  
21 a balloon test.

22 MR. ROSS: The balloon by law has to be  
23 at least three feet in diameter.

24 MR. HINES: They're going to use that  
25 information to develop photo simulations --

2 MR. ROSS: Correct.

3 MR. HINES: -- using the altitude of  
4 the balloon to put it in the right perspective in  
5 those photos.

6 CHAIRMAN PORCO: And then if that day  
7 the wind doesn't cooperate --

8 MR. ROSS: It will be on the 29th, the  
9 following Saturday.

10 CHAIRMAN PORCO: Do we know if there's  
11 anything posted at the town hall for that? Maybe  
12 on the door.

13 MR. OSBORN: Any what?

14 CHAIRMAN PORCO: Any notice.

15 MR. OSBORN: We will if you want us to.

16 CHAIRMAN PORCO: That would probably be  
17 a good idea. All right.

18 Do we have any other --

19 MR. HINES: Again, we're waiting for  
20 our tower consultant to complete their review.  
21 It's three weeks out at this point, so -- they'll  
22 be prepared with their review at the public  
23 hearing. The public hearing is on the 7th of  
24 April. We scheduled the public hearing. It was  
25 contingent upon being able to prepare the visual

2 simulations.

3 MR. ROSS: I'm just curious, and I'm  
4 sure I'll be able to sort this out on Saturday,  
5 do you know how far, roughly, Ridge Road is? Is  
6 that the furthest away from the site?

7 MR. TRUNCALI: I would say 9W.

8 MR. ROSS: Would you say it's two,  
9 three miles?

10 MR. HINES: It's not that far. A mile.

11 CHAIRMAN PORCO: Maybe a mile.

12 MR. ROSS: Okay.

13 CHAIRMAN PORCO: All right. If there  
14 are no other questions from the Board, I guess  
15 we're set and we'll look for the balloon on  
16 Saturday.

17

18 (Time noted: 7:55 p.m.)

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

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

23                  DATED: April 3, 2014

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

In the Matter of

## CHERNOBYL P&L BREWERY/PUB

30 Main Street  
Section 103.9; Block 2; Lot 29

## DISCUSSION

Date: March 17, 2014  
Time: 7:55 p.m.  
Place: Town of Marlborough  
Town Hall  
1650 Route 9W  
Milton, NY 12547

BOARD MEMBERS: JOSEPH PORCO, Chairman  
CHRISTOPHER BRAND  
FRANK RICCIARDONE  
JOEL TRUNCALI

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

APPLICANT'S REPRESENTATIVE: RICHARD MILLER

MICHÉLLE L. CONEBO

10 Westview Drive  
Wallkill, New York 12589  
(845) 895-3018

2 CHAIRMAN PORCO: Next on the agenda is  
3 Chernobyl P&L. Power and Light or Property and  
4 Loss.

5 MR. POLLOCK: When I look at Milton I  
6 think of Chernobyl.

7 MR. RICCIARDONE: I think this calls  
8 for a changing of the name.

9 MR. POLLOCK: It's not going to be  
10 called that. It's going to be whatever it is.

11 CHAIRMAN PORCO: It's here for a  
12 discussion only. So what are we discussing?

13 MR. MILLER: We're looking at the  
14 former bank building on Main Street, number 30.  
15 That's the facade of it. The proposal is a  
16 retail establishment. I guess these guys, what  
17 they are thinking -- Rob is the owner, I'm the  
18 architect.

19 MR. RICCIARDONE: The owner of what?  
20 The building?

21 MR. MILLER: The bakery is right next  
22 door. That's here.

23 MR. HINES: Coming soon it says; right?

24 MR. MILLER: Yes. It's close. This is  
25 Main Street. The building is here. There's

2 about four spots available behind it for parking,  
3 in terms of that. The square footage upstairs  
4 was about 600 square feet, so we looked at two  
5 spots required based on retail use and we have  
6 three easily accessible. They also have the  
7 other -- it's adjacent, this entry to the -- this  
8 being the bakery coming down. So there's a lot  
9 that's connected to it as well.

10 The proposed use times are two days per  
11 week.

12 MR. ZIMMERMAN: Pretty much Friday  
13 afternoon, late afternoon, and Saturday.

14 MR. MILLER: They're talking about  
15 alcohol sales, beer sales, retail of t-shirts.

16 MR. NEIL TRAPANI: Gavel fills.

17 MR. HINES: Only two days a week?

18 MR. NEIL TRAPANI: It would be an  
19 accessory use of brewing on site.

20 MR. MILLER: Micro, small scale,  
21 specialty ale.

22 CHAIRMAN PORCO: The brewing would be a  
23 regular five-day a week, seven-day a week?

24 MR. ZIMMERMAN: Probably not. Two,  
25 three days.

2 CHAIRMAN PORCO: It is only open to the  
3 public --

4 MR. ZIMMERMAN: Two days. On the  
5 weekends for now. We have, you know, normal 9 to  
6 5s, so we fit it in with that for now.

7 MR. MILLER: The existing building,  
8 which is allowed in this district, has three  
9 apartments. Residential above retail. It's a  
10 two-story. There's also an apartment in the  
11 basement but that's pre-existing so the building  
12 inspector says that's cool, we'll be allowed to  
13 have three apartments.

14 MR. RICCIARDONE: So we're talking the  
15 bank building --

16 MR. MILLER: First floor.

17 MR. RICCIARDONE: -- first floor for  
18 the brewery?

19 MR. MILLER: Retail sales.

20 MR. RICCIARDONE: Which you're doing a  
21 microbrewery?

22 MR. NEIL TRAPANI: Correct.

23 MR. MILLER: Two apartments up, one in  
24 the back down.

25 MR. HINES: So three total.

2 MR. RICCIARDONE: Two up here.

3 MR. HINES: There's a square footage  
4 limit on the apartments in the code.

5 MR. MILLER: Well I think these are  
6 what we call pre-existing. There's no proposed  
7 change to them.

8 MR. HINES: But you are changing the  
9 use of the structure.

10 MR. MILLER: Right. But we're not  
11 affecting those apartments. We're not encroaching  
12 or --

13 MR. HINES: There is a minimum square  
14 footage.

15 MR. MILLER: Okay.

16 MR. HINES: I'm seeing 500 square foot.

17 MR. MILLER: For what? The apartments?

18 MR. HINES: Yes.

19 MR. MILLER: I honestly haven't  
20 calculated --

21 MR. HINES: I'm looking here and there.

22 MR. MILLER: That's the retail space.

23 MR. HINES: Right. So if the  
24 apartments are that size you're good.

25 MR. MILLER: Yes. I'm following you.

2 MR. HINES: Based on the scale there.

3 MR. MILLER: Took me a second. Yes.

4 MR. BRAND: There's going to be brewing  
5 on site?

6 MR. ZIMMERMAN: Yes.

7 MR. MILLER: The thought is that that  
8 could occur in the lower basement level which --

9 MR. RICCIARDONE: I thought there was  
10 an apartment in the lower --

11 MR. MILLER: There is an apartment in  
12 the back. There's an apartment here. This is a  
13 storage space connected to the first floor  
14 presently.

15 MR. RICCIARDONE: Okay. Then that's  
16 the top floor.

17 MR. MILLER: Right. So this is the  
18 retail. This is the existing bank vault which  
19 would be really cool for --

20 MR. RICCIARDONE: All the money they  
21 can earn.

22 MR. HINES: Troublemakers in the bar.

23 MR. POLLOCK: The high end stuff.

24 MR. MILLER: We have to lock it up at  
25 night because these guys are good.

2 In the back there's storage, there's an  
3 existing bathroom, existing related sink.

4 MR. KNEETER: The basement there -- I'm  
5 sorry to ask questions -- there's egress?

6 MR. MILLER: Yes. There's a door here.  
7 It's over three feet. Yes. And the stairs up  
8 also.

9 MR. KNEETER: That door on that side,  
10 is that adjoining the alleyway between the two  
11 buildings?

12 MR. MILLER: It's the -- yes. It's set  
13 back from -- the door is here and the driveway is  
14 here. I can't tell you how many feet it is  
15 exactly. You come out and you go up some steps.

16 MR. KNEETER: I'm trying to picture a  
17 door being there.

18 MR. ZIMMERMAN: It's behind the bushes.  
19 It's next to it so you wouldn't see it from up  
20 top unless you walk down that alleyway.

21 MR. MILLER: It's right --

22 MR. NEIL TRAPANI: It's on the side  
23 there. It's very hard to --

24 MR. KNEETER: It's on the bakery side?

25 MR. MILLER: If you look on the side of

2 the building, what does it say?

3 MR. NEIL TRAPANI: Flowers.

4 MR. MILLER: So this was kind of cool  
5 storage.

6 MR. POLLOCK: An advertisement for  
7 flowers.

8 MR. KNEETER: For the bakery.

9 MR. POLLOCK: There was always a bank  
10 there. Before it was -- what was it?

11 Wallkill --

12 MR. NEIL TRAPANI: Walden.

13 MR. KNEETER: Was it M&T?

14 MR. POLLOCK: Was there a Bank of  
15 Milton?

16 CHAIRMAN PORCO: You're going way back  
17 now. You're in another time zone.

18 MR. POLLOCK: Before my time. Way  
19 before my time.

20 MR. MILLER: So we're looking at  
21 upgrading the facade, making a more beautiful  
22 facade. We have a new canopy, new storefront  
23 that would be more in keeping with the neighbors,  
24 the historic character of the town, the historic  
25 buildings.

2 MR. RICCIARDONE: That's a door to?

3 MR. MILLER: The upstairs. That's the  
4 apartments. It's a separate enclosed stairway.

5 MR. RICCIARDONE: Got it.

6 MR. MILLER: And the bottom apartment  
7 is off the back. They're all separate space.

8 MR. HINES: The bottom apartment  
9 accesses off the back. The bottom door comes off  
10 where you're going to brew. The side door  
11 wouldn't be for the brewing. The apartment exits  
12 here.

13 MR. MILLER: You're allowed -- the  
14 three apartments need -- the Town allows five  
15 spaces.

16 MR. HINES: You get credit for five off  
17 street.

18 MR. MILLER: We used that up, so that's  
19 a wash. And then we have three more. The  
20 parking is covered.

21 CHAIRMAN PORCO: But only the public  
22 would be on the first floor?

23 MR. NEIL TRAPANI: That's correct.

24 MR. BRAND: Would the public be allowed  
25 in the basement portion as well?

2 MR. MILLER: I mean they could look  
3 down and observe it but we didn't really --

4 MR. ZIMMERMAN: If allowed, the  
5 possibility to do a tour or something like that  
6 just to give people --

7 MR. BRAND: That's not part of regular  
8 business?

9 MR. ZIMMERMAN: Not like let people  
10 just roam around and poke around.

11 CHAIRMAN PORCO: Outwardly is there any  
12 concerns you see, Chief?

13 MR. KNEETER: The egress in the  
14 basement. I have to do some research on  
15 microbrewing. I'm used to Mannese.

16 MR. MILLER: It's one of the most  
17 enjoyable research projects I've worked on.

18 MR. KNEETER: It will be interesting.

19 MR. RICCIARDONE: I've been up into  
20 Connecticut and up around there to the  
21 microbreweries and a couple towns upstate. The  
22 microbreweries, the tanks and then they have  
23 Plexiglass right there where people look. They  
24 don't go towards the tanks, they stop right  
25 there, all right, and they look at the

2 microbrewery, the tanks and everything right  
3 there. There's like a walkway and then you walk  
4 through it and you go upstairs and they have the  
5 tables and what not, tasting the beer that  
6 they're brewing downstairs.

7 MR. POLLOCK: They have it above I  
8 think.

9 CHAIRMAN PORCO: It's all in the  
10 middle. I've been to many microbreweries.

11 MR. POLLOCK: In the millhouse in the  
12 back there they have it in the back.

13 MR. RICCIARDONE: I've been to  
14 different types and they have them different  
15 places. You can't walk into where the tank area  
16 is, where the brewer guys are, which would be  
17 these two guys. They may not be there  
18 twenty-four/seven.

19 MR. MILLER: That would be cordoned  
20 off. There's nobody -- that's just looking down  
21 on them.

22 MR. RICCIARDONE: Maybe it would be  
23 cool if you looked straight down onto the tanks.

24 MR. ZIMMERMAN: The brewing system will  
25 be in that open area, so you'll be able to look

2 at that.

3 MR. RICCIARDONE: That's nice looking.

4 MR. POLLOCK: To give you fire  
5 concerns.

6 MR. RICCIARDONE: Can you get a license  
7 to do bourbon and scotch?

8 MR. POLLOCK: That's Steve right here.  
9 We don't want to step on any toes. I want Steve  
10 to open soon. I don't want to -- I'm not a big  
11 -- I drink bourbon.

12 MR. MILLER: It's not cohesive.

13 MR. ZIMMERMAN: The spent grain will go  
14 to the animals.

15 MR. KNEETER: What's going to go to the  
16 animals?

17 MR. ZIMMERMAN: Spent grain. The waste  
18 we would have to dispose of in the landfill.

19 MR. POLLOCK: The chickens eat it.

20 MR. NEIL TRAPANI: It's all grain.

21 CHAIRMAN PORCO: Any other questions  
22 from the Board at this point?

23 MR. RICCIARDONE: Looks good to me.

24 MR. HINES: I'm good.

25 MR. POLLOCK: You should have brought

2 some samples.

3 MR. MILLER: No samples.

4 MR. HINES: They get credit for four on  
5 the street. We have to look at the spaces and do  
6 the calculation.7 MR. POLLOCK: You're doing it now,  
8 aren't you? You're making beer?

9 MR. NEIL TRAPANI: Yes.

10 MR. ZIMMERMAN: About once a week now  
11 we do stuff.

12 MR. POLLOCK: How much do you make now?

13 MR. ZIMMERMAN: A month, ten, fifteen  
14 gallons.15 MR. KNEETER: In the course of a week  
16 what would be your intentions here? How much  
17 will you be producing, estimate, ballpark?18 MR. ZIMMERMAN: The system we're  
19 spec'ing out is a hundred gallons.

20 MR. KNEETER: Will that be enough?

21 MR. HINES: The firehouse is across the  
22 street.23 CHAIRMAN PORCO: Other than people  
24 going in and buying it, are there tables and  
25 seats there where they can stay or is it just

2 purchase?

3 MR. ZIMMERMAN: You can have samples,  
4 so you can hang out, taste things. You can't do  
5 larger than a three-ounce pour.

6 MR. POLLOCK: Don't tell them that.

7 MR. ZIMMERMAN: You can get either a  
8 quarter gallon or half gallon to go but it can't  
9 be consumed on premises.10 MR. HINES: Why is that? Just the size  
11 of the microbrewery?12 MR. ZIMMERMAN: No food. It's a  
13 different license type. It's essentially going  
14 to be just more, you know, stuff to go.

15 MR. KNEETER: Sample and purchase.

16 MR. OSBORN: The Town Board is working  
17 on a zoning change that will allow up to 2,500  
18 gallons a year of beer production in the C Zone.  
19 The Board is under the belief that the current C  
20 Zone doesn't allow for beer production. Ron can  
21 clarify that.22 MR. HINES: Ron is flipping the pages  
23 here back and forth.24 MR. BLASS: I wasn't looking at that  
25 particular issue. I was looking at the apartment

2 and mixed use, et cetera. Tom Corcoran's  
3 interpretation would be?

4 MR. OSBORN: It's not currently allowed  
5 in C, which is why we're working very quickly now  
6 to -- that's why when I talked to you earlier  
7 today about the 2,500 gallons, that's for this  
8 project.

9 MR. POLLOCK: That's why we're pushing  
10 retail.

11 MR. OSBORN: This and other projects  
12 like it.

13 MR. RICCIARDONE: Speed it up, will  
14 you.

15 MR. POLLOCK: What happens next?

16 MR. MILLER: What's your schedule?

17 MR. RICCIARDONE: Are you going to have  
18 those metal cans with the top things that you  
19 come in and put the beer in and snap them and you  
20 walk out?

21 MR. ZIMMERMAN: You could but they're a  
22 glass. There's a bunch of different kinds.  
23 That's part of what we'll have. They'll be small  
24 32 ounce and 64 ounce bottles.

25 CHAIRMAN PORCO: You want to know

2 what's next. You're here for discussion only.  
3 You have to fill out an application for a site  
4 plan, come before us again, do the public  
5 hearing. You know the rules.

6 MR. POLLOCK: I've never done this  
7 before.

8 MR. MILLER: I guess the question is  
9 based on the changes --

10 CHAIRMAN PORCO: I think it's looking  
11 good. It looks like it has Town Board support.

12 MR. OSBORN: The other thing I would  
13 advise you to do is to talk to Tony Falco.

14 MR. MILLER: Okay.

15 MR. POLLOCK: I'll give you Tony's  
16 number.

17 CHAIRMAN PORCO: Any other questions  
18 from the Board at this point?

19 MR. RICCIARDONE: I'm good. As long as  
20 I have my gavel.

21 MR. POLLOCK: I look forward to bread  
22 and beer.

23 MR. MILLER: Thank you.

24 MR. NEIL TRAPANI: Thank you very much.

25 MR. BRAND: Good luck.

2 CHAIRMAN PORCO: Is there anything else  
3 to bring before the Board?

4 MR. RICCIARDONE: No.

5 CHAIRMAN PORCO: If there's nothing  
6 else to bring before the Board, a motion to  
7 adjourn.

8 MR. RICCIARDONE: I'll make that  
9 motion.

10 MR. BRAND: I'll second it.

11 CHAIRMAN PORCO: Everyone say aye.

12 MR. BRAND: Aye.

13 MR. RICCIARDONE: Aye.

14 MR. TRUNCALI: Aye.

15 CHAIRMAN PORCO: Aye.

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17 (Time noted: 8:10 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  
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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 3, 2014

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