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

In the Matter of

5 JOHN CORCORAN

10 PUBLIC HEARING - LOT LINE REVISION

11 Date: February 1, 2016  
12 Time: 7:30 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15        BOARD MEMBERS:     CHRIS BRAND, Chairman  
                                  JOEL TRUNCALI  
16                                BEN TRAPANI  
                                  CINDY LANZETTA  
17                                EMANUEL CAUHTI

18 ALSO PRESENT: RONALD BLASS, ESQ.  
19 PATRICK HINES  
20 VIRGINIA FLYNN  
20 STACEY CALTO

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

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

1 JOHN CORCORAN

2

2 CHAIRMAN BRAND: It's 7:30, I'd like to  
3 call the meeting to order. Please rise for the  
4 Pledge of Allegiance.

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of  
7 Marlborough Planning Board, February 1, 2016.  
8 Regular meeting 7:30 p.m. Approval of  
9 stenographic minutes for 11/16, 12/7 and 1/4.  
10 John Corcoran, sketch, lot line revision; Joan  
11 Diorio, sketch, lot line revision; New Cingular  
12 Wireless, open public hearing, site plan; Brody  
13 Ridge, extension; Chestnut Petroleum, sketch,  
14 site plan; Maria Mekel, sketch, lot line  
15 revision; Gary Troncillito, discussion, site  
16 plan; Hennekens, discussion, two-lot subdivision.  
17 Next deadline: Thursday, February 5th. Next  
18 scheduled meeting: Tuesday, February 16th.

19 CHAIRMAN BRAND: I believe everyone has  
20 had time to review the stenographic minutes for  
21 the 11/16, 12/7 and 1/4 meeting. Could I have a  
22 motion to approve the stenographic minutes for  
23 those dates?

24 MS. LANZETTA: I'll make a motion to  
25 approve those minutes.

2 CHAIRMAN BRAND: Is there a second?

3 MR. TRUNCALI: I'll second.

4 CHAIRMAN BRAND: All those in favor?

5 MR. TRAPANI: Aye.

6 MS. LANZETTA: Aye.

7 MR. CAUCHI: Aye.

8 MR. TRUNCALI: Aye.

9 CHAIRMAN BRAND: I'll abstain since I  
10 wasn't at those meetings.

11 First up, John Corcoran, sketch, lot  
12 line revision.

13 "Legal notice, lot line revision  
14 application. Please take notice a public hearing  
15 will be held by the Marlborough Planning Board  
16 pursuant to the State Environmental Quality  
17 Review Act, SEQRA, and the Town of Marlborough  
18 Town Code 134-33 on Monday, February 1, 2016 for  
19 the following application: John Corcoran, at the  
20 Town Hall, 21 Milton Turnpike, Milton, New York  
21 at 7:30 or as soon thereafter as may be heard.

22 The applicant is seeking approval of a lot line  
23 revision for lands located at 29 Watson Avenue,  
24 Milton, New York, Section 103.3; Block 2; Lot  
25 20.100/2.220. Any interested parties either for

2 or against the proposal will have an opportunity  
3 to be heard at this time."

4 Is there anyone from the public?

5 (No response.)

6 CHAIRMAN BRAND: Nothing. I'd like to  
7 have a motion to close the public hearing.

8 Patti, sorry. I'm a little rusty,  
9 Patti.

10 MS. BROOKS: No problem.

11 The application before the Board is a  
12 lot line consolidation to take two previously  
13 approved lots, one 3.42 acres in size and 1.65  
14 acres in size, and combine them back into one  
15 parcel of 5.07 acres.

16 The existing 3.42 acre lot has the  
17 existing dwelling on it and the 1.65 acre lot is  
18 vacant.

19 There was a question raised at the last  
20 meeting regarding the status of Old Indian Trail  
21 and whether the highway superintendent was  
22 interested in taking title to that portion of it  
23 used for roadway purposes. I consulted with  
24 superintendent of highways, Gael Appler, and we  
25 put a note on the map saying that the parcel is

2 subject to an easement and right-of-way in and to  
3 the computed highway bounds along Old Indian  
4 Trail shown here based on a user highway  
5 maintained with thirty-three feet. We received a  
6 letter from the highway superintendent in  
7 concurrence with that resolution to try to  
8 mitigate the concern.

9 CHAIRMAN BRAND: Any questions or  
10 discussion from the Board?

11 MS. LANZETTA: I think that's the main  
12 thing we discussed last time.

13 CHAIRMAN BRAND: Okay.

14 MS. LANZETTA: Do we close the public  
15 hearing first?

16 CHAIRMAN BRAND: Pat, do you have any  
17 questions or comments on this?

18 MR. HINES: We have no outstanding  
19 issues. It's two lots becoming one. Our  
20 previous comments have been addressed.

21 CHAIRMAN BRAND: I guess I'd like to  
22 have a motion to close the public hearing at this  
23 time.

24 MS. LANZETTA: I'll make that motion to  
25 close the public hearing.

2 CHAIRMAN BRAND: Is there a second?

3 MR. CAUCHI: I'll second it.

4 CHAIRMAN BRAND: Manny. All those in  
5 favor say aye.

6 MR. TRAPANI: Aye.

7 MS. LANZETTA: Aye.

8 MR. CAUCHI: Aye.

9 MR. TRUNCALI Aye.

10 CHAIRMAN BRAND: Aye.

11 Opposed?

12 (No response.)

13 CHAIRMAN BRAND: Motion passes.

14 Do I have a motion for a negative  
15 declaration?

16 MR. HINES: We would recommend a  
17 negative declaration.

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

19 CHAIRMAN BRAND: Is there a second?

20 MR. TRUNCALI: I'll second.

21 CHAIRMAN BRAND: All those in favor say  
22 aye.

23 MR. TRAPANI: Aye.

24 MS. LANZETTA: Aye.

25 MR. CAUCHI: Aye.

2 MR. TRUNCALI: Aye.

3 CHAIRMAN BRAND: Aye.

4 Opposed?

5 (No response.)

6 CHAIRMAN BRAND: Motion carried.

7 Thank you.

8 MS. BROOKS: May I have final approval,  
9 please?10 CHAIRMAN BRAND: Do I have a motion for  
11 final approval?12 MR. TRAPANI: I'll make that motion for  
13 final approval.

14 MR. TRUNCALI: I'll second it.

15 CHAIRMAN BRAND: All those in favor?

16 MR. TRAPANI: Aye.

17 MS. LANZETTA: Aye.

18 MR. CAUCHI: Aye.

19 MR. TRUNCALI: Aye.

20 CHAIRMAN BRAND: Aye.

21 Opposed?

22 (No response.)

23 MS. BROOKS: Thank you very much.

24 CHAIRMAN BRAND: You should be all set.

25 (Time noted: 7:34 p.m.)

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

5

6 I, MICHELLE CONERO, a Notary Public  
7 for and within the State of New York, do hereby  
8 certify:

11 I further certify that I am not  
12 related to any of the parties to this proceeding by  
13 blood or by marriage and that I am in no way  
14 interested in the outcome of this matter.

15 IN WITNESS WHEREOF, I have hereunto  
16 set my hand this 13th day of February 2016.

17

18

19

20

21

22

23

24

25

Michelle Conero

MICHELLE CONERO

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

----- X  
5 In the Matter of  
6

7 JOAN DIORIO  
8

9 Project No. 15-8015  
10 5 Anna Place, Marlboro  
11 Section 108.012; Block 8; Lots 15 & 18  
12

13 ----- X  
14

15 PUBLIC HEARING - LOT LINE REVISION  
16

17 Date: February 1, 2016  
18 Time: 7:35 p.m.  
19 Place: Town of Marlborough  
20 Town Hall  
21 21 Milton Turnpike  
22 Milton, NY 12547  
23

24 BOARD MEMBERS: CHRIS BRAND, Chairman  
25 JOEL TRUNCALI  
BEN TRAPANI  
CINDY LANZETTA  
EMANUEL CAUCHI  
26

27 ALSO PRESENT: RONALD BLASS, ESQ.  
28 PATRICK HINES  
29 VIRGINIA FLYNN  
30 STACEY CALTO  
31

32 APPLICANT'S REPRESENTATIVE: CARMEN MESSINA  
33

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

1 JOAN DIORIO

10

2 CHAIRMAN BRAND: Next up, Joan Diorio,  
3 sketch, lot line revision.

19 Is there anyone from the public here?

20 MR. MESSINA: Seven out and seven back.

21 Ms. Diorio, she owns two pieces of  
22 property on Anna Place, tax map 108.12-8-15,  
23 about a third of an acre. She also owns a  
24 property that's 1.6 acres that fronts Hudson  
25 Terrace. She would like to take about 1.2 o

1 JOAN DIORIO

11

2 that larger piece and add it to her one-third of  
3 an acre piece that has her house on it.

4 CHAIRMAN BRAND: Any questions or  
5 discussion from the Board?

6 (No response.)

7 CHAIRMAN BRAND: Pat?

21 CHAIRMAN BRAND: Any other questions?

22 MR. TRAPANI: No.

23 CHAIRMAN BRAND: All right. I'd like  
24 to have a motion to close the public hearing.

25 MS. LANZETTA: I'll make a motion to

2 close the public hearing.

3 CHAIRMAN BRAND: A second?

4 MR. TRUNCALI: I'll second.

5 CHAIRMAN BRAND: Joel. All those in  
6 favor say aye.

7 MR. TRAPANI: Aye.

8 MS. LANZETTA: Aye.

9 MR. CAUCHI: Aye.

10 MR. TRUNCALI: Aye.

11 CHAIRMAN BRAND: Aye.

12 Any opposed?

13 (No response.)

14 CHAIRMAN BRAND: Okay. May I have a  
15 motion for a negative declaration?

16 MS. LANZETTA: I'll make a motion to do  
17 a negative dec on this project.

18 MR. TRAPANI: I'll second.

19 CHAIRMAN BRAND: All those in favor?

20 MR. TRAPANI: Aye.

21 MS. LANZETTA: Aye.

22 MR. CAUCHI: Aye.

23 MR. TRUNCALI: Aye.

24 CHAIRMAN BRAND: Aye.

25 Opposed?

1 JOAN DIORIO

13

2 (No response.)

3 CHAIRMAN BRAND: All right. A motion  
4 for final approval.

5 MS. LANZETTA: I think we have to  
6 condition that with Pat's comments.

7 MR. HINES: Just the note that says it  
8 is served by municipal water.

9 MR. MESSINA: There's a note both lots  
10 have water and sewer. Just above the title  
11 block.

12 MR. HINES: Okay.

13 MS. LANZETTA: I'll make a motion for  
14 final approval on this.

15 CHAIRMAN BRAND: A second?

16 MR. TRUNCALI: I'll second.

17 CHAIRMAN BRAND: All those in favor?

18 MR. TRAPANI: Ave.

19 MS. LANZETTA: Aye.

20 MR. CAUCHI: Aye.

21 MR. TRUNCALI: Aye.

22 CHAIRMAN BRAND: Aye.

24 (No response.)

25 CHAIRMAN BRAND: Okay. Thank you.

1 JOAN DIORIO

14

2 MR. MESSINA: Thank you.

3

4 (Time noted: 7:39 p.m.)

5

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

7

8 I, MICHELLE CONERO, a Notary Public  
9 for and within the State of New York, do hereby  
0 certify:

13 I further certify that I am not  
14 related to any of the parties to this proceeding by  
15 blood or by marriage and that I am in no way  
16 interested in the outcome of this matter.

17 IN WITNESS WHEREOF, I have hereunto  
18 set my hand this 13th day of February 2016.

19

20

Michelle Conero

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22

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25

## MICHELLE CONERO

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

In the Matter of

5 NEW CINGULAR WIRELESS PC LLC

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

10 PUBLIC HEARING - SITE PLAN

11 Date: February 1, 2016  
12 Time: 7:40 p.m.  
13 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

18 ALSO PRESENT: RONALD BLASS, ESQ.  
19 PATRICK HINES  
20 VIRGINIA FLYNN  
21 STACEY CALTO

21 APPLICANT'S REPRESENTATIVES: KIMBERLY NASON, ADAM  
22 WALTERS, DANIEL GOULETTE & MATTHEW ALLEN

2

CHAIRMAN TRUNCALI: Next up is New  
Cingular Wireless. This is an open public  
hearing from the last meeting.

5

MS. NASON: I'm Kim Nason, I'm the  
attorney on the project. It might make sense if  
I can give a presentation first before the public  
speaks so we can remind everybody where we're at.  
This has been going on for a bit.

10

CHAIRMAN BRAND: Sure.

11

MS. NASON: I'm Kim Nason, I'm an  
attorney with Phillips, Lytle representing AT&T.  
With me is Adam Walters, also with Phillips,  
Lytle. We have Dan Goulette, he's the RF on the  
site. And Matt Allen is the visual analysis  
expert. Also we have Tim Rapp who is AT&T's site  
acquisition consultant on the project.

18

We're here tonight for the benefit of  
the new Board Members to again discuss the  
differences between the original Ann Kaley  
proposed site and the potential high school  
alternative site. We've brought everyone here  
from our team to be able to answer any questions  
and speak to the differences between the sites.

25

We would again reiterate that the Ann

2 Kaley site remains the optimal location, provides  
3 better coverage and is a much better, well  
4 screened area. We would request that you would  
5 approve that application.

6 As you know, AT&T submitted the  
7 original application about two years ago now, in  
8 February 2014, and since that time AT&T has  
9 performed an exhaustive review of over thirty  
10 alternatives that were suggested by the Town for  
11 other locations for the site. We submitted a  
12 comprehensive analysis of all thirty-one  
13 properties, and that report produced one viable  
14 site, that was at the high school. That site did  
15 not provide equivalent coverage to the Ann Kaley  
16 site and had potential visual issues which we'll  
17 get into. But AT&T, to provide the Town with an  
18 alternative, did work for more than a year to  
19 pursue a lease with the high school site and did  
20 obtain a lease.

21 When we last appeared here back in July  
22 of 2015 we presented before this Board on both  
23 sites and we provided detailed info on the  
24 coverage provided by the Ann Kaley site and the  
25 coverage that is not provided by the high school

2 site, as well as a discussion of the visual  
3 impacts of both sites. At that meeting we were  
4 looking for direction as to how AT&T should  
5 proceed. There was no majority support for AT&T  
6 to move to the high school site. At that time  
7 AT&T decided to proceed with it's original  
8 application.

9 AT&T had already reduced the height of  
10 the tower to 130 feet, and we then submitted a  
11 detailed supplemental submission that answered  
12 all of HDR's original questions that they gave to  
13 us back in May of 2014 on the Ann Kaley site. We  
14 responded to all of those.

15 In the meantime, while all this was  
16 going on, we were informed that the makeup of the  
17 Board had changed, there were some new Board  
18 Members that would like to again hear the  
19 description of the two sites and understand the  
20 differences between the two. That's what we're  
21 here for tonight, to provide a brief summary of  
22 our exhaustive review process and to again speak  
23 to the differences between the two sites and the  
24 benefits of the Ann Kaley site in comparison to  
25 the high school alternative.

2 Matt Allen and Dan Goulette will speak  
3 in a little more detail in a bit. Just to  
4 provide a brief summary, a brief overview, with  
5 the Ann Kaley feet site at 130 feet and the high  
6 school alternative site at 110, the high school  
7 does not provide equivalent coverage. The high  
8 school provides little or no coverage to the  
9 middle school, to Western Avenue or to the Hamlet  
10 where many of the businesses are located. This  
11 is due to some terrain issues that Dan can  
12 describe in more detail. The Ann Kaley site  
13 provides 400 percent more in-vehicle coverage on  
14 roadways and 64 percent more coverage to local  
15 businesses.

16 In addition, the Ann Kaley site is  
17 located on a large property that's forested.  
18 It's got a lot of acreage, a lot of screening,  
19 and it's in a bit of a bowl and it's against  
20 terrain in the back rather than the horizon.  
21 It's also got very few residences in close  
22 proximity to the site.

23 The high school site, in the  
24 alternative, would be up against the horizon, as  
25 HDR noted in their report. You would see more of

2 a stark contrast there rather than a tower up  
3 against the terrain in the back. In addition,  
4 there are several surrounding residences that  
5 would have a view of the tower. They're in much  
6 more close proximity than the Ann Kaley site  
7 would be.

8 I'll just ask Dan first -- Dan  
9 performed the detailed RF analysis of all  
10 thirty-one sites and the high school site. I  
11 would ask Dan to just speak a little bit to the  
12 differences in coverage between the high school  
13 site and Ann Kaley.

14 MR. HINES: When you're discussing the  
15 high school site, there were two sites.

16 MS. NASON: This is the only site we  
17 have a lease for.

18 CHAIRMAN BRAND: Which is behind the  
19 softball fields; correct?

20 MS. NASON: Correct.

21 MR. GOULETTE: Good evening. Sorry for  
22 the delay. My name is Dan Goulette, I'm  
23 representing AT&T. Kim is handing out some  
24 materials that you don't currently have. All it  
25 is is two profile views from -- one from Ann

2 Kaley to the Hamlet and the other profile is from  
3 the high school location that we have a lease for  
4 to the Hamlet. So we've got two different  
5 points.

6 Just as a quick review, you've all seen  
7 this exhibit. We had exhibit 3. We've had  
8 several exhibits. This happens to be exhibit 23,  
9 which we provided in one of the last hearings,  
10 which outlines -- the question was where is the  
11 ham -- what do you consider the Hamlet. So I  
12 went on your website and I found from the  
13 Department of Transportation and some other  
14 departments, they actually show where the Hamlet  
15 is.

16 Basically what AT&T was trying to do  
17 with the proposed site was cover Western Ave,  
18 Route 9, the Hamlet area where the businesses are  
19 and there's a lot of homes, the middle school,  
20 the high school area and South Street. Those  
21 were the four key target areas.

22 Now, what I want to show you is in  
23 addition -- this isn't just -- it's a coverage  
24 site and it's a capacity site. I really thought  
25 you had handouts of these. This is called -- it

2 looks like a big mess but it's called the best  
3 server plot. We talked in the past about a  
4 dominant server for the area. Right now  
5 Marlborough has coverage from Newburgh,  
6 Wappingers Falls and Poughkeepsie, and there's  
7 one site up on Mount Zion that's physically in  
8 Marlborough. The problem is you have multiple  
9 servers all getting into a weak area, and that's  
10 what the mobile and the wireless devices try to  
11 lock on to. They need a dominant server. You  
12 can't have four or five residual signals coming  
13 across the river trying to cover Marlborough.  
14 It's going to be conducive to basically  
15 unreliable service. That's what AT&T was trying  
16 to cure. They wanted to bring a dominant server  
17 into this area. So right now you have five  
18 servers, three of which come from across the  
19 river, one from down here in Newburgh, and this  
20 one up here, way up in here, which is quite a  
21 distance away.

22 What the proposed site did, the orange  
23 that you see here -- I'm calling this exhibit 25,  
24 and I'll give you a copy of these. This is what  
25 Ann Kaley Lane would cover at 130 feet. So

2 you'll notice what's happened here is we're  
3 getting into the Hamlet area fairly well, we're  
4 covering the high school, central high school,  
5 we're covering South Street, we're covering a lot  
6 of Route 9 and we're covering Western Ave.

7 The difference is -- I'm going to put  
8 up exhibit 26. What I did with this plot,  
9 exhibit 26, I used the same color, the orange, to  
10 represent the high school -- what the high school  
11 covers in comparison to Ann Kaley Lane. You  
12 might say -- these are exactly the same scale and  
13 you say gee, a lot more orange there from the  
14 high school site than there is from Ann Kaley.  
15 The problem is where a lot of this is there are  
16 no people. It's not where we're trying to cover.  
17 The key element is this dark green, this other  
18 green, the purple, the lighter shade of green.  
19 You still have -- in the Hamlet area and Western  
20 Avenue, you still have five servers. You've  
21 still got the three signals coming across the  
22 water that are the strongest server. There is no  
23 dominant server.

24 If you can flip down one. If you look  
25 at the area right in here, which is the Hamlet

2 and Route 9 and Western Avenue, there's not a lot  
3 of difference between exhibit 25 and exhibit 26  
4 as far as the targeted coverage area. Yes, the  
5 high school does the high school and South Street  
6 which it would, but the problem is it's providing  
7 all this coverage and this residual coverage up  
8 here that was already covered by the Mount Zion  
9 site. AT&T doesn't really need that. So we're  
10 missing -- the other thing is if you look at  
11 population counts for residential and commercial,  
12 the difference between Ann Kaley and the high  
13 school is 611 less pops. So less coverage. It's  
14 like 502 residential, a decrease of 502, and then  
15 the difference is the decrease in business pops  
16 that the high school site covers. So while AT&T  
17 is willing to go to the high school, I want to  
18 make it very clear to the Board that it is  
19 certainly not the preferred site for the Town.  
20 What could happen down the road is AT&T could be  
21 back here to find a solution to fix this, whereas  
22 if you went with the Ann Kaley site you have a  
23 solution to fix that.

24 CHAIRMAN BRAND: Could you refresh our  
25 memory as to the tower height? I know there was

2 significant conversation about the different  
3 heights of the towers at both of those locations.

4 MR. GOULETTE: Well originally Ann  
5 Kaley was 150 and AT&T made the concession to  
6 reduce to 130. The high school site is 110.  
7 That's what the high school agreed to.

8 CHAIRMAN BRAND: And that's what the  
9 maps are showing?

10 MR. WALTERS: One of the things -- Adam  
11 Walters. One of the things that was looked at  
12 was would we get coverage to the Hamlet by going  
13 higher at the high school site. Dan did the  
14 numbers at one point. I think it was something  
15 like we had to get to 195 feet in order to get  
16 comparable coverage. So you have to go  
17 dramatically taller because of the ridge lines in  
18 between.

19 MR. GOULETTE: If you could -- if you  
20 could look at the exhibits that Kim just handed  
21 out, what we did was I drew a profile line from  
22 Ann Kaley to this point, the Hamlet, which is the  
23 intersection of Western Ave and 9 West. That's  
24 the point that I used. It's only one point but I  
25 wanted to just illustrate the difference between

2 the topography and the terrain. And then I drew  
3 another profile from the high school, the actual  
4 location of the tower, to the same point. So if  
5 you look at exhibit 24 I believe in front of you  
6 -- actually, do you have any extras? If you look  
7 at exhibit 24, and you can -- I would have blown  
8 this up on a presentation size plot but the  
9 distance away you are, you never would have been  
10 able to see the slope of the terrain and  
11 everything. You can see it. That's a straight  
12 line that -- even though it looks crooked, that  
13 profile, that pink line on exhibit 25 and the two  
14 lines on exhibit 26, those are straight lines as  
15 the crow flies. What it's done is it's curved  
16 over the terrain, just so you can see the  
17 difference in elevation. While both sites are  
18 only a couple feet difference in ground  
19 elevation, the problem is what is between each  
20 site in the target area. You've got some  
21 substantial hills that you can see on that  
22 profile.

23 Down below, the aerial view, what I'm  
24 trying to show you here, the white line on the  
25 bottom in this dark area, that's terrain. The

2

vertical lines that you see on top of it is what we call in the business clutter. It's trees,

4

buildings. Trees can be deciduous, coniferous.

5

We have thirteen clutter categories that we use.

6

What this is showing you, the blue line from the top of the tower between the two fine gray lines is the actual signal. You can see what's happening on exhibit -- it would be your exhibit

10

24. From the high school site you can see that

11

the signal drops off significantly before. It

12

drops below threshold before it gets to the

13

Hamlet area, and that's because it can't get

14

through the terrain and the clutter because

15

you've got higher hills between the high school

16

and the Hamlet and Route 9 and Western Ave than

17

you do when you go from Ann Kaley to the Hamlet.

18

It's a different topography. So these things

19

aren't just a straight function of height, it's a

20

function of what is in between the proposed site

21

and the targeted coverage area.

22

MS. LANZETTA: Are you showing the

23

transmitter as being 150 feet?

24

MR. GOULETTE: No. It's 130 for Ann

25

Kaley and it's 110 for the high school.

2 MS. LANZETTA: On the elevation side  
3 here --

4 MR. GOULETTE: No. That's below 150.  
5 I checked it. It's 130 actual.

6 MS. LANZETTA: So that graph isn't  
7 showing it from where it's being transmitted?

8 MR. GOULETTE: It's simulating the  
9 height of the transmitter at 110. This one here  
10 is the high school, so that's 110 feet.

11 MS. LANZETTA: It isn't at the red spot  
12 there where that straight line is being shown  
13 from?

14 MR. GOULETTE: Yeah. That red line  
15 represents 110 feet.

16 MS. LANZETTA: At the top?

17 MR. GOULETTE: I don't know what the  
18 scale was. I did check it, though. I think --

19 MR. HINES: The scale is showing it at  
20 150.

21 MS. LANZETTA: Yeah. For both of them.

22 MR. TRAPANI: Both. They're the same  
23 height.

24 MR. GOULETTE: I did check it. I don't  
25 know how the scale is shown like that. You can

2 see the receiver threshold for Ann Kaley. By the  
3 time you hit the Hamlet, if you look at the  
4 receiver, it's actually above the threshold. If  
5 you look at the high school, it stays below the  
6 threshold. Once it hits that first hill, the  
7 white here --

8 MS. LANZETTA: At 150. But this is  
9 also --

10 MR. GOULETTE: Well even if that is  
11 150, it's still -- it's only going to be 110 is  
12 the height of the tower at the high school.

13 MS. LANZETTA: That's what I'm trying  
14 to get clear. It would have -- that would have  
15 to be renegotiated to be a taller tower on the  
16 high school then.

17 MR. WALTERS: The taller tower on the  
18 high school site would not help.

19 MS. LANZETTA: Pardon me?

20 MR. WALTERS: I'm sorry. A taller  
21 tower on the high school site will not help  
22 unless you get up above 190 feet.

23 I apologize if these were confusing.  
24 We were trying to take six months of back and  
25 forth with the Board and boil it into ten

2 minutes, and clearly that didn't work as well as  
3 we would like.

4 I would just remind the Board -- Mike  
5 Musso couldn't be here tonight, your consultant.  
6 This is very similar to the presentation he gave  
7 you in July where he basically explained the  
8 difference in coverages from his perspective,  
9 which confirmed everything Dan had previously  
10 said, which basically at 110 feet, which is a  
11 good alternative height for the high school  
12 versus 130 at Ann Kaley, you're going to have a  
13 gap in the Hamlet because you can not get above  
14 that ridge line. Mike actually, in his report to  
15 you, had a detailed elevation drawing showing how  
16 the beam hits the ridge line. So we did try to  
17 boil that down for you, but the facts are fairly  
18 clear.

19 MS. LANZETTA: I'm confused because in  
20 my reading they said if it was like 190 it would  
21 clear everything.

22 MR. WALTERS: At 195 feet I believe it  
23 does clear everything. But that's 195 foot tower  
24 at the high school site versus a 130 foot tower  
25 at Ann Kaley. That would be substantially more

2 visible for an awful lot of the community. We  
3 would not under any circumstances suggest that  
4 you go for -- that you direct us for 195 foot  
5 tower at the high school site. We think that  
6 would be a really bad idea. Once you get into  
7 the visual analysis, and the impacts, and the  
8 public hearings and the community realizes that  
9 that's the alternative, we don't think that's  
10 going to go well.

11 MR. HINES: It would have to be lighted  
12 at that height as well; correct?

13 MR. WALTERS: Say it again.

14 MR. HINES: It would have to be  
15 lighted?

16 MR. WALTERS: 200 feet is generally the  
17 mark. If you are within a certain proximity of  
18 the airport, 195 feet could trigger. There's a  
19 specific You have to do with the FAA. We would  
20 obviously have to do that.

21 Again, we just wanted to summarize for  
22 the Board what the two options currently on the  
23 table are, and it's either Ann Kaley at 130 or  
24 the high school on the site we've leased at 110.  
25 Those are the two various options that basically

2 get you equivalent coverage except in some of the  
3 key areas we really want to cover with this site,  
4 the whole purpose of building this site. But  
5 we're just laying that all out there.

6 MR. TRAPANI: At the high school site,  
7 say we okay the Ann Kaley site which covered that  
8 broad area; now, at the high school site there's  
9 bad reception down in that area down that way.  
10 Is there a possibility down the line they could  
11 put another tower not at the high school site but  
12 somewhere up on the hill or somewhere up there  
13 that could cover that area which would then cover  
14 both areas?

15 MR. WALTERS: I believe you're talking  
16 about some of those more rural areas that Dan was  
17 referring to?

18 MR. TRAPANI: Mount Zion and -- what is  
19 the name? Yeah, on top of --

20 MS. LANZETTA: Reservoir?

21 MR. TRAPANI: -- Reservoir Road and up  
22 here. Some people up there have a hard time  
23 getting --

24 MR. WALTERS: Some of the more rural  
25 areas?

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MR. TRAPANI: Yes. I mean is there a

possibility that another tower somewhere down in that area could cover the area to where the Ann Kaley site ended?

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MR. WALTERS: There is certainly a

possibility. So I guess I've been doing this work for about twenty years for AT&T. Since the '90s. I've been back to many communities where I built an original tower serving the key areas, and then as the network continues to develop, we've seen the commercials, the blues, the reds, everybody is always in competition for coverage. So there's constant upgrades to the network, and every year there's a build plan for a number of new sites proposed to cover key target areas.

Marlborough, this site, this area, has

actually been on the coverage objective list for about eight years. The original site -- you may have forgotten this. Just a quick reminder. We originally spent three years working with the high school to do a lease, and just before the lease was finalized -- before it was signed, it was actually finalized, the school board said we decided not to. So put back in the tank, you

2 start looking for sites again. Two years later  
3 we came back with this site.

4 So this particular area has been an important  
5 coverage objective for a long time and it really  
6 is something we feel needs to be remedied. I  
7 hope that answers your question.

8 MR. TRAPANI: Like I said, at one of  
9 the meetings we got probably the toughest area of  
10 any place around with our terrain that we have.  
11 I work on a farm, I work right here spraying. I  
12 can see my friend up to top of the hill  
13 three-quarters of a mile away. I'm trying to  
14 talk to him on my cell phone. I can get out of  
15 the tractor and yell to him and he would hear me  
16 before he could hear the cell phone. It's the  
17 terrain.

18 MR. WALTERS: The terrain is a  
19 particular challenge in this area.

20 MR. TRUNCALI: So forget about 195 feet  
21 at the high school. I mean 130 feet or 150 feet  
22 has to provide better service than 110 feet.

23 MR. WALTERS: I'm going to ask Dan  
24 to --

25 MR. GOULETTE: You have all of those

2 plugs. We ran the high school at 110, 150, 175,  
3 195.

4 MR. TRUNCALI: I know you said 195 is  
5 what equals the Ann Kaley site.

6 MR. WALTERS: In order to cover those  
7 areas, the key target areas that the high school  
8 site can't cover, that's what you need to get to.  
9 Dan is going to look at those maps for you in a  
10 second.

11 CHAIRMAN BRAND: Could you highlight  
12 again for us perhaps the areas that were covered  
13 better from the high school site?

14 MR. WALTERS: Sure. I'm going to ask  
15 Dan to do that.

16 CHAIRMAN BRAND: Sure.

17 MR. GOULETTE: It was what we're  
18 calling the Hamlet area. Our example -- I can  
19 use Google Earth. The Hamlet area is what we're  
20 calling right by Western Ave, 14, and the  
21 junction of 9 West. It actually goes down --  
22 it's outlined on this exhibit that we've  
23 provided. It's your exhibit -- exhibit 23, which  
24 I believe -- is that the July --

25 MS. NASON: June 29th.

2 MR. GOULETTE: June 29th. We gave you  
3 that exhibit, and it's this dark reddish/orange  
4 line that runs through. That's the Hamlet area.  
5 That's right from your -- that's right from the  
6 Town's website. I just took what the Town had  
7 and I brought it into this map. So it is all  
8 these white -- where you see white doesn't  
9 necessarily mean that there's absolutely no  
10 coverage. It just -- it is not reliable  
11 coverage. Certainly it would be very unlikely  
12 that you would have in-building coverage, and  
13 that's what AT&T is looking for. They're looking  
14 for reliable, competitive, in-building coverage.  
15 What happens when you have weak coverage and all  
16 these multiple servers is you end up with what we  
17 call latency. You hit a key on your laptop or  
18 whatever and you just sit there and you wait,  
19 nothing happens. You get what they call  
20 detractors is what AT&T was trying to eliminate.  
21 It's just any interfering signals that detract  
22 from reliable service, and they measure that.

23 MR. WALTERS: Dan, can you go back to  
24 the gentleman's question earlier. If you go to  
25 150 or 170 at the high school, what that does for

2 the surrounding community in terms of coverage.

3 MR. TRUNCALI: The Mount Zion tower  
4 doesn't provide good service to the southern and  
5 western part of the Town, and we're just trying  
6 to come up with something that is the best for  
7 the whole Town. It's not like nobody lives  
8 there. You make it sound like it's desolate  
9 there. But there are a lot of people that don't  
10 have good coverage. That seems like the Town --  
11 I know what you're talking about, the  
12 interference. The Village does have pretty good  
13 coverage. A lot of the Town has none.

14 MR. GOULETTE: Mount Zion is right  
15 here. This yellow that you see is the existing  
16 coverage from Mount Zion. You can see how it's  
17 very spotty in different areas. If you live  
18 along Lattintown Road in these areas that are  
19 white, you're not going to have good coverage.

20 But as was stated, this is this phase  
21 of AT&T's coverage objective which was started  
22 years ago. So what they are trying to do is get  
23 as many of the population -- as much of the  
24 population in Marlborough that they can cover  
25 with a site. Given the topography in this area,

2 it's really challenging. So they are going to do  
3 this site, and after they get this site in they  
4 will then go and fine tune these other sites.

5 Once this site is in place, they may change some  
6 of the surrounding sites. They may go to this  
7 site up here and change what they call the down  
8 tilt so now where it's overshooting some areas  
9 they might be able to focus the signal down a  
10 little bit off the horizon so it's not getting  
11 way out here where you don't want it, across the  
12 river. It's maybe covering some of these.

13 Pretty much a lot of these white areas is just  
14 terrain. So you need another site somewhere in  
15 that area, or you need another solution. Let's  
16 put it that way.

17 MS. LANZETTA: Can we see the coverage  
18 with the high school again?

19 MR. BLASS: This might be a good time  
20 to remind the Board that it's own consultant did  
21 some work product relative to the comparison of  
22 these two sites. There is a colorized piece of  
23 work product which shows where the two towers  
24 overlap in coverage, where the Ann Kaley Road  
25 provides the only coverage, and conversely where

2 the alternative high school site provides the  
3 only coverage. So that document is within HDR's  
4 work product of July, I believe, of 2015. You  
5 might want to eventually take a look at that.

6 CHAIRMAN BRAND: It's my understanding  
7 also Mike couldn't be here. Is there a  
8 representative here?

9 MS. CALTO: I am.

10 CHAIRMAN BRAND: Great.

11 MR. GOULETTE: The reason I did the  
12 plots that I showed was to illustrate what you  
13 just mentioned. Those colored plots show what  
14 the high school covers versus what the other  
15 sites are covering. Instead of trying to do it  
16 with like Photoshop overlays, that's exact. I  
17 have of course all the alternate candidates here  
18 but I don't see the high school at the higher  
19 height. I know we provided it.

20 MS. NASON: We did. We provided the  
21 high school at 200.

22 MR. GOULETTE: You provided the high  
23 school at 200 and I think you provided it at 150  
24 and 175. They're in my packet or your packet. I  
25 have to dig it out.

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MR. WALTERS: Why don't we come -- let

Dan -- you asked a specific question. We'll let

Dan pull his stuff together. In the meantime why

don't we keep moving.

6

We do want to discuss visual as well.

7

Kim.

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MS. NASON: So with our supplemental

filings in December we submitted photo sims of the

tower at the review site at 130 and the high

school site. Matt Allen from Saratoga Associates

did those photo sims. I would ask Matt to speak

to the different visual impacts.

14

MR. ALLEN: I'm Matt Allen from

15

Saratoga Associates. I was asked to put together

16

a brief visual study for both sites, as Kim said.

17

Those included viewshed analysis out to two

18

miles. For those of you not familiar, a viewshed

19

analysis simply identifies on a map view the

20

geographic area where the tower at a particular

21

alternative might be visible. And I also

22

provided photo simulations that were prepared

23

using 3D modeling of the tower that was merged

24

with a full 3D model of the surrounding site that

25

was merged into a photograph. So those are very

2 accurate photo simulations. I think I did about  
3 nine photo simulations for each of the two sites,  
4 the Ann Kaley site and the high school site. The  
5 high school site was done at 110 feet that we've  
6 been evaluating and the Ann Kaley site was done  
7 at 130 feet.

8                   Very simply, what the results show in  
9 the viewshed analysis is that even at 110 feet,  
10 the viewshed area over the affected area of the  
11 high school site at 110 feet was greater in  
12 geographic area than the tower would be seen at  
13 the Ann Kaley site at 130 meters. So right out  
14 of the box the affected land area is greater for  
15 the high school site. More importantly is within  
16 that affected geographic area for the high school  
17 site are more people and more homes. Simply  
18 because of the lay of the land and the  
19 development patterns around the high school site,  
20 there are more homes within close proximity that  
21 will have a direct view of the tower at the high  
22 school site than would have a direct view of the  
23 tower at the Ann Kaley site. It's difficult to  
24 actually count the number of homes that have a  
25 direct view. A direct view can mean different

2 things to different people depending on whether  
3 you're looking through filtered vegetation. In  
4 general there's about a dozen homes within an  
5 eighth to a quarter mile of the high school site  
6 that will have an unimpeded view of the tower.  
7 At the Ann Kaley site it may be about four to  
8 five homes, maybe less depending on filtered  
9 views of the 130 foot tower at the Ann Kaley  
10 site.

11 So the result of the analysis was that  
12 the high school site affects fewer people and  
13 fewer residences. What I mean by fewer people is  
14 that the high school itself is used for athletic  
15 events, so on weekends and during school and  
16 after school there's a lot of individuals within  
17 an eighth of a mile of the high school tower that  
18 will be viewing it during recreational  
19 activities. That's of course secondary to  
20 residences. But that is something that's  
21 considered that is not a circumstance that occurs  
22 at the Ann Kaley site.

23 MR. WALTERS: Any questions for Matt on  
24 the visual issues and the comparison between the  
25 two?

2 We did also the photo sims of both  
3 sites so you can see for yourself what those look  
4 like.

5 Okay. Let's go back to Dan. Dan has  
6 located two maps that are in the record.

7 Kim, do you want to explain where they  
8 are?

9 MS. NASON: On June 29th we submitted  
10 some additional information about the high school  
11 sites. We submitted a plot of the high school  
12 alternative site at 200 feet. Dan did conclude  
13 that we could go down to 190. He provided a plot  
14 200 and dropped it -- decided we would get  
15 equivalent coverage if we dropped it 10 feet  
16 lower. There's another plot that is provided at  
17 175 feet for the alternative location that was  
18 discussed. There's a plot for the 200 feet and  
19 we included in our narrative discussion of how  
20 tall the tower would need to be at the existing  
21 high school alternative site.

22 MR. GOULETTE: Do you want to take a  
23 quick look?

24 MS. LANZETTA: Yes, please.

25 MR. GOULETTE: So you won't have to dig

2 it out, these are the two plots that were  
3 submitted. As you can see, there's 175. Even at  
4 200 this Hamlet is still not covered.

5 MS. LANZETTA: This is Ann Kaley Lane?

6 MR. GOULETTE: No. This is the high  
7 school site. Everything on this plot is the high  
8 school. Here's the high school at 200. Because  
9 that ridge that runs this way, it does not cover  
10 this area here. You may end up with a little bit  
11 of in-vehicle coverage, but anybody in those  
12 buildings or in the homes in that area is not  
13 going to have a lot of coverage. We said we  
14 could go 10 feet less because it's not going to  
15 matter. If it doesn't cover it it doesn't cover  
16 it.

17 MS. NASON: Again, Dan has gone through  
18 a lot of detail here. We're trying to boil it  
19 down.

20 We just want to reiterate that Mike and  
21 HDR's report did concur with all of these  
22 findings, that there is an area that's not  
23 covered by the high school site, mainly the  
24 Hamlet, Western Avenue. His report concurs with  
25 our findings. We just wanted to be able to

2

present all this information to you -- I know

3

it's a lot -- just to go over it one more time.

4

But Mike did concur with these findings, and you  
should have his report which has that information  
in it as well.

7

Again, we're happy to answer any  
questions, any questions from the public. We  
would just respectfully submit that Ann Kaley  
remains the optimal location, and we would like  
to have approval tonight. Any questions any of  
us from the team can answer.

13

CHAIRMAN BRAND: I'd like to hear from  
our representative first and then I'll get to the  
public comments.

16

MS. NASON: Sure.

17

MS. CALTO: We have -- as Kim mentioned  
and Ron mentioned, back in July HDR did do an  
overlay map of the two coverage maps, the 110  
feet at the high school and the 130 feet at Ann  
Kaley, to specifically show the Board which areas  
were covered by which tower. The Board, knowing  
the Town and the Hamlet much more closely than  
any reviewers or the applicant, knows if those  
specific little areas are important or not for

2 coverage. But we did also conclude that the high  
3 school was a viable option.

4 For the visual analysis we reviewed the  
5 simulations from both locations. The methodology  
6 and the process is fine. The simulations looked  
7 okay for, you know, what we've seen in the  
8 industry and, you know, they looked realistic in  
9 what they would provide.

10 As Matt noted, obviously the high  
11 school has a lot of people right there in front  
12 of the high school, so you're talking some  
13 visibility for a lot closer proximity people that  
14 are there.

15 The one thing I do want to note is on  
16 the Ann Kaley site, their recent analysis only  
17 went out two miles. At two-and-a-half miles you  
18 start hitting historic districts and historic  
19 sites across the river. As much as that is not  
20 -- it's not likely at two-and-a-half miles to be  
21 a visual impact looking across the river from New  
22 Hamburg, but it is noted that those sites would  
23 have visibility to the tower at Ann Kaley but  
24 they would not at the high school.

25 MS. NASON: If we could just respond to

2 that. Mike let us know of that concern. We  
3 talked to Matt Allen and we submitted some  
4 additional information last week.

5 Matt, I don't know if you want to speak  
6 a little to the simulations you provided, talk  
7 about a narrow structure outside of two miles.

8 MR. ALLEN: Sure. Very simply, the  
9 comment is a good one. Typically for visual  
10 analysis, and I do visual analysis for a wide  
11 variety of project types, not just cell towers.  
12 On my desk today is a hundred turbine wind farm  
13 in Missouri that goes up 500 feet. There are no  
14 standards for a study radius but there's common  
15 sense things that you look at in determining how  
16 far to go out. Every mile you go further out  
17 your study area expands exponentially. So you  
18 want to keep it to a manageable number.

19 Typically with cell towers two miles is a good  
20 rule of thumb, and the reason being that monopole  
21 cell towers are very narrow structures, typically  
22 only a few feet wide in the tower itself, and the  
23 antenna is more or less a lattice frame or it's  
24 not a solid so that it doesn't have the visible  
25 mass that say a building would, an equivalent

2 height building. Therefore when you see it from  
3 a distance it tends to blend better.

4 I did take a look at the comments from  
5 HDR just to do a quick iterative look at what one  
6 might see from New Hamburg. Clearly there is a  
7 line of sight, however I provided as a  
8 supplemental some photo simulations, or just 3D  
9 model illustrations of what a monopole tower  
10 would look like at different distances from an  
11 eighth of a mile out to three miles so you can  
12 see the stepping down of visible perception as  
13 you move further away.

14 So it's my opinion that when you get  
15 out beyond two miles, even if you see the cell  
16 tower at or above the tree line, it is viewed  
17 within the greater context of the overall  
18 landscape and becomes a very small point on the  
19 landscape and is no longer a point of visual  
20 interest to a viewer. That's why we didn't go  
21 across the river and do a more comprehensive  
22 analysis.

23 CHAIRMAN BRAND: Any other questions or  
24 comments from the Board?

25 MS. CALTO: I have one more point I

2 wanted to bring up. The memo that -- the  
3 application we got in December of 2015 answered a  
4 bunch of the comments that HDR had from the May  
5 2014 memo from the Ann Kaley site. We've worked  
6 through most of those.

7 I just wanted to bring up, and this  
8 might be more a question for Ron, the setback  
9 issue. The tower is, I believe, 92 feet from one  
10 of the property lines and they've proposed a  
11 hinge point at 90 feet up the tower. If the  
12 tower fell down it wouldn't be the whole 130  
13 feet, it would only be the 40 feet off the top.  
14 That still leaves the 90 feet of base pole  
15 itself. Being that the code requires two times  
16 the tower height for a setback, we brought up the  
17 question if that is something that a variance  
18 would be required for.

19 MR. BLASS: I'm not prepared to answer  
20 that question a hundred percent, but I believe  
21 that the Planning Board's jurisdiction under the  
22 Telecommunication Permitting Law gives it the  
23 power to vary the provisions of the law without  
24 the need to go to the ZBA.

25 Does that ring a bell with you?

2

MS. NASON: Yes.

3

MS. CALTO: It's just something for the Board to understand, that even at a 90 foot high hinge point on a tower, breaking point on a tower, the tower is 92 feet from the closest property line. So it's just something to consider.

9

I don't think HDR had any other outstanding issues from the memos. We worked through the tree removal and wetland issues and things that needed to be on the site plans.

13

MR. TRUNCALI: Could we see the

coverage map again of the Ann Kaley site?

15

MR. GOULETTE: Yes.

16

MR. WALTERS: You're going to make Dan find it. The problem is when you've run so many photo simulations, they all start to blend together in your head.

20

MR. TRUNCALI: The big one. I would like to see the one that's comparable to the maps you gave us with the orange.

23

MR. GOULETTE: So this is comparable to the ones you have in front of you. This is Ann Kaley at 130 feet. So you can see here 9 West,

2 Western Ave is practically all filled in, and the  
3 high school area is covered, and Route 14. So  
4 that site at 130 feet does a decent job of  
5 meeting those four coverage objectives.

6 MR. WALTERS: Dan, in terms of some of  
7 the more rural areas of the Town which people  
8 live in, how does Ann Kaley compare generally?

9 MR. GOULETTE: Well I mean it's  
10 covering -- bringing in more coverage to  
11 Lattintown Road to people that didn't have it,  
12 but you still have -- you still have some gaps up  
13 here. You do get quite a bit of coverage, fill  
14 in to a lot of these areas. As a comparison,  
15 that's what you have today. So you've got all  
16 this by the middle school and everything and all  
17 along Route 14 and up here and down here near the  
18 high school and South Street, and that's what the  
19 site covers. That's the fill in.

20 MR. WALTERS: The bottom line is you're  
21 really not going to get significant coverage from  
22 Ann Kaley to the southwest corner of the Town but  
23 a good portion of the rest of it.

24 CHAIRMAN BRAND: Any other questions?

25 MR. TRUNCALI: These two maps you gave

2 us, they say Ann Kaley on them.

3 MR. GOULETTE: That's because the whole  
4 project is Ann Kaley. If you look at the top  
5 right, the coordinates in that little window are  
6 for whatever subject site we're talking about on  
7 that plot. Every single plot, whether it was the  
8 water tank or another Town property, they all say  
9 Ann Kaley because that's the subject proposal.

10 MR. WALTERS: That's the application.

11 MR. GOULETTE: That's the application.  
12 That's all that references.

13 MR. TRUNCALI: The hill behind -- the  
14 hill to the west of the Ann Kaley site is higher  
15 than the tower itself. I really don't think it's  
16 going to do anything for Lattintown Road.

17 MR. GOULETTE: You're right. It's not  
18 going to get a lot to the west. For this site  
19 the western part of Marlborough wasn't it's  
20 objective. The biggest objective was, like I  
21 said, the Hamlet, Route 14, 9 West, the high  
22 school and South Street.

23 MR. WALTERS: It will improve coverage  
24 a little bit.

25 MR. GOULETTE: It will a little bit.

2                   It's going to be marginal. The ridge, you can't  
3                   get over that ridge. It may have covered more at  
4                   our original 150 foot proposed height. I mean  
5                   that's another 20 feet that you're gaining so  
6                   there would be some improvement. I'm not saying  
7                   it would fill in all these white areas but we --  
8                   at the request of the Town we reduced the height  
9                   to 130.

10                  MR. TRUNCALI: How much visual impact  
11                  do you think the difference in that is on that  
12                  site from 130 to 150?

13                  MR. ALLEN: At the Ann Kaley site?

14                  MR. TRUNCALI: Yes.

15                  MR. ALLEN: I didn't evaluate 150. I  
16                  did -- I believe the package I submitted had  
17                  photo simulations at 130 and 150. I don't  
18                  believe I did a viewshed at 150 comparing the  
19                  geographic area. I think you may get good  
20                  information by looking at the side-by-side  
21                  viewsheds at 130 and 150 that's in your package.

22                  MR. TRAPANI: Would 150 get over to  
23                  Lattintown Road at all? Do you have any idea?

24                  MR. WALTERS: Yes, we do. There's  
25                  going to be a coverage map in the applications

2 for the original proposal which Kim is rapidly  
3 looking for. We'll answer that question for you.

4 CHAIRMAN BRAND: Questions from the  
5 public? State your name, please.

6 MR. GAROFALO: James Garofalo. I'll  
7 start with the easy one. When you're talking  
8 about coverage, you're only talking about AT&T?

9 MR. WALTERS: Yes.

10 MR. GAROFALO: The second question: The  
11 Hudson River has special designations. What is  
12 the visibility of these towers from the Hudson  
13 River?

14 MR. WALTERS: I was going to answer but  
15 I've got an expert.

16 MR. ALLEN: There is no visibility from  
17 the Hudson River from the high school site.  
18 There is an area of visibility, a relatively  
19 narrow band that extends from about mid river.  
20 Because we only did the viewshed out to two  
21 miles, we showed a very small area of visibility  
22 extending out to mid river, three-quarters of the  
23 way across the river, then you hit a two-mile  
24 limit. Since there's nothing in the way, that  
25 visibility would continue all the way to the

2 opposite shore. It may be an area of visibility  
3 of maybe a half a mile to a mile wide on the  
4 river, extending from about halfway across the  
5 river to the opposite shore.

6 Now that's just -- we need -- when  
7 we're talking about visibility we need to talk  
8 about quantitative visibility, which is a very  
9 simple can you see it, do you have a line of  
10 sight to it versus qualitative visibility, which  
11 is what does it look like or how does one  
12 perceive it, or does one even perceive it.  
13 Because we didn't do photo simulations from on  
14 the river and we didn't extend it across the  
15 river, I don't have anything to show. The  
16 supplemental package that I put together showing  
17 what the scale of a cell tower at two miles and  
18 three miles would give you an idea that at that  
19 distance a monopole tower would tend to be a  
20 difficult to perceive structure in an environment  
21 that's heavily wooded. So my feeling is knowing  
22 that area, that at best you would see the top of  
23 the tower at or slightly above tree line and it  
24 would be virtually undetectable from the river on  
25 the other side.

2

MR. GAROFALO: Next question: In terms  
of the way the tower is going to look, there's no  
attempt to change the perception of what the  
tower looks like, and has the Board been given a  
photo or photo simulation of a closeup of what  
the tower is going to look like?

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MS. NASON: Yes.

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MR. GAROFALO: And the final question  
deals with co-location. Not you co-locating  
somewhere else but I believe that the -- if you  
put up a tower at the high school and someone  
wanted to co-locate there, the high school -- the  
school district could basically say no. Is that  
-- is there a similar situation with the other  
location? Have you taken into account the fact  
that someone may come and want to co-locate on  
that tower, and can it handle additional, and how  
high would it go, how high would they be  
permitted to raise it in a co-location?

MR. WALTERS: Two questions.

MR. GAROFALO: A couple questions.

MS. NASON: We can't speak to what

other heights other carriers would need or what  
the Town would approve them for. The Town Code

2 does require that the applicant submit a  
3 commitment to share use. So AT&T submitted a  
4 certification that we would allow a co-locator on  
5 the tower. That's part of the code, you have to  
6 be open to that. If reasonable service can be  
7 arranged with a potential carrier, then AT&T is  
8 permitted to allow that shared use of the tower.

9 MR. WALTERS: Under a recent Federal  
10 law other carriers can co-locate on an existing  
11 facility by right. If it's not a substantial  
12 increase in size and one of the thresholds is  
13 more than a 20 foot extension. So 130 foot tower  
14 somebody else could go at 145 as of right.

15 MR. GAROFALO: Thank you.

16 CHAIRMAN BRAND: Any other questions  
17 from the public?

18 MR. GAROFALO: Can I make one more  
19 statement? Sorry. I think that providing  
20 service is a very important social, safety  
21 aspect. I certainly encourage the Board to look  
22 favorably upon any application to increase  
23 service to the public.

24 CHAIRMAN BRAND: Thank you.

25 Any other members of the public? State

2 your name for the Stenographer.

3 MR. TRONCILLITO: Bob Troncillito.

4 Just a question from the fire district. Would we  
5 be allowed on that tower for our transmitter and  
6 antenna?

7 MR. WALTERS: To co-locate?

8 MR. TRONCILLITO: Yes.

9 MR. WALTERS: I believe AT&T does many  
10 leases with local fire districts. Yeah. And we  
11 have again committed and certified that others  
12 can co-locate on the facility.13 MR. TRONCILLITO: Just one other  
14 question. Is the school board receptive to even  
15 putting a tower on the school grounds?16 MR. WALTERS: We do have a lease. It  
17 did take a year-and-a-half to get but we did get  
18 it.

19 MR. HINES: For a very specific spot.

20 MR. WALTERS: For a very specific spot.

21 Actually -- I know we covered a lot.

22 There is this issue of the alternative site at  
23 the high school as opposed to the site we've  
24 located. We did address that in our December  
25 18th submittal.

2 Just briefly, we don't consider that a  
3 viable location. It's very open, it's on a large  
4 hill. The tower has to be substantially higher  
5 because of it's location relative to the ridge  
6 line. The school district has not indicated --  
7 the school district has said we've allowed you to  
8 go where we've allowed you to go. They won't say  
9 no but they haven't said yes as it relates to  
10 that alternative location. Tim's organization has  
11 been the most involved in that, so he can speak  
12 to that if you want more information. We do not  
13 consider the alternative high school site, other  
14 than the one we have a lease for, to really be a  
15 viable candidate at this point.

16 CHAIRMAN BRAND: Anything else from the  
17 public?

18 (No response.)

19 MR. CAUCHI: So you have had  
20 conversation with the school district and -- when  
21 was the last time you had any conference or  
22 conversation with the school?

23 MR. WALTERS: I'm going to ask Mr. Tim  
24 Rapp from Arrowsmith, our site acquisition  
25 consultant, to kind of summarize discussions with

2 the school district.

3 MR. RAPP: So it's been about a  
4 year-and-a-half in negotiating with the school  
5 district for a lease on their property. As  
6 recent as November, December of 2015 we talked to  
7 the school district about locating on that  
8 alternate piece of property, of the parcel.

9 MR. CAUCHI: It has not been since a  
10 year-and-a-half since you talked to them?

11 MR. RAPP: No. For the last  
12 year-and-a-half we've been talking to them. As  
13 recently as December, this past December we had  
14 discussions with them about that.

15 MR. CAUCHI: With the new  
16 superintendent there?

17 MR. RAPP: Well at the time -- in  
18 December they said that, you know, they would  
19 consider other proposals from AT&T for leases on  
20 their property. They haven't said no to that  
21 piece of the parcel. However, when we did our  
22 design visit for the currently leased spot, you  
23 know, during discussions for the lease we have  
24 now it did make it clear that that was a spot  
25 that they had picked and that was the spot that

2                   they were interested in leasing to AT&T. That  
3                   was, you know, pretty much the spot where they  
4                   wanted us to go.

5                   MR. WALTERS: Again, we would just  
6                   reiterate at that alternative height, even though  
7                   it's got higher elevation, because of it's  
8                   relationship to the ridge line, I believe this  
9                   might have been in the original alternatives  
10                   analysis, the tower there would have to be 175  
11                   feet. So it has to be even taller to provide  
12                   comparable coverage to the high school site at  
13                   110 or Ann Kaley at 130.

14                   So again, just important to take into  
15                   account viewshed impacts, that site on the hill  
16                   is wide open and would be very visible. In fact,  
17                   I believe at the July meeting your consultant  
18                   Mike said that really isn't a good choice.

19                   MS. CALTO: No.

20                   MR. TRUNCALI: That point is a higher  
21                   elevation, like you said, and that is the ridge  
22                   that's blocking the other 130 foot tower. So why  
23                   would that have to be higher? It seems like it  
24                   could be much lower.

25                   MR. WALTERS: Because how it relates to

2 the back ridge line. So in order to provide  
3 coverage to the areas of the Town that aren't  
4 populated, put the Hamlet aside, put Western Ave  
5 aside, but the rest of the Town along 9W in that  
6 area you won't get coverage at all if you're on  
7 the ridge line if you're not about 175. It will  
8 provide great coverage to the west but really not  
9 great coverage to the east, again because there's  
10 really two ridge lines. You're either getting  
11 cut off by one or the other.

12 CHAIRMAN BRAND: There's nothing  
13 blocking from that site to the Village.

14 MR. WALTERS: I'll ask Dan to address  
15 that. He's done the maps.

16 MR. GOULETTE: Well, we ran the  
17 coverage blocks and provided it. You still need  
18 175 feet because -- the reason for that is it  
19 isn't just what's blocking that plays into it.  
20 You have to remember on that ridge line is trees  
21 that the signal has to penetrate through. The  
22 other thing you have to consider is the elevation  
23 of the Hamlet. It's less than 200 feet. So  
24 you're trying to get -- what happens is you drop  
25 down from 300 feet as you approach the Hamlet,

2 you're going -- you're going down towards the  
3 river and the river is the lowest point,  
4 obviously. So you get the shadow effect from the  
5 trees and the terrain. You're not getting that  
6 Hamlet, whereas Ann Kaley is on the other side of  
7 that ridge and it's shooting through that and  
8 it's able to hit the target areas better. Plus  
9 you've got an awful lot of homes that only have a  
10 little tiny row of trees between that field and  
11 several residential homes. That tower is going  
12 to be a lot more visible. It's to address the RF  
13 issue. That's the reason. It's the shadow. You  
14 have to consider the ground elevation, the height  
15 of the tower, the ridge that it's going over, or  
16 multiple ridges, and then the shadowing effect of  
17 where the target area is on a much lower  
18 elevation. I mean the tool, it doesn't -- it  
19 tells you exactly what's happening. It's a  
20 pretty accurate tool. We've tuned the models  
21 with drive test data. So it's -- we've  
22 eliminated a lot of the guesswork. It's not a  
23 hundred percent because people can come in and  
24 clear trees and open up some lots here and there.  
25 I mean the data that we have is from U.S.G.S.

2 maps and everything, and satellite maps. It's  
3 not a hundred percent but it's very accurate.

4 MR. TRUNCALI: I really just don't see  
5 anything blocking from that site.

6 MR. WALTERS: We did provide coverage  
7 maps.

8 MR. GOULETTE: We provide coverage  
9 plots for it. You should have them in your  
10 packet.

11 MS. NASON: We provided those  
12 additional high school plots at the June 29th  
13 filing.

14 CHAIRMAN BRAND: Is the Board ready to  
15 give AT&T a direction, a clear direction at this  
16 time, or do we need more time to think about it?

17 MS. LANZETTA: I can tell you that I  
18 think from what I've been reading and listening  
19 to, and I've been following this for over a  
20 year-and-a-half I would say, our primary concern  
21 is the public health, safety and welfare. And  
22 based on all the reports, all the information  
23 that I've been given, I believe that this  
24 Planning Board should support the alternate  
25 proposed site for the following reasons:

First of all, the coverage at the high school encompasses a larger geographical area, thus benefiting more of our immediate community. And with additional height, which I think could be negotiated, even more residents would be served. Because of a wider geographical area there is an increased public safety with the emergency calls. There is less environmental impacts at the high school site. There is less of a potential for an adverse viewshed issue in relationship to the Hudson River. The likelihood of additional carriers using the same site and being able to co-locate is higher at the high school site. And we know that the school district is amenable to this. And finally, I think the Town Code's intent is that the cell towers should be cited on public/town lands. I know that the school district is not exactly Town lands but it's public lands, and I'm afraid that allowing the cell tower to be sited on a private property might open a Pandora's box and we might have a lot of private individuals wanting to host cell towers on their land. So this could be a precedent setting venture if we do this.

2 So it's my feeling that I would prefer  
3 the alternative high school site. That's my  
4 feeling.

5 MR. TRAPANI: Is the high school open  
6 -- they have a lease with the high school for 110  
7 feet?

8 MR. WALTERS: We do have a specific  
9 proposed site right by the ballfields.

10 MR. TRAPANI: For 110 feet?

11 MR. WALTERS: 110.

12 MR. TRAPANI: Can it be raised any  
13 higher?

14 MR. WALTERS: If the direction from the  
15 Board is we understand there might be a higher  
16 visual impact if we go higher but we would be  
17 amenable to that for better coverage in the Town,  
18 that is certainly something we can go back and  
19 look at.

20 MR. TRAPANI: Would the high school be  
21 willing to raise it up higher?

22 MR. BLASS: Well right now there is a  
23 lease between the parties.

24 MR. TRAPANI: At 110 feet.

25 MR. BLASS: Let's assume that.

2

MR. TRAPANI: Okay.

3

MR. BLASS: All commercial transactions  
4 can be modified if the parties are willing.

5

MR. WALTERS: I actually think the  
6 bigger issue is the fact that AT&T has been in  
7 this process for about a year-and-a-half. We  
8 spent a lot of time and energy. I think we would  
9 -- I know we would be willing to go to the  
10 alternative high school site. We have a lease  
11 for it. But I think from the Board we'd be  
12 looking for at least conceptually a streamlined  
13 process, meaning anything we've already submitted  
14 that's relevant to the high school site we would  
15 not be looking to resubmit. I think we would be  
16 looking for a waiver of the application fees. We  
17 obviously would pay the escrow fees. We'll have  
18 new plans. We would not submit new plots. We  
19 covered plots to death. As you can see there are  
20 many, many, many plots out there.

21

Kim -- we talked a little bit about how  
22 this might work. I'll ask Kim to kind of run  
23 through the list of things we'd be looking to  
24 submit with a revised application or an  
25 application on the high school site. We would

2 keep this one in abeyance while that one  
3 processes. We'll just table this.

4 I think one of the other things is we  
5 would just ask the Board to make sure you've  
6 thought through the fact that in a month or two  
7 we may be in this room in a public hearing with a  
8 lot of neighbors who are going to be next to the  
9 new tower at the high school site. We were out  
10 there this afternoon, stood where virtually we  
11 think the tower was going to go, and I could tell  
12 you I could count an awful lot of houses that I  
13 can visually see, which means they'll visually  
14 see the tower, than I could at Ann Kaley. But if  
15 the Board is comfortable with that, I think AT&T  
16 is willing, willing to work with you to address  
17 some of those issues.

18 We obviously wouldn't agree with all  
19 the things you said but we don't need to fight  
20 about it.

21 MS. NASON: Just to run through a quick  
22 list. We would be willing to provide additional  
23 site plans to show the new layout at the site.  
24 Obviously a new environmental assessment form.  
25 We would provide a new additional tower and FAA

2 assessment. Again, a list of the property owners  
3 within 400 feet so we could notify everyone of  
4 the public hearing. Our letter of intent we  
5 provided with this package and a copy of the  
6 lease with the school district to show our  
7 authority to submit an application at the site.

8 As far as what we would like to not  
9 have to submit given the extensive filings we've  
10 already made, no additional fees, no additional  
11 RF information. We've got a lot of plots on the  
12 record here. No additional visual analysis given  
13 that we've submitted sims already from the site.  
14 No balloons, no pre-application meeting, AT&T  
15 certifications. All of that information is in  
16 this application and would apply to that  
17 application as well, so there's no need for  
18 anything new.

19 And then we would be looking at the  
20 same waiver process that Ron had talked about, if  
21 there are setback issues as well they're to go  
22 through this Board rather than the ZBA.

23 And then finally I think we would be  
24 looking to a new shock clock. You may be  
25 familiar with the shock clock, the timeline for

2 reaching a decision on these applications. The  
3 Town would commit to abide by the shock clock.

4 MR. WALTERS: You might remember on the  
5 first application your consultant didn't comment  
6 within thirty days. The shock clock just kept  
7 running while we were going back and forth. When  
8 it was about to expire we came in and asked for  
9 an extension and you said no. So we would be  
10 filing a new application, we'd be looking for at  
11 least a commitment from the Board to honor shock  
12 clock and comply. You've got 150 days from the  
13 time we file to make a decision. We hope you  
14 would be able to do that, hopefully much sooner.

15 MS. LANZETTA: If we did encourage you  
16 to raise the height on the school tower, to ask  
17 the school if that would be possible, then we  
18 probably would still want to see a visual  
19 simulation of what that would look like. We  
20 would have to have that for the public hearing.

21 MR. WALTERS: You would. So we would  
22 have to take that into account when we decide  
23 what we're doing. I think additional viewsheds,  
24 Matt is great, he's fantastic, but he's not free.  
25 We spent an awful lot of money to get here. He's

2 prepared sims at 110. That's a fair point. I  
3 guess we'll have to think about that.

4 One of the things that would have to  
5 happen after tonight, we would go back to AT&T  
6 and explain the situation and try to get a  
7 commitment to move. I think we could do that. I  
8 do. A team, Matt's team and some construction  
9 folks are then going to have to do their field  
10 walk to actually figure out exactly where this  
11 site would be. So a walk was done with the  
12 school district on the lease. There's a lease  
13 exhibit that shows a rough area. But the  
14 construction folks need to come out and figure  
15 out how we're going to get up from the parking  
16 lot down there, up to the hill, exactly where  
17 it's going to go, how far into the tree line, how  
18 far from the property line. The variance issue  
19 we can't tell you just yet. We'll know more when  
20 we come back.

21 Conceptually, not looking for a  
22 commitment tonight. I know Ron is thinking to  
23 himself well I'm not going to commit to anything.  
24 We're just looking for a conceptual commitment  
25 for a streamlined application. We'll come back

2 with a lot of the information that is lacking  
3 because we're going to a new site, but anything  
4 that really overlaps, we'd be looking to rely on  
5 the existing submittals.

6 We'll of course provide some type of  
7 letter certifying that the certifications would  
8 carry over. Something along those lines. But I  
9 think if I can go back and say that to AT&T, I  
10 think it's going to be an easier process to  
11 switch.

12 MR. TRAPANI: If they do raise that say  
13 to 130 feet at the high school, it will still be  
14 quite a bit of the Town and 9W area that will not  
15 be covered. So you still will need another tower  
16 someplace to cover that area?

17 MR. WALTERS: Something at some point.

18 MR. TRAPANI: Whereas if you put a  
19 tower say up on Lattintown Road, up there by  
20 Troncillito's, on that ridge or something up  
21 there, if you put a tower possibly up there,  
22 would that cover the southern area better?

23 MR. WALTERS: The southern --

24 MR. TRAPANI: I'm talking about that's  
25 only right behind the high school. That's by

2

Plattekill Road. If you turn on Lattintown Road going up Plattekill, anywhere up in that area over there. The whole area, would that cover the southern part of the Town plus the mountain area? I'm trying to think of something that's going to cover the majority of the people now and something you come back later and it's going to cover the other part of the Town.

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MR. WALTERS: Because of your terrain

there's no easy solution there. What would happen, unfortunately if you said we're only interested in a tower to cover this part of the Town, because of those terrain issues you really need to focus here, that's probably not the higher priority on the build plan. This is the area where we're getting a lot of complaints. This is where people are dropping calls. This is the target area for purposes of this bill. That's going to have to be another day, you know what I mean. Really, after thirty-one alternatives we can say to cover what we need to cover, it's between these two. That's really what's left.

CHAIRMAN BRAND: I definitely do -- I

2 would definitely lean towards the high school as  
3 well.

4 MR. LOFARO: I agree.

5 MR. TRUNCALI: I agree.

6 MR. CAUCHI: I agree.

7 CHAIRMAN BRAND: Ron, are the  
8 stipulations that he set forth --

9 MR. BLASS: I think you would want to  
10 get more definiteness on those concepts.

11 Generally speaking, the proposal is that AT&T  
12 would be amenable to shifting away from the  
13 project it's invested in towards the alternative  
14 high school site. He's looking for some  
15 accommodations in the process so that the  
16 procedure that moves forward does not redundantly  
17 repeat work that's already done.

18 I think the best way to approach that  
19 is to set up the committee approach where Pat and  
20 somebody from Mike's office, Mike Musso's office  
21 and one or two Members of the Planning Board sit  
22 down with AT&T and go through their punch list of  
23 items of accommodation to see how expeditiously a  
24 new application can get off the ground. You  
25 certainly want to make sure that any comments

2 that Mike has on eventually the new submissions  
3 would be responded to, consistent with shock  
4 clock requirements under the Federal regulation.  
5 AT&T is implicatedly looking for the Board to  
6 stay within the 150 day shock clock for co-  
7 location -- for actually a new tower location if  
8 in fact it's -- the adverse comments with respect  
9 to this application are properly handled and  
10 responded to.

11 So I think what you can give AT&T  
12 tonight is a commitment to engage in that  
13 committee approach in the near future so that --  
14 the result of that committee approach would be  
15 taken back to AT&T, if that makes sense.

16 CHAIRMAN BRAND: Do the Members of the  
17 Board agree with that?

18 Okay. Mr. Garofalo?

19 MR. GAROFALO: James Garofalo. I have  
20 a question for the Board. Is the Board asking  
21 AT&T to go back to the school district and ask  
22 for a 195 foot tower or are they asking them to  
23 be talking about 110 or 130 with different  
24 coverage? That's my question to the Board, what  
25 exactly are you asking them to talk to the school

2 district about?

3 CHAIRMAN BRAND: It's my understanding  
4 that we're asking them to go to the high school  
5 and to come up with some different plausible  
6 scenarios at the high school to see what could  
7 best suit the needs of the Hamlet.

8 MR. WALTERS: Also, before we do that  
9 we would look at the RF, engage Dan and he would  
10 kind of explain to AT&T what are the benefits of  
11 going up. Sometimes -- it seems weird but  
12 sometimes a 20-foot increase gives you two or  
13 three extra bins. These little boxes we talk  
14 about, we call them bins. Sometimes there's just  
15 not a lot of bang for that height buck.  
16 Sometimes there's tremendous increase in  
17 geographical coverage. We'll take a look at  
18 that.

19 MR. HINES: The other -- when you go up  
20 you provide more viable space for co-locators.  
21 That's also something to consider as you move  
22 forward, you can provide additional service to  
23 other carriers. Each of the carriers are usually  
24 10 feet apart.

25 MR. WALTERS: That's right.

2

MR. HINES: As you get too low they

3

phase out.

4

CHAIRMAN BRAND: State your name for

5

the Stenographer.

6

MR. GELI: Mark Geli, Chairman of the

7

Marlborough Fire District. I would like to speak

8

quickly about the aspect of public safety. Right

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now all my information comes from the Ulster

10

County 911 services from Kingston. If you can

11

dial 911 by your cell phone there's a 90 percent

12

chance it will bounce through a tower over in

13

Dutchess County, they'll take your name, number,

14

figure out where you are, what your issue is,

15

what kind of assets need to be sent. They're

16

going to put you on hold, they're going to send

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you to Ulster County, they're going to take that

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information again, and in that whole going on

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time is being lost. Modern day structure fires

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double in size every 30 seconds. When it's 3

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a.m. and you hear bumps in the night outside your

22

bedroom window, time is of the essence. Someone

23

is having a heart attack and needs someone there.

24

If we can expedite the process of getting a cell

25

tower somewhere in this Town, that would greatly

2 help the public safety of the citizens of  
3 Marlborough.

4 And also AT&T has graciously allowed  
5 the Marlborough Fire District to put some radio  
6 equipment on there which would definitely  
7 increase the safety of our first responders and  
8 our citizens.

9 I understand there's a lot of things  
10 that need to be worked out, but if we can get  
11 things moving along that would be great. Right  
12 now public safety, if you can increase it it  
13 would be spectacular.

14 CHAIRMAN BRAND: Thank you. I think  
15 we're all set here.

16 MR. WALTERS: I do think we have some  
17 clear direction. We'll reach out through Ron's  
18 office to set up a meeting to discuss a  
19 streamlined application for an alternative site.  
20 We'll revisit height at that alternative site.  
21 We appreciate the Board's direction. It is clear  
22 and helpful. Clear is helpful. We will move  
23 forward in that direction.

24 For now we would ask that the  
25 application for the Ann Kaley be tabled.

2 MS. LANZETTA: Thank you.

3 CHAIRMAN BRAND: Thank you.

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

7 MS. LANZETTA: Do we keep it open or --

8 MR. BLASS: You can close the public  
9 hearing.

10 MR. HINES: It's been held open for a  
11 number of years.

12 MR. BLASS: You could close the public  
13 hearing and hold the application in abeyance  
14 that's been requested.

15 MS. LANZETTA: I'll make a motion to  
16 close the public hearing and hold the application  
17 in abeyance.

18 CHAIRMAN BRAND: A second?

19 MR. CAUCHI: I'll second it.

20 CHAIRMAN BRAND: All those in favor  
21 say aye.

22 MR. TRAPANI: Aye.

23 MS. LANZETTA: Aye.

24 MR. CAUCHI: Aye.

25 MR. LOFARO: Aye.

2 MR. TRUNCALI: Aye.

3 CHAIRMAN BRAND: Aye.

4 Opposed?

5 (No response.)

6 CHAIRMAN BRAND: Thank you.

7 MR. WALTERS: Thank you.

8 (Time noted: 8:58 p.m.)

9

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

11

12 I, MICHELLE CONERO, a Notary Public  
13 for and within the State of New York, do hereby  
14 certify:

15 That hereinbefore set forth is a  
16 true record of the proceedings.

17 I further certify that I am not  
18 related to any of the parties to this proceeding by  
19 blood or by marriage and that I am in no way  
20 interested in the outcome of this matter.

21 IN WITNESS WHEREOF, I have hereunto  
22 set my hand this 13th day of February 2016.

23

*Michele Conero*

25

---

MICHELLE CONERO

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

In the Matter of

5 BRODY RIDGE

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

FINAL APPROVAL - EXTENSION

15                   BOARD MEMBERS:    CHRIS BRAND, Chairman  
16    JOEL TRUNCALI  
17    BEN TRAPANI  
18    CINDY LANZETTA  
19    EMANUEL CAUCHI  
20    JOSEPH LOFARO

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

2 CHAIRMAN BRAND: Next up, Brody  
3 Ridge, extension, final approval.

4 Is the applicant for Brody Ridge  
5 here?

6 (No response.)

7 MR. BLASS: This is a relatively  
8 customary request for an additional three-month  
9 extension of the time to fulfill the conditions  
10 for the final subdivision approval. These have  
11 been continually granted for the virtual real  
12 estate recession that developers are experiencing  
13 and builders are experiencing.

14 I would say that the action for you  
15 tonight is to approve the additional three-month  
16 extension running from the date of the expiration  
17 of the last thirty-day extension. That date I  
18 don't have with me.

19 MS. LANZETTA: Can I just get this  
20 clear? This hasn't been filed at the County, --

21 MR. HINES: No.

22 MS. LANZETTA: -- the subdivision?

23 MR. BLASS: No.

24 MS. LANZETTA: So you can get a  
25 subdivision and get final but just never have it

2 -- have the Chairman sign off or have it filed  
3 and you keep getting extensions forever?

4 MR. BLASS: If you get the -- the State  
5 statute allows extensions to be given forever in  
6 theory. It's up to the Planning Board to  
7 determine whether or not the extension is in fact  
8 granted. If the Planning Board wanted to change  
9 course and conclude that with respect to this  
10 project or any other project that there's been  
11 enough additional three-month extensions to  
12 fulfill conditions of approval, then you could  
13 take that path. You could take another path  
14 which basically says that this is the last three-  
15 month extension so that the applicant is on  
16 notice of the need to fulfill the conditions of  
17 approval within that three-month window.

18 MS. LANZETTA: But that hasn't been the  
19 practice?

20 MR. BLASS: It has not yet been the  
21 practice.

22 MR. TRAPANI: Didn't we talk about that  
23 with Mr. Corcoran or something? There were so  
24 many of these going on, these extensions, and  
25 that it does cost money to somebody?

2 MR. BLASS: There's no question that  
3 there are financial aspects to the extension.  
4 For instance, recreation fees are a condition of  
5 approval and recreation fees are not paid and  
6 they're deferred during the periods of extension.  
7 The filing of the subdivision plat increases the  
8 overall assessed valuation of the real property  
9 because a number of lots created by a filed plat  
10 has a greater aggregate value than an undivided  
11 parcel. So there's the deferral of real property  
12 assessment and taxation. There is arguably a  
13 deferral of bonding obligations which is not lost  
14 revenue for you but it is curtailed expenses for  
15 the developer to the extent that bonds are  
16 required to be put up. I think that the fiscal  
17 consequences to the Town are basically deferred  
18 rec fees and deferred real property tax  
19 assessment at a higher valuation.

20 CHAIRMAN BRAND: This particular  
21 project has been going on since 2010; correct?

22 MR. BLASS: I would not be surprised.

23 MR. KNEETER: Yes, it has. Sorry for  
24 speaking up.

25 MR. TRAPANI: This was in reference to

2 Tom Corcoran?

3 MR. BLASS: Yes.

4 MR. TRAPANI: I just wanted that to be  
5 known.6 MS. LANZETTA: I just -- it seems to me  
7 that -- in your experience do other towns allow  
8 this kind of ongoing, open subdivision?9 MR. TRUNCALI: There was a court ruling  
10 it was to be allowed. Isn't that correct, Ron?11 MR. BLASS: There was a change in  
12 statute. It used to be that you were limited to  
13 one six-month extension and two ninety-day  
14 extensions. That was it. So about one year.  
15 And when that one year ran out you would have to  
16 then apply for re-approval. I would say my  
17 experience is that the thirty-day extensions that  
18 were -- the additional ninety-day extensions --  
19 unlimited ninety-day extensions are routinely  
20 granted by planning boards throughout the Mid-  
21 Hudson Valley. For those municipalities which  
22 have a stricter rule by local law and maintain  
23 the one-year rule, every year you see a  
24 re-approval of the subdivision as opposed to the  
25 granting of a ninety-day extension. So

2 extensions or re-approvals are generally what  
3 happens in the midst of a real estate recession.

4 MR. HINES: I've also seen projects go  
5 from final approval and drop back to preliminary.  
6 Some municipalities don't have a preliminary  
7 timeframe and some projects will drop back, which  
8 is not the case with you. They gave up their  
9 final. You lose the protection, zoning changes  
10 and so forth. Every municipality is doing that  
11 based on the economy. This is a smaller project.  
12 There are some larger projects.

13 MS. LANZETTA: So if there were  
14 significant changes in our subdivision law, then  
15 that would be a reason maybe to say no, we're not  
16 going to extend it. But barring that, there's  
17 really no reason?

18 MR. HINES: Or changes in that  
19 neighborhood. Should there be other projects  
20 approved that come forward or changes to the  
21 water system. This project has an extension of  
22 the water main, which I believe is the financial  
23 consideration that's holding them up right now.  
24 Any substantive change in the condition I guess  
25 could be something you would address.

2 MR. BLASS: It's coming back to me now.  
3 I think I gave the supervisor a copy of a  
4 re-approval law that links re-approvals to the  
5 lack of the change of meaningful conditions since  
6 the prior approval. There has to be an  
7 examination or certification of the lack of  
8 change of relevant environmental considerations  
9 to get the re-approval. In the absence of a  
10 change in circumstances like that, you typically  
11 see re-approvals routinely granted or ninety-day  
12 extensions routinely granted.

13 MS. LANZETTA: Maybe we could ask in  
14 the future the building department's opinion as  
15 to whether there's been any significant changes  
16 that would make us not want to -- that would make  
17 us want to take another look.

18 MR. BLASS: We can lift that right out  
19 of the proposal of the law and make it a policy  
20 statement for the Planning Board to follow.

21 MS. LANZETTA: I'd feel more  
22 comfortable doing that than rubber stamping every  
23 time they come back.

24 MR. BLASS: Usually when you see that  
25 happen you'll see a requirement that the

2 developer get a certification by an engineer of  
3 the lack of or change of conditions so that  
4 there's a consultant -- a paid consultant who  
5 certifies to that fact as a part of the process.  
6 So that could happen as well. The developer may  
7 not be qualified to speak to lack of significant  
8 change of the conditions.

9 MR. LOFARO: Is there a fee to the  
10 applicant for filing?

11 MR. BLASS: That was also something  
12 that Tom was interested in. I gave him some fee  
13 experience in other towns. My experience is that  
14 you don't typically see a fee charged for these  
15 ninety-day extensions that are allowed by  
16 statute. To the extent you find yourself -- you  
17 find yourself in a re-approval situation, by  
18 virtue of the exhaustion of the unlimited amount  
19 of extensions, you'll see re-approval fees  
20 established per lot in that case.

21 It may be one solution is that the Town  
22 does a local law which basically varies the State  
23 statute, which you can do, and does away with the  
24 process of unlimited ninety-day extensions,  
25 reinstates the old State rule that you have a

2 year, a six-month and two ninety-day extensions  
3 equalling one year, and then require re-approval  
4 after that.

5 CHAIRMAN BRAND: You said you would do  
6 that via local law?

7 MR. BLASS: You would do that by local  
8 law.

9 MS. LANZETTA: That's something we  
10 would make a recommendation to the Town Board to  
11 look at?

12 MR. BLASS: You can do that. And you  
13 can do it by local law. The same local law would  
14 probably have this re-approval process --  
15 streamlined re-approval process built in to it as  
16 well.

17 CHAIRMAN BRAND: Mr. Garofalo.

18 MR. GAROFALO: James Garofalo. Two  
19 things I'd like to say. One is part of the  
20 reason there's been this change has to do with  
21 both the economy and the process of getting some  
22 of the permits after approval. So the economy  
23 has slowed things up, the developers have not  
24 been necessarily pushing projects, and that has  
25 partially caused these extensions to be changed.

2 This system has really changed because of the  
3 economy.

4 The second reason is the permits. But  
5 when it comes down to permits, et cetera, you  
6 know, there's always the opportunity that the  
7 Board could call the applicant in and say, you  
8 know, what's -- where is your project, what's it  
9 doing, are you stuck in permits or what. That  
10 might be something that you might want to  
11 consider, hearing from them why they want the  
12 extension.

13 CHAIRMAN BRAND: Thank you.

14 That being said, do I have a motion for  
15 the extension of the Brody Ridge subdivision?

16 MR. TRUNCALI: I'll make that motion.

17 CHAIRMAN BRAND: Do I have a second?

18 MR. LOFARO: I'll second.

19 CHAIRMAN BRAND: All those in favor say  
20 aye.

21 MR. TRAPANI: Aye.

22 MS. LANZETTA: Aye.

23 MR. CAUCHI: Aye.

24 MR. LOFARO: Aye.

25 MR. TRUNCALI: Aye.

2 CHAIRMAN BRAND: Aye.

3 Opposed?

4 (No response.)

5 CHAIRMAN BRAND: Okay.

6

7 (Time noted: 9:09 p.m.)

8

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

10

11 I, MICHELLE CONERO, a Notary Public  
12 for and within the State of New York, do hereby  
13 certify:

14 That hereinbefore set forth is a  
15 true record of the proceedings.

16 I further certify that I am not  
17 related to any of the parties to this proceeding by  
18 blood or by marriage and that I am in no way  
19 interested in the outcome of this matter.

20 IN WITNESS WHEREOF, I have hereunto  
21 set my hand this 13th day of February 2016.

22



24

---

MICHELLE CONERO

25

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

7                   CHESTNUT PETROLEUM  
8

9                   Project No. 15-8001  
10                  1417 Route 9W  
11                  Section 109.1; Block 4; Lot 14  
12                  ----- X  
13

14                  SKETCH - SITE PLAN

15                  Date: February 1, 2016  
16                  Time: 9:10 p.m.  
17                  Place: Town of Marlborough  
18                  Town Hall  
19                  21 Milton Turnpike  
20                  Milton, NY 12547  
21

22                  BOARD MEMBERS:    CHRIS BRAND, Chairman  
23                  JOEL TRUNCALI  
24                  BEN TRAPANI  
25                  CINDY LANZETTA  
26                  EMANUEL CAUCHI  
27                  JOSEPH LOFARO  
28

29                  ALSO PRESENT:    RONALD BLASS, ESQ.  
30                  PATRICK HINES  
31                  VIRGINIA FLYNN  
32

33                  APPLICANT'S REPRESENTATIVE: LEO NAPIOR  
34

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

2 CHAIRMAN BRAND: Next up is  
3 Chestnut Petroleum, sketch, site plan.

4 MR. NAPIOR: Good evening. On behalf  
5 of Chestnut Petroleum, Leo Napior with the law  
6 firm of Harfenist, Kraut & Perlstein.

7 I believe this matter is back before  
8 you based on submissions that were made following  
9 the last meeting this was heard where the Board  
10 adopted a negative declaration pursuant to SEQRA.

11 In addition I believe there has been  
12 some additional work product generated by the  
13 consultants retained by the Town.

14 With that, I defer to Ron and Pat.

15 MR. BLASS: To refresh the Planning  
16 Board's recollection, on December 21st the Board  
17 adopted a part 2 full environmental assessment  
18 form and asked for the preparation of a SEQRA  
19 determination of significance at the January 4th  
20 meeting. At it's January 4th meeting the  
21 Planning Board adopted a negative declaration  
22 under SEQRA, bringing the SEQRA process to a  
23 close. A week later, on January 11th, the  
24 Planning Board received correspondence from John  
25 Rusk of 1420 Route 9W with respect to the matters

2 pertaining to 1406 Route 9W, across the street  
3 from the proposed project site. Among the points  
4 made in that January 11th letter, which postdated  
5 the negative declaration by a week, was that on  
6 November 17th of 2015 the Division of Historic  
7 Preservation of State Parks had issued a  
8 determination of eligibility for 1406 Route 9W to  
9 be potentially nominated for listing on the  
10 National Historic Register, and a copy of that  
11 November 17th eligibility determination of the  
12 property for historic treatment of that sort was  
13 attached to the January 11th correspondence.

14 Other relevant facts for the Board to  
15 take into consideration with respect to what to  
16 do with what is in essence a request for you to  
17 rescind, negate the negative declaration is the  
18 fact that on November 18th, a day after the  
19 determination of eligibility, it appears that the  
20 Division of Historic Preservation, preparer of  
21 the document, provided it to the owner of 1406  
22 Route 9W.

23 On November 25th, about a week after  
24 November 17th, the State Office of Parks issued a  
25 no impact determination to the applicant who

2 referred the matter to it for a cultural  
3 resources review and report. The effect of that  
4 was that even though on November 17th one branch  
5 of the State Parks agency had determined that  
6 there was historic eligibility for nomination  
7 purposes, another branch of the State Parks  
8 agency was unaware of that and reported, in  
9 effect, that there were no cultural,  
10 archeological or historic resources within  
11 proximity to the project.

12 On January 4th there were comments  
13 filed with the Planning Board relative to it's  
14 SEQRA determination by the author of the  
15 January 11th correspondence, and within the  
16 January 4th comments that form a part of the  
17 Planning Board's SEQRA record there was no  
18 reference to the existence of a November 17th  
19 historic eligibility determination.

20 So as I already indicated to you, the  
21 fact of -- both for purposes of your knowledge  
22 and the applicant's knowledge, the fact of this  
23 historic eligibility determination of Office of  
24 State Parks was unknown to all concerned at the  
25 time of the January 4th negative declaration.

2 So that's a fairly odd set of  
3 circumstances that I just laid out for you. You  
4 know, I've already given the Board a guidance  
5 memorandum dated, I believe January 22nd as to  
6 what your options are. One option is just to  
7 stay the course and keep your negative  
8 declaration in place under the circumstances.  
9 Another option is to rescind your negative  
10 declaration based on the fact of events that you  
11 didn't know about at the time that you issued it.  
12 And another option available to the Planning  
13 Board is to open up your SEQRA record of review  
14 for purposes of supplementing it and working in  
15 the direction of an amended negative declaration  
16 which takes into consideration these  
17 circumstances and others.

18 So I have -- since that recommendation  
19 was made the following has occurred with respect  
20 to the reopening of the SEQRA record: The Town  
21 has, through Pat Hines' office, commissioned and  
22 obtained the report of a historic consultant who  
23 did a site visit with respect to potential  
24 project impacts upon 1406 Route 9W by virtue of  
25 the proposed project, and that report has been

2 provided to the Planning Board, and it was dated  
3 the 22nd of January 2016. The Planning Board has  
4 also arranged for Pat Hines to obtain a traffic  
5 report prepared by Creighton, Manning which is  
6 dated January 29, 2016 and has been provided to  
7 the Board and could be considered a part of your  
8 reopened SEQRA record. The police chief of the  
9 Town of Marlborough has weighed in with respect  
10 to certain community character issues, most  
11 particularly whether or not a potential  
12 twenty-four hour open operation, that the project  
13 site would have predictable and significant  
14 adverse impacts on public safety and the  
15 avoidance of crime. That is a part of the  
16 expanded SEQRA record and that is dated January  
17 27th of 2016 I believe.

18 There has been written criticism of the  
19 Planning Board for not conducting a public  
20 hearing with respect -- in advance of it's SEQRA  
21 determination of significance. You've already  
22 been advised that SEQRA regulations do not  
23 require a public hearing before a negative  
24 declaration, but in fact, quite to the opposite,  
25 require one within twenty days or as soon

2 thereafter as the Board feels it has received  
3 information adequate to move forward and bring  
4 the SEQRA process to close or to bring the SEQRA  
5 process into the direction of the preparation of  
6 an environmental impact statement.

7                   In that regard the Planning Board has  
8 before it an option to include within a reopened  
9 SEQRA record the public hearing transcripts  
10 generated at the Zoning Board of Appeals which is  
11 on a parallel tract reviewing variance  
12 applications. There was a series of public  
13 meetings of the ZBA which reach back to the  
14 summer, the most recent of which was January 14th  
15 of 2016, and the Planning Board has been provided  
16 with a stenographic transcript of those public  
17 hearing minutes as well as digital data in the  
18 nature of documents which were submitted in  
19 furtherance of those public hearing comments.  
20 So the Board has the option of opening it's SEQRA  
21 record to include those public hearing comments  
22 as well.

23                   So having said all that, what the Board  
24 has in front of it this evening is an amended  
25 declaration, both in red line version and in

2 clean version, if you will. The red line version  
3 documents the changes that are made to the  
4 initial January 4th negative declaration as a  
5 consequence of the re-opening of the SEQRA record  
6 and the inclusion of those expert reports and  
7 those public comments and the comments of the  
8 Marlborough police chief who was an expert with  
9 respect to matters under his jurisdiction as  
10 well.

11 If the Board wishes to, it could  
12 entertain the amended declaration this evening or  
13 at some subsequent date to bring the SEQRA  
14 process to an adjusted close.

15 If you have any questions, I'd be happy  
16 to address them.

17 CHAIRMAN BRAND: Comments or questions  
18 from the Board?

19 MS. LANZETTA: I appreciated getting  
20 that extra information from Creighton, Manning.  
21 I know Steve Clark had talked about possibly  
22 taking a look at getting another set of eyes on  
23 that. It was interesting to me to see their take  
24 on the original traffic study.

25 Also the information on the historic

2 aspects and to make sure -- I do want to make  
3 sure that SHPO is one of the interested agencies  
4 as we move forward so this -- even if we go with  
5 the amended SEQRA, that that would definitely be  
6 an important part of us doing the further  
7 planning of this project.

8 So I was very thankful for both of  
9 those consultants to be able to give us their  
10 input before we make any decisions.

11 CHAIRMAN BRAND: So we would like to  
12 have time to review these changes? Would you  
13 like to have time to review these, the amended  
14 SEQRA negative declarations, before we act on it?

15 MR. TRUNCALI: I think I'm fine.

16 CHAIRMAN BRAND: Can I have a motion to  
17 approve -- to adopt the amended SEQRA negative  
18 declaration?

19 MS. LANZETTA: Do we have to read it  
20 out?

21 CHAIRMAN BRAND: Do we have to read it  
22 out?

23 MR. BLASS: No. There's no obligation  
24 for you to do that.

25 CHAIRMAN BRAND: Thank you.

2 MR. BLASS: It will certainly become a  
3 part of the public record and immediately  
4 available to everybody, certainly without need  
5 for FOIL'ing.

6 CHAIRMAN BRAND: So can I have a motion  
7 to accept this?

8 MR. TRUNCALI: I'll make the motion to  
9 accept the amended negative declaration.

10 CHAIRMAN BRAND: A second?

11 MR. CAUCHI: I'll second it.

12 CHAIRMAN BRAND: All those in favor?

13 MR. TRAPANI: Aye.

14 MS. LANZETTA: Aye.

15 MR. CAUCHI: Aye.

16 MR. LOFARO: Aye.

17 MR. TRUNCALI: Aye.

18 CHAIRMAN BRAND: Aye.

19 Any opposed?

20 (No response.)

21 CHAIRMAN BRAND: Mr. Garofalo.

22 MR. GAROFALO: I would appreciate if  
23 the Board could make available on the website  
24 this additional information, including the  
25 traffic report, so the public can actually get a

2 look at this information and possibly make  
3 comment on it. I would have preferred we would  
4 have had an opportunity to at least provide some  
5 input to the Board prior to them making their  
6 determination. In any case, I would like to have  
7 that on the board for the public to review  
8 because that will become an issue dealing with  
9 the Zoning Board and the Department of  
10 Transportation.

11 CHAIRMAN BRAND: I believe it will all  
12 be made part of the public record.

13 MR. GAROFALO: And I would also like  
14 the Board to know that the school district in  
15 concert with the Town is looking into a draft  
16 report on the safe route to schools, and they  
17 will be meeting next week on that. Thank you.

18 CHAIRMAN BRAND: Thank you.

19 MS. LANZETTA: I want to put a plug in  
20 for the new updated website for the Town of  
21 Marlborough. It's coming along. They're working  
22 on it. They've got a lot of good stuff up there  
23 already. I hope everybody will check it out. We  
24 are hoping to get all of the material for public  
25 hearings and things like that up and available to

2 people before we have those meetings so that  
3 you'll be able to be better prepared -- so  
4 everybody can be better prepared coming into  
5 these meetings.

6 CHAIRMAN BRAND: I believe that's it  
7 for Chestnut Petroleum.

8 MR. NAPIOR: Thank you.

9

10 (Time noted: 9:23 p.m.)

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2

# 3 CERTIFICATION

4

5

6 I, MICHELLE CONERO, a Notary Public  
7 for and within the State of New York, do hereby  
8 certify:

11 I further certify that I am not  
12 related to any of the parties to this proceeding by  
13 blood or by marriage and that I am in no way  
14 interested in the outcome of this matter.

15 IN WITNESS WHEREOF, I have hereunto  
16 set my hand this 13th day of February 2016.

17

18

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22

23

84

25

Michelle Conero

MICHELLE CONERO

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

7                    MARIA MEKEEL  
8

9                    Project No. 16-9001  
10                  32 Bingham Road, Marlboro  
11                  Section 108.4; Block 8; Lots 22.11 & 22.12  
12                  ----- X

13                  SKETCH - LOT LINE CONSOLIDATION  
14

15                  Date: February 1, 2016  
16                  Time: 9:23 p.m.  
17                  Place: Town of Marlborough  
18                  Town Hall  
19                  21 Milton Turnpike  
20                  Milton, NY 12547  
21

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

28                  ALSO PRESENT:    RONALD BLASS, ESQ.  
29                  PATRICK HINES  
30                  VIRGINIA FLYNN  
31

32                  APPLICANT'S REPRESENTATIVE: CARMEN MESSINA  
33

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

2 CHAIRMAN BRAND: Next up, Maria Mekeel,  
3 sketch.

4 MR. MESSINA: Carmen Messina  
5 representing the owner, Maria Mekeel.

6 Marie owns two parcels on Bingham Road  
7 that were created by filed map 08-211. They were  
8 lot number 1 and lot number 2.

9 She wishes at this time to combine  
10 those two lots together. Lot number 1 is 4.6  
11 acres and lot number 2 is 2.0 acres. Combined  
12 they would be 6.65 acres.

13 CHAIRMAN BRAND: Pat, do you have  
14 anything?

15 MR. HINES: I don't other than we had  
16 quite a process to subdivide these lots and now  
17 they are being combined together. Again, it's  
18 just a straightforward lot line change.

19 There's two existing lots, 4.6 and a 2  
20 acre parcel. They're going to combine and create  
21 a 6.65 acre parcel, serviced by an existing  
22 private road. There is a mobile home pre-  
23 existing nonconforming on one of the lots along  
24 with the existing house. The lot that's getting  
25 added to the larger lot is undeveloped at this

2 time. I believe there's one more parcel on the  
3 private road behind that.

4 MR. MESSINA: That has a house already.

5 MR. HINES: Correct.

6 CHAIRMAN BRAND: To the north?

7 MR. HINES: To the north. That was  
8 part of the subdivision that was many years ago.

9 MR. MESSINA: Before, yeah.

10 MR. HINES: It requires a public  
11 hearing, similar to the ones you had tonight.  
12 That could be scheduled.

13 CHAIRMAN BRAND: Okay. So we just  
14 schedule a public hearing for this? When is the  
15 next --

16 MS. FLYNN: It would be the first  
17 Monday in March.

18 MS. LANZETTA: Do we have to make a  
19 motion to schedule a public hearing?

20 MR. BLASS: Pardon?

21 MS. LANZETTA: Is that something done  
22 by motion, the scheduling of a public hearing?

23 MR. HINES: Yes.

24 MS. LANZETTA: I'll make a motion to  
25 schedule a public hearing on this lot line change

2 for the first meeting in March.

3 MS. FLYNN: March 7th.

4 MS. LANZETTA: For March 7th.

5 MR. TRAPANI: I'll second.

6 CHAIRMAN BRAND: All those in favor  
7 say aye.

8 MR. TRAPANI: Aye.

9 MS. LANZETTA: Aye.

10 MR. CAUCHI: Aye.

11 MR. LOFARO: Aye.

12 MR. TRUNCALI: Aye.

13 CHAIRMAN BRAND: Aye.

14 Opposed?

15 (No response.)

16 CHAIRMAN BRAND: All right.

17 MR. MESSINA: Thank you.

18

19 (Time noted: 9:26 p.m.)

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# 3 CERTIFICATION

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6 I, MICHELLE CONERO, a Notary Public  
7 for and within the State of New York, do hereby  
8 certify:

11 I further certify that I am not  
12 related to any of the parties to this proceeding by  
13 blood or by marriage and that I am in no way  
14 interested in the outcome of this matter.

15 IN WITNESS WHEREOF, I have hereunto  
16 set my hand this ^ day day of ^ Month 2016.

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Michelle Conero

MICHELLE CONERO