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

In the Matter of

5 NEW CINGULAR WIRELESS, PC, LLC - AT&T

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

10 LOCATION
SITE PLAN

20 ALSO PRESENT: RONALD BLASS, ESQ.
PATRICK HINES
MICHAEL MUSSO
21 VIRGINIA FLYNN

22 APPLICANT'S REPRESENTATIVE: KIMBERLY NASON

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

2 CHAIRMAN BRAND: I'd like to call
3 the meeting to order with the Pledge of
4 Allegiance to the flag.

5 (Pledge of Allegiance.)

6 MR. TRUNCALI: Agenda, Town of
7 Marlborough Planning Board, May 16, 2016.
8 Regular meeting 7:30 p.m. New Cingular Wireless,
9 site plan; Troncillito Brothers, sketch, site
10 plan; Michael Maniatis, sketch, lot line
11 revision. Next deadline: Friday, May 20th. Next
12 scheduled meeting: Monday, June 6th.

13 CHAIRMAN BRAND: First up is New
14 Cingular Wireless, AT&T.

15 MS. NASON: Hello again, everyone. I'm
16 Kim Nason with Adam Walters. We're both
17 attorneys with Phillips, Lytle representing AT&T.
18 Thanks for having us again. I know this has been
19 kind of a long road.

20 As you know, and I know there are some
21 newer members of the Board, AT&T originally
22 submitted an application for a facility at Ann
23 Kaley Lane over two years ago, back in February
24 of 2014. Since that time we've made several
25 supplemental submissions containing additional

2 information and we've appeared before the Board
3 with and without consultants to answer any
4 questions the Board may have.

5 At the last meeting we appeared at you
6 requested that we go back to AT&T regarding a
7 move to the high school site. You gave us those
8 reasons why you supported a move to the high
9 school site. We did that. We spoke with AT&T.
10 After careful consideration and review, both of
11 the reasons that were given for the move to the
12 high school site and the records that provide
13 that the Ann Kaley facility is a better choice
14 from a coverage perspective and to reduce any
15 potential visual impacts. AT&T has determined
16 that it must proceed with the Ann Kaley site, and
17 we filed some materials on that.

18 We understand tonight the Planning
19 Board is reviewing HDR's technical memo on the
20 Ann Kaley site. We generally agree with the
21 findings in the memo that the Ann Kaley location
22 is a reasonable choice to meet the coverage needs
23 of the Town and with the least visual impact.
24 AT&T has provided extensive documentation to that
25 effect.

14 After the County's review is complete,
15 we believe that the Board would be in a position
16 to make a determination regarding the Ann Kaley
17 facility, and we would respectfully request that
18 a determination be made at that time.

19 So we're happy to answer any questions
20 that the Board may have tonight.

21 CHAIRMAN BRAND: Anybody? We'll hold
22 off on questions until we hear from Mr. Musso and
23 our attorney as well.

24 MS. NASON: That works. Thank you.

25 MR. BLASS: Just for the Board's

2 edification, it last met on February 1st of 2016.
3 At that time, at the end of the transcript on
4 page 78, Mr. Walters, on behalf of the applicant,
5 indicated that for now we would ask that the
6 application for Ann Kaley be tabled. So am I
7 correct in assuming that you wish that no longer
8 to be tabled --

9 MR. WALTERS: Correct.

10 MR. BLASS: -- as a consequence of the
11 March 29th correspondence of Ms. Nason?

12 MR. WALTERS: Exactly.

13 MR. BLASS: With respect to the Ulster
14 County Planning Board process, under 239-M, this
15 Board is familiar with it, the Ulster County
16 Planning Board, for reasons that were unstated
17 when it did it's recommendation, deemed the
18 submittal of the referral to it to be incomplete.
19 So Ms. Nason was commenting on the fact that in
20 order to not guess or speculate as to why it was
21 deemed incomplete by the County, she has rounded
22 up all of the application documents and will send
23 the whole package up to the County. I don't
24 think there can be any chance that there will be
25 a determination of incompleteness. The County

2 has thirty days from the date of referral to make
3 a recommendation back to the Planning Board.

4 CHAIRMAN BRAND: Can I ask a technical
5 question? Since we had the public hearing open,
6 the motion was tabled and we closed the public
7 hearing. Would this require us to hold another
8 public hearing since last the public knew they
9 were not going to the Ann Kaley site?

10 MR. BLASS: No, I don't think so. I
11 don't think that's necessary.

12 MR. WALTERS: Agreed.

13 MS. LANZETTA: The County said that the
14 application was incomplete because they hadn't
15 looked at alternatives to the Ann Kaley site. So
16 that was the reason stated in the County's
17 response originally.

18 MR. MUSSO: Right.

19 MR. BLASS: I would agree with that.
20 And there were a couple of required modifications
21 stated in the recommendation. So, you know, it's
22 a little bit odd that the County would deem the
23 referral to be incomplete and then go forward to
24 make required modification recommendations in
25 it's response. But be that as it may, there's a

2 hole in the record, I would venture to say, under
3 239-M of the General Municipal Law which we could
4 fill by doing a resubmission of all the relevant
5 documents.

6 CHAIRMAN BRAND: Mr. Musso.

7 MR. MUSSO: Mr. Chairman, Members of
8 the Board, Members of the Public, thanks for
9 having me back tonight. Mike Musso from HDR
10 working on behalf of the Town.

11 If acceptable to the Board, would it be
12 all right if I sit and take you through our tech
13 memo? I'd like to run through it quickly. Feel
14 free to stop me along the way with questions, or
15 afterwards. There's a few photos and exhibits
16 that are nested in that I think will be important
17 talking points. Please do interrupt when needed.

18 As mentioned in our tech memo here,
19 this report really focuses on the subject
20 property at 10 Ann Kaley Lane. Last summer I
21 appeared here in July, going through a very
22 detailed alternate site analysis. I have that
23 report on my hard drive here if we need to answer
24 any questions about that. I just want to set the
25 stage here. The focus of this report is really

2 looking back to a 2014 memo that HDR put together
3 when the initial Ann Kaley application was filed.

4 We asked for a number of different items to be
5 expanded on or to be provided to the Board so
6 that we could review. Of course in the interim
7 there was a big hiatus on the application.

8 Members here of the Town expanded on HDR's
9 comment to work out a detailed alternate site
10 analysis. In fact, the Town provided a number of
11 alternate sites that were Town owned or other
12 types of properties.

13 So without getting into any detail on
14 that, July of last summer we appeared with the
15 applicant. Both parties went through a number of
16 coverage maps. We did some independent analysis.
17 Really what we came up with were two viable sites
18 to meet AT&T's target coverage area. So that
19 concept was discussed quite a bit last summer.
20 Unless requested, I'm not going to go through
21 those coverage maps or analysis again on that.

22 The punch line of our report was out of
23 all the alternatives that were looked at, the Ann
24 Kaley site was certainly viable, and the high
25 school site was a viable candidate . For reasons

2 that you've seen in the last few applicant
3 submittals, the applicant would like to stay at
4 Ann Kaley. Their target coverage area, which has
5 been discussed previously, we agree is better
6 served by a 130-foot monopole at the Ann Kaley
7 site.

8 So just to set the stage now, we're
9 going way back to our first submittal which was a
10 request for additional information. I'm going to
11 run through those items a little bit for the Ann
12 Kaley site.

13 So the overview is a 130-foot monopole
14 is being proposed. I have some photo simulations
15 in here, you've seen those in the application
16 packet, at the northwest portion of the 10 Ann
17 Kaley Road site. It's is 19.85 acre property.
18 The 130-foot monopole will accommodate AT&T
19 antennas near the top, nine antennas situated in
20 three different sectors, three, three and three,
21 along with some ancillary equipment. At the base
22 of the monopole, in a 60 foot by 60 foot area is
23 a proposed equipment shelter. You've probably
24 seen those at other cell sites if you've driven
25 by them. It's 12 by 11 foot by about 9 1/2 feet

2 tall. All of their base radios and supporting
3 equipment would be contained within there.

4 Besides that would be a 50 kilowatt emergency
5 generator. Fencing, landscaping, which I'll talk
6 to in a little bit, is all part of the proposal
7 as well.

8 Our application review that responded
9 for early comments on Ann Kaley predominantly
10 looked at the December submittal from the
11 applicant. Within that submittal they included
12 updated zoning drawings which are the latest and
13 greatest as we stand tonight. They provided a
14 part 1 environmental assessment form, an
15 archeological report, a radiofrequency emissions
16 report, something that we always ask for although
17 the applicants at times say it's exempt from
18 municipal review. It's essentially a health and
19 safety report that talks to people living at a
20 cell tower site or in the neighborhood. An
21 updated structural design report including a
22 tower collapsability certification which I'll get
23 into a little bit later, and importantly a visual
24 analysis. Their visual analysis was updated from
25 the early submittals based on the drop in height

2 from 150 feet to 130 feet. So again, what's on
3 the table now is at Ann Kaley, 130-foot monopole.

4 Within that visual analysis they also
5 provided, as was requested, an analysis of the
6 high school alternative site. So this is before
7 the February meeting where it was discussed and
8 the applicant was directed to look at the high
9 school further. It was before the March
10 submittal where AT&T said we're no longer
11 interested in pursuing that alternative. But I
12 thought it would be good to put into this report
13 because you haven't heard me comment on that to
14 this point.

15 There were a couple other submittals in
16 January and in March as well.

17 So our report goes through several
18 items. The first is the radiofrequency
19 emissions. We did receive a report in December,
20 it was put together by AT&T's radiofrequency
21 engineers, a different set of radiofrequency
22 engineers than the ones that have appeared here
23 before, who developed the coverage maps. This is
24 about health and safety at cell sites. AT&T
25 would be operating at three frequencies that

2 they're licensed to operate at. 850 and 1,900
3 megahertz are really the old cellular and PCS
4 frequencies that are still utilized. Also at 700
5 megahertz, which is the newer LTE, long term
6 evolution, frequency. AT&T, Verizon, Sprint,.
7 T-Mobile, they're all operating on that now.
8 This is something that's newer in the last few
9 years. We did look at their report, reviewed the
10 methods that are used and we do agree that the
11 general public maximum permissible exposure
12 criteria will be met with the site. In fact, at
13 ground level underneath or a distance from the
14 130-foot monopole they probably would be on the
15 order of one percent of the allowable
16 twenty-four-hour-a-day constant type of exposure.
17 In our experience of taking measurements around
18 cell tower sites and looking at a lot of these
19 reports, we would agree with those findings,
20 looking at the power levels, looking at the
21 frequencies that would be operating. That is
22 something that we would agree with.

23 One thing I thought of, and I'll show
24 you some photo simulations a little bit later on,
25 there are homes above the tower, which is a

2 little bit unusual for a cell tower scenario.
3 Often times when you think of a cell tower, it's
4 in more of an open area, it's the highest thing
5 around on all sides, and that analysis completely
6 makes sense. One thing I wanted to look at, and I
7 did look at some topography, that bluff that lies
8 just to the west of the site, what might that
9 mean for exposure on top of that bluff. Looking
10 at the antenna patterns that are proposed, the
11 coverage is really shooting to the south and to
12 the east. There really would not be a lot
13 directed back at that hill. It would just be
14 very inefficient for AT&T to do that. Moreover,
15 as you'll see in some of the photos, the top of
16 that antenna or those antennas -- the top of the
17 tower or where those antennas are placed are
18 generally a bit below where someone might be
19 exposed on the western side. So anyway, I could
20 comment on that later if you want. That's our
21 review of the radiofrequency emissions for this
22 particular site.

23 We also looked at co-location. We had
24 asked that there's a commitment from the carrier
25 to provide the potential for co-location. That

2 would include a robust design of the foundation
3 and the structure itself that would allow other
4 commercial carriers in the future to co-locate
5 below those antennas. It's actually a provision
6 in the Town Code that carriers have to design for
7 that. So we have received a commitment to do
8 that in the application materials. Further,
9 there was discussion with emergency service
10 antennas and that the applicant would entertain
11 that notion as well as far as co- location. So
12 when you talk about co-location, the way the code
13 is written, et cetera, it typically means other
14 commercial carriers hopping on that structure.
15 In this case there may be an opportunity as well
16 for the Town to co-locate an antenna of their
17 own. We just note that in the future,
18 co-location would need to be approved, of course,
19 by the Town. If this monopole and the AT&T
20 antennas are approved, if they are constructed,
21 there is a process to go through. There are
22 Federal limitations of municipal review with
23 that, but certainly the building inspector's
24 review or building permit review would need to be
25 done. You just can't have Verizon show up one

2 day and put twelve antennas underneath that.

3 That was some comments regarding co-location.

4 I discussed a little bit on some site
5 plan items, and I think for that I will jump to
6 the drawings here. Let me just expand this out a
7 little bit.

8 MR. TRUNCALI: Mike, at 130 feet is it
9 -- is that a feasible height for a co-location
10 underneath their tower?

11 MR. MUSSO: I feel it is. I feel that
12 if this is built there would be a desire for that
13 from the other carriers. Just knowing -- you
14 know, recently I worked on the Mount Zion Verizon
15 application. I've worked and looked at some
16 applications in Newburgh and across the river. I
17 think there would be interest. Certainly they're
18 above the treeline. They would likely have a
19 similar target area of Route 9W. I can't talk to
20 exact specifics. We've heard a lot from AT&T
21 about their network. Yes, you would still be
22 above a treeline height and you still would be
23 able to get some antennas below that if need be.

24 This image here is from the plans
25 showing the equipment compound and plan view. So

2 this is the 60 foot by 60 foot area. I'm sorry.
3 This is the whole leased area, 100 foot by 100
4 foot area. This would be looking down on the
5 monopole from up above. You can see there's an
6 antenna framing system. The antenna's lined up
7 in three sectors here. You see north up on this.
8 The hill would be back here, the ridge would be
9 back here. So most of the frequency would be
10 directed out in this direction. This is the
11 equipment shelter I was talking about. The
12 emergency generators are over here. This is the
13 access road that would be developed off the main
14 driveway into Ann Kaley Lane.

15 These notes here, I know you can't read
16 them but this would include tree removal.
17 There's about 21 deciduous trees that are
18 proposed to be removed with this. The planting
19 plan is shown here. Not trees but shrubs.
20 Shrubs, some being a maximum height of about 15
21 to 20 feet with time, which doesn't do too much
22 for the top of the tower but no tree really
23 would. No planting plan would capture a 130-foot
24 tall view. That's just a general site plan
25 review.

2 The panel antennas themselves, this is
3 looking at a cross section. So these are three
4 by three by three, nine total panel antennas.
5 Each one of those panel antennas is about 96
6 inches long, about 11 inches wide and 7 inches
7 deep. It's hard to see on this image but it does
8 look like there's some smaller or mini-antennas
9 beside these, and that's something called remote
10 radio head units that are used, especially with
11 newer frequencies, to boost antenna signal and
12 manage the carrier's operations between those
13 three frequencies. So HDR is looking at many
14 upgrades from early generation cell towers where
15 there's new antennas being swapped in and these
16 remote radio heads being added to them as well.

17 This would be a perspective of
18 plantings, at least the initial height of the
19 plantings. Here's the equipment compound. The
20 entire area would be surrounded by an 8 foot tall
21 chain linked fence. So that's an aesthetic
22 feature for you to consider at the base of the
23 tower. The shelter is just a little bit taller
24 than the proposed fence. I think the maximum
25 height is 9 1/2 feet. Here's a connection with a

2 cable bridge between the equipment shelter where
3 AT&T would house it's base radios and switches
4 and other equipment. Cables would be routed up
5 within the inside of the monopole and connect to
6 the antennas up here. Just to orient you on some
7 of the drawings.

8 I mentioned a generator. A 50 kilowatt
9 diesel powered generator is also part of this
10 proposal. A motion sensor is being added.
11 Important to note, this height of a tower, given
12 it's location here in Marlborough, there's no
13 lighting or strobe lighting that would be
14 required at the top of it. 200 feet, and we're
15 well below that. We're at 130 foot. A 200 foot
16 tower and taller are a cut off for the FAA, the
17 Federal Aviation Administration. Sometimes a
18 lower height too. If you're looking to go in
19 proximity to an airport, there could be a
20 specific FAA determination that's needed. But
21 here, and this is an important point because it
22 plays into some of our conversations with the
23 State agencies, there is no lighting needed, or
24 required, or proposed on the top of the tower.
25 Rather a motion sensor in case there's a service

2 visit that would be needed at night for some
3 reason, to fill up the generator or stop the
4 generator during a power outage, an extended
5 power outage, or to service base radios within
6 the equipment compound.

7 In terms of the height here, I brought
8 up under site plan issues, and I think it will
9 come up again in this discussion, there is a
10 waiver that's being requested -- there are two
11 waivers that are being requested at this point.
12 One is with regard to the Town Code in terms of a
13 fall zone. Worst case activity -- these things
14 do not collapse very often. We hear about it all
15 the time. In a catastrophic situation the
16 applicant is proposing to put a hinge point at
17 about 40 feet from the top of the pole, more or
18 less. So from 0 to 89 feet there would be a
19 hinge point that if there is some kind of
20 catastrophic failure, this pole would fail at
21 that point. It's a point of weakness. So the
22 top 40 feet or so would collapse down. The
23 waiver that's being requested is that the
24 setbacks on two sides are less than twice that 90
25 feet that remains, or the 89 feet that remains.

2 So if you do the math and say okay, if this top
3 40 feet of the tower collapses, it means it sags
4 down or falls within a very small radius, which
5 is a good idea. The remaining 89 feet would
6 require -- 89 times 2 -- 178 feet. That's a
7 strict interpretation of the code. If there's a
8 point of weakness it's going to be probably
9 absorbed by that hinge point here. But many
10 towers do not have a hinge point, and that
11 measurement of the fall zone or setback distance
12 is often dictated by the total tower height.
13 What I'm suggesting is we take the part below
14 that hinge point here, multiply by two as per the
15 code, and that would require a couple waivers. I
16 believe in the northern direction and the western
17 direction towards the slope are the shorter sides
18 that don't have that 178 foot setback at this
19 time.

20 CHAIRMAN BRAND: They're at 131 and 92
21 respectively.

22 MR. MUSSO: Right. Which are both
23 within one times that height but not within two
24 times. I do say I've worked with municipalities
25 where that fall zone or that setback is not

2 included in different town codes. It is here in
3 Marlborough. So it is a consideration and it's a
4 waiver that has to be considered.

5 MS. LANZETTA: I have a question with
6 the built-in hinge there. How does that affect
7 possible co-location sites?

8 MR. MUSSO: It shouldn't. They're down
9 about 40 feet from the top, so that would be at
10 about 90 feet. The applicant did provide some
11 co-location in a structural report, and
12 essentially it was for three additional providers
13 separated by about ten feet on the way down. So
14 130, 120, 110 and 100. It should be below that
15 point as a point of failure. When it's a hinge
16 it's not a point of weakness, it's just something
17 that's -- it is a point of weakness but it
18 doesn't make co-location or anything above it
19 unstable to co-locate on. It still can be put
20 in. The foundation and the pole can still
21 accommodate the co-location, it would just be
22 when there's a wind sheer or wind stress, that
23 would be the first thing to fail. That's, I
24 think, a pretty smart design to have because
25 you're taking some of the top part of that tower

2 and ensuring that it falls somewhere very close
3 to it's base.

4 MR. CLARKE: Which direction is the --
5 would the hinge release the top of the tower to?

6 MR. MUSSO: That's a good question. I
7 don't think that's specified. It's a general
8 point of weakness.

9 MR. CLARKE: If you had more space to
10 the south or the east --

11 MR. MUSSO: Maybe the applicant --

12 MR. WALTERS: Adam Walters. It's not a
13 hinge as you think of a hinge where it's a
14 specific direction. We call it a hinge point but
15 what it in essence means is one section of the
16 pole has been designed to the wind load standard,
17 and the rest above and the rest below have been
18 overdesigned to go up above the standard so that
19 if there is a wind force --

20 MR. CLARKE: It depends on the wind
21 which way it will break.

22 MR. WALTERS: Exactly. If you get a
23 gale force wind coming in from whatever
24 direction, it's designed to weaken at that point,
25 and it kind of folds like a straw if you think

2 about it. It is a round object, if you will. So
3 it sort of bends like a straw in whatever
4 direction the wind would be pushing.

5 MR. MUSSO: All right. Getting back to
6 the site plan. I mentioned the landscaping which
7 ties into the second proposed waiver. The code
8 has a provision for 8-foot evergreen trees,
9 meaning 8 foot at the time of planting. You can
10 see on the plan here 70 -- in excess of 70 shrubs
11 planted around almost all four sides of the
12 equipment compound. So that's something to ask
13 about. We didn't like the idea of having
14 Arborvitae there for different reasons. In our
15 region of the Hudson Valley we've seen those kind
16 of be ravaged within six months to a year. The
17 applicant did provide a couple other species that
18 we feel a lot more comfortable with. Blue Point
19 Junipers, which are 2 feet at planting but get to
20 15 to 30 foot at maximum growth. This is several
21 years, obviously, down the road. And Little Leaf
22 Blockwood which are 3 to 6 feet high. Those are
23 the two waivers.

24 MR. CLARKE: Are there going to be any
25 maintenance of those plantings?

2 MR. MUSSO: I'll get to the
3 recommendation on the maintenance plan. That
4 would include fencing, landscaping, road, the
5 whole bit. That would have to be worked into a
6 maintenance plan by all means.

7 Visual impact. So getting back to the
8 report. This is really what I would like to
9 spend a couple minutes on. So a couple things we
10 wanted to follow up on within the visual impact
11 analysis. I noted that in December there were
12 revised photos submitted for the 130-foot
13 monopole at Ann Kaley, and there were also those
14 photos from the 110 foot at the high school site.
15 I'm going to run through those with you in a
16 minute.

17 Early comments, discussion at the
18 February meeting, and I think recent discussion
19 looking at views of this site and viewshed that
20 would have views from the Hudson River and from
21 areas at a distance, we wanted to evaluate that
22 in a little more detail. The applicant has not
23 provided those specific viewpoints from across
24 the river in Dutchess County but we wanted to
25 hopefully put a little bit more perspective on

2 that. In looking back to HDR's earlier comment
3 on this, the idea about the DEC guidance for
4 visual assessments would look at a five-mile
5 radius. We also wanted to put a little bit more
6 forth on that. We did speak with the DEC and
7 tried to get some input on their guidance, and we
8 also spoke with the State Historic Preservation
9 Office, specifically on cell towers, and we had
10 pretty good success, actually, in getting in
11 touch with people that provided some input.

12 So photographic renderings. Let's see
13 the best way to do this. I'm going to jump to
14 the appendix now and run through these with you.
15 This is the Ann Kaley site at 130 feet. So
16 they're right in the middle of these one-mile and
17 two-mile radius rings. You see the Hudson River
18 here as orientation. North is up. The tower
19 location is right in the middle here. The red
20 images here that are dark, as they show up, would
21 be projected visibility of the 130-foot tower.
22 We asked for methods to be provided on how this
23 was done. Saratoga Associates was the firm that
24 prepared these. They did confirm what methods
25 they used. It's a desktop analysis. It's also

2 based on the early balloon test and then looking
3 at vegetation in the area by sight recognizance.
4 We felt pretty good about that. That's how
5 visual assessment is normally done.

6 This is the same map but an aerial map
7 image or satellite image. The yellow depicts
8 where they took photos from.

9 I'm going to run through some
10 simulations for you. This is from out front at
11 Ann Kaley looking west back towards where the
12 tower would be. I wanted you to keep that home
13 in mind for a minute because I'm going to come
14 back to this. This is one of the prominent homes
15 you can see even across the river up on the ridge
16 here. I don't know if we can dim the lights for
17 effect. I don't know if that works.

18 I'll run through these with you.
19 There's a before and after image on each of
20 these. Again, here's some of the photo sims of
21 before and after pictures. Here's from behind
22 Ann Kaley looking to the east towards the river.
23 The same view from up behind. That's an
24 interesting one here. I think that stand of
25 trees should be preserved according to the plan.

2 That certainly is helpful for those trees in the
3 foreground. Here's a view that I'll show you
4 again. This is out front looking back towards
5 the west. And then I'll return to the high
6 school shots in a minute.

7 So the visual assessment did summarize
8 what was provided, what was requested. They did
9 do the revisions as I spoke about. We then felt
10 it necessary, just to do due diligence, to reach
11 out to the State agencies I spoke about. So we
12 did get in touch with somebody from the New York
13 State DEC who administers visual guidance. What
14 I put in here for you on page 10 of the memo are
15 really what defines what is a critical visual
16 impact and not. That's right out of the DEC's
17 guidance. The DEC had noted that their guidance
18 -- they really don't get many calls on cell
19 towers 130 up to 200 feet. Where they really
20 applied this guidance to tower structures is for
21 wind farms, wind turbines that normally are
22 several hundred or in excess of 300 feet tall.
23 What they did confirm, aside from what a board or
24 somebody evaluating whether a visual impact is
25 significant or not, is also to defer to State

2 SHPPO about that. So I did speak to somebody and
3 was very fortunate I got in touch with the person
4 I did. I gave him the SHPPO no effect or no
5 determination letter that the applicant submitted
6 and I said well do you guys have a file on this,
7 the Ann Kaley site. This person was kind enough
8 to go back through the file. He noted what had
9 been provided early on. There was early photo
10 sims of 150 feet, there was the set of drawings,
11 there were referral letters to different
12 agencies. He said everything is here and this is
13 what we looked at for our no effect
14 determination. I said well what do you normally
15 look at in terms of the radius, the viewshed
16 radius. He described to me something that I was
17 aware of, the FCC had an agreement or a
18 commitment to work and to evaluate cell towers or
19 other wireless towers in sensitive viewsheds.
20 This might go into State and National parks, it
21 might go into tribal lands or other stipulated
22 properties. In general what's looked at is a
23 half mile radius. In this case the applicant
24 went out a little bit further than that. I asked
25 SHPPO, I said when would you go further, when

2 would you expand that area of potential effect
3 radius. He said it is done, again, with tribal
4 lands or something that's very sensitive. What
5 he indicated to me was about a three-mile radius
6 is about the max that he's seen in his personal
7 experience. So again, SHPPO, there's a no
8 determination letter. I now have confidence that
9 SHPPO looked at the application info. Yes, it's
10 changed since then. The tower has gotten a
11 little bit shorter. They did have the file on
12 the Ann Kaley Lane site and did confirm that they
13 -- if they were to flag some kind of critical
14 view they would have done it and not have the
15 determination that they made on that.

16 So we then went over to Dutchess
17 County, and this is a two to three-mile radius.
18 Let me just blow up a couple of these images. We
19 were very curious, and I know there's some
20 feeling about those views in the river or further
21 east on the other side. This is a view here from
22 the Wheeler Hill district I think in New Hamburg.
23 You can see these types of views which are
24 somewhat typical from that side of the river,
25 either from here or from Bodoin Park in

2 Wappingers Falls. We do have some trees that
3 kind of shield the view from the river and
4 across. You might get a view of the tower if
5 this is built at Ann Kaley at 130 feet. This
6 view, it would be slightly to the right or to the
7 north up river. We then took several at Bodoin
8 Park. I included a couple here. So this goes
9 back to that photo simulation I showed you of the
10 Ann Kaley site. Here's the tower at 130. I
11 asked you to keep an eye on that home up on top
12 of the ridge. In scrolling down here -- I'll try
13 to get this lined up right so I can toggle back
14 and forth. Here's a view from Bodoin Park. That
15 would be that same prominent home which is
16 visible across the river. I wouldn't have
17 thought that before Stacy got out and did this.
18 So there's that home here. This would be the
19 tower, at least how they're defining it, 130 feet
20 with the gray finish. I guess the fortunate
21 thing about that site in terms of these views
22 from the east would be nothing would be rising
23 above the ridge line. I just wanted to get this
24 out here, some perspective with further afield
25 views that might be out -- that might be of

2 interest.

3 I have some other photos from Bodoin
4 Park as well, walking along the waterfront a
5 little bit. There's quite a bit of vegetation in
6 some areas. This is where Stacy found, I think,
7 the clearest view to the river and across to this
8 area of Marlborough.9 I wanted to memorialize, at least for
10 this Board, the view -- the visual impact
11 analysis that was done for the high school
12 property. So whatever happens with that, or
13 whatever discussions might ensue with that, I put
14 in a little bit here from what we analyzed back
15 in July of last year. Remember at that time we
16 didn't have any photo simulations to compare or
17 contrast. Stacy did a pretty nice mockup based
18 on an auto CAD and some visual software that we
19 have inhouse.20 Just to get oriented here, the arrow is
21 showing the south end of the high school. That
22 would be that area that we had discussed
23 previously at several meetings for the 110-foot
24 tower at the high school.

25 What I'd like to do again is to jump to

2 another attachment. So just like we saw for what
3 was provided for the Ann Kaley site, I gave you a
4 sample of some of those photo simulations.

5 Here's what was provided in December for the high
6 school site. So as would be expected, we have
7 less view to the river. That kind of coincides
8 with coverage, line-of-sight coverage. We do
9 have some more views up to the west and north
10 than we do at Ann Kaley. Hard to say, just based
11 on these red shaded areas, what's better or
12 worse. I think that's up to the Board to think
13 about.

14 Running through the simulations that
15 were provided, this is from the field looking
16 back south towards the lease area. These are
17 what the sims would look like. That's 110 feet.
18 Another angle of the high school. I have other
19 tall structures obviously on the campus, like
20 light fixtures around the fields. A little bit
21 peaking above the roof there from out front.
22 Here's some homes in the vicinity and how a tower
23 may or may not line up. That's shielded by trees
24 but probably moving into this yard you get a
25 better angle of that.

2 Photo simulations normally are taken by
3 not getting onto private property. The applicant
4 would look to get into a public street. That's
5 where they do their photos from.

6 A little bit back over here. Just a
7 little bit over here.

8 As far as visuals go, I'm not going to
9 say it's formality but we just want to be
10 diligent and we want to provide that because we
11 didn't have a chance to present you with this in
12 one report prior.

13 Cultural resources I touched upon a
14 little bit. There is a SEQRA E.A.F. short form
15 that was filled out. There is a cultural
16 resource assessment that was done, an
17 archeological study of a phase 1-B report as it's
18 called. A different area of potential effect and
19 visual. This would be based on the actual
20 proposed construction of that 60 by 60 foot
21 compound for the pole and the equipment, some
22 improvements to the access road as well.
23 Nothing was culturally significant in that
24 report. In fact, the report noted that much of
25 that entire property has been tilled or reworked

2 over the years. So there was nothing that was
3 found there during that survey.

4 Then just running through the findings
5 real quick. I'm sure you may have some
6 questions, which hopefully I could help answer.
7 Our conclusions or findings here, the Ann Kaley
8 site appears to be a reasonable option looking at
9 the existing site, looking at the treeline and
10 also looking back to that alternate site
11 analysis. At the onset of this presentation
12 tonight, though, I did note that we felt that the
13 high school would be a viable alternative. We do
14 agree that the Ann Kaley site is optimal when
15 dealing with AT&T's target coverage area. The
16 130 feet also seems reasonable. We feel it would
17 allow for co-location. It's getting over
18 treeline height to meet coverage to 9W and points
19 south and east. The ridge line to the west is, I
20 think, advantageous to this site from many views
21 from the south or from east, across the river for
22 instance. And from the north you will have the
23 backdrop of a hill rather than a bare tower view.
24 No FAA lighting is required, which is important.
25 And the visibility, I think that the balloon test

2 and visual impact did show rather focused areas
3 of visibility.

4 I know I said this before in front of
5 the Board. I would never say that these are
6 invisible. They never are. There's going to be
7 visual impacts. But I think it's up to the Board
8 to think about some of the things that I lay out
9 further in terms of configuration of colors or
10 even going back to the high school alternative.

11 The radiofrequency emissions are in
12 compliance with Federal Laws. I mentioned the two
13 waivers earlier and then a series of
14 recommendations. County filing as you heard from
15 Ron about, the configuration. We would probably
16 recommend a conventional monopole here. That's
17 what we saw in the photo simulations. I think a
18 stealth tree might have merits here. Don't
19 laugh. Looking at the photos that we included in
20 this report, it's going to be very hard to match
21 that during all times of year. The stealth tree
22 does work in some areas where there's pine in the
23 vicinity, but it also adds bulk and it's a
24 permanent color. So a conventional monopole I
25 think would be a decent option to consider here.

2 The applicant has suggested a gray finish.
3 Whatever color you decide on, I think it has to
4 be specified to be a mat, a non-shiny finish.
5 That's important with these towers. A tan or
6 brown might work here well after looking at some
7 of the photos from across the river. Any
8 ancillary equipment, like panel antennas, cables,
9 anything that might be visible, they should match
10 the pole itself.

11 Equipment compound fencing, chain link
12 seems to be a good option. There's not going to
13 be, I don't think, many views of the fencing
14 itself or the proposed landscaping. The shelter
15 will be predominantly behind that chain link
16 fencing, but a gray or tan is a typical color of
17 the equipment shelters.

18 Structural analysis and foundation
19 analysis. I noted that the applicant has
20 submitted one for the 130-foot monopole. We did
21 look at the basis of the design, the criteria
22 that were used, the wind speeds that were used.
23 They're specific to Ulster County but we do
24 suggest that a final be provided later on, and a
25 couple of reasons why. The Board may not agree

2 with the conventional monopole based on
3 discussion. There might be some impetus for
4 another type of configuration. A stealth tree,
5 for instance, would change that structural
6 design. It's a completely different analysis
7 than a conventional pole. If there's any
8 shifting at that area of the property, then a
9 final structural analysis should be provided.

10 I touched on the hinge point or the
11 point of weakness at about 40 foot down from the
12 top. If that waiver is further discussed
13 tonight, there might be an option, might be an
14 option, to put in a second hinge point so that
15 the applicant would need -- would not need to
16 deal with the waivers. I haven't looked at the
17 feasibility or viability for that, but that would
18 have to make it's way into the structural
19 analysis as well.

20 And last, and this is really a
21 hypothetical for you to consider as a planning
22 exercise, co-location is absolutely viable below
23 130. The idea about possibly, possibly allowing
24 a height extension in the future might be a good
25 planning exercise. I've worked on sites where

2 new facilities were built. There was one
3 co-locator that comes below and then the third
4 guy says we would love to co-locate here but
5 here's a banker's box full of coverage maps why
6 we can't do it, why it doesn't work, but if you
7 gave us another 10 feet on this monopole it will
8 work for us. That's something that you may or
9 may not be confronted with in the future. A
10 structural design perhaps can address that now.
11 That's no endorsement that there should be a
12 taller pole here. It's looking down the road and
13 recognizing the changes in the industry. That
14 might be something you're interested in
15 considering for the structural analysis.

16 I have some other notes that can be
17 considered as conditions regarding construction.
18 Dealing and coordinating with the building
19 department. Maintenance was issued not just for
20 the appearance of the pole itself but also for
21 the landscaping, the fencing, the equipment area.
22 Those are the major items in the report.

23 It's a lot I just went over, I realize.
24 I probably took more time than I should. I'm
25 very happy to try to answer any questions or

2 comments that you might have.

3 CHAIRMAN BRAND: I have a question for
4 the AT&T representative. The two hinge points,
5 is that something that's viable, in your opinion,
6 for the pole?

7 MR. WALTERS: I've been doing this for
8 about twenty years and I've never seen two hinge
9 points. One hinge point usually is more than
10 sufficient. It does ensure that in the event of
11 unexpected gale force winds, the tower would
12 hinge rather than completely collapse. Here
13 we're talking about a waiver of a double setback.
14 If you're familiar with the area where the pole
15 is located, or proposed to go on the Ann Kaley
16 farm, it's way in the back of the site. You kind
17 of have to drive into the vineyards and go up
18 above the hill to get there. It's a fairly
19 wooded, secluded area. It's not like there's
20 anything close to the property lines on the far
21 side. We think this is a perfect case for a
22 waiver with the single hinge point and ensures
23 without a doubt that in the event of a
24 catastrophic failure, as Mike said, we talk about
25 it a lot in this industry but it really doesn't

2 happen very often, the tower would absolutely
3 stay on the property. Therefore we think we have
4 addressed the intent of your setback law, which
5 is to make sure your tower stays on your
6 property.

7 MR. HINES: The only thing is you don't
8 have control of that adjoining property in the
9 future. The setback is from the adjoining
10 property line to protect the neighbors, not
11 necessarily the location where the tower is.
12 Should something occur on that adjoining property
13 in the future, it could be impacted by that.

14 CHAIRMAN BRAND: And the setback
15 currently would only account for if the hinge --
16 if it bent at the hinge point It would cover the
17 130 of the tower?

18 MR. WALTERS: Right. That design is
19 ensured. It's so that that happens first under
20 any circumstances.

21 CHAIRMAN BRAND: Anything else from the
22 Board?

23 (No response.)

24 CHAIRMAN BRAND: Anything else, Ron?

25 MR. BLASS: No. I was looking at the

2 record. It appears that the Board had closed the
3 public hearing as of the February 1st meeting.
4 There are disclosures in the record that if there
5 was to be another site pursued other than the Ann
6 Kaley site, there would need to be an independent
7 and separate public hearing and processing of the
8 application through public hearing.

9 So the public hearing has been closed.
10 We've received a report from Mike, which unless
11 I'm wrong, Mike, seems to be a favorable report
12 relative to the approval of this facility at this
13 location.

14 MR. MUSSO: Yeah. There's a couple
15 waivers to consider. Yeah, it's a reasonable
16 site all things considered. I know we've been at
17 this for awhile. It's been two years but there
18 was a long hiatus for the applicant to get their
19 alternate site analysis done. I've never looked
20 at as many alternatives as I have with this site.
21 Just perspective on it. I think it's been very
22 thorough to this point.

23 MR. BLASS: To put it in perspective,
24 although the Ann Kaley site application was
25 tabled by the applicant at the February 1st

2 meeting, which was the last meeting of the Board,
3 by letter of March 29th the applicant advised the
4 Board that it wished to focus all attention on
5 the Ann Kaley site, not to pursue the high school
6 site for reasons of coverage, differential and
7 for reasons of poor aesthetic differential in
8 terms of visibility of the tower at the high
9 school site compared to the Ann Kaley site. So
10 since there is no application in front of you for
11 an alternative location other than Ann Kaley,
12 that position of the applicant has put the Board
13 in the position of needing to make a decision,
14 either approval, disapproval or conditional
15 approval, of the Ann Kaley site. You have no
16 alternative.

17 MR. CLARKE: We have to wait for the
18 County to come back with their report.

19 MR. BLASS: I'm not suggesting we do
20 that tonight. I'm just suggesting that that is
21 the position that the applicant has placed the
22 Board in.

23 This needs to be referred to the County
24 Planning Department to close the conclusion that
25 it was an incomplete referral to begin with.

2 They will have thirty days to respond. I'm not
3 sure whether they'll take the entire thirty days.
4 They may come back and say it's a matter of local
5 concern or they may have other concerns for you
6 to address by way of recommendation.

7 There is a request for a couple of
8 waivers, as you heard this evening. The Planning
9 Board has the power to waive the terms and
10 conditions of the regulations of Chapter 152.
11 There's a request to reduce the two times height
12 setback from two times 130 feet, which would be
13 260 feet, down to as small a separation as 92
14 feet from the adjoining property line based upon
15 the design of the tower, the projection of how it
16 would fall as you heard this evening, and the
17 character of the location of the tower relative
18 to anyone getting in harm's way I guess you'd
19 have to say. There's also a request for a waiver
20 to reduce landscaping below the eight-foot
21 requirement set forth in the code.

22 CHAIRMAN BRAND: Just to jump in, the
23 92 setback that you have, that's the side closest
24 to the western side of the site where it's the
25 steep rise or that's the --

2 MR. WALTERS: Can we ask Mike to cull
3 it up?

4 MR. HINES: I think it's the northern
5 side.

6 MR. MUSSO: Here is a Google image.
7 North is to the left. I'll put the plans up in a
8 second. Here's the entrance road to Ann Kaley.
9 So this is the ridge up here; right?

10 MR. WALTERS: Mm hm'.

11 MR. MUSSO: Let me pull up the
12 drawings. It just gives existing conditions of
13 what's there, the land use around there now. So
14 the distance -- north is up. The setback is
15 south. This is 780 feet. That's fine going out
16 to Prospect. Obviously this is fine. So it's
17 north.

18 MR. WALTERS: And it's 92.

19 MR. MUSSO: 132 going in the northern
20 direction. Again, the hinge point -- minus the
21 hinge point, that's about 90 feet where the
22 bottom of the tower would collapse in that
23 direction. Not two times as per the code but the
24 90 feet still would be okay with that. And then
25 to the west, although it's not shown here, I

2 think it's on another, this is where the 92 feet
3 to the property line is. So even at the hinge
4 point you're right at one times actually.

5 MR. CLARKE: How close is the nearest
6 structure --

7 MR. MUSSO: I guess going back to --

8 MR. CLARKE: -- to the west?

9 MR. MUSSO: That's a good question. So
10 this would be back in this direction here. The
11 tower is actually over here. So west is this
12 way. Do you guys have any --

13 MR. HINES: I think that's the
14 prominent house on the hill.

15 MR. MUSSO: It's got to be that.

16 MR. CLARKE: There are no safety issues
17 involved?

18 MR. WALTERS: To that direction.

19 CHAIRMAN BRAND: Sorry to interrupt,
20 Ron.

21 MR. BLASS: Pardon?

22 CHAIRMAN BRAND: I'm sorry to interrupt
23 you.

24 MR. BLASS: No problem. I think what
25 you need to do is refer the matter to the Ulster

2 County Planning Department. Probably you should
3 table this matter for four weeks out to give them
4 the time to fulfill the statutory time to make a
5 recommendation and see what happens. You may be
6 able to make a determination on the majority
7 vote, you may need to have a supermajority vote
8 to make a determination depending on what the
9 County does.

10 CHAIRMAN BRAND: Do we need to make a
11 motion to send it to the County or we just send
12 it to the County?

13 MR. BLASS: I think we just send it to
14 the County administrerially tomorrow.

15 CHAIRMAN BRAND: We'll go ahead and do
16 that and see what their determination is. Thank
17 you.

18 MR. BLASS: Do you want to table this
19 matter for the -- let's see -- the second meeting
20 of June?

21 MS. FLYNN: June 20th.

22 CHAIRMAN BRAND: June 20th is the
23 second meeting. Do you think we'll have it back
24 by June 20th?

25 MR. BLASS: Definitely.

2 CHAIRMAN BRAND: We'll table it until
3 the June 20th meeting.

4 Do I have a motion for that, a motion
5 to table to the June 20th meeting?

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

7 MS. LANZETTA: I'll second it.

8 CHAIRMAN BRAND: All those in favor?

9 MR. CLARKE: Aye.

10 MR. TRAPANI: Aye.

11 MS. LANZETTA: Aye.

12 MR. TRUNCALI: Aye.

13 MR. CAUCHI: Aye.

14 MR. LOFARO: Aye.

15 CHAIRMAN BRAND: Aye.

16 Any opposed?

17 (No response.)

18 CHAIRMAN BRAND: Okay.

19 MS. NASON: If I could just add
20 quickly, AT&T is very appreciative of the Board's
21 time. We're not trying to back you guys into a
22 corner here. We just feel after the two years of
23 review, we've really seen throughout all the
24 documentation and third-party consultation that
25 this really is the most reasonable site, the

2 optimal location. We're getting the greatest
3 coverage out of this while really reducing any
4 potential visual impacts.

5 MS. LANZETTA: We understand it's best
6 for AT&T too. We still are not in agreement it's
7 best for the Town.

8 MR. WALTERS: We would respectfully
9 disagree but we understand that's your decision.

10 CHAIRMAN BRAND: I think one of the
11 things for me personally is the lack -- just the
12 lack of clear direction. You agreed to that site
13 and now it seems like you've done a complete 180.
14 That's a little troubling for me personally as
15 well.

16 MR. WALTERS: I was the one who stood
17 up here last in February and said I think if you
18 give us clear direction AT&T will go in that
19 direction. The problem is you did a very
20 detailed resolution, and we shared that
21 resolution with AT&T, and they evaluated -- they
22 looked at the record, they are as familiar with
23 it as we are, and they said wait a minute,
24 looking at the reasons the Board cited, these
25 things are clearly wrong and so what are we doing

2 here. That triggered a whole high level
3 evaluation of the two sites at a fairly high
4 level within AT&T. I will tell you it went to a
5 very high level before the answer was this
6 doesn't make any sense. We're going to a site
7 with less coverage and more visual impact and we
8 don't know what we're in for when we have public
9 hearings in that neighborhood, so we're just --
10 this is not something we would be comfortable
11 with.

12 We understand you have to make a
13 decision. If it's an adverse determination,
14 obviously that's what it is. We'll then march
15 off to court. We'll spend a lot of time in court
16 for the next two years, but in the interim you're
17 still going to have very little coverage in this
18 Town. This was the issue when we first came in.
19 There was an acknowledged lack of coverage in
20 this Town. We have a way to remedy it. We think
21 it's a good way. Mike seems to agree it's a
22 reasonable approach. We understand there have
23 been various reasons for going in different
24 directions, but at this point I think the record
25 is clear, I think, I hope the path is clear, but

2 obviously that's your decision. That's why you
3 guys get paid the big bucks.

4 MR. CLARKE: If it's clear, it's well
5 defined now, there's only one choice. It's our
6 choice to say yes or no. It's that simple.

7 MR. WALTERS: It is that simple.

8 Agreed. Thank you.

9 CHAIRMAN BRAND: Thank you.

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11 (Time noted: 8:32 p.m.)

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

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

10 That hereinbefore set forth is a
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 31st day of May 2016.

18

19

20

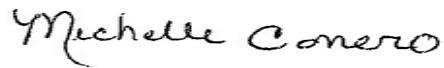
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MICHELLE CONERO

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

In the Matter of

4

5 GELA GROUP

7 1970 Route 9W
Section 103.1; Block 2; Lots 65 & 66

DISCUSSION
LOT LINE REVISION

11 Date: May 16, 2016
12 Time: 8:33 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman
16 JOEL TRUNCALI
16 BEN TRAPANI
17 CINDY LANZETTA
17 JOSEPH LOFARO
18 MANNY CAUCHI
18 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

2 CHAIRMAN BRAND: Next up,
3 Troncillito Brothers.

4 MS. BROOKS: While they're finishing
5 up, I just wanted to make sure that you received
6 the information from Tom Corcoran regarding the
7 Gela Group and if you had any questions on it
8 before the public hearing, or are we set on that?

9 MR. BLASS: That was from the previous
10 meeting.

11 MS. BROOKS: That was from the previous
12 meeting that there was a question about Tom
13 Corcoran's letter of the setbacks.

14 MS. LANZETTA: Oh, yeah.

15 MS. BROOKS: I met with him and he
16 prepared another document, and I just wanted to
17 make sure that I made sense and everybody was
18 satisfied before we get to the public hearing.

19 MS. CLARKE: He appreciated it.

20 MS. BROOKS: I just pointed out
21 something that may have been overlooked. We're
22 good?

23 MS. LANZETTA: Mm hm'.

24 MS. BROOKS: Okay.

25 (Time noted: 8:33 p.m.)

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

5

6

7

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

10 That hereinbefore set forth is a
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 31st day of May 2016.

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Michelle Conero

MICHELLE CONERO

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

In the Matter of

5 TRONCILLITO BROTHERS

7 267 Lattintown Road
Section 108.3; Block 2; Lot 36

SKETCH SITE PLAN

11 Date: May 16, 2016
12 Time: 8:34 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

15 BOARD MEMBERS: CHRIS BRAND, Chairman
16 JOEL TRUNCALI
16 BEN TRAPANI
17 CINDY LANZETTA
17 JOSEPH LOFARO
18 MANNY CAUCHI
18 STEVE CLARKE

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

21 APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

2 MS. BROOKS: The application before the
3 Board this evening for Troncillito Brothers is
4 for a revision to a site plan approval which
5 previously was granted in 2006. The change is to
6 allow outdoor storage. Right now there are
7 recreational vehicles, a tow truck, a boat, a
8 mobile RV repair vehicle that is stored at this
9 site.

10 When the site plan approval was
11 originally granted it was for an industrial use
12 of an application, and at that point in time
13 there had been a provision that there was to be
14 no outside storage of any of those steel
15 materials.

16 At this point in time we're looking for
17 the addition of outdoor parking on the site. The
18 outdoor parking basically is in the location of
19 where all the agricultural trucks are. I only
20 have one copy. This is actually a real picture
21 from a camera in an airplane. I'll pass this
22 picture along. You can see where the parking is
23 that we're proposing now. It's consistent with
24 all the agricultural parking that previously took
25 place at the site when it was --

2 CHAIRMAN BRAND: That's the ten to
3 twelve spaces?

4 MS. BROOKS: Yes. We did receive Pat's
5 comments. I could not find where this had gone
6 to DPW previously. I'm not sure why it didn't
7 back in 2006. I would have thought it would have
8 gone back then. I couldn't find any documentation
9 in my file where we had sent it. We'll send it at
10 this point in time.

11 I will have to find out from the
12 applicants where the sanitary facilities are
13 because I do not know.

14 All the parking that they're showing is
15 in the gravel and dirt areas, it's not in any of
16 the lawns. I'm hopeful, since it was parking
17 area previously, that the septic is not under
18 that area.

19 MR. HINES: Do you know there actually
20 is one?

21 MS. BROOKS: Actually I'm not positive
22 there is a bathroom facility in there. I assumed
23 there was because it was the office previously.

24 MR. HINES: I'm just trying to get a
25 handle on it. The previous approval was for a

2 steel fabricator.

3 MS. BROOKS: When we had previously
4 gotten the approval back in 2006 we had
5 originally gotten the approval solely for that
6 particular tenant. In discussions with the
7 Planning Board, the Planning Board had said it's
8 a recycled agricultural building, you don't
9 necessarily want to come back here every single
10 time you have a new tenant. So instead of doing
11 a co-application with that tenant and the owner,
12 the Board's suggestion at that point in time was
13 to have the generic site plan of light industrial
14 activities and recyclable agricultural buildings,
15 that way each time a tenant changed, as long as
16 it fell within the general conformity of a
17 recycled agricultural building and a light
18 industrial activity, the applicant would not have
19 to come back. I'm not sure how many tenants he's
20 had since 2006 but this is the first tenant that
21 he has in there that is expanding beyond what the
22 original criteria was in that he has outdoor
23 storage or parking of vehicles which were not
24 previously approved in the 2006 plan.

25 MR. HINES: So it's going to become an

2 automobile repair shop? Is that what it's going
3 into?

4 MS. BROOKS: He repairs RVs, not
5 automobiles, to the best of my knowledge. I
6 think it's RVs. He has a large tow truck that
7 can haul the RVs and he has a mobile motor
8 vehicle repair shop that goes to where they are
9 broken down on the road, where they are at an RV
10 park, campground, wherever they happen to be.
11 Yes, they are also on the site.

12 I actually have another photograph of
13 the site now showing the location of the RVs, if
14 you want to pass that around.

15 Yes, the hours of operation are 5 a.m.
16 to 10 p.m., the hours of operation that had been
17 previously set and were part of the site plan
18 approval. I was trying to make as few changes as
19 possible to the original site plan approval by
20 just adding what we wanted to add, but certainly
21 we can revise those hours to be more consistent
22 with what the proposed use is going to be. It's
23 certainly unusual to have a -- most uses don't
24 have to be 5 a.m. to 10 p.m.

25 MR. HINES: The reason I asked the

2 question about the repair is my understanding of
3 the recycled agricultural building is it has to
4 meet the other uses allowed in that section of
5 the code, the RAG-1. I realize light industrial
6 activities is in there but I don't know if
7 automobile repair is. That's more of an HD zone
8 use.

9 MS. BROOKS: I will clarify with Mr.
10 Troncillito exactly what the use is on the site,
11 whether it's just storage and they're brought
12 there. I honestly do not know.

13 MR. HINES: Moving forward, I think a
14 more detailed narrative at this point. We're
15 starting to expand. I think it's clear the
16 original user, the steel manufacturer, everything
17 was indoors.

18 MR. TRAPANI: Ira Conklin was down in
19 the back.

20 MR. HINES: They were using that there
21 as a construction yard?

22 MR. TRAPANI: Yes. Those were the only
23 two that were there until now.

24 MR. HINES: The building inspector has
25 a concern that there are numerous vehicles there

2 on the site now and are unregistered.

3 MS. LANZETTA: They're illegal to be
4 there, period.

5 MR. HINES: Right. Worse, with this
6 operation going on there, there's no license
7 plates on there. He uses the term junkyard,
8 which is specifically not allowed there.

9 MS. BROOKS: Do you have a letter of
10 determination from the building inspector?

11 MR. HINES: Yeah.

12 MS. BROOKS: If I could get a copy of
13 that.

14 MR. HINES: Sure. He's suggesting, and
15 I have a comment in there, that a note be added
16 to the site plan if this moves forward that no
17 unregistered vehicles be allowed on that site so
18 that there's not the -- I don't know how many
19 vehicles are there. Apparently there's quite a
20 few there now and quite a few proposed.

21 CHAIRMAN BRAND: Do we know if the
22 vehicles currently there are registered or we
23 don't?

24 MS. BROOKS: I personally do not. I'm
25 reading this now saying they are not for

2 unregistered motor vehicles. My understanding --
3 well again, on the photograph my understanding is
4 that many of them were like tow behind RVs.

5 There are some tow behinds and some --

6 MS. LANZETTA: I've got a lot of
7 questions about this because if you look at the
8 code for recyclable agricultural buildings, it
9 says that any activities that take place here,
10 first of all that they should be preferably
11 something having to do with warehousing or
12 storage within the buildings themselves. It's
13 the use of the building, it's not the property.
14 You have to be careful that you're not creating
15 any nuisances with odor, noise, smoke, dust or
16 traffic generation. I suspect that we would have
17 a lot of that involved with doing a business of
18 that type on here.

19 It also specifies that the business
20 should not take up more than thirty percent of
21 the property. With all these parking spaces and
22 the building and blacktopping, it looks like
23 we're about almost half of the property here.

24 MR. HINES: Especially if you take out
25 the pond.

2 MS. LANZETTA: Yeah. Even right from
3 the get I don't know if this should even be
4 entertained for this spot. If it does become
5 something we're entertaining, then we have to
6 really look at this as a site plan that requires
7 a lot of modifications. There's going to be
8 stormwater problems. I looked at the original
9 site plan and the County's recommendations which
10 will require modifications were never done then.
11 I'm sure they are going to require them --
12 they're going to want them required for any
13 updating of this site.

14 You know, we're really talking about
15 if, if, and that's a big if, if we even consider
16 having some use like this in this spot, it's
17 going to require some big investment on the part
18 of the property owners to do it correctly. I
19 don't know if they really want to make that kind
20 of investment.

21 CHAIRMAN BRAND: Anything else?

22 Comments?

23 MS. BROOKS: I will bring the comments
24 of the Board back to the applicant and see where
25 he stands in the matter and either be back or

2 withdraw the application depending on what his
3 determination is.

4 MR. TRUNCALI: Ron, could you kind of
5 clarify for us what is allowed here?

6 MR. BLASS: It looks like we're under
7 155-21, recycled agricultural buildings.

8 Storage, processing and packaging buildings shall
9 include coolers, packing houses and barns. These
10 buildings may be utilized for non-agricultural
11 activities such as warehousing and long-term
12 storage when conducted without public hazard or
13 nuisance caused by odor, noise, smoke, dust or
14 traffic generation. A principal building with
15 attendant accessory buildings and outside storage
16 shall occupy no more than thirty percent of the
17 lot which shall be created for such purpose.

18 Such lot shall not be smaller than the minimum of
19 two acres. I'm assuming that the two acres is --

20 MR. HINES: This is 2.3.

21 MR. BLASS: And so the principal
22 building, the recyclable agricultural building so
23 to speak, and all accessory buildings shall
24 occupy no more than thirty percent of the lot.
25 So there's a mathematical standard there. The

2 lot shall not be smaller than 2 acres. All
3 buildings when recycled or completed shall meet
4 the requirements of the New York State Uniform
5 Fire Prevention and Building Code.

6 I would agree with Cindy that the gist
7 of the recyclable agricultural building use is
8 for storage, processing and packaging,
9 warehousing and long- term storage. I guess the
10 issue is whether that's what we have here or not.
11 The question I guess is where is the storage,
12 where is the processing, where is the warehousing
13 in the context of this use.

14 MR. HINES: One question that came to
15 mind is does it have a DMV license for repairing
16 the vehicles? That would lead me to believe it's
17 more an HD use.

18 MS. BROOKS: Right. If it does it's
19 not --

20 MR. HINES: I don't know what the RV
21 repair does. You can register them. I assume
22 you must need a repair license to fix them.

23 MS. BROOKS: Okay.

24 MR. TRUNCALI: Ron, those uses that
25 you're saying, those aren't the original uses of

2 the building?

3 MR. HINES: Agriculture. This was
4 direct towards when you had a lot more coolers
5 that were -- really the farmers were looking for
6 a use for the buildings.

7 MS. BROOKS: When we originally got
8 site plan approval it was under two provisions.
9 In the RAG-1 district, in addition to the
10 recyclable agricultural buildings which was
11 special use G, there are also special uses
12 allowed, neighborhood stores, light industrial
13 activities or businesses of a kindred nature
14 engaged in the manufacturing, processing,
15 packaging or warehousing of agricultural and
16 related products when conducted without public
17 hazard or nuisance, mining and excavation,
18 community buildings, recreation, amusement, home
19 occupations, helipads, nursery schools, kennels,
20 residences, cluster developments, bed and
21 breakfasts and resort hotels. Those are all the
22 things that are allowed in the RAG-1 in addition
23 to the recyclable agricultural buildings. If he
24 doesn't fit into that criteria, then it's not a
25 permitted use in that zone.

2 MR. BLASS: When we're talking about a
3 permitted use or not a permitted use, this is
4 really on the desk of Tom Corcoran. He's the
5 gatekeeper. He makes his own determinations. He
6 interprets the code. I'm not sure that he's done
7 that yet.

8 MR. HINES: He's waiting --

9 MS. BROOKS: Again, he's going on the
10 premise that the existing use is a recyclable
11 agricultural building. I think what I'm hearing
12 the Board saying is it has to prove that it's a
13 recycled agricultural building and not an
14 automotive establishment. So I have to -- the
15 burden of proof is on the applicant to show the
16 Board what the actual use is.

17 MR. BLASS: When the code speaks to
18 vehicle sales or vehicle repairs, it does so
19 specifically as Pat indicated such as in the HD
20 zone, under special uses you'll have automobile
21 service repair, filling stations, new and used
22 car sales. So I think there's a distinction
23 between vehicle repair and light industrial
24 activity.

25 MS. LANZETTA: Yes.

2 MR. BLASS: They're not the same.
3 They're treated differently by the code. So this
4 is really -- this is really an issue of
5 permissible use or impermissible use, which is
6 really not something that you guys typically get
7 involved in. It's the zoning administrator's
8 call.

9 CHAIRMAN BRAND: We bounce it back
10 to them?

11 MR. HINES: We can ask them.

12 MS. BROOKS: Thank you.

13 CHAIRMAN BRAND: Thank you.

14

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

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

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

10 That hereinbefore set forth is a
11 true record of the proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 31st day of May 2016.

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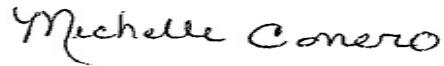
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MICHELLE CONERO

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

In the Matter of

5 MICHAEL MANTATTIS

SKETCH

LOT LINE REVISION

11 Date: May 16, 2016
12 Time: 8:49 p.m.
13 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL MANIATIS

MICHELLE L. CONERO

10 Westview Drive

Wallkill, New York 12589
(845) 895-3018

2 CHAIRMAN BRAND: Next up, Mr. Maniatis.

3 Did I get that right?

4 MR. MANIATIS: Good afternoon. My name
5 is Michael Maniatis, I'm the owner of the
6 property. I'm here with my wife, Mary Ellen,
7 sitting over there.

8 We live at 127 Church Street, right
9 around the corner from here. I've been there
10 about going on seven years.

11 Anyway, about a year-and-a-half ago the
12 application was for a lot line revision. A
13 year-and-a-half ago we bought the house next door
14 which was 125 Church Street. The property line
15 was a little unusual in that that property went
16 all the way around our property like a horseshoe.
17 It was divided up into three different
18 properties. I don't know if you have a map
19 there. The property we purchased was 103.1-2-31,
20 our property was 32 -- was 30, and then there was
21 another little piece of property on the end which
22 was dash 29 which was owned by lot 31. It just
23 had a different tax code. It's separate. So
24 anyway, we acquired that property.

25 So what we'd like to do is annex that

2 property, so annex 29 to 30, and then we extend
3 the lot line pretty much straight back so the
4 property behind the house would be part of the
5 house.

6 If you have any questions.

7 MR. TRUNCALI: There's no other
8 structures on the piece that you're adding?

9 MR. MANIATIS: No. The structures that
10 you see are -- lot 31 is a house and a one-car
11 garage, and then on our property there's a house
12 and a one-car garage. That's it.

13 CHAIRMAN BRAND: So lot 2 that you have
14 this mapped as, essentially there's just going to
15 be a straight rectangular lot and this is all
16 going to be one, 30, 29 and this piece?

17 MR. MANIATIS: Right. 29 will be
18 annexed to 30.

19 CHAIRMAN BRAND: Do you actually own
20 across the street as well?

21 MR. HINES: Yes.

22 MR. MANIATIS: Technically -- there's a
23 hill there. There's a road and then it goes up a
24 hill. So it's kind of unusable property. I know
25 it's unusual. Our property extends in there but

2 there's nothing you can do it with it.

3 CHAIRMAN BRAND: Ron, you had a couple
4 comments. I'm sorry. Pat, you had a couple
5 comments.

6 MR. HINES: Yeah. We have comments
7 about the roadway. We're suggesting that it get
8 submitted to Gael. We had one similar to this
9 down along the river recently. We would like him
10 to weigh in on it. If in fact Gael does agree, we
11 would want at least the roadway and the
12 maintained roadway there shown in the dashed
13 lines to be depicted as a road by use to clearly
14 define the Town has rights to that road by
15 maintaining it.

16 MR. MANIATIS: What road is that?

17 MR. HINES: Church Street.

18 MR. MANIATIS: That's just a public
19 road. The fact that our property line extends
20 beyond it, it's kind of curiouosity but --

21 MR. HINES: It's not unusual.

22 Typically if this was a new subdivision and not a
23 lot line change the Board would require a
24 dedication strip where that would be dedicated to
25 the municipality for roadway use. Because it's a

2 lot line change which has a little smaller
3 scrutiny, the Board, at a minimum, is going to
4 send it to the highway superintendent to make a
5 determination whether he wants that portion
6 dedicated. I think if he doesn't want it
7 specifically dedicated it should be labeled as a
8 road by use to protect the Town's rights that
9 they have there for any future use and
10 maintenance of those roadways. It could impact
11 the use. Potentially I don't think it's enough
12 to affect the bulk area of the one lot. It is
13 something Gael will have to weigh in on. We had
14 one of these six months ago in Milton as well
15 along the railroad tracks. Gael said he did not
16 want an additional right-of-way there. That may
17 be the case here, but we have to let him weigh in
18 on it.

19 The other thing is we want to confirm
20 that the lots are connected to both the municipal
21 water and sewer.

22 MR. MANIATIS: We don't have sewer.

23 MR. HINES: We're going to need to see
24 where the septic systems are shown on the map, at
25 least to determine that they are -- that each of

2 the house maintains their own septic system after
3 the lot line change.

4 MR. MANIATIS: Yes. That's not an
5 issue.

6 MR. HINES: It's probably the case but
7 we need it shown on the map.

8 MR. MANIATIS: No problem.

9 MS. LANZETTA: Can we schedule it for a
10 public hearing?

11 MR. HINES: I think so. As long as
12 Gael is okay with it, I don't see any major
13 hurdles here that can't be addressed in the next
14 month.

15 CHAIRMAN BRAND: He could probably get
16 those to us before June 20th.

17 MR. HINES: Yeah.

18 CHAIRMAN BRAND: Let's schedule this
19 for the public hearing as well on June 6th.

20 MR. MANIATIS: Do you want me to submit
21 a revised drawing showing septic?

22 MR. HINES: In the meantime I gave this
23 woman here a copy of my comments. You'll be able
24 to address that. If he has any questions he can
25 call my office.

2 MR. CLARKE: Make sure there's a
3 provision for a reserved field as well as a
4 septic.

5 MR. MANIATIS: Say that again.

6 MR. CLARKE: As well as the existing
7 septic, you need an area called a reserve field,
8 in case the initial septic field fails you have
9 someplace to go.

10 MR. MANIATIS: Right. Okay.

11 CHAIRMAN BRAND: I think that's it.

12 Thank you.

13 MS. LANZETTA: I'll make a motion to
14 schedule this for a public hearing on June 6th.

15 MR. LOFARO: I'll second.

16 CHAIRMAN BRAND: All those in favor?

17 MR. CLARKE: Aye.

18 MR. TRAPANI: Aye.

19 MS. LANZETTA: Aye.

20 MR. TRUNCALI: Aye.

21 MR. CAUCHI: Aye.

22 MR. LOFARO: Aye.

23 CHAIRMAN BRAND: Aye.

24 Approved.

25 Anything else to bring before the

2 Board?

3 (No response.)

4 CHAIRMAN BRAND: A motion to adjourn?

5 MR. CLARKE: So moved.

6 CHAIRMAN BRAND: A second?

7 MR. TRUNCALI: I'll second.

8 CHAIRMAN BRAND: All in favor?

9 MR. CLARKE: Aye.

10 MR. TRAPANI: Aye.

11 MS. LANZETTA: Aye.

12 MR. TRUNCALI: Aye.

13 MR. CAUCHI: Aye.

14 MR. LOFARO: Aye.

15 CHAIRMAN BRAND: Aye.

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17 (Time noted: 8:56 p.m.)

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

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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 31st day of May 2016.

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Michelle Conero

MICHELLE CONERO