

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924

March 17, 2011

Members Present:

Reynell Andrews
Lee Bergus
Susan Cleaver
David Gawronski
Ralph Huddleston, Chair
John Lupinski
Giovanni Pirragalia

Also Present:

Neal Halloran, Building Inspector
Dennis Lindsay, PB Engineer
Ed Garling, PB Planner
Richard Golden, Esq. PB Attorney
Kelly Naughton, Esq. PB Attorney

Meadows of Goshen – 12-1-86.1 – 97.8 acres – 37 lot subdivision, located on Gate School House Road & Maple Ave. in the RU zone with an AQ3 & AQ6 overlays. Request for 90-day extension of final subdivision approval.

Representing the applicant: Burt Dorfman, Esq.

Mr. Dorfman said that the applicant has a buyer for the property and that within the next 90 days the applicant will file the subdivision map and close on the property. He said the Town Engineer has visited the site on several occasions to review the extent of the work performed, that substantial site improvements have been completed and one-half of the subdivision is almost ready for installation of the roads.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Pirragalia, the Town of Goshen Planning Board grants a 90 day extension, to June 15, 2011, of the Final Subdivision Approval for Meadows of Goshen. Approved unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

New Cingular Wireless (AT&T) – 17-1-9.2 10.9 +/- acres, for special use permit located at 2076 Route 17A in the CO district for telecommunications facility. Visual impact.

Representing the applicant: John Furst, Esq.

Mr. Furst said he appeared before the PB two weeks ago with a list of 15 vantage points where the applicant wants to take photos when a balloon is raised at the site the same height as the proposed tower, to see how views will be affected. The list of sites was prepared by the applicant's planner Denise Pantzer with additions made by PB planner Ed Garling. Mr. Garling said the balloon test will determine which areas need a site analysis. The PB had requested time to look closer at the list of proposed locations.

David Estrada of 25 North Gate asked the applicant to add to its list, a point on North Gate towards the end of the cul-de-sac at the bend in the road in the vicinity of 26 North Gate.

PB member John Lupinski asked the applicant to add Abbe Road, off Houston Road, as another vantage point.

Mary Arne of Spruce Hill Road asked how residents will be notified of the balloon test. Mr. Halloran instructed the public who attended the meeting to send an e-mail to him and said he will let them know when the balloon test goes up. Mr. Furst said that the weather has to be right, but that he should be able to give a week's notice of the day and time. Balloon tests last about 4 to 5 hours. Mr. Furst said that once the test is done, the applicant will prepare a visual analysis report and ask to be put on the PB's agenda.

Holly O'Hern asked if the PB's cellular phone tower consultant, Richard Comi, has been notified. Mr. Halloran said that Mr. Comi is out of the state and that Wes Bogie of his firm will be handling the review.

It was mentioned that there is a new mono-pine near Cypress and Fletcher streets and that while it is lower, 90 feet as compared to 130 feet, it is the same style and type that the applicant is proposing to use.

Heritage Estates – 8-1-9.22 – 249.76 +/- acres, located on Old Chester Rd. & Brookside Dr. in the HR & RU zone with an AQ6, AQ3, scenic road and stream & reservoir overlays. Approval of conditions.

Representing the applicant:

Travis Ewald

Mr. Ewald said he would like to discuss four conditions of approval.

Condition #21 states that the storm water infrastructure in the open space portion of the subdivision must be offered for dedication to the Town and that if the Town does not accept the offer of dedication, the PB must approve of an adequate plan to ensure that such infrastructure is adequately constructed, repaired and maintained by the

Homeowner's Association and that appropriate drainage easements must be created for the storm water infrastructure installation, repair and maintenance.

Mr. Ewald said the applicant's offer to dedicate the storm water facilities to the Town was not accepted by the Town so the applicant proposes to put all of the storm water facilities in the open space lot that will be owned by the Homeowners Association (HOA) and offer easements to the Town if they desire to come in to do maintenance at some point.

Mr. Lindsay said the applicant has to provide a system that will provide for HOA management and that the Town will need the easements because, if the facilities are not maintained, the Town will have to go in to clean it up and charge the cost back to the homeowners. He mentioned that in other subdivisions the PB has had a single property owner own the parcel. If the HOA owns it the PB must be comfortable that there is an ongoing mechanism that someone is charged with maintaining the basins, Mr. Lindsay said and added that storm water management basins do not require a lot of effort or expense.

Mr. Golden said that to say the HOA will do it and that there will be easements is a first step but that the applicant has to come up with a plan to show how the HOA will ensure that the infrastructure is adequately constructed, repaired and maintained. Mr. Golden said he anticipates that as part of the plan or program the PB will approve, that there will be some kind of security to allow for the maintenance of these areas and that it will be incorporated into the homeowners agreement which has to be approved by the Town Attorney and the State Attorney General's office and that everyone will be on notice that they can't buy a house unless they receive a copy of the HOA and all its provisions

The applicant said that the HOA will be defined in the document, along with their responsibilities and the amount of contribution each homeowner will have to make towards that work. Mr. Golden said that the plan will also have to include a schedule for inspections and maintenance. He told the applicant that he has to supply the plan and the PB will review it and determine if they can approve it.

Mr. Ewald said that a maintenance program or plan will be submitted to the PB for review.

Condition #50 stipulated that all inlet frames to storm water facilities shall include markings that say "No Dumping – Drains To Water Source" or similar language approved by the Planning Board. Following a short discussion, the PB approved the language, "Dump No Waste Drains to Waterways to be cast on a nameplate on the drains.

Condition #52 stipulated that the specific design and shape of the storm water basins shall be approved by the Planning Board.

Mr. Lindsay said he read the printed information given to him by Ms. Cleaver at the last meeting and that he doesn't think moving the storm basins in a certain direction will help to mitigate some of the warming effects on the stream.

Ms. Cleaver said she is looking for some type of mitigation, stating that "what is going to go into the stream to me seems wrong." She said that the effects to the stream were suggested at a public hearing earlier in the process. Mr. Ewald said that the two ponds not pointed north-south have been re-designed to be a pocket pond which is influenced by ground water, rather than having a clay liner, which will be a lot cooler and that should have a definite benefit in regard to thermal conditions.

Ms. Cleaver said she is asking for mitigation for the heat, whether it is planting grasses or trees. She said the applicant "is going into an area which has already been designated by the DEC as thermally impacted, the whole watershed, I don't want to see anyone contributing to it."

Mr. Golden said the public hearing is for developing the plan, along with SEQRA and the Findings, up to preliminary approval and that once the PB has given preliminary approval, the law states that the applicant has an absolute right to final approval in that form unless there has been substantial modification, usually by the other agencies. "The most important time to focus on the design is prior to preliminary because the law gives tremendous weight to preliminary approvals," he said. If the PB postpones a decision in its Resolution of Preliminary Approval, then those conditions can be addressed.

The applicant told Ms. Cleaver that if planting different grasses in the basins will be helpful, that will be done. Mr. Lindsay said he will do some things specifically to try to prevent thermal impacts.

Mr. Golden suggested that condition #52 can be re-drafted to state that the shape and design of the storm water basins are approved except that additional plantings in and around the basins must be accomplished to the satisfaction of the Town Engineer to mitigate the thermal impact of the waters to be discharged into the streams in and around the site.

Condition #13 stipulated that a full and final Storm Water Pollution Prevent Plan (SWPPP) must be approved by the Town Engineer and PB. Mr. Ewald said he believes it is generally complete and would like the PB to approve it, subject to satisfying the technical comments of the PB engineer. Mr. Lindsay called the SWPPP a comprehensive document, professionally prepared and well done". He said that there are some things that

need to be fixed as outlined in his letter to the PB dated March 10, 2011 and that if the applicant addresses those things, it will be complete.

Mr. Golden re-worded the condition so it states “The SWPPP is approved subject to the modifications of the Town Engineer in letter dated March 10, 2011.” The PB members agreed they were comfortable with that change.

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden