

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

June 17, 2010

Members Present:

Reynell Andrews
Lee Bergus
Susan Cleaver
Mary Israelski, Acting Chair
Ray Myruski

Also Present:

Neal Halloran, Building Inspector
Ed Garling, Consultant Planner
Sean Hoffman, Consultant Engineer
Kelly Naughton, PB Attorney

Absent:

Ralph Huddleston
John Lupinski

Minutes – The Planning Board approved the minutes of its May 20, 2010 meeting.

A&L Acres 13-1-34.2 – Possible 90 day extension of Conditional Final Approval

The applicant is asking for an extension on a Conditional Final Approval. Ms. Naughton said the applicant's previous extension expires July 4, 2010. They are seeking a second 90-day extension to October 2, 2010.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Andrews, the Town of Goshen Planning Board approves the request for a 90 day extension, to October 2, 2010, on the Conditional Final Approval of A&L Acres. Approved unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Mr. Bergus	Aye	Mr. Myruski	Aye
Ms. Cleaver	Aye		

Heritage Estates – 8-1-9.22 – Possible six month extension of Preliminary Subdivision Approval

Ms. Naughton said the applicant had a six month extension granted in January that expires July 2, 2010 and is seeking another six month extension which will bring the expiration date to Jan. 2, 2011. She said that the Town Board has granted an extension for exemptions until January 28, 2011.

Ms. Cleaver said she would like the PB to discuss the issue of the bog turtle study and whether it could be done next year, since the window of opportunity for a bog turtle study is over for this year.

Mr. Hoffman said that under the Town Code the applicant needs to have final approval by January 2011 so there will not be an opportunity to do the study again. He said that in May the applicant asked for relief from the PB condition calling for additional bog turtle studies. He said the applicant conceded that it would go forward as though bog turtles were present and suggested using U.S. Fish and Wildlife protocols to protect the area. The PB then granted the applicant relief from the condition of an additional study, he said.

Mr. Hoffman said he has received a letter from U.S. Fish & Wildlife confirming that the protocol explained by the applicant is their protocol, involving a silt fence on either side of the construction zone and a licensed bog turtle surveyor present when construction is going on. He said the question remaining regards mitigation if a bog turtle is discovered in the construction zone. Does construction cease, is the bog turtle removed? Mr. Hoffman said he is waiting for an answer on that question from Fish & Wildlife. "We just have to determine what the mitigation is if they find a bog turtle there." Mr. Hoffman said that the PB had agreed to have a Town consultant present to make sure the silt fence is installed properly.

Ms. Cleaver asked what will happen if there are eggs present and questioned when the appropriate time would be to do this. Mr. Hoffman said he will ask for clarification on the appropriate time to put in the silt fence. Mr. Andrews and Ms. Cleaver said they want to make sure there is sufficient notice to the PB, possibly as long as six months, as to when the applicant will be putting up the silt fence so there is enough time to get an expert there to take notice of whether there are bog turtles present, or their eggs, before the machinery is brought in. Mr. Hoffman said he thinks the applicant is at the mercy of the consultants in that if they can't get the expert there, they can't proceed. It was noted that Mr. Halloran will be responsible for enforcement.

Mr. Hoffman said he thinks the Fish & Wildlife protocol is the best the PB is going to get and read from the protocol ...A qualified bog turtle expert witness be present during construction activity to survey the construction area immediately prior to construction activities to make sure that no bog turtles are in the immediate construction area ... Silt fencing should be installed to create a temporary barrier from turtles moving into the construction areas and should be removed at completion of the project.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Bergus, the Town of Goshen Planning Board approves the request for a six month extension on the Preliminary Subdivision Approval of Heritage Estates to January 28, 2011. Approved unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Mr. Bergus	Aye	Mr. Myruski	Aye
Ms. Cleaver	Aye		

Conob Realty – 11-1-26 – Possible extension of Conditional Approval Major Site Plan

Mr. Halloran said the applicant is seeking an extension of the Conditional Approval because they had to do some drainage changes necessitating them to go back to the DOT to get approval of a change on their driveway permit. They are awaiting approval.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board grants a four month extension to October 24, 2010 on the Conditional Approval of the Major Site Plan of Conob Realty. Approved unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Mr. Bergus	Aye	Mr. Myruski	Aye
Ms. Cleaver	Aye		

T-Mobile – 10-1-55 – 7.8+/- acres, located at 78 Cypress Road in the CO zone with an AQ6 overlay. Special use permit for a Wireless Telecommunications tower.

Representing the applicant: Doug Warden, Esq.

Mr. Warden said that since his last appearance before the PB, the applicant met with the County Planner and the County Emergency Coordinator to discuss locating its antennae on a County tower. He said the County is now willing to take a hard look at using the County's water tower. He said that the next step is to set up a site visit so the County can walk it with the applicant. Also the applicant will submit lease exhibits showing what it will look like located on the County's water tank and some antennae details showing what frequency will be used.

Mr. Warden said the applicant is seeking a two month adjournment of the public hearing so it can pursue the possibility of locating on the County's water tank. If this goes further, we wouldn't have to build another tower, he said.

Ms. Israelski asked for public comment.

Gerald Boss asked who would be the decision maker if another cell phone company wants to co-locate on the County's water tank.

Mr. Warden said the applicant would not be an obstacle to a co-locator and that the County would evaluate it.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board adjourns the public hearing on the application of T-Mobile to September 2, 2010. Approved unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Mr. Bergus	Aye	Mr. Myruski	Aye
Ms. Cleaver	Aye		

ADJOURNMENT: A motion to adjourn the meeting at 8 p.m. was made, seconded and approved unanimously.

Mary Israelski, Acting Chair
Notes Prepared by Susan Varden