

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

SEPTEMBER 2, 2010

Members Present:

Reynell Andrews
Lee Bergus
Susan Cleaver
Mary Israelski
Ralph Huddleston, Chair
Raymond Myruski

Also Present:

Neal Halloran, Building Inspector
Sean Hoffman PB Engineer
Rick Golden, Esq. PB Attorney
Kelly Naughton, Esq. PB Attorney
Leslie Dotson, Planner
Karen Schneller-McDonald, Consultant

Absent: John Lupinski

Town Supervisor Doug Bloomfield recognized PB member Mary Israelski who is leaving the PB next month. He described her as “a hard worker, dedicated to the Code” and acknowledged that she will be missed.

Minutes – The Planning Board approved the minutes of its meeting of August 19, 2010 with an amendment.

Matchpoint Sports – 11-1-25.22, located on 17M in the CO zone with an AQ6 and scenic road corridor overlay. Field Change.

Representing the applicant: Jason Anderson

Mr. Halloran told the PB that it has been determined that the applicant’s revised landscape plan to provide screening can be accomplished as a field change.

Mr. Anderson said he will be adding trees further along 17M to the east of the property and that the Ash trees that were originally proposed will be replaced with another species at the request of the PB. Additionally there will be 15 ft. tall Birch and Pin Oak planted.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Town of Goshen Planning Board will accept the field change as proposed on the drawings on the application of Matchpoint Sports. Approved unanimously.

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

PUBLIC HEARING

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:

Cara Bonomolo, Esq.

Ms. Bonomolo said the applicant attended a meeting with the County of Orange in June where they discussed co-locating T-Mobile's antennae on the County's water tank. She said they worked with the County for a couple months and discussed frequencies and in August were told that the County doesn't want antennae on its water tank. The PB had asked the applicant to look at co-location opportunities with the County. Ms. Bonomolo said that since the County will not allow them to locate on their existing tower or the existing water tank, the applicant would like to move forward with its original application. Ms. Bonomolo said she sent a letter to the County Water Commissioner and County Executive today asking them to notify the applicant immediately if they were taking a different position.

There were no comments from the public.

Sean Hoffman said he provided the applicant with written comments dated May 20, 2010. Ms. Bonomolo said the applicant will address them and described them as requiring minor site plan changes. She asked if the engineer's comments could be done as a condition of approval.

Ms. Bonomolo said the applicant is proposing a tree fall at 85 ft. in height that is "an appropriate height since there are many trees in the area that are not much below that height." She said a visual has been submitted showing how the tree fall in the rear of the property blends "pretty well into the tree line". Ms. Bonomolo said the outline of the pole against the sky will not be seen, that only the pole against the backdrop of the woods around it will be seen.

Mr. Huddleston said the "tree does kind of blend in and that it is the first he has seen that way. Ms. Dotson said "this one is not so out-of-size."

The Town's cell tower consultant, Dick Comi said that tree designs have improved dramatically, but that a drawback is that at 85 feet additional carriers will not be able to be placed on the pole above the tree line without raising the height. He said that the design looks good and the applicant moved it to the rear of the property. There is a choice, he said, to make the foundation and the tree strong enough to be extended an additional 10 feet, if and when another carrier came along and could justify it. Ms. Bonomolo has not seen an extendable tree and said she can't confirm that it is possible.

Mr. Golden said the PB shouldn't decide without the definite conclusion that it can feasibly be done. "If you are going to consider the issue of possible telescoping you need more information," he said. The PB could approve this and then decide what ought to be done on a future application, he said.

PB members were polled and said they want to proceed with the application as it is.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Andrews, the Town of Goshen Planning Board declares that the T-Mobile project as proposed will not have a negative impact on the environment. Approved unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board closes the public hearing on the application of T-Mobile. Approved unanimously.

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

The PB talked about specific conditions that will be necessary for an approval. They included: that the applicant must request a letter from the County stating they are not going to entertain co-locating on their existing tower or water tank, that all of the Town engineer's comments are addressed and that the applicant post a removal bond of \$75,000.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Myruski, the Town of Goshen Planning Board approves the application of T-Mobile with the conditions as stated. Approved unanimously.

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

The Planning Board adjourned at 8:05 p.m. for an attorney/client meeting. Ms. Cleaver recused herself from the attorney/client meeting and the later discussion of the application of Maplewood. The Planning Board resumed its public meeting at 8:30 p.m.

Maplewood – 8-1-45 – 94+/- acres, 103 units, Hamlet residential and open space subdivision in the HR & RU zone with an AQ6, scenic road and stream corridor overlay. Scoping document.

Representing the applicant: Stuart Turner and Christine O'Donnell, Planning Environmental Consultants, Richard Cantor, Esq., Art Tully, Project Engineer, Dan Geron, Applicant

Mr. Golden said the project had preceded previously prior to the 2008 zoning up to the DEIS being deemed complete and adequate for public review. He said that there was a public hearing in December, 2008, and that in May, 2009 when the hearing re-convened the project was no longer code compliant. The applicant then initiated litigation against the Town and there was a settlement, Mr. Golden said. He said that the attorney/client meeting was to go over the provisions of the settlement that will impact what can and can't be placed on the parcel. "We will be transparent with respect to what the settlement provides. I will identify those aspects of the settlement agreement that impact the particular plan that is coming before the PB now and corresponds with the revised scope," he said.

Mr. Golden said that the project was originally for over 200 clustered units. It is now going to be no more than 103 units and no less than 90 units. There will be a Planned Adult Community closest to the Village border adjacent to the Salesian property. It is anticipated that sewer will be provided by the Village and if not feasible then the Town will create a sewer district. For purposes of the environmental review the applicant wants to now focus only on the Village option, he said. With respect to water, the applicant will provide water from wells on the site via a Town created water district. The property will be subject to the testing protocols in effect prior to the February, 2008 re-zoning, he said. If the Town decides to integrate the project water with Hambletonian Park, the Town will make a determination. Currently there is no such determination, Mr. Golden said. The project is required to have two affordable housing units. The scenic road requirements will be satisfied by screening and grading. A sketch plan was submitted, he said. Unless the code requires, there will be no other planned amenities or features unless the applicant wants such amenities or features.

Mr. Golden said there is a revised draft scope submitted by the applicant which sets a trigger of 60 days for the PB to finalize the revised scope for the project. A revised DEIS will be prepared, he said, adding there is no requirement for a public scoping session but it is a decision the PB can make.

Mr. Tully outlined the project stating that the revised plan is much simpler, all of the commercial aspects of the original project are gone, and it is entirely residential, with 48 single family detached homes on 1/3 to 1/2 acre, 10 single family detached

homes on lots from ½ to 1 acre in size, and 55 attached housing units (PAC). The affordable housing will be located with the 55 attached housing units. He called the revised project “much scaled back in terms of size and intensity of use and more in keeping with the surrounding residential area.” The existing wells are scattered throughout the property, the sewage connection is into the Village system. He said the applicant is looking at a proposed through road out to Coleman Rd.

Mr. Hoffman said there is a reduction in terms of the environmental impact and that the main areas of concern are the water, sewer and drainage. Ms. Dotson referred to a written memo of 9-2-10. Karen Schneller-McDonald asked for more information on the wetlands and surface water, vegetation and wildlife. She has prepared a memo which she will e-mail to the applicant.

Mr. Golden said the applicant should realize that to the extent they are going to make choices to narrow down the scope, such as one particular method for water, one for sewer, etc. they should know that if it ends up that does not pan out, they will have to go through a SEIS process with respect to another alternative and there will be a delay attended to that.

Mr. Golden said there are comments from two meetings of the Environmental Review Board that will be provided to the applicant. He said that on page 10 of the draft scope, the applicant should know that this PB has routinely required off site testing to make sure the drawdown does not impact offsite wells and also requires a bonding system so that if something happens later on there will be money to rectify the wells that may be affected off-site if shown to be the result of this project. He said that it will be up to the PB as to what aspects of the previous reports need to be updated. At a minimum, Mr. Golden said, the accident history should be up-dated. The applicant should know that the Town does not allow any on-street parking, he said. Mr. Golden said he will draft a memo for the applicant and the PB.

Mr. Huddleston said that the PB was just exposed to the stipulation tonight and will need some time to go back and review, having met with the attorney and understanding now the limitations placed on the PB.

Mr. Bergus said he wants the map to show the location of the proposed wells and the elevation for the proposed housing, and would like to see one affordable housing unit placed in the PAC and one in the northeast corner of the site. Mr. Golden said that according to the stipulation, the applicant can put both units in the PAC if they want to.

Ms. Israelski said she will put her comments in writing within the next two weeks. No other PB member had comments at this time.

Mr. Huddleston told the applicant to pay attention to the rare and endangered species and to show how the project proposes to provide fire protection. He told the applicant that when they do a water study they need to look at adjacent properties and streams and the wetlands in regard to their drop-down potential.

Mr. Golden said the public must have an opportunity to comment on the scoping document so the draft scope should be placed on the Town's website with a note that the Town is now accepting comments from the public.

The PB determined they can have their individual comments completed within two weeks. Ms. Naughton will compile them and have them back to the PB members by the Oct. 7 meeting. The applicant will also receive a copy and the PB will discuss the modifications to the scope at the October 7 meeting.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Town of Goshen Planning Board determines to move forward without a public scoping session since there was a previous public scoping session on the application of Maplewood. Approved unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Ms. Israelski	Abstained
Ms. Cleaver	Recused	Mr. Myruski	Aye

Mr. Golden emphasized that the public has opportunities to submit comments to the PB on the scoping document and that a draft will be on the Town website. It was decided to put a notice in the newspaper that public comments will be taken in the Building Inspector's Office or on the website. Mr. Golden will write a lead-in about the restrictions the applicant and PB are working under per the stipulation of settlement.

ADJOURNMENT: A motion to adjourn the meeting at 9:20 p.m. was made, seconded and approved unanimously.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden

