

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York
January 16, 2014

Members Present:

Reynell Andrews
Lee Bergus, Chair
Susan Cleaver
Phil Dropkin
John Lupinski
Giovanni Pirraglia

Also Present:

Sean Hoffman, PB Engineer
Kelly Naughton, Esq. PB Attorney
Neal Halloran, Building Inspector

Absent: David Gawronski

The PB meeting was opened at 7:30 p.m. by Chair Lee Bergus

The minutes of the meeting of December 19, 2013 were not approved because everyone had not received a copy.

Possible Extension or Abandonment of Applications pursuant to Town Code.

A&L Conditional Final (Phases 2&3)

A letter from Steve Esposito asked for two 90 day extensions of the PB's conditional final major subdivision approval. Mr. Esposito's letter explained what items have been completed since August, 2013.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Ms. Cleaver, the Town of Goshen Planning Board grants two 90 day extensions on the conditional final approval of the application of A&L to June 19, 2014. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

Heritage Estates

A letter from Steve Esposito asked for two 90 day extensions of the conditional final approval of the Heritage subdivision. The letter contained a summary of activities completed on the project.

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VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Ms. Cleaver, the Town of Goshen Planning Board grants two 90 day extensions on the approval of the application of Heritage Estates to June 19, 2014. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

AT&T

Ms. Naughton said that the application was on the agenda for the discussion of a draft resolution. She said that the PB would first have to issue a negative declaration under SEQRA prior to taking any other action. A discussion followed.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Dropkin, the Town of Goshen Planning Board issues a negative declaration on the application of AT&T, declaring that the project will have no significant adverse impact on the environment. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

Ms. Naughton read the Finding that must be approved by the PB to move forward.

“The Planning Board finds that, based upon the documentation provided, no site in the CO, HC or I district would provide adequate coverage, and therefore, the applicant is permitted to pursue this special use permit within the AI district.”

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Ms. Cleaver, the Town of Goshen Planning Board approves the Finding as read by legal counsel. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

Ms. Naughton read the specific conditions on the draft resolution of approval as follows:

1. Prior to the signing of the plans, the applicant shall provide one source of contact for maintenance of the tower and utility/equipment to the Building Department.

2. This approval is subject to Section 97-96(A) of the Town Code related to the removal of structures.
3. The applicant shall comply with the following conditions contained in the decision of the Town Zoning Board of Appeals, dated September 18, 2013: (a) The monopole shall be designed to be a self-collapsing pole for the safety of neighboring properties in the event of a disaster, to be reviewed and approved by the Planning Board in consultation with the Town Engineer; (b) The monopole shall be constructed in a gray color to blend in with its surroundings, and (c) The applicant shall be prohibited from removing any of the existing mature vegetation in the location of the tower and equipment compound, and shall have a covenant in place for the term of the lease, the language of which shall be subject to the approval of the Board's attorney, stating that no mature vegetation shall be removed for the duration of the lease.
4. In connection with Specific Condition 3C above, the applicant shall provide proof of filing of the covenant to the Building Department prior to the issuance of a building permit. The covenant shall be in place for the term of the lease, as it is renewed and extended.
5. In connection with Specific Condition 3A above, the monopole shall be designed, constructed and maintained as a self-collapsing pole for the safety of the neighboring properties in the event of disaster.
6. Prior to the signing of the plans, the applicant shall revise the plans to show repairs to the access road to provide a safe driving condition for the applicant accessing the site, to the satisfaction of the Town Engineer.
7. The monopole shall be structurally designed to accommodate additional carriers both above and below the applicant's location on this 150-foot monopole, and it shall have the ability to be extended at least thirty (30) additional feet. Prior to the issuance of a building permit, the applicant shall provide to the satisfaction of the Town Engineer, structural engineering calculations demonstrating the ability of the tower to be extended.
8. Prior to the signing of the plans, the applicant shall modify the plans to conform to the Town's tax map, which includes the proposed access drive on this tax lot. Additionally, prior to the signing of the plans, the applicant shall demonstrate the ability to utilize the proposed access drive to the satisfaction of the Planning Board attorney.

Mr. Dropkin proposed an additional Finding which was stated as: "The Planning Board further finds that the tower will not result in a significant adverse visual impact."

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Pirraglia, the Town of Goshen Planning Board approves the Finding as read by legal counsel and suggested by Mr. Dropkin. Approved unanimously.

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Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Lupinski, the Town of Goshen Planning Board adopts the Resolution of Conditional Approval Site Plan and Special Permit for New Cingular Wireless PCS, LLC (AT&T) as amended. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

New Horizons

Mr. Bergus said that there must be a public hearing scheduled on the application because the applicant is amending the conditional preliminary approval from their initial thirteen lots to three lots.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Pirraglia, the Town of Goshen Planning Board sets a public hearing on the application of New Horizons for February 20, 2014. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Pirraglia, the Town of Goshen Planning Board extends the conditional preliminary approval on the application of New Horizons to July 17, 2014. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

Cimino – Extend 62 day requirement.

Ms. Naughton said there is going to be a meeting with the applicant and PB consultants on Friday and suggested it would be in the best interest of the PB to wait until its February 6 meeting to make a determination.

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VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Ms. Cleaver, the Town of Goshen Planning Board agreed to wait to take action on the Cimino application to its February 6, 2014 meeting. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

Young’s Grove/Reiger

Mr. Bergus read a letter from Mr. Esposito stating that the applicant agrees to a 30 day extension of time for the PB to make a decision on this project. Ms. Naughton said the PB is waiting to receive revised plans from the applicant. Mr. Hoffman said the consultants must have a minimum of two weeks from the date of receipt to review the revised plans.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Lupinski, the Town of Goshen Planning Board agrees to extend the 62-day time period in which to make a decision on the Young’s Grove/Reiger project to its February 20, 2014 meeting. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

TAM Enterprises – Revised plans.

Representing the applicant: Chris Guddemi, Lan Associates

Mr. Guddemi said the water quality results were e-mailed to PB members this day. He called the results “satisfactory.” The PB discussed the water quality results. Mr. Guddemi spoke about the revisions to the plans and talks with Orange & Rockland regarding an easement.

Ms. Cleaver said she has gone on the DEC’s new website to view the property and that there appears to be issues with threatened and endangered species and that there are also archeological issues on the site. Mr. Guddemi said that nothing is being disturbed on the site that hasn’t already been disturbed. Ms. Cleaver suggested that SHIPPO be consulted. Mr. Hoffman said the applicant came before the PB before the DEC had finalized its environmental mapping program. He said the applicant worked with the old forms. Mr. Hoffman said he looked at the DEC maps at the time and found no issues. Ms. Naughton said she looked at the new environmental map today and that the map she viewed said there are no endangered or rare or threatened species on the site. Bog Turtles were discussed. Ms. Naughton said there is

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no evidence before the PB of even the possibility of the Bog Turtle on this property. Ms. Naughton asked the applicant to reach out to SHIPPO for a letter on any archeological resource issues. Ms. Cleaver said she wants the two ponds to be shown on the SP11 map.

Ms. Naughton said the PB received the 239 Report from the Orange County Planning Department with findings. Mr. Bergus read the letter itemizing the County's concerns. The County Recommendation was "approval subject to modification as per Comments #1 ,3 & 4".

Comment #1 stated that the EAF should be corrected and completed in its entirety. Ms. Naughton said the County says the EAF should be filled out for the entire property while the applicant filled it out for the "project area".

Comment #2 stated that the EAF said there was no stream on the site and yet the submitted map depicts the Cheechunk Creek traversing the property and the County Water Authority has designated the Rio stream, which merges with the Cheechunk Creek, as "moderately impacted". The County stated that the proposed project to store portable sewage receptacles could result in waste matter and cleaning chemical run off. They said this is of great concern, because of the proximity to the Cheechunk Creek, stating that the creek needs protection and suggesting semi-annual stream monitoring.

Comment #3 stated that documents must be received verifying either the existence of or the absence of the Indiana Bat or any other endangered species on the property.

Comment #4 stated that to protect the Heritage Trail view shed, suitable screening should be planted and maintained around structures over 20 feet high.

Ms. Naughton said the applicant has addressed the screening issue and Mr. Guddemi said they have proposed landscaping, Blue Spruce and Norway Spruce, to shield the Heritage Trail from any view.

Mr. Guddemi said that the applicant added a paved area in case the sewage receptacles tip over. In connection with the possible presence of the Indiana Bat mentioned by the County, the plan doesn't propose to disturb any trees or cause any vegetative disturbance during the sensitive time period, he said.

Mr. Hoffman said that Cheechunk Creek is 300 ft. from the designated project area, so it is adequately distanced.

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Ms. Naughton said that the County's comments can be addressed in the Resolution and the PB authorized its attorney to draft the resolution. Ms. Naughton said that following adoption of the Resolution, the attorney will draft a letter to the County explaining the action taken.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Lupinski, the Town of Goshen Planning Board agreed to request its legal counsel to prepare a resolution on the application of TAM Enterprises for discussion at its February 6, 2014 meeting. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

ADJOURNMENT -The PB went into Executive Session at 9:05 p.m. to discuss a personnel matter regarding PB consultants, stating that no business will be discussed after the Executive Session.

Lee Bergus, Chair
Notes Prepared by Susan Varden