

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York
March 19, 2015

Members Present:

Reynell Andrews
Dr. Kris Baker
Lee Bergus, Chair
David Gawronski
John Lupinski
Giovanni Pirraglia

Also Present:

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

Absent: Phil Dropkin

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

The minutes of the meeting of March 5, 2015 were approved with corrections.

Possible Extension or Abandonment of Applications pursuant to Town Code

New Horizons

A letter dated March 6, 2015 from Arden Consulting was read stating that preliminary and conditional final approval expires March 19, 2015 and the applicant would like an extension in order to conclude satisfying the conditions. Mr. Hoffman said that the remaining conditions are administrative and concern easements and right-of-ways and that the applicant is moving forward.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Gawronski, The Town of Goshen Planning Board extends the preliminary and conditional final approval on the application of New Horizons to September 17, 2015. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

Hambletonian

Ms. Naughton noted an E-mail received from applicant Joe Neuman asking for a six month extension on its preliminary approval as there has been no further development of the water supply by the Town Water District that covers the site. Ms. Naughton said that a letter was

written in October to the Town of Goshen inquiring about the Town’s position as to whether they have any intention of developing a water source for this project, and at this time a reply has not been received. She said there has been an active continual interest taken by the applicant.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Lupinski, The Town of Goshen Planning Board extends the preliminary approval on the application of Hambletonian to October 15, 2015. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

PUBLIC HEARING

Yankee Propane – 20-2-12: Amended site plan application for an office addition on 3.143+/- acres on Industrial Drive in the CO District with AQ3 overlay.

Mr. Bergus asked if there was anyone from the public who would like to comment on the application. There was no public comment. He asked for comments from PB members. There were none.

Mr. Hoffman told the PB that there are seven additional parking stalls in the rear of the site which he hadn’t noticed during his review, but with the addition of these, the applicant will not have to develop additional parking stalls as they have provided a total of 18 parking spaces.

It was noted that the applicant anticipates that the project will be completed by July 1, 2015.

Ms. Naughton spoke to the PB about the Section 97-14(D) requirements for the roof and the windows and Section 97-14(D)(3)(a) for a bike path and/or sidewalk. They were discussed.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Dr. Baker, The Town of Goshen Planning Board closed the public hearing on the application of Yankee Propane. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

Ms. Naughton read the proposed Findings on the draft Resolution of Approval as follows:

“In connection with this project, the Building Inspector has made the determination that the road frontage for this property, approximately 140 feet, is a legally pre-existing nonconforming condition. The Building Inspector has also determined that the tank storage within the setback along the northerly property line and the truck parking within the setback along the westerly property line are legally pre-existing nonconforming conditions. Lastly, the Building Inspector determined that the use of chain link fencing, visible from Industrial Drive, is a legally pre-existing non-conforming condition. No variances from the Zoning Board of Appeals are necessary.

The Planning Board finds due to the location of the existing structure and existing improvements, and the circulation of the property for propane deliveries, compliance with the requirement in Section 97-14(D)(1)(b) regarding building placement would discourage the applicant from improving the property. The Planning Board also finds that due to location of the property, compliance with the requirements in Section 97-14(D)(3)(a) for a bike path and/or sidewalk to be constructed within the landscaped buffer would impose an unnecessary economic hardship on the applicant, and would discourage the applicant from improving the property. As a result of the above, the applicant need not comply with the provisions of the above-cited Code sections.” Ms. Naughton said she will add language relating to the applicant not needing to comply with the architectural requirements of Section 97-14(D).

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Dr. Baker, The Town of Goshen Planning Board accepts the Findings on the application of Yankee Propane as read by legal counsel. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

Ms. Naughton read the Specific Conditions of Approval as follows:

1. The “future garage addition” shown on the site plan is not part of this approval, and has not previously been approved by the Planning Board.
2. Prior to the signing of the plans, the applicant shall revise the plans to provide bollard lighting along the front of the building by the parking area to the satisfaction of the Town Engineer.
3. Prior to the signing of the plans, the applicant shall comply with the memorandum of the Town Engineer dated January 30, 2015 to the satisfaction of the Town Engineer.

4. All light levels must be limited to 0.1-foot candles at the property line so no offsite glare will result. New fixtures shall meet IDA, LEED or Green Globes criteria for Nighttime Friendly or Dark Sky lighting. Any new wall pack fixtures shall include non-glare shields.
5. Prior to the signing of the plans, the applicant shall perform well testing to measure drawdown and recovery and to verify the existing water supply well will satisfy anticipated demand. Prior to performing any well testing the applicant shall submit a well testing plan to the satisfaction of the Town Engineer.
6. Prior to the signing of the plans, the applicant shall confirm the existing wastewater disposal system is appropriately designed for the anticipated flow and site conditions and is functioning properly as demonstrated by a dye test and visual inspection. Subsequent to testing and inspection, the applicant shall submit a report confirming the adequacy of the existing wastewater disposal system to the satisfaction of the Town Engineer. If the Town Engineer determines that the existing wastewater disposal system is inadequate for the anticipated flow conditions, or is not functioning properly, the applicant must return to the Planning Board for further action.
7. Prior to the signing of the plans, the applicant shall revise the plans to show the location of the roof and foundation drains. The Town Engineer has recommended consideration of a stormwater infiltrator (drywell) for roof runoff.
8. Prior to the signing of the plans, the applicant shall submit a detail for all proposed new signage, which shall comply with Town Code Section 97-49 to the satisfaction of the Town Engineer and Building Inspector.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Andrews, The Town of Goshen Planning Board accepts the Resolution of Conditional Approval on the application of Yankee Propane as read by legal counsel. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

New Cingular Wireless PCS, LLC (AT&T 638 Craigville) 4-1-12: Site plan and special permit application for a wireless telecommunications facility on 8.2 +/- acres on Craigville Road (County Route 66) in the RU District with AQ-3 and Scenic Road Corridor overlays. Initial presentation and discuss visual impact analysis.

Representing the applicant: Anthony Morando, Esq.

Mr. Morando said he was present to introduce the new cell tower being proposed at 638 Craigville Rd. and to discuss locations for the visual impact analysis. He said it is important that this be done before the leaves appear on the trees. He said the site is in the easterly corner of

the Town of Goshen. The plans are very preliminary and this is not yet a formal application, he said. The approximate 199 ft. tower would be located in the rear of the property behind the existing home using the access drive to gain access to an existing trail to get to the actual tower site. Mr. Morando said the cell tower will be several hundred feet offsite from any homes and 300 feet from the existing structure on the property which he said he believes is a residence. The applicant will lease the property from its owner.

Mr. Morando said he has submitted a photo log map with ten locations and is asking the PB for additional locations. Mr. Hoffman emphasized that all of the locations should be captured before the test is done. He said that the analysis will be forwarded to the PB's wireless consultant when a formal application is submitted.

Ms. Naughton said the site is situated along the boundary of two other municipalities and recommended that the other municipalities be notified of the application this week so they also have the opportunity to suggest visual locations. It was agreed that Ms. Naughton will notify the two municipalities, asking for responses no later than the date of the PB's next meeting.

Donna Marie Stipo, the applicant's visual expert, said that the analysis she prepares will follow along the lines of D.E.C. policy. She explained her process and said it will start with a half mile radius and then a one mile. She said that the ten locations named by the applicant are not the only locations to look at. She said the applicant will do a balloon or crane test which will last most of a day. Ms. Naughton asked that the applicant notify the Building Inspector as to when the test will be done. Ms. Stipo put on the record that she and PB member Giovanni Pirraglia are former neighbors.

Mr. Pirraglia said that other locations near Hasbrook, Farmingdale, Purgatory and Ridge Roads should be looked at and Mr. Lupinski suggested the intersection of Johnson Rd. and Route 94.

Mr. Bergus said the visual analysis will be discussed again at the April 16th meeting.

Cannon Hill Flex Building – 12-2-45: Site plan and special permit application for a warehouse and office facility (flex building) on 7.7 +/- acres on Cannon Hill Drive in the I District with AQ3 and Floodplain and Ponding overlays. Discussion & Schedule public hearing.

Representing the applicant:

Anthony Trochiano

Mr. Trochiano submitted a SWPPP, a lighting, signage, landscaping and an architectural plan along with a turning analysis. Mr. Hoffman said that the applicant has incorporated all of the PB's comments since the last discussion at the PB's February 19 meeting.

Mr. Trochiano said the turning analysis shows what would happen if a semi tractor-trailer entered the site and said that the analysis shows that such a vehicle does have the ability to get back out onto the right-of-way. In order to get to that point, the applicant made some changes to the site including widening the driveway, he said.

Mr. Hoffman said the Town hasn't yet received comments from the fire department. Ms. Naughton said she will send the new set of plans to the fire department.

Mr. Hoffman said that the DEC revised its manual last month in regard to SWPPPs but hasn't yet adopted a policy as to when an applicant has to follow that revised manual. He said that the applicant wants to update the SWPPP to the new regulations and so some modifications will be made. He said he doesn't think that should delay scheduling of the public hearing.

The PB discussed the new site plan including the landscaping and lighting.

VOTE BY PROPER MOTION, made by Dr. Baker, seconded by Mr. Pirraglia, The Town of Goshen Planning Board sets a public hearing on the application of Cannon Hill Flex Building for April 16, 2015. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

ADJOURNMENT – The Town of Goshen Planning Board adjourned at 9:10 p.m.

Lee Bergus, Chair
Notes prepared by Sue Varden