

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

March 3, 2011

Members Present:

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

Also Present:

Neal Halloran, Building Inspector
Sean Hoffman, PB Engineer
Ed Garling, PB Planner
Richard Golden, Esq. PB Attorney

The Planning Board approved the minutes of its meeting of February 17, 2011.

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

Mr. Halloran reported that the applicant's representative, Steve Esposito, outlined the progress made within the past 360 days in a letter to the PB in response to its request. Mr. Huddleston read the letter aloud.

Mr. Golden said the present conditional final approval expires March 16, 2011 and that a 90-day extension will bring it to June 16, 2011.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Town of Goshen Planning Board grants a 90 day extension, to June 16, 2011, of the Conditional Final Approval for Phase I on the A&L Acres application. Approved unanimously.

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

Goshen Green/Timber Trial – 2-1-20.4 & 22 – Assume Lead Agency and Type Action

It was noted that the Town Board had originally issued a Notice of Intent to be lead agency but withdrew its intention and instead has stated that it will be appropriate for the PB to assume lead agency status.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Pirragalia, the Town of Goshen Planning Board declares the application of Goshen Green/Timber Trail to be a Type I Action in terms of SEQRA and assumes lead agency status for the application. Approved unanimously.

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

North Jersey Truck & Trailer Service – Bond reduction.

Mr. Hoffman said the applicant has completed all the public improvements and gone to the Town Board with an offer of dedication for the road. The applicant has made revisions to the “as built” and are now looking for a reduction of the performance bond for the public improvements. This would reduce the bond by \$1100 for the public improvements, he said. On the engineer’s recommendation, Mr. Huddleston asked for a motion to accept the bond reduction as proposed.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board accepts the bond reduction as proposed and recommended by the PB’s engineer on the application of North Jersey Truck & Trailer Service. Approved unanimously.

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| 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.

Representing the applicant: John Furst, Esq.

Mr. Furst said he was present to give a brief introduction of the project and to seek PB input in selecting sites for the balloon tests. There currently are 12 locations that have been recommended.

Mr. Furst said AT&T is looking for coverage along Route 17A and County Road 6 and 31. The 11 acre parcel is zoned commercial with an office mix use. AT&T is proposing a 130 ft. mono-pine which will include 12 antennas, with the centerline of antennas at

123 ft. above ground level. The tower will be able to accommodate five additional carriers, Mr. Furst said. At the base there will be a 2500 sq. ft. fenced in compound for equipment. The shelter itself will be 12 ft. wide by 28 ft. long and 12 ft. high. The site is set back over 800 ft. from Route 17A and the property is heavily wooded with indigenous trees. Mr. Furst said the applicant proposes to push back that far into the tree line in order to avoid impacting 17A which is a Scenic Corridor. The applicant plans to use an existing dirt road for access. The structure will be approximately 729 feet from the nearest residence, he said.

Mr. Furst said there are two options, a mono-pine or mono-pole but Mr. Huddleston said that Richard Comi, the consultant the PB uses to review antenna installation applications, says there are a variety of poles available.

Mr. Huddleston read the applicant's list of 12 locations where they propose to take photos to see how visible the towers will be from the various sites (the balloon tests). The list was devised by AT&T with input from Mr. Garling, Mr. Furst said. Following discussion, Mr. Bergus said he would like time to drive around to look at the area in order to suggest other locations. Mr. Golden suggested it could be put on the agenda for the next staff meeting and the next PB meeting.

Mr. Huddleston said that anyone with special requests should contact Holly O'Hern through the Building Inspector's Office. Ms. O'Hern heads a review committee on cell tower installations in the community.

Mr. Golden reminded the PB that its role is to protect the visual impact of the public generally, not of an individual public landowner.

Mr. Huddleston told those present that this was the beginning of the application process, that the project will go to the Town's consultant, Mr. Comi and to the committee headed by Holly O'Hern for input. There will eventually be a public hearing, he said.

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:

Steve Esposito, Travis Ewald

Mr. Esposito said there are several conditions on the preliminary approval that have been completed, or that have an impact on the joint permits that will be issued by the State next week and that keep the applicant from entering the site for such work as

clearing trees. He identified these conditions in a January 25th letter to the PB and said he would like to discuss them in hopes of determining that they have been satisfied and thus eliminate them from the set of 67 conditions.

Mr. Esposito explained the project for the two new PB members. He said that the project received conditional preliminary approval in 2007. Since that time there has been a moratorium and zoning changes and the applicant has gone to regulatory agencies for its permits. The project is subject to review by the Orange County Planning Department, the Orange County Health Department, the NYS Health Department, the NYS DEC, the US Fish & Wildlife and the Army Corps of Engineers. He said he expects to have the necessary permits next week.

The 250 acre site is located off Old Chester Rd. and is designed as a cluster plan, with the existing farmstead, The Kolk Farm being retained and its 70 acres under conservation easement. The development will consist of 77 new units and 4 units in the existing farmstead. Of the 250 acres, the applicant is developing 43 acres. Over 85% of the site, or some 206 acres will not be developed, he said. Some 92 acres of the woodland will be preserved in a conservation easement with 1.4 acres cleared. A parcel of the property will be offered to the Town for the town park. The main entrance is off Old Chester Rd. and there will be a gated emergency connection to Brookside Drive which will not be for public use, only emergency vehicles. The impervious area will be 5% of the total site. In the center of the parcel will be a common open area with benches circled by street trees. There will be three wells and a water plant. A pump station will pump the sewage to the Village of Goshen sewage plant.

One of the proposed conditions the PB discussed with Mr. Esposito was street lighting. Mr. Golden said that according to the code, the applicant is required to provide street lighting where lots are less than 15,000 sq. ft in area. It was noted that the average size of these lots is under 15,000 sq. ft. Mr. Esposito said the applicant is requesting a waiver of Section 83-25(A)(8) dealing with the street lighting requirement. He said the applicant is proposing some low voltage street lighting at the entrance and possibly a couple lights in the seating area of the common area, but is not proposing any other street lighting. Mr. Golden said the PB can modify or waive the requirement of street lighting for "special or peculiar circumstances of a particular case."

There was a lengthy discussion including the reasons for and against providing extensive lighting in a densely populated development. Mr. Huddleston said the original intention of the PB was not to provide street lights every few feet in the subdivision. Mr. Pirragalia spoke in favor of street lighting. Some members said they would like to see street lights at the intersections, at the entrance and around the common area. Mr. Golden said the PB has to take into consideration the particular configuration of the subdivision.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Bergus, the Town of Goshen Planning Board waives the lighting requirements of Section 83-25(A)(8) that regulates street lighting and reduces the lighting within the Heritage Subdivision to the proposed entrance, to no less than five lights in the common area and to the seven intersections of the subdivisions. Approved five to two.

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

OTHER BUSINESS

Mr. Bergus told the PB that he had done a structural inspection a couple years ago for an individual who is now taking the builder to court and that he has been asked by the man's attorney to testify on his behalf. The attorney is also the attorney on the Owen's application. Mr. Bergus said he checked with Mr. Golden who told him this was not a conflict but that he should put the situation "on the record". Mr. Golden confirmed that "it is not a conflict" but said it is best for disclosure purposes to put it on the record.

Mr. Huddleston said, also for purpose of disclosure, that he is working on a project in opposition to a shopping center in Dover Plains and that he learned today today that Pietrzak & Pfau and Steve Esposito & Associates were brought onto the team to deal with landscape architecture. Mr. Golden said there is no conflict in this circumstance either.

ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden