

**APPROVED MINUTES**  
**Town of Goshen Planning Board**  
**Town Hall**  
**41 Webster Avenue**  
**Goshen, NY 10924**  
**October 17, 2013**

**Members Present:**

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

**Also Present:**

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

The Planning Board meeting was opened at 7:33 p.m. by Chairman Lee Bergus.

The minutes of the August 15, 2013 meeting were approved.

**Possible Extension or Abandonment of Application pursuant to Town Code**

**Heritage Estates – Extension Request** – Attorney Golden provided a brief status of the application with respect to prior extensions and advised a detailed letter and summary of completed actions had not yet been submitted, however the applicant has been attending to the application.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board extends the conditional final approval on the application of Heritage Estates to January 16, 2014. Approved unanimously.

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

**Hambletonian Park – Extension Request** - Mr. Golden read the applicant's correspondence dated October 8, 2013 requesting an extension.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Ms. Cleaver, the Town of Goshen Planning Board extends the preliminary approval on the application of Hambletonian Park to April 17, 2014. Approved unanimously.

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

**Public Hearings**

**New Cingular Wireless PCS, LLC (AT&T) – 24-1-113 17.5 +/- acres** located on Pulaski Highway in the AI zone for special use permit and site plan approval to construct a wireless telecommunication facility of a new 150 foot monopole.

Representing the Applicant:

John Furst, Esq.  
Danielle Penesso, RF Engineer

At the request of Chairman Bergus the applicant made a brief presentation describing the project. Mr. Hoffman discussed the proposed onsite access improvements as well as the necessary improvements to the existing access road from Pulaski Highway to the driveway. Applicant will solicit the comments of the Town emergency service providers. Attorney Golden advised the Board of the recent ZBA decision regarding this application and referenced the October 9, 2013 correspondence from Red Fern Strategic Medical Communications regarding the potential visual effects of the proposed monopole. The Board was advised that the Town’s Wireless Communications Consultant, the Center for Municipal Solutions, reviewed the application materials and provided written correspondence dated September 3, 2013 indicating the application, in their opinion, is incomplete and additional information is required from the applicant. Attorney Golden advised the Board that the determination of the incomplete application at this juncture does not stop the shot clock and the Board should proceed to comply with the Federal regulations. Chairman Bergus requested that the October 13, 2013 correspondence from the Town’s Telecommunications Advisory Board be appended to the minutes. Applicant acknowledged receipt of all previously discussed correspondence.

**VOTE BY PROPER MOTION**, made by Mr. Lupinski, seconded by Mr. Pirraglia, the Board assumes lead agency status on the application for New Cingular Wireless PCS, LLC (AT&T). Approved unanimously.

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

Mr. Dropkin discussed with the applicant the existing signal strength and the need to increase reliability in this area as well as the minimum height requirement. RF Engineer Penesso reviewed the coverage gap and service along Pulaski Highway and provided a propagation map illustrating AT&T’s anticipated coverage when the proposed facility is completed.

Chairman Bergus requested clarification with respect to the requirement for co-location and the ability of future co-locators to provide adequate service if required to be installed below the proposed AT&T antenna. The applicant advised the tower would be designed to structurally support an extendable pole. Attorney Golden discussed Town Code §97-94.A(2)(a) requiring the applicant to design the tower to accommodate future shared use by other wireless communication providers.

Applicant believes this structural ability of the pole to be extended to meet future co-locator's needs satisfies the Code requirement. Attorney Golden indicated the burden to satisfy the requirements is the applicant's. Building Inspector Halloran will need to provide an interpretation. The Board received public comment as follows:

Gerard Boss, 223 Craigville Road. Mr. Boss spoke of the Hillside Manor Tower and the need to co-locate to avoid antenna farms.

Martin Holmes, 11 Lawrence Lane. Mr. Holmes' property is adjacent to the proposed project and attended the ZBA meetings and indicated the visual analysis was conducted from municipal streets making it difficult to determine the impact on his specific property. Mr. Holmes requested a second balloon test be conducted if the applicant is required to construct a higher tower to accommodate future co-locators. Attorney Golden advised the applicant complied with the requests of the Town with regard to the vantage points studied for the balloon test. The Town followed the requirements to assess the impact on the public's interest and studying the visual impact from private residences is not permitted.

A representative of Mr. Urbanski. Mr. Urbanski also adjoins the property and is concerned about the ability to market the property and the decline of the property value from the proposed mono-tower.

Thomas Krawczyk, Snow Drift Lane. Mr. Krawczyk asked if a future co-locator is required to extend the tower height above the 150-feet sought by the applicant if additional variances would be required and questioned the number of customers within the area to be served by the proposed tower. Attorney Golden confirmed any tower extension would require a variance and the co-locator would go through the same procedure as the current applicant. Federal law prohibits the Planning Board from reviewing the number of customers within an area to be served by the tower since the applicant could be looking to expand into new markets and the analysis would be quite difficult. Mr. Krawczyk's recollection was that this area has been indicated as Indiana bat habitat and he has heard studies that the tower's radio frequencies could be harmful to nearby people and perhaps this endangered species. Attorney Furst confirmed the applicant provided a MPE report of the proposed site evaluating radio frequency emissions and the report indicates that the site meets the FCC exposure limits.

Mr. Holmes, 11 Lawrence Lane. Mr. Holmes questioned the possible noise from the proposed diesel generator. Chairman Bergus indicated the proposed noise would have to be less than the Town's noise ordinance. Applicant advised they can provide a estimate of the decibels at the property to confirm compliance with Town's noise ordinance.

Building Inspector Halloran described to the Board the applicant's proposed cell-collapsing tower and the applicant's engineer, Anthony Botta, described the design of a hinge and internal cables to allow the tower to collapse onto itself to prevent a fall in excess of the property line.

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Pirraglia, the Town of Goshen Planning Board closes the public hearing on the application for New Cingular Wireless PCS, LLC (AT&T). Approved unanimously.

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

**TAM Enterprises – 12-1-2.3 – 31.19 +/- acres** located on Hartley Road in the CO District with flood plain, stream corridor and AQ 6 overlay for site plan approval for 2 structures

Representing the Applicant: Chris Guddemi

Building Inspector Halloran gave a brief summary of the application status and advised the Planning Board the Town Board amended the zoning of this parcel to be all commercial and this matter is listed for site plan approval.

Mr. Golden advised the applicant has a preexisting non-conformity with respect to road frontage and a variance is not required in this instance. However, the Code requires new development to construct a bike path and/or sidewalk along the road and there are additional requirements if the structure is visible from the public road.

Mr. Guddemi requested a potential waiver for the Code required 8:12 roof slope advising the applicant received quotations for the required 8:12 roof slope which was significantly greater than a 4:12 roof slope. Mr. Lasaponara described his business as a water and sewer contractor who responds to emergency calls and intends to store equipment at the site consisting of portable pumps, pipes, hoses, light towers and generators. Mr. Lasaponara advised his business services a number of municipalities within the area including the Town of Goshen and often receives emergency calls so it is necessary for him to maintain various equipment and materials onsite to be ready to respond to emergency situations. In addition, the applicant intends to install an above-ground fuel storage and bay with recycle tank for the washing vehicles. There is no proposed dumping of tanks on site and the applicant advised they typically fill their tankers with potable water from municipal water supplies wherever possible however some filling will be done on site from time to time. The applicant currently maintains a 5,000 water storage tank for emergency top-offs at the existing site.

Mr. Hoffman advised the preliminary plan has been reviewed and his office prepared a detailed report outlining a number of Code requirements as well as addressing proposed utilities and stormwater management. With respect to water supply, the applicant has preliminarily indicated an anticipated use of 330 gallons/day. This is based on the applicant's anticipated employees only. Additional information in connection with the applicant's use for filing trucks will be necessary and water testing will be required based on this demand.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Gawronski, the Town of Goshen Planning Board assumes lead agency status on the application of TAM Enterprises. Approved unanimously.

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

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Gawronski, the Town of Goshen Planning Board declares this a Type I SEQRA action. Approved unanimously.

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

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Pirraglia, the Town of Goshen Planning Board scheduled a public hearing on the application of TAM Enterprises for November 21, 2013. Approved unanimously.

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

**Atlantic Fiber Optic – 18-2-10 – 2 +/- acres** located on Quarry Rd in the HC district for site plan approval.

Representing the Applicant:

Brian J. Friedler  
Karen Emmerich

Building Inspector Halloran provided a background of the application including a history of previous approvals from 2000 and 2005. The applicant has returned for a similar approval however, the size of the building has been reduced and a residential second floor apartment is proposed for the owner.

The Board reviewed the application and discussed site grading accessing the proposed storage containers and the existing buffer along the side of the property.

Attorney Golden advised the existing road frontage is less than required by the Town Code however this is an existing non-conformity and a variance is not required. Similar to the previous application, the Board needs to address the visibility of the proposed building from the public road to determine compliance with the Code development standards.

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board assumes lead agency status on the application of Atlantic Fiber Optic. Approved unanimously.

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

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Gawronski, the Town of Goshen Planning Board declares this an unlisted SEQRA action. Approved unanimously.

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

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board scheduled a public hearing on the application of Atlantic Fiber Optic for November 21, 2013. Approved unanimously.

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

**Cimino – 11-1-100 10.223 +/- acres** located on Old Chester Rd and Duck Farm Rd in an RU district with an AQ6 and scenic corridor.

Representing the Applicant:

Thomas Deputy, PE

Mr. Deputy gave a brief presentation regarding the previous subdivision and the owners intention to create one additional lot. This lot is mostly an open field and there is a little clearing and/or grading necessary in connection with the construction of the residential dwellings. Mr. Deputy advised that, after discussions with Mr. Hoffman during the staff meeting, the owner intends to abandon all of the existing wells adjacent to the stream and will drill new wells closer to homes.

Mr. Hoffman advised the Board to consider requiring the applicant to relocate the proposed property line such that the stream is entirely on one parcel which would possibly allow future maintenance of the stream and facilitate maintenance of the adjacent culvert by Town forces if necessary. In addition, Mr. Hoffman confirmed the applicant performed well testing in connection with the first subdivision which was designed to include the subsequent subdivision of this parcel and no further well testing is required.

Building Inspector Halloran advised the applicant has also planted street trees in connection with the first application.

Ms. Cleaver requested the applicant consider adding a note to the drawing that the existing trees installed adjacent to the Otter Kill remain if possible.

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board assumes lead agency status on the matter of Cimino. Approved unanimously.

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

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Andrews, the Town of Goshen Planning Board determined this to be an unlisted SEQRA action. Approved unanimously.

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

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board scheduled a public hearing on the matter of Cimino for December 5, 2013. Approved unanimously.

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

Ms. Naughton requested the applicant provide two (2) additional copies of the Environmental Assessment Form and project plans for distribution in connection with GML 239 requirements as soon as possible.

**Mt. Ararat (Kaprielian) 4-1-9.22 & 14.1 - 66.8 & 139.24 +/- acres** located on Craigville & Farmingdale Road in the RU district with an AQ 3 & AQ 6 and scenic corridor overlay. 57- lot subdivision for sketch plan.

Representing the Applicant:

Steve Esposito  
Dave Egarian  
Rob Roselli

Building Inspector Halloran gave a background on the matter and indicated that the Board last considered this in March in connection with their adoption of conservation findings and the applicant has prepared a sketch plan in connection with subdivision approval.

Chairman Bergus questioned the applicant's depiction of only one onsite well and asked if the intention is to connect to the adjacent Young's Grove subdivision. Mr. Esposito advised the applicant has shown one well and does intend a connection to the Young's Grove Subdivision however, if a connection is infeasible the applicant is prepared to locate a second well along the southerly region of the project at a precise location to be determined by the applicant's hydrogeologist. Chairman Bergus questioned the applicant's depiction of a water storage tank within the center of the project. Mr. Esposito advised the applicant has several options available including a connection to Young's Grove water storage tank, an underground water tank with fire pumps and the elevated storage tank as shown. The applicant prefers the connection to the Young's Grove storage tank for a number of reasons but has shown the onsite water tank to indicate the system could be designed to stand alone if necessary.

Ms. Cleaver questioned the distribution of residential lots across the aquifer overlay boundary and indicated the density calculations suggest the onsite AQ6 area can only support seven residential lots where 36 residential lots have been shown. Mr. Golden advised he and Ms. Naughton researched the matter and believe the specific requirements within the Code address the density of the site rather than the distribution of the lots.

The Board reviewed the road layout and considered future extensions to surrounding properties as well as the applicant's proposal of a boulevard entrance rather than an emergency access and/or a second full entrance. Mr. Esposito advised the existing boulevard entrance was located at the optimum position for sight distance and additional grading work will be done within the County's right-of-way to increase the sight distance further. Mr. Esposito indicated if necessary, an emergency access could likely be constructed either through the Reiger property or through the applicant's property adjacent to the proposed well. Chairman Bergus asked the Board and the majority was in favor of the boulevard entrance but expressed concerns over the ability of the school to enter the site with school buses. Mr. Esposito will contact the school district to confirm school buses are required to enter the site and to determine if there are any prohibitions regarding the proposed rotary.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Pirraglia, the Town of Goshen Planning Board declared their intent to be lead agency on the of Mt. Ararat. Approved unanimously.

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

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Gawronski, the Town of Goshen Planning Board determined this to be an unlisted SEQRA action. Approved unanimously.

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

**Young's Grove/Reiger – 9-1-8.452 384 +/- acres**, located on Craigville Rd at the end of Broadlea Road in the RU district with an AQ3, AQ6, with Scenic Rd. and flood plain overlay. Amended SEQRA findings.

Representing the Applicant:

Steve Esposito  
Dominic Cordisco

Attorney Golden reviewed the map of the proposed forcemain and provided some background in connection with the Board's SEQRA process. After discussions with the applicant's attorney, Attorney Golden agrees the appropriate process is for the applicant to submit a statement and the Board to consider adoption of amended SEQRA findings.

Mr. Esposito indicated the applicant has reviewed the draft findings statement distributed by Ms. Naughton and agrees with the findings with the exception of one typographical error. Mr. Cordisco requested a change or language which will be modified by Ms. Naughton.

Attorney Golden indicated under SEQRA timelines the Board has 15 days. In addition, comments are required by the Town's Environmental Review Board. Building Inspector Halloran confirmed the next ERB meeting is November 15<sup>th</sup> and the applicant this evening has provided additional copies necessary for the Environmental Review Board's consideration. This matter will be listed on the Board's November 21<sup>st</sup> meeting for possible adoption of the amended findings statement. In addition, Attorney Golden reminded the Board of the requirements for subdivision approval after the completion of SEQRA and the Board agreed to list this on the December 5<sup>th</sup> meeting to discuss subdivision approval.

**Milmar Food Group 12-1-13.2 – 18.7 +/- acres** located on 6 ½ Station Road in CO District and AQ 6 overlay site plan approval for a freezer warehouse addition.

Representing the Applicant:

Chris Guddemi

Mr. Guddemi provided the Board with background advising the applicant is proposing a 20,000 square foot expansion to the existing warehouse so they can relocate their operations from New Jersey to the Town of Goshen.

Mr. Dropkin stated he was at the staff meeting and would like to see the site addressed to reduce the visual impacts since this is a highly visible corner along the State Highway. The applicant stated the proposed improvements along the rear of the building and there are no plans at this time for any improvements adjacent to 17M due in part to the existing topography as well as the financial burden of additional improvements.

Ms. Cleaver suggested the applicant consider possible alternatives to landscaping screening including lattice or some other structure. Building Inspector Halloran suggested these alternatives be considered carefully because they could have engineering impacts especially when snow loads are considered.

Mr. Hoffman directed the applicant to consider the Code requirements for development compliance and screening in particular the requirements for storage and screening from public roads.

The applicant is currently investigating the location of the sewage disposal system to confirm it is located away from the proposed paving area and verify any unused existing wells will be abandoned in accordance with the Department of Health requirements and standards.

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Dropkin, the Town of Goshen Planning Board declared their intent to be lead agency on the application of Milmar Food. Approved unanimously.

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

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Gawronski, the Town of Goshen Planning Board determined this to be an unlisted SEQRA action. Approved unanimously.

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

Mr. Golden stated the applicant is not ready for setting of a public hearing and the Board will consider to set a public hearing after additional materials are provided.

**White Tail Drive** – Mr. Hoffman requested the Board consider the proposal by the current developer of the subdivision approved in 1993 to provide a tee-turnaround rather than a cul-de-sac. The Board agreed this could be executed as a field change.

**ADJOURNMENT** - The Planning Board adjourned at 11:22 p.m.

Lee Bergus, Chairman  
Notes Prepared by Building Inspector Halloran