

**APPROVED MINUTES**  
**Town of Goshen Planning Board**  
**Town Hall**  
**41 Webster Avenue**  
**Goshen, New York**  
**November 20, 2014**

**Members Present:**

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

**Also Present:**

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

**Absent:** Susan Cleaver  
David Gawronski

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

The minutes of the meeting of November 6, 2014 were not approved.

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

**Traskus**

Attorney Jim Sweeney and Bruce Katona, representing the contract purchaser KDJ, were present. Mr. Sweeney said the applicant needs to finish the replacing of soils and asked for another six months to complete the soil testing protocol.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Pirraglia, The Town of Goshen Planning Board grants two 90-day extensions, to May 7, 2015, on the application of Traskus. Approved Unanimously.

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

**Heritage Estates**

Mr. Esposito said the applicant has received approval from NYS for the water system and has completed the wetland mitigation measures required by the Army Corp of Engineers. The applicant intends to commence construction this spring, he said, and asked for two 90-day extensions.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Lupinski, The Town of Goshen Planning Board grants two 90-day extensions to May 21, 2015 on the application of Heritage Estates. Approved Unanimously.

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

**Kolk**

Mr. Esposito said the applicant is seeking two 90-day extensions of the Conditional Preliminary and Final Minor Subdivision Approval. He said the applicant needs some time to do some filling and to explore an easement.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Andrews, The Town of Goshen Planning Board grants two 90-day extensions to May 21, 2015 on the application of Kolk. Approved Unanimously.

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

**A&L**

Mr. Esposito said the applicant is requesting two 90-day extensions and is planning to file Phases II and III simultaneously. Mr. Esposito said he is also asking for action on the bond.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Lupinski, The Town of Goshen Planning Board grants two 90-day extensions, to May 21, 2015, on the application of A&L. Approved Unanimously.

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

The PB discussed the applicant's request to set a performance bond for Phases II and III. Mr. Hoffman said he just received the bond request from the applicant today and did not have time to do a site inspection of the work that has been completed. He said the applicant has requested a lower bond amount than he recommends. Mr. Hoffman discussed how he arrived at the cost estimate. The possibility of holding the request until the next meeting was discussed so that the PB engineer can inspect the work at the site.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Lupinski, The Town of Goshen Planning Board approves the bond estimate for Phase II and III on the application of A&L Subdivision as recommended by the PB’s Consulting Engineer (\$273,400 for Phase II and \$263,500 for Phase III). The motion did not pass. The vote was 3 in favor and 2 opposed.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	No	Mr. Pirraglia	Aye
Mr. Dropkin	No		

**PUBLIC HEARING**

**New Cingular Wireless PCS, LLC (aka AT&T 6-1/2 Station Road) 10-1-56.2.**

Application for site plan and special permit for a wireless telecommunications facility on 49.80 +/- acres on 6-1/2 Station Road and Cheechunk in the CO District with AQ-6 and Scenic Road Corridor overlays.

**Representing the applicant:**

**Anthony Morando, Esq.  
Dan Penesso, Consulting Engineer  
Greg Lahey, Tectonic Engineering**

Mr. Morando talked about what has been done on the application for a new telecommunications tower since his last appearance before the PB in October. He said that it has been determined that there are no sites that AT&T can use that do not abut a parcel in a residential zone, a requirement of Town Code. Mr. Morando said that a request for jurisdictional determination has been filed with the Army Corp of Engineers and the NYSDEC. He summarized the applicant’s reasoning for a waiver of underground utilities. He said that where the utility will impact wetlands, the applicant will go above ground and where it doesn’t, it will go underground. Mr. Morando said that the applicant has reduced the need for tree removal from 28 trees to 23 trees.

Mr. Morando and the PB had a lengthy discussion about the possibility of co-locating with a County tower. Mr. Morando acknowledged that the County has recently indicated a willingness to talk about co-habiting, coming after a year of effort to have discussions with the County. He said that the tower at the county jail is not an option because it doesn’t cover the areas that AT&T needs to cover. He said that the County’s EMS tower (190 ft.) is full with no room for AT&T. He said that the County’s EMS fiberglass water tank is a 100 ft. structure and after review, AT&T decided that while the coverage would be comparable, it will mean a reduction in coverage. He said that AT&T has already made a substantial investment in the project before the PB and that this project is a more ideal option for future planning purposes. He said it will offer an opportunity for co-locations in the future.

Mr. Hoffman said that the applicant completed the wetlands mapping and did an updated tree survey and were able to preserve five significant trees. He said they accomplished what they were asked to do.

Mr. Bergus asked for public comment. There was none.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Andrews, The Town of Goshen Planning Board closes the public hearing on the application of New Cingular Wireless PCS, LLC. Approved Unanimously.

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

Ms. Naughton said that she prepared a draft resolution and read the Findings as follows:

“The Planning Board finds that the tower will not result in a significant adverse visual impact.

The Planning Board further finds that, based upon the documentation provided, no other 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 CO district, which abuts a residential district.

Pursuant to Section 97-94(D) of the Town Code, the Planning Board hereby waives the requirement for all electrical power supply to service the on-site buildings and appurtenances supporting the tower antenna operations to be installed underground. The applicant has represented that installing all of the electrical power supplies underground would result in an additional 1,740 square feet of wetland adjacent area disturbance and 50 square feet of wetland disturbance.”

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Dropkin, The Town of Goshen Planning Board accepts the Findings as read by legal counsel on the application of New Cingular Wireless PCS, LLC. Approved Unanimously.

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

Ms. Naughton read the conditions of approval on the proposed approval of the application 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 structure.
3. The applicant shall be required to maintain the access road and repair any erosion to the satisfaction of the Building Inspector.
4. Prior to the signing of the plans, the applicant shall revise the plans to include rip-rap swales with check dams along the driveway to control stormwater runoff to the satisfaction of the Town Engineer.
5. Prior to the signing of the plans, the applicant shall comply with the November 14, 2014 memorandum of the Town Engineer, to the satisfaction of the Town Engineer.
6. Prior to the signing of the plans, the applicant shall submit a jurisdictional determination to the regulating agencies, and shall submit to the Building Department a delineation map validated by the New York State Department of Environmental Conservation.
7. Prior to the signing of the plans, the applicant shall revise the plans to include a note indicating the location where the utility service must transition to underground.
8. All above ground utility poles shall be of the minimum height required by the utility company.
9. Prior to the signing of the plans, the applicant shall revise the plans to provide sufficient screening along those sides of the equipment shelter visible from the Orange County 911 property, and shall provide a Landscaping Plan to depict this screening requirement, to the satisfaction of the Town Engineer.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Pirraglia, The Town of Goshen Planning Board approves the Resolution of Approval, as modified, on the application of New Cingular Wireless PCS, LLC. Approved Unanimously.

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

**Gerick Associates LLC - 19-1-76:** Site plan application for produce processing and storage building on 12.9 +/- acres located on County Highway #37/Maple Avenue AI zone with AQ3, Scenic Road Corridor and Floodplain & Ponding overlays. Draft Resolution

**Representing the applicant:**

**Steve Esposito**

Mr. Esposito reiterated that the application is for a 40,000 sq. ft. vegetable packing plant on Maple Avenue. The PB discussed the sufficiency of the lighting on the site.

Ms. Naughton read the two Findings on the draft Resolution as follows:

“In accordance with Section 97-25, prohibiting certain activities within the Floodplain & Ponding Area Overlay District, the Planning Board finds that the applicant’s proposal to raise a portion of the site to elevate the loading dock area and access road out of the floodplain as shown on the plans will not result in excessive off-premises noise, dust, odors, solid waste, or glare and will not create any public or private nuisances. The proper provisions have been made for stormwater management and other related needed improvements and utilities. The Planning Board finds that the proper provisions have been made for potable water supply or wastewater collection and treatment. The Town Highway Department has confirmed that the streets accessing the property are of such width, grade, condition and location as to accommodate the present and anticipated future vehicular traffic and to facilitate fire, police and other emergency protection. No new roadways are proposed. The project will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads. Furthermore, the Planning Board determined that this project would not materially degrade any watercourse or other natural resource of ecosystem or degrade the water quality or quantity of an aquifer. This project is suitable for the property on which it is proposed, and is subject to conditions on operation and design. It avoids strip commercial development, does not adversely affect the availability of affordable housing in the Town, and complies with site plan criteria in Section 97-75(D). This site is laid out in a manner that reflects and complements the natural, historic, and scenic resources of the Town. Additionally, the Planning Board finds that the area proposed for disturbance will be safe from flooding or ponding, and there is adequate means of vehicular access to the area from an existing street, which is safe from flooding. The applicant has submitted evidence that surface drainage facilities are adequate to service the intended use. Evidence was submitted in connection with the adequacy of the sewage disposal and water supply facilities for the intended use, and was found to be satisfactory.

The Planning Board further recognizes that the proposed modifications to the floodplain require a floodplain development permit from the Building Inspector. Additionally, as the applicant is required to balance the fill with a hydraulically equivalent volume of excavation, the Planning Board has conditioned this approval upon the applicant providing the calculation of fill and offsetting excavation volumes. See Specific Condition No. 1.”

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Lupinski, The Town of Goshen Planning Board accepts the Findings as read by legal counsel on the application of Gerick Associates LLC. Approved Unanimously.

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

Ms. Naughton read the Specific Conditions as follows:

1. Prior to the signing of the plans, the applicant shall calculate fill and offsetting excavation volumes, to the satisfaction of the Town Engineer.
2. Prior to the signing of the plans, the applicant shall confirm the lot acreage of the parcel. The applicant's plans state that the parcel contains 12.33 acres and information from the County provides that the parcel contains 12.9 acres.
3. No signage, other than those required for traffic control and approved by the Orange County Department of Public Works, is being approved as part of this Resolution of Site Plan Approval. The applicant shall apply to the Building Department for a sign permit prior to the posting of any signs on the property, which shall comply with Section 97-49 of the Town Code.
4. Prior to the signing of the plans, the applicant shall comply with the memorandum of the Town Engineer dated October 31, 2014, to the satisfaction of the Town Engineer.
5. All light levels must be limited to 0.1-foot candles at the property line so no offset glare will result. The fixtures shall meet IDA, LEED or Green Globes criteria for Nighttime Friendly or Dark Sky lighting. Any wall pack fixtures shall include non-glare shields.
6. The plan includes two (2) areas of set aside parking which shall remain undeveloped unless the Building Inspector determines additional parking is necessary, at which time the applicant will be required to pave these areas to the satisfaction of the Town Engineer and the Building Inspector.
7. Prior to the issuance of a building permit, the limits of clearing and disturbance shown on the plan shall be identified in the field with appropriate signage, flagging and/or fencing. The signage, flagging and/or fencing of the limits of clearing and disturbance shall be posted conspicuously on the site to the satisfaction of the Building Inspector.
8. Prior to the issuance of a certificate of occupancy, a lock box shall be provided pursuant to the Fire Department's specifications to allow emergency services to enter the facility in the event of an emergency.
9. Prior to the signing of the plans, the applicant shall provide the well testing results and final report, including the water quality and water yield results, which shall be to the satisfaction of the Town Engineer.
10. Prior to the signing of the plans, the applicant shall provide a wetland certification to the satisfaction of the Building Inspector.
11. The installation of all onsite sewage disposal systems shall be observed during construction by the Town Engineer, if requested by the Building Inspector.
12. Prior to the signing of the plans, the applicant shall include a note on the plans stating that there are no wells within 300 feet of the sewage disposal system absorption area.

13. Prior to the signing of the plans, the applicant shall revise the Stormwater Pollution Prevention Plan (“SWPPP”) to the satisfaction of the Town Engineer. The SWPPP shall confirm the adequacy of the proposed stormwater collection, conveyance and treatment practices. Prior to the signing of the plans, the plans shall be updated to correspond with the SWPPP.
14. Prior to the signing of the plans, the applicant shall provide to the Building Department a copy of correspondence to the Orange County Department of Public Works requesting a sign be located along Maple Avenue (County Route 37) identifying the entrance: “Caution, Truck Entrance.”

**VOTE BY PROPER MOTION**, made by Mr. Lupinski, seconded by Mr. Andrews, The Town of Goshen Planning Board approves the Resolution of Conditional Approval on the application of Gerick Associates, LLC as modified. Approved Unanimously.

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

**Orange County Chinese Christian Church - 10-1-56.3.** Site plan and special permit application for a religious use on 27.126+/- acres on Cheechunk Rd. in the RU district with AQ6 overlay. Discussion and schedule public hearing.

Representing the applicant:	Dave Higgins
	Robert Panuto

Mr. Higgins said that the project is construction of a church building for the Orange County Chinese Christian Church community who now shares space with St. Paul’s Church in Monroe. He said that the congregation wants to build a church on Cheechunk Rd. that will be 150 ft. by 100 ft. or 15,000 sq. ft., sized for 300 seats. The access is a one way drive off Cheechunk Rd. on the east side and an egress and ingress road to the parking lot on the west side, he said. A total of 103 parking spaces are planned while 100 are required by the Code. The church will be served by a sub-surface sewage disposal system and individual well. There is more room for parking if needed in the future, Mr. Higgins said.

Mr. Hoffman said that the sight distances are a problem. He said that on the westerly driveway entrance, when turning in, the sight distance behind is not sufficient. He recommends eliminating that access or looking for ways to improve the sight distance. There are two accesses now. PB members discussed options. Mr. Hoffman said he will meet with the Town Highway Supervisor in the field to see what works best.

Mr. Hoffman said that the Code requires a 50-foot wide landscape buffer planted with trees or dense vegetative screening and landscape islands at least 15 feet wide spaced no more than 120-feet apart with 3” caliber shade trees, one for every 20 feet of island. Mr. Hoffman said

he is not sure there is enough room and that the applicant may have to lose some of the parking spots. It was stated that the Building Inspector and the PB attorney will look at the code to interpret its language and how it applies to the application.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Pirraglia, The Town of Goshen Planning Board declares itself the lead agency on the application of Orange County Chinese Christian Church. Approved Unanimously.

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

Following PB discussion, Mr. Higgins said that the applicant will schedule a perc test witnessed by the PB consultant.

Ms. Naughton said that the application is not yet ready for scheduling a public hearing.

#### **ADJOURMENT**

The Planning Board closed the meeting at 10:20 p.m.

Lee Bergus, Planning Board Chair  
Notes prepared by Sue Varden