

**VILLAGE OF GOSHEN
PLANNING BOARD
Work Session/Regular Meeting
February 22, 2011**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on Tuesday, February 22, 2011 by Chair Jerome O'Donnell.

Present: Augustine DeRosa
Dominick Igneri
Rebecca Lafargue
Elaine McClung
Jerome O'Donnell, Chair

Also Present: Mike Donnelly, PB Attorney
John O'Rourke, Lanc & Tully, PB Engineers
Ted Lewis, Building Inspector

PUBLIC HEARING

MetroPCS New York, LLC-Wireless Telecommunications Facility proposal at Goshen United Methodist Church, 115 Main Street #109-2-6, O-B/ADD/CPHD District.

Representing applicant Metro PCS

John Furst, Esq.

Mr. Furst provided the Planning Board with the Affidavits of Mailing of the Notice of Public Hearing. He provided a summary of the application for conditional use and site plan approval. Mr. Furst said that Metro PCS is a FCC licensed provider of digital wireless next generation PCS services. New to the market, Metro PCS is building its network along the eastern coast and wants to provide reliable service in the downtown village and certain portions of Route 17 & 17M fulfilling its FCC obligations. The company prefers to co-locate on existing structures or towers and in this case is proposing to co-locate on the steeple of the Goshen Methodist Church, he said. The applicant's antennas will be located behind a self-concealment panel designed as a cross within the steeple of the church. Equipment cabinets will be in the basement of the church. The site is 1.1 acres and fronts Main St. and intersects with Court Street.

The applicant is proposing eight panel antennas within the stealth crosses in the steeple; two antennas stacked on top of each other within each opening. In front of the antennas will be fiberglass concealing the antennas and the cables associated with them. The crosses will be 12.5 ft by 6 ft., located within each opening in the steeple and will be painted to match the existing red trim on the church.

There will be five unmanned equipment cabinets located in the church basement within a 20 ft. x 8 ft. fenced-in leased area. All cables will be run inside the steeple and ceiling. There will be limited visits so there will be no impact on traffic or parking, Mr. Furst said. There is no proposed lighting or signs.

Mr. Furst said the proposal complies with the local code and is in harmony with the surrounding area. He said the NYS Office of Historic Preservation has approved the proposal. He said that an antennae site FCC- RF compliance assessment has been submitted showing that what is proposed complies with the FCC's maximum committed exposure limits in connection with the emissions associated with the antennas. "We will be 250 times below this FCC limit," he said.

Mr. O'Donnell asked for public comment.

Keith Roddey of 107 Webster Ave. said that while the church is in the OB district, it is also across the street from homes where there are people and children. He said there is a

lack of consensus among health care experts about whether cell towers are harmful to one's health. He talked about the studies that show there are health risks and those stating that low levels of radiation can cause cancer and brain tumors among other chronic diseases. Mr. Roddey also spoke of a German study that revealed those who live within 1300 ft. of a cell tower were three times more likely to get cancer and that children living near cell towers have two times greater risk of getting leukemia. He spoke about medical doctors who have declared cell phone towers a public health emergency and said that while the FCC has said cell phone towers pose no health issues, the FCC is not a public health agency but is about regulating interstate and international communications. If anyone is going to be affected by this cell tower, it is going to be children, the elderly and pregnant women, Mr. Roddey said.

Lee Krish, a member of Goshen Methodist Church, said the church studied and listened to both sides of the issue. He said they spoke to the pre-school located in the church and that only two of the families were concerned about it. Mr. Krish said the church pastor lives behind the church and has no qualms and that the congregation approved the cell tower. He said he is pleased to get the design of a cross as the concealment.

Church Pastor Steve Peiffer said he doesn't want to put anyone at risk. He said the church looked at the studies and deemed that there are no studies that conclusively prove there is any kind of risk to people near a cell installation. He said the church has been working on this for almost two years and that not one person in his church was against it. He said this is already an existing feature of the Village as the Presbyterian Church has two cell towers in its steeple.

Mr. Donnelly pointed out that the federal government has said that Planning Boards may not base their decision-making regarding cell towers in any fashion upon the health risks, real or perceived.

VOTE BY PROPER MOTION made by Mr. DeRosa, seconded by Mr. Igneri, the Village of Goshen Planning Board closes the public hearing on the application of Metro PCS New York, LLC and Goshen United Methodist Church. Passed unanimously.

Mr. O'Donnell opened the regular meeting at 7:50 p.m.

The application of Cingular Wireless (AT&T) and the Goshen United Methodist Church.

The PB discussed the February 22nd letter from Architectural Design District architect Harry Pharr who said he believes the reddish-brown crosses in the Gothic arch openings of the bell tower will have an impact on the architecture and will diminish the architectural integrity of the landmark. Mr. Pharr said he prefers "a simpler, less obtrusive way to shield the antenna stating that an earlier design of a single vertical panel, recessed in the openings as far as practical and painted flat black would visually recede into the shadows of the tower and not impede the sound of the bell." Mr. DeRosa read the letter aloud for the public.

Mr. Furst reminded the PB that the church pastor prefers the cross and doesn't think that putting a cross in the steeple would be out of character with the underlying use. SHIPO has approved this, and it is a third party, he said. Mr. Furst said that recessing the antennas will cause a problem with the functionality of the antennae and that by pushing them back closer to the bell, the existing columns' thickness will block the signal that travels out from the antennas. The cross allows the antennas to be closer to the opening. He said that the proposal Mr. Pharr prefers will not work from the applicant's perspective.

Mr. Donnelly told the PB that the ADD architect is an advisor, not a decision maker.

Peter Papay, applicant's Engineer, said there will be four sectors with two antennas each. There is no microwave, no generator, no generator plug, but a battery cavity downstairs. There will be no special venting but there will be a fire alarm, he said. There is no lease agreement with any other carriers.

Ms. McClung suggested that the church pastor and the applicant's architect, Alfred Galdi discuss the design with ADD architect Harry Pharr to reach an agreement.

Mr. Donnelly said that Mr. Pharr is asking that a visual be prepared to show what he is proposing but that from the applicant's point of view, Mr. Pharr's proposal is not feasible because the existing brick columns supporting the steeple will serve to block the antennas' signal, so the antennas need to be as close to the outer edge of the openings as possible.

Mr. Furst asked the PB if the application will degrade the neighboring property values or destroy the historic district.

In answer to a question posed by Mr. Igneri, Mr. Furst said that it is Metro's facility, so MetroPCS will be responsible for the painting and upkeep of the crosses.

Mr. Donnelly said the PB issued a Notice of Intent to be lead agency on Dec. 14, 2010 and that no other agency has challenged it so the PB's status of lead agency is finalized. The PB also received a report from the Orange County Department of Planning. There are no other agency approvals needed, he said.

VOTE BY PROPER MOTION made by Mr. Igneri, seconded by Ms. Lafargue the Village of Goshen Planning Board issues a negative declaration in terms of SEQRA on the application of MetroPCS New York, LLC and Goshen United Methodist Church. Passed unanimously.

Mr. Donnelly said that if the PB approves the application, the conditions will include: (1) that before a building permit is issued a final certified statement of non-interference be delivered (2) a performance affidavit must be supplied (3) construction must start within one year (4) that the anticipated completion date is Feb. 22, 2012 (5) that no construction other than what is shown on the site plan may be built on the site.

VOTE BY PROPER MOTION made by Mr. Igneri, seconded by Mr. DeRosa, the Village of Goshen Planning Board approves the conditional use and site plan application of MetroPCS New York, LLC and the Goshen Methodist Church with the conditions cited. The motion passed with four votes in favor, and one opposed. Ms. McClung opposed the motion stating that she would prefer there be a consultation with the two architects with the intention of a compromise to the recommendation of the crosses.

New Cingular Wireless PCS, LLC (AT&T) – Co-location of wireless telecommunications facility (OR-006) at 33 Park Place (First Presbyterian Church), #109-4-2, O-B/ADD/CPHD.

Representing applicant AT&T

John Furst, Esq.

Mr. Furst said the application is for conditional use and site plan approval to co-locate antennas on the First Presbyterian Church. AT&T is licensed by the FCC to provide wireless telecommunications and to build out their network, he said. The antennas will be located externally, behind a stealth concealment enclosure located next to the windows above the clock in the highest tower. The unmanned equipment (ten equipment cabinets) will be located outside the building in a corridor between two exterior walls. They will be fenced in with a link fence. All cable will be run down the steeple through the church. All cables will be wired inside. The antennas will be monitored remotely so limited access will be needed and there will be a minimum disturbance, he said. Currently there are

two other carriers, Verizon and T Mobile, who have antennas on the steeple with equipment inside the building.

AT&T will have eight antennas located behind the stealth concealment enclosures. The enclosures will be designed to match the steeple's existing color and texture, Mr. Furst said. Each side of the steeple will have two antennas sitting on each side of the windows. The antennas are 51"x12"x 6" deep. Along with the submitted site plan were photo simulations from various viewpoints around the church showing the appearance of the concealment enclosures.

Mr. Igneri said he is concerned about matching the masonry color of the building facade and said he would first want to see a sample of the match. He said he wants to know where the equipment will be stored and how the cable will come out of the building and whether or not the proposal calls for a generator.

Mr. Donnelly said the proposal is classified a Type I Action in terms of SEQRA and recommended that the PB issue a Notice of Intent to be lead agency. He said the application will have to be sent to Orange County Planning for review and will require a public hearing of the PB.

Mr. O'Rourke said there are no engineering interests at this time.

VOTE BY PROPER MOTION made by Mr. DeRosa, seconded by Mr. Igneri, the Village of Goshen Planning Board schedules a public hearing on the application of New Cingular Wireless PCS, LLC (AT&T) for March 22, 2011 at 7:30 p.m. Passed unanimously.

DUSO Properties, Stan Stoltz – #120-1-2, O-B Zone - Request for extension of Site Plan Approval

Mr. Stoltz was present to request a two year extension.

VOTE BY PROPER MOTION made by Ms. McClung, seconded by Mr. Igneri, the Village of Goshen Planning Board grants an extension of the site plan approval for the application of DUSO Properties, with an anticipated completion date and construction start date extended two years from what they were in the original approval.

Heritage Estates Resolution

Mr. Donnelly and the engineering firm of Lanc and Tully have previously been disqualified from discussion, due to conflicts of interest.

Steve Reineke, Esq., legal representative to the PB on this application, said he had prepared a resolution of approval following a previous meeting.

Heritage Estates had been granted an extension by the PB that would run out February 2011, he said. They had to demonstrate there were no changes that would impact SEQRA between the time of preliminary approval and when it came back to the PB for final approval, Mr. Reineke said. The PB obtained an independent opinion, from Jerry McDonald, stating that there are no changes that would necessitate a re-opening of SEQRA. The letter is in the file, Mr. Reineke said. Also the County Health Department has said they are ready to approve it. The Resolution is now ready for signature of the PB, he said.

VOTE BY PROPER MOTION made by Mr. DeRosa, seconded by Ms. Lafargue the Village of Goshen Planning Board approves the Heritage Estates resolution. Passed unanimously.

Denali Properties, Inc. d/b/a Kidzzplay Installation Services, Matthews Street #119-1-2, D-S zone.

Mr. Reilly, president of Denali Properties, appeared before the PB to comply with the PB's request in June that he appear at the January 2011 PB meeting. The PB's January meeting was cancelled.

The PB noted that Mr. Riley had cleaned up the site at the end of the season as requested. The PB determined it is not necessary for Mr. Riley to appear before them again next year.

Orange-Ulster B.O.C.E.S request for a Conditional Use and Site Plan approval to use the Arden Hill Hospital Campus for a Y Use Group, #116-3-1.11 and #128-1-3.22 OBH zone.

Representing the applicant: Deborah McBride Heppes, Assistant Superintendent
Kerri Stroka, Director of Special Education
Mark Coleman, Director of Operations
Mark Fellenzer Engineering

Ms. Heppes said that Orange-Ulster BOCES, providers of educational services for 17 school districts in Orange County and in Marlboro in Ulster County, was appearing before the PB to obtain a conditional use permit and site plan approval to use the Arden Hill Hospital campus for its programs. Ms. Heppes said that BOCES will have to approach the State Education Department for approval, but that since they will be leasing the property from Arden Hill, they must also get approval from the PB.

Ms. Heppes said that BOCES is full at its Gibson Road campus and at its satellite locations. Currently it buses 400 students out of the County daily for programs that it does not have space to provide. If BOCES had the space, they could create the programs and serve the students closer to home, saving on transportation costs, she said. The majority of the programs will be special education programs.

The applicant's engineer, Mark Fellenzer, said that the BOCES Board of Directors declared its intent, in November, to be lead agency for SEQRA review. Notices were sent out to all interested parties and no requests were made to be lead agency, so BOCES has assumed that status. A traffic assessment was conducted and a negative declaration of adverse environmental impact has been declared by BOCES as lead agency. The SEQRA process is concluded, he said. Mr. Fellenzer showed the PB aerial photos highlighting the traffic circulation, the proposed bus loop and bus parking. A traffic study was done to evaluate the intersections in the area and delivered to the PB engineer for review. Mr. Fellenzer presented the PB with multiple copies for its members. He said BOCES has met with the Village Police Chief and fire department.

Mr. O'Rourke said he will review the traffic report. He said he has looked at the site plan and its minor interior changes. Internally, everything looks fine, he said and he doesn't see any engineering issues. He said that overall there will be a reduction in pavement.

Mr. Donnelly said the application will have to be sent to the Orange County Planning Department for review and to the Town of Goshen Clerk because the property is within 500 feet of the town boundary.

Mr. Fellenzer told the PB that the Orange County Department of Mental Health building is a separate parcel, and is not a part of the application, nor is the Arden Hill Life Care Center. The lease will include the Medical Arts Buildings 1, 2 and 3 and the green house. Ms. Heppes said that BOCES will grow into the space and would occupy parts of the main building first and then slowly move from its other leased properties to this site.

There is a possibility that it will lease out some of the space to not-for-profits that would benefit the BOCES programs, she said. They will use a maximum of 35-40 buses, about one-third of what is utilized on Gibson Rd. Traffic studies, Ms. Heppes said, have shown there should be no traffic issues.

VOTE BY PROPER MOTION made by Mr. DeRosa, seconded by Ms. Lafargue, the Village of Goshen Planning Board schedules a public hearing on the application of Orange-Ulster B.O.C.E.S. for March 22, 2011 at 7:45 p.m. Passed unanimously.

Quick-Chek, #115-1-4 and #119-2-1 & 2, D-S zone. Proposed commercial development, 142 & 145 Matthews St. Proposed retail store and gasoline station. Harold P. Grout, Owner of Record.

Representing the applicant: Jeff Albaneze, Quick-Chek Real Estate
Keith Cahill, Chuck Olivo, Engineers

Mr. Albaneze introduced Quick-Chek as a privately held company. Its first store was built in 1967 and now the company has 127 stores. None of the locations are franchised businesses, he said. Quick-Chek is currently building its tenth store in New York State, in Monroe. The proposal to be located on Route 17 and 17M, will consist of a 6900 sq. ft. building with 40 linear feet of groceries and 8-9 fueling stations. Mr. Albaneze described Quick-Chek as a convenience store with fueling. He said that besides providing food service, it will include a complete banking center, deli and lottery. There will be 16 seats provided inside. It will employ from 30-35 employees, some part-time, and will operate 24 hours, seven days a week. There will be 62 parking stalls around the site. The company wants to hire people from the local community, he said. Mr. Albaneze said the applicant is looking for site plan guidance.

Engineer Keith Cahill showed the PB aerial views of the 6.6 acre site. He said it is in a flood way and flood plain. He said the applicant is confident it can achieve the state and federal permits necessary to move the project forward. Mr. Cahill said there will be four underground storage tanks, holding 20,000 gallons each, situated along the westerly side of property. He said there will be a significant amount of filling, stating they plan to fill in the site 6-7 ft. higher than the current topography. He showed PB members which section of the site will be filled in and raised so it is out of the flood plain. He said that while they show development within the 100 ft. buffer, they will be preserving the natural tree areas and will deed some of the areas back to the DEC. All of the development is outside the floodway, he said, but the entire site is in a flood plain. There will be storm water management practices provided on the site. He said the applicant has spent a lot of time evaluating the site and will take feedback and suggestions so that the end result will be something the Village will be proud of.

The primary access for the project is off the North Connector Rd. with a primary left and right turn exit lane, Mr. Cahill said.

The applicant will have to go to the Zoning Board of Appeals for approval for the height of the signage and the area of the signage.

Mr. O'Rourke said his firm will be meeting with the applicant for clarification. He said that before the PB can do anything, the applicant will have to get DEC, DOT, FEMA and ZBA approvals. The FEMA process and the DOT process can run concurrently but will take about 12 months. The applicant said that this is probably "a 2013 construction project."

Mr. Donnelly said that the Village Planning Board is the permitting agency for a flood plain development permit in the Village.

VOTE BY PROPER MOTION made by Ms. McClung, seconded by Mr. Igneri, the Village of Goshen Planning Board declares its intent to be the lead agency in the SEQRA process on the application of Quick-Chek. Passed unanimously.

Mr. Albanese said he would like to go to the ZBA as early as possible. Mr. Donnelly will write a letter referring the applicant to the Village ZBA.

Mr. Olivo said that improvements along the North Connector Rd. are under the jurisdiction of the DOT. The proposal will push the North Connector Rd. towards the site to widen the asphalt section to allow for two lanes of traffic in a westerly direction without any impedance to the traffic flow, he said.

Olde York, 18-Lot Preliminary Subdivision Plan, South Church Street, #112-5-1.2 & 3, R-1 Zone. 14-lot subdivision.

Representing the applicant:

Applicant Michael Walker
Steve Esposito

Mr. Esposito said he was present to talk about side walks and the Storm Water Pollution Prevention Plan.

The PB discussed sidewalks, including safety and maintenance issues. They agreed that they favor sidewalks on the perimeter of the property, not the interior, with grass strips between the curb and the sidewalks.

Mr. Esposito told the PB that he is applying for coverage under the DEC's current regulations for the SWPPP. He will address the PB engineer's comments, amend the SWPPP and file a Notice of Intent with the DEC for coverage under the current regulations, by the end of February, he said.

Mr. Donnelly said that the PB issued its Notice of Intent to be lead agency on December 14, 2010 and has received no challenges so the PB can assume its lead agency status. He said that by the March meeting the PB may be able to close out SEQRA and then set a public hearing.

MINUTES

The Minutes of the Planning Board Meeting of December 14, 2010 were approved.

ADJOURNMENT

The Village of Goshen Planning Board meeting adjourned at 10:15 p.m.

Jerome O'Donnell, Chair
Notes prepared by Susan Varden