

APPROVED MINUTES

Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924
May 1, 2008

Members Present

Reynell Andrews
Lee Bergus
Susan Cleaver
Mary Israelski
John Lupinski

Also Present

Neal Halloran, Building Inspector
Sean Hoffman, Consulting Engineer
Ed Garling, Planner
Rick Golden, Attorney
Kelly Naughton, Attorney

ABSENT

Ralph Huddleston, Chair
Ray Myruski

CALL TO ORDER

Acting Chair Susan Cleaver called the regular meeting of the Town of Goshen Planning Board to order at 7:30 pm at Town Hall.

MINUTES

Upon motion made by Ms. Israelski, seconded by Mr. Bergus, the minutes of the April 17, 2008 Planning Board meeting were approved by vote of the Planning Board.

AGENDA ITEMS

Stewart's – 12-1-8.31 – Located on Rt. 17M in the HC zone with an AQ6 overlay. Site plan approval for an additional gas dispensing island.

Present for the Applicant:

Brendan Meyers

Mr. Meyers of Stewart's Shops Inc. said the company plans to expand its gas presentation saying that Stewart's operates a dairy store, not just a gas convenience store. He said the application has been before the ZBA twice with the ZBA wanting

the applicant to compromise by reducing the size of the variance. He said there are outstanding issues with DOT, who wants the applicant to consider a plan showing one way in (north) and one way out (south). He said that they have come up with a new site plan which hasn't yet been seen by the ZBA.

The new site plan eliminates the existing island and proposes a new canopy structure with three gas dispensers. The flow works well, he said, and the new plan will cut the variance request by 50%. The project started out as a \$175,000 plan, and is now a \$330,000 plan, he said.

Mr. Garling said he thinks the new plan will work "just fine" with minor modifications. There needs to be a slight modification of the drainage which the engineer will look at, he said, and the DOT will be involved as well. There are still two variances needed, Mr. Garling said.

Mr. Hoffman referred to Riddick's memo dated 4/25/08 and said the engineers agree with having a dedicated entry and exit (with right and left turn lanes) but want to see the entrance narrowed to one way coming into the site. Mr. Hoffman said the applicant will need a plan to handle traffic during construction. Mr. Meyers said Stewart's will definitely not close the facility during construction. Mr. Hoffman said that in regard to storm water, "we think this might fit DEC criteria for a hot spot" (excessive hydro carbons running off the site) and have a call into the DEC about it. Mr. Meyers said he has gotten an indication from the DEC that the site won't be considered a "hot spot" but will follow through. He said they exceed the State Code requirements for piping and have "all kinds of spill protection (sub-surface) and an operation maintenance plan for surface spill." Mr. Bergus asked if they have oil separators for subsurface drainage. The applicant said they did not and Mr. Hoffman added that an oil separator (separating oil and storm water) should be required on site. He said there could be a small spill when refilling the underground tanks or spillage when people fill their gas tanks.

Mr. Golden said that since the application started out before the ZBA, the PB can't make its determination before variances are granted under the current application, but added that the PB is proceeding with the site plan review and SEQRA to get to the point of decision making. Once SEQRA is finished, the application can go back to the ZBA. The ZBA can't act until SEQRA is completed by the PB, he said. He said that the PB should assume lead agency and type the action tonight.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen assumes the role of lead agency on the application of Stewart's.

Mr. Andrews	Aye	Ms. Israelski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye		

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Bergus, the Planning Board of the Town of Goshen types the application of Stewart’s as an Unlisted Action under SEQRA.

Mr. Andrews	Aye	Ms. Israelski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye		

Ms. Cleaver asked if the spacing between the pumps was going to be wide enough for two trucks at the same time. The applicant said “yes” that it will be 22-1/2 feet between the pumps, and Mr. Hoffman said that it should be adequate.

Mr. Golden said the only environmental issue remaining is related to storm water management and that once it is resolved by the DEC contacting Riddick & Associates and Riddick being satisfied with the storm water management plan, then at that point the PB can make a determination of significance and should at that time make its indications clear with respect to site plan preferences of the new proposed plan or an alternate plan. At that point, the applicant can go back to the ZBA so that the variances can be addressed. Once the variances are given, the application will come back to PB for the final decision on the site plan. It will need a special permit as well as site plan approval. There will be two public hearings required, before the ZBA and the PB, he said.

Mr. Meyers said that Stewart’s “can’t make anything work without a variance.” He showed the PB several different site plan configurations the applicant had tried.

The variances that will be needed include a variance for the canopy setback. By Code, it should be 35 ft. The proposal is for 25 ft. so the applicant is looking for relief of 10 ft., Mr. Golden said. The original proposal would need relief of 13 ft., from the Code requirements. There will also be a sign variance for LED numbers. The applicant is proposing digital numbers and so it will be an internally lit sign with the digital numbers and that requires a variance. The Code says no internal lit signs and the interpretation is that a digital display is an internally lit sign, Mr. Golden said.

North Jersey Trailer & Truck – 12-2-20.1, 16.1 & 12.1 – 16.5 +/- acres, 15,000 sq. ft. truck trailer service building located on Calvary Court & Cannon Hill Drive in the I zone with an AQ3 overlay. Re-subdivision & special use permit.

Present for the applicant: Alan Singer, Esq. & Travis Ewald

Mr. Singer said that originally the applicant was seeking site plan approval for construction of a facility to fix and repair trailers, but that the process has become more complicated because Cannon Hill Drive, the main entrance to the site, was never offered or accepted for dedication to the Town, and the applicant is required to have 200 ft. of frontage on a dedicated road. Mr. Singer said he has been in contact with the road owner, Mr. Epstein, who also owns the self-storage facility and that Mr. Epstein has agreed to offer the road for dedication to the Town. He wants us to extend Cannon Hill Drive to the property line so that it can be connected to the nearby farm, he said. The applicant is willing to construct that portion of the road through its property, connect it to Cannon Hill Drive and have it accepted for dedication, Mr. Singer said, adding that there will be a turn around at the bottom of the road for fire trucks.

The Town thinks that resurfacing has to be done to the existing Cannon Hill Drive and Mr. Epstein said he will not pay for it, Mr. Singer said, adding that the applicant will have to spend the money for the resurfacing if it is required, and if the Town can't force Mr. Epstein to pay for it.

Several outstanding issues were noted including:

Impervious surface: Mr. Hoffman said that among the site's impervious areas is a 3.5 acre stone field. Mr. Singer said that in terms of the appearance, no one will see it as it will be surrounded by berm. He said the applicant performed a sight analysis from the nearest property, the church, stating that when the leaves are off the trees, the top 10-12 ft. of the building can be seen, not the parking area. He said he believes the parking area is not part of the impervious surface area under the Code.

Outside storage of materials: Mr. Singer said the applicant won't have outside storage of materials as such but there will be outside storage of the trailers in the stone parking area. "To the extent that the trailers are considered materials....we would ask for the PB to waive that 10% requirement," he said. Mr. Hoffman said that under the Code the applicant would be entitled to 1.2 acres of storage, or 10% of the site. The stone parking lot in the rear is 3.5 acres so the applicant is asking for 30% instead of 10%.

Parking: The Code requires 81 parking spaces but this facility, Mr. Singer said, has 12 employees and almost never will anyone else come to the site. It is a repair facility and 81 spaces make no sense in this use, he said. The plan currently shows 17 spaces. Mr. Hoffman recommends the applicant set aside the area as shadow parking.

Mr. Golden said that a moveable trailer would be considered outside storage under the provisions of the Code which talks about land being used for the keeping of goods, supplies, wares, equipment, outside of a structure. He said the PB can waive the requirement if there is adequate screening. If the Building Inspector determines that a trailer fits in that description of "equipment" then it will be considered outside storage, he said. Mr. Singer said he'd like the PB to waive the 10% requirement.

Mr. Singer said that the entire facility is screened. Ms. Cleaver questioned the landscape plan and the adequacy of the screening, expressing concern that the facility will be seen from the driveway/lane used by several people now and which may be used more in the future. She said she is asking the applicant to look into planting there. She said she is also concerned that if someone excavates the other lot, the applicant's facility may be more evident. Ms. Israelski said she also questions the adequacy of the screening and said if the applicant can give the PB assurance there is adequate screening, then the waiver it is asking for would be acceptable. Travis Ewald said that if the landscape plan needs to be revised, it will be done.

Water Issue: Mr. Singer said they use 120 gallons a day for 35 employees at their New Jersey facility and that with 12 employees here, there is no question that they have more than adequate facilities for the water usage. He said the applicant will send its numbers to the consultants to review.

Storm Water Drainage into the roadway: Mr. Hoffman said his firm recommends that the spill way which was originally located towards the Gersbeck property be relocated to a culvert that will allow discharge through proposed Lot #4. Mr. Ewald said he looked at it and sees no problem with the suggestion. Mr. Hoffman also said that the storm water should go through catch basins, not curb cuts.

Potential Traffic: Mr. Singer said there are 23 bays, and on average each bay will handle 1-1/2 to 2 trucks a week which equates to 50 trucks a week, ten a day or no more than one an hour. He said he doesn't anticipate a lot of traffic problems. Mr. Hoffman said the applicant should provide the PB with the traffic information from its other sites.

Mr. Singer said the applicant wants the PB to set a public hearing. Mr. Golden cautioned that the application is for a lot line modification and the PB will have to make its decision within 62 days of the close of the public hearing. Mr. Ewald said he doesn't anticipate that the overall layout of the plan will change in order to address any of the comments made tonight.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Planning Board of the Town of Goshen sets a Pubic Hearing for the lot line change, site plan, special permit and SEQRA on the application of New Jersey Trailer and Truck for May 15, 2008.

Mr. Andrews	Aye	Ms. Israelski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye		

Hambletonian – 8-1-12.221 – 23.4 +/- acres, 38 lot subdivision located on Magic Circle Terrace in the HR zone with an AQ6 overlay. FEIS changes & possible acceptance of FEIS.

Present for the applicant: Stuart Turner, Esq.

Mr. Turner asked the PB to accept the FEIS and set a short time frame to adopt the Findings. He discussed the road width saying that the PB’s consultants recommend a 30 ft roadway (Riddick 4-25-08 memo), while the applicant shows a 24 ft. roadway width. He said 24 ft. is consistent with the hamlet density concept, will create less disturbance, less run off and is a traffic calming device even though Hambletonian Park consists of 30 foot wide roads. “We want the PB to support the 24 foot roadway and leave the FEIS as we drafted it,” he said. He said the applicant wants the PB to adopt the Findings within the 30-day limit imposed by SEQRA. He said the applicant will commit to finishing a revised preliminary plan by the third week of May and grant the PB an extension of time within which to make a decision to the first meeting in June.

Mr. Golden said that tonight is the last night for the PB to accept the FEIS for filing and be timely under SEQRA. He said the PB can accept the FEIS as drafted subject to the incorporation of all of the comments that have been made by the consultants. The public is permitted ten days after acceptance of the FEIS to comment on it. Mr. Garling will look at those comments from the public when he puts the Findings together, but the Findings have to be completed and approved within 30 days and the only meeting within the 30 days is May 15, Mr. Golden said. The applicant is asking the PB to follow SEQRA’s dictate and have the findings complete and approved by May 15th. It was agreed that the applicant will complete the proposed FEIS with all of the changes by May 2, submit it to the PB, Mr. Garling, the PB’s engineer and the PB attorney. Mr. Garling said he will review it to see that it

includes all of the recommendations and will file it with a notice of completion on May 5th. He will then prepare the Findings for PB consideration on May 15th. After acceptance of the FEIS, the PB has 30 days to make a final decision on the preliminary subdivision, and if not acted upon in that time frame, the applicant gets a default approval of the plan as proposed right now, Mr. Golden said. The applicant is extending the time to June 5th. The County requires the Findings statement in order to issue its review. The PB agreed that the County ought to get the Findings Statement. Mr. Golden said that the PB will have to wait until the Findings Statement is accepted to send it to the County and that will start the 30 days of the County's option to give its report under General Municipal Law Section 239. Mr. Golden said the PB will meet on June 5th and if the County's review isn't received by then, the PB won't be able to act at that time. If the County's document contains recommendations that are not incorporated in the plan, then the PB has to approve the subdivision plan by a majority plus one. If not approved by a majority plus one, it is an effective denial, because of the County's actions, not because of the PB's actions, he said.

The width of the roadway was discussed. Mr. Hoffman said that in most instances in a new subdivision 24 foot wide roads are recommended, but in this application there is an established subdivision with 30 foot wide roadways at both ends, so it would be going from 30 ft. wide to 24 ft. wide and back to 30 ft. wide again. In this case, the engineers will not recommend the 24 foot wide road, he said.

Mr. Garling noted that street parking is allowed in Hambletonian Park. Mr. Bergus said that is a concern of his, going from 30 ft. to 24 ft. and parking on either side of the road, creating an obstruction and an unsafe situation for the children playing in the roads.

Ms. Cleaver polled members of the PB. Ms. Israelski said she was neutral on the issue, but all other PB members present agreed with the engineer's recommendation that all of the roadways should be 30 ft. wide.

Ms. Israelski said she has some problems with the FEIS and doesn't want to lose the opportunity to make sure they are addressed as early as possible. She said she thinks the project is going to change the character of the neighborhood greatly and that she, and several residents who spoke at the public hearing, believe it is important to keep the character of the neighborhood as it exists. Ms. Israelski questioned whether there was adequate screening on lots 1 through 11. Mr. Garling said that additional screening is not needed as there is existing heavy foliage. Ms. Israelski asked about the future drainage easement, questioning whether it won't be needed right away and asked what will happen to the dense foliage they are considering as screening. She said she wasn't satisfied with the storm water management program. Mr. Turner said that is one of the items the applicant wants

to take a second look at. Ms. Israelski referred to John Clark's letter to the PB about storm water management and his concern that his lot backs up on lots 5, 6, 7 & 8 and there is no plan for those lots. She also questioned why the retaining walls should only be an option.

Mr. Hoffman said the consultants are not satisfied with the placement of Lots 1 & 2 and Mr. Golden noted that it is an environmental issue that has to be addressed in the Findings.

The PB discussed Mr. Garling's memo, "Final Changes to the FEIS", dated 4-25-08 which noted areas of concern. He stated that in regard to the hillside sites there needs to be a restriction prohibiting swimming pools because of the grade. He referred to the lots at the northeasterly part of the site (Lots #1-16 and 34-38).

Mr. Golden said that a restriction should still give the individual landowner the ability to come to the PB to obtain relief from the restriction depending on the design and particular characteristic of the particular lot. The owner may be able to satisfy the PB that it will not have any adverse environmental impacts. The driving force here is that some of these lots have natural constraints, he said. He suggested putting in the Findings Statement that it appears that on numerous lots that the addition of a swimming pool will not be consistent with the natural geography.

Mr. Garling said that revisions needed to Lots 1-3 will add to the conservation easement area. Mr. Golden said that will need to be addressed in the Findings. Given the topography and engineer's recommendations, it is the PB's call if the applicant's plan of having three homes in that area is appropriate, he said. Mr. Hoffman pointed out that Lots 1-3 are on the north side of the project by the water tower, have long sweeping driveways and are much larger than the other lots in the subdivision. He said that to overcome the typography of the site will require a lot of grading. Mr. Hoffman said that at the work session the consultants proposed revising the lot 2 & 3 line and moving it further south west, reducing the size of the disturbance area and what is left over going towards their requirement for open space. Mr. Turner said the applicant has agreed to this modification in general. He said it is the applicant's intention is to keep the three lots, but that the real issue is to try to limit the disturbance. Mr. Golden said that it has to be addressed in the Findings and that the applicant will submit a new configuration for the three lots for the PB to consider on May 15th.

Mr. Garling recommends that a building setback "build to" line be provided in addition to the setback line. Mr. Golden said that in the Findings it will state that the setback line will be 25 ft. and the build to line will be anywhere between 25 and 28 ft. The PB agreed.

Mr. Golden said that earlier this month the PB decided to have Bridle Path as temporary construction access and emergency access only. He said he was asked to respond to a letter asking for an additional public hearing on the issue. He reported that he researched what was done with respect to those issues of emergency and construction access and found that there were references in the DEIS and that during the public hearing on 9/20/07 several people from the audience commented on the use of Bridle Path for both temporary construction and permanent emergency access. There was also additional opportunity after the close of the public hearing for ten days for the public to submit additional comments and in addition, after the PB has its final FEIS, the public will have an additional ten days to comment on the FEIS and those comments will be considered by this PB and Mr. Garling in the drafting of the Findings. He said there is no provision in the law for an additional public hearing under these circumstances. "I believe the public has had fair opportunity and still has an opportunity to comment on this," he said.

Ms. Israelski said she wants to make sure her comments are made a part of the FEIS including: comments about lot width and keeping in the character of the existing neighborhood, the necessity for screening on Lots 12-19 and Lots 1-11 and the Clark's concern about runoff going to their backyard. She said she wants to make sure it is addressed prior to final.

Mr. Golden said that the FEIS will state that there may be a need for additional screening dependent upon the final configuration and the use of the drainage easement and that it will be addressed between preliminary and final approval.

Mr. Golden repeated that the public has the opportunity to comment in writing within the next 10 days after acceptance of the FEIS and that the comments will be considered by the PB.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Bergus, the Planning Board of the Town of Goshen accepts the FEIS on the application of Hambletonian incorporating all of the changes discussed tonight and set forth in the various consultants' memos.

Mr. Andrews	Aye	Ms. Israelski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye		

Maplewood (Salesian Village) 8-1-48 – 94 acres, 229 units hamlet residential and open space subdivision in the HR & RU zone with an AQ6, scenic road and stream corridor overlay.

Present for the applicant: Steve Esposito

Mr. Esposito said that the DEIS had been revised to address the ten items for completeness and that in April 2008 a red-lined portion of the DEIS was submitted. It was reviewed at the work session and minor changes made. He said he is present tonight to have the report deemed complete for public distribution and a public hearing set for the DEIS, the subdivision and site plans.

There was discussion of the 30,000 square foot commercial use of the property. Mr. Esposito said the applicant is not obligated by the zoning code to provide the 30,000 ft. of commercial, but that the PB has requested it. "We have always stated that we have concerns about whether or not that will be viable," he said. However, the applicant will proceed with the 30,000 sq. ft of commercial, consisting of mixed use buildings, he said. The applicant has also, as an alternative, taken the 30,000 sq. ft. of space and determined that if it were converted to residential it would house 24 two-bedroom, condos or apartments. "We have analyzed it to establish thresholds on both the commercial and residential use of 30,000 sq. ft. and we state that if the applicant finds that this is not economically viable in that there is no market for commercial space, they will have to come before this PB and amend the site plan, like any other site plan. If there has to be a change, we modify the site plan," he said.

Ms. Israelski said she doesn't want any more residential units if the 30,000 sq. ft. doesn't work. Mr. Golden said the Code gives the applicant the right to build a certain amount of units and that they are building what is permitted under the zoning, and not asking for more. He said that if the commercial use doesn't work out that the PB can't say it wants it to remain vacant land or something other than residential, unless it provides a reason to do so.

The applicant is asking for an approval as to the completeness of the DEIS subject to the incorporation into the DEIS of items #2 and #3 of Riddick's memo dated April 25, 2008 and Mr. Golden's memo. Ms. Israelski said she wants the phrase "at full build-out" on page 6 of the proposed DEIS taken out, saying that she doesn't want to wait until full build out for all of the connection to take place. She also questioned whether the ridge in the middle of the property will be protected (referring to page 11 of the document), saying she has a problem if it is not. Mr. Hoffman said that the impact of the elimination of existing vegetation necessary to permit the clustering of the development and the preservation of the surrounding areas must be directly stated within the DEIS and that it is item #3 of their memo.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Lupinski, the Planning Board of the Town of Goshen accepts the Maplewood DEIS as complete for SEQRA purposes, that it is adequate in order to distribute to the

public and involved agencies for their review and comment and incorporating all of the consultant’s comments and eliminating the phrase “at full build-out” on page 6 of the DEIS.

Mr. Andrews	Aye	Ms. Israelski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye		

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Planning Board of the Town of Goshen sets a public hearing on the DEIS, subdivision and site plan for the application of Maplewood for June 19, 2008.

Mr. Andrews	Aye	Ms. Israelski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye		

Michael Bluestein, Esq. appeared on behalf of Goshen Properties asking why the application was not on the final agenda for tonight’s meeting. He said the application is for a 14 lot subdivision which received preliminary approval and Board of Health approval in September, 2007. He said the applicant is looking for final approval. He said the applicant thought it was to be on tonight’s agenda and wants it on the agenda for the next meeting, May 15th. Mr. Halloran said that three weeks ago the consultants thought it was ready for the agenda but that at last week’s work session there was discussion about changes to the language relative to drainage easements and it was not put on the final agenda for tonight’s meeting. Mr. Bluestein said that he had received approval of the easement language from Town Attorney, Mr. Caplicki and asked why the applicant can’t have a conditional approval. Mr. Golden said that the PB is not ready to take action on it tonight, that it can be put on the staff meeting agenda for next week and on the May 15th agenda for action on the application.

ADJOURNMENT

The Planning Board of the Town of Goshen adjourned at 11:03 p.m.

Susan Cleaver, Acting Chair
Notes prepared by Susan K. Varden

