

APPROVED MINUTES

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York 10924
August 16, 2007**

MEMBERS PRESENT

Reynell Andrews
Susan Cleaver
Mary Israelski
John Lupinski
Ray Myruski, Acting Chair

ALSO PRESENT

Ed Garling, Planner
Joe Henry, Engineer
Dennis Lindsay, Engineer
Rick Golden, Attorney
Kelly Naughton, Attorney
Neal Halloran, Building Inspector

ABSENT

Ralph Huddleston
Lee Bergus

CALL TO ORDER

Acting Chair Ray Myruski called the regular meeting of the Town of Goshen Planning Board to order at 7:30 p.m. at Town Hall.

A motion was made by Ms. Israelski, seconded by Ms. Cleaver for the PB of the Town of Goshen to go into Executive Session. Passed unanimously.

When the PB returned from Executive Session, Supervisor Bloomfield recognized PB member Susan Cleaver and Building Inspector Neal Halloran for completing six days of course work and 100 hours of field training on Vegetation and Wetland Delineation at Rutgers University. He thanked them on behalf of the Town Board and citizens of Goshen and also recognized the entire PB who he said complete annual training in order to do quality work and who all do it for the well being of the community.

MINUTES

The minutes of the August 2, 2007 meeting were approved upon motion made by Ms. Israelski, seconded by Mr. Lupinski. Motion passed. Ms. Cleaver was not present at the August meeting and abstained.

Hambletonian – 8-1-12.221 – 23.4 +/- acres, 38 lot subdivision located on Magic Circle Terrace in the HR zone with an AQ6 overlay. Set public hearing for DEIS & subdivision.

Mr. Halloran said the staff reports the project is ready for a public hearing.

Ms. Israelski said she wanted to state that she concurs with Mr. Garling's written comments of 8-13-07. She said inter-connectivity is part of the master plan and is influenced by public sentiment. "This development doesn't want to open the road to Old Chester Rd. so we are now planning to further exacerbate the conditions on Craigville Rd. where we have an opportunity to mitigate the traffic," she said. "At least let's get the developer to build a road in its entirety as an emergency access and allow future Town Council's to have the opportunity to revisit this issue without the fear of road construction costs to the taxpayers. I strongly feel the PB needs to place the burden on the developer not the taxpayer in the future."

Mr. Golden said he doesn't agree with the applicant's calculation of open space, saying the applicant believes they have already met the open space requirements. It is a matter of code interpretation, he said, adding that the Building Inspector has issued a memorandum that also disagrees with the applicant's interpretation. It needs to be addressed going through the DEIS review and the public hearing and prior to any FEIS, he said. He said a public hearing is appropriate at this time and suggested setting it for September 20.

Mr. Lindsay said he has submitted a 17-page memo on the project to the PB. He said in addition to the open space issues, there are other issues that will have to be looked at such as the steep slopes on the property.

Ms. Israelski suggested that the developer might meet the open space requirement by providing connecting walkways and needed improvements on the Town's public lands where the entire community can benefit.

Mr. Garling agreed that the critical issues were the open space and building on the slopes, and said he agrees with Ms. Israelski on interconnectivity saying there should be footpaths into the Village. He said the project shows all of the houses at over 3,000 square feet and the units cited as affordable at 2,900 square feet and questioned how a 2,900 sq. ft. house could be made affordable.

Mr. Myruski said a public hearing needs to be set so the PB can hear from the public.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby sets a public hearing on September 20, 2007 on the application of Hambletonian. Passed unanimously.

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

Muhlrad – 20-1-148 – 16.3 +/- acres, located on Route 17A in the CO zone with an AQ3, scenic road corridor and stream & reservoir overlays. Warehouse expansion and special use permit for indoor recreational facility and **Muhlrad – 20-1-149-13.9 +/- acres** located on Route 17A, in the CO zone with an AQ3 & stream & reservoir overlay. Building renovations site plan.

Mr. Halloran said the PB had voted on these proposals at their meeting earlier in August, but hadn't received the 239 Response from the County at the time it was voted on. The 239 Response has now been received and there were no outstanding issues, although they commented that the traffic should be looked at.

Mr. Golden said that if the PB votes before the County has had a 30 day opportunity to give a 239 Response, as in this case, then it is without any force or effect, so a revote is necessary.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Town of Goshen Planning Board hereby grants final approval of the Muhlrad application for expansion of the warehouse, conditioned upon the fact that no Certificate of Occupancy may be issued if the status of the letter from the Village of Florida dated July 25, 2007 indicating the Village of Florida will supply the property with water and does not plan to discontinue such services, changes. Passed unanimously.

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

The lighting condition was eliminated because Mr. Muhlrad said there will be no new lighting.

Mr. Golden said the approval for a special use permit in expanding the existing recreational uses in the existing warehouse structure requires certain findings, which he read to the PB.

The conditions for the approval of the special use permit were read by Mr. Golden and are as follows:

1. There must be a map note on the plan referencing the reduced square footage of parking required, prior to the issuance of a building permit.
2. That no Certificate of Occupancy may be issued if the status of the letter from the Village of Florida, dated July 24, 2007 indicating the Village of Florida will supply the property with water and does not plan to discontinue such services, changes.
3. That occupancy is to be limited as determined by the Building Inspector, consistent with the NYS Building Code and the Goshen Town Code.
4. The applicant must be in compliance with DEC comments as stated in a letter to the Town of Goshen dated July 25, 2007 prior to the Building Inspector issuing a Certificate of Occupancy. Any possibility of a violation must be cleared prior to the issuance of a Certificate of Occupancy.
5. Any and all parking spaces must be appropriately marked and painted.
6. The applicant must have speed limit signs to control traffic movement in the area of the sports facility.
7. The applicant must have traffic control signs to prevent truck traffic movement in the area of the sports facility.
8. The applicant must comply with Section 97.48 of the Goshen Town Code, which provides that parking lots containing more than 40 spaces must be divided into smaller areas by landscaping.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Town of Goshen Planning Board hereby grants final approval of the Muhlrad application for a special use permit in expanding the existing recreational uses in the existing warehouse structure. Passed unanimously.

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

Giunta – 13-1- 50.11, 50.3 & 39.21 – 32.7 +/- acres, minor subdivision located on Gibson Road in the RU zone with an AQ3 & stream and reservoir overlay. Site plan

Present for the applicant: Steve Green

Mr. Halloran said the application is being seen for the first time by the PB.

Mr. Green said there are three existing parcels, one is split in half by the existing railroad bed. The applicant wants to split the railroad bed parcel and attach it to the lot on either side of it and create two separate tax lots instead of three.

PB members discussed the possibility of using the railroad bed as part of a trail system. Ms. Cleaver asked the applicant what their feelings would be about using the bed for a pedestrian trail. Mrs. Giunta said the bed cuts diagonally across the land and is 20 feet away from their house and pool and wouldn't feel comfortable about people walking by so close. She said they are going to sell both parcels.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Town of Goshen Planning Board hereby declares its intent to be the lead agency on the Giunta application. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Town of Goshen Planning Board hereby types the application of Giunta as an unlisted action for purposes of SEQRA. Passed unanimously.

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

Mr. Golden said a public hearing is discretionary. Mr. Halloran said he will be sending it out to the County Planning Department for 239 Referral and that the PB can't take any further action until the 30 days have elapsed.

The PB agreed to make a determination about a public hearing after hearing from the County. They decided to put it on the PB's agenda for its September 20th meeting because more than 30 days will have elapsed.

Todrabh – 24-1-63.2 – 7.09 +/- acres, located Pulaski Highway & Big Island Rd in the A1 zone with an AQ3 overlay. Site plan.

Present for applicant: Jim Dillin

Mr. Halloran said the applicant had started to frame in some of the walls of the barn, put on a new roof and a sliding door, before the Town stopped them. The applicant should be doing no work on the property at this time, he said.

Mr. Dillin said there is an existing barn on the property which the applicant proposes to use for warehousing of farm products. The owner did a few things like put in a new well

pump and a new roof, he said. The application is for the exact same thing it has been used for, which is a permitted use, wholesaling of farm product storage on the main floor, Mr. Dillin said. The new proposal is to use the second floor for rental offices that would be related to the businesses on the first floor. It is a 3600 sq. ft. warehouse. If you are storing farm products in the warehouse, then you'd be allowed to have an office on the second floor as an accessory use, he said.

Consultant comments:

Mr. Lindsay said he has reviewed the plans and that the issue is on the use of the second floor. While it's customary for warehouses to have accessory offices, a tiny room in the corner, Mr. Lindsay said, it would be unusual to use so much accessory office space. Mr. Lindsay said the applicant originally wanted to lease the upstairs space but was told that it was prohibited by the Code. The applicant then agreed to only use the space as accessory space.

Mr. Lindsay said the application is for warehousing and wholesaling of farm products, as the principal use, with the office use as an accessory use.

Mr. Lupinski asked how many tenants would be using the first floor. Mr. Dillin said it is broken up on the plan into two sides, but that he doesn't actually know. Mr. Lupinski questioned if the applicant is going to create that much office space upstairs, what would two individuals want with all that office space and would it pay to redo the second floor. Mr. Lupinski said that 3600 square feet is a lot of square footage for storage of farm products. It was noted that the barn is practically all wood, with very little steel. Questions were asked about what farm products would be stored

Mr. Golden said that there will need to be a condition on any approval that there is no storage allowed on the second floor.

Mr. Lupinski asked what the applicant "is really looking to do?" Mr. Dillin said he didn't know. Mr. Myruski said he wasn't against it but would like to know more about it. He said the PB is worried about the use and needs a scenario within reason of the type of commodities so "we can get a general idea of what this building is going to do and make a sound judgment."

Mr. Golden said that because warehousing is so broad, there are some types of uses in that general use that may require additional safeguards, but that the PB wouldn't know what safeguards to put on unless they know what the use is. He said the applicant should come back with a "more defined statement as to what is going to go there."

Mr. Garling said the applicants needs to come in and say he has one or two potential tenants and here is what they would do or you have to give a very generic approval and limit the office space to an eighth or a quarter of the building

Mr. Dillin said the applicant will provide a narrative.

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. Site Plan

Present for the applicant: Alan Singer, Esq.

Mr. Halloran said this was a new proposal, located on 17M behind Maaco. There have been issues at the location in the past relative to paper roads. He said the road there now is a private road.

Mr. Singer said his intent is to introduce the project and receive questions and comments. The company repairs trailers only, not engines, tractors, or cabs, so there is no issue of gasoline or oil. He said the applicant owns a similar facility in New Jersey. They propose a building with 10 bays and 200 parking spaces, although they don't expect to use all of the space. They anticipate 5-8 trailers a day. The average time it takes to repair a trailer could be one week to a month, he said. When the facility is built, there will be some excavation that will lower the property 15 to 20 feet, so the applicant will have a berm 15 to 20 feet high above the facility so that it can't be seen from any direction. He said the applicant also recognizes the need for landscaping to screen.

Mr. Halloran said the use would be allowed in the Industrial zone.

Mr. Singer said the applicant can complete the existing culdesac, and deed the road to the Town, saying the paper road is not needed by the applicant.

Mr. Golden said it is a vital piece in the puzzle there, stating the PB is not going to permit this if it is connected to something that has not been dedicated to the Town. Mr. Singer replied, "I'm saying whether or not that dedication eventually takes place to some extent is beyond our control. We are more than willing to do what the Town wants in terms of dedicating or building this culdesac but to the extent that we do not control a portion of what's here, I can't make any guarantees as to what would happen."

Mr. Singer said the applicant is buying three lots and wants to combine two lots into one and leave the remaining lot for the future. The consultants recommended that they remove the lot line between the two lots, he said.

Mr. Garling asked who owns the stub street. Mr. Singer said he thinks the applicant is buying it, but that it is not needed. Mr. Golden said deeds and surveys will have to be submitted so the PB can determine what the applicant is buying. Mr. Garling said that if the applicant is going to create a new lot line then the road would have to continue at least up to the lot with the culdesac. Mr. Singer said he didn't agree, that he thinks it could be assessed off of the culdesac. Mr. Garling replied that the applicant doesn't own the land or the right of way and doesn't have frontage on a municipal road. Mr. Singer argued that the applicant has access to get to a municipal road. Mr. Garling responded that the PB will want the road paved up to the next lot. There was a lengthy discussion of about who would pave the rest of the road with Mr. Singer saying he didn't think it would be fair to put the burden on his client to do what the original developer should have done himself.

Ms. Cleaver said she didn't think the site, previously a mine, had been reclaimed and said she would like to see a letter from the DEC relative to it. Documentation and bonding is important, she said. Mr. Singer said they will have an environmental engineer doing an assessment.

In answer to questions by PB members, Mr. Singer said it is a repair facility for trailers, not a storage facility for trailers and that there would be no retail sales. The applicant works with the larger companies like Kohls, C&S Foods and Pep Boys. Trailers come in empty and they expect five trailers will be coming and going all day. The average repair takes 25 hours. No mechanical work is done, only body work, and no painting, nor work on refrigeration. Behind the building would be a drive thru bay with a dumpster for aluminum, steel, and garbage which would be emptied as soon as filled. He said there would be no environmental impacts as the result of being close to the Wallkill River.

CMU Designers & Builders – 5-1-1.121 – 46.63 +/- acres, 8 lot subdivision, located on Phillipsburg Rd in the RU zone with an AQ6 & stream and reservoir overlay. Conservation analysis.

Present for the applicant:

Steve Esposito

PB members had made a site visit since their last meeting. Mr. Esposito said the 46.6 acre site on Phillipsburg Road has slopes in excess of 25% and federal wetlands of 1.5 acres. He said there are no flood plains on the site. He identified secondary resources as tree lines, hedgerows, a stone wall, and a small horse farm.

Mr. Garling had prepared a conservation analysis of the site and said "we have to look at how they are going to access the site because it will impact the conservation analysis to some degree in the future. He said there are two field areas, with one major field area where development would be logical, adding he anticipates the agricultural use would be

eliminated or dramatically reduced. Access, he said, would be from Phillipsburg Rd. up through the gravel area, and that there might be an opportunity to realign Phillipsburg. Ms. Cleaver commended Mr. Garling for the “tremendous job” he did on the conservation analysis

Mr. Myruski said when he looked at the site, he thought the agricultural portion could not be kept. He said the hill going into the site is gravel and could be bulldozed, leveled off and dropped in, saying “it is a beautiful site for homes, but needs the fill from above to do it right. A beautiful site could be made out of it.”

Ms. Israelski said that all of the trees between the Town of Wallkill and Town of Goshen would have to be kept to buffer it from the asphalt plant next door.

Ms. Cleaver pointed out that there are some wetlands in the wooded area and Mr. Esposito said a wetlands map has been prepared and sent to the Army Corp of Engineers for verification.

Mr. Garling said he will draft Conservation Findings for the PB to review at its next meeting. Mr. Esposito said he plans to come in with a couple different alternatives with regard to access.

Dickerson – 13-1-69 – 92.90 acres, 21 lot subdivision located on Dunmore Lane, Gibson Rd. and Route 17A in the RU zone with an AQ3, AQ6 and scenic road corridor overlay. Site Plan.

Present for applicant: Steve Esposito

Mr. Halloran pointed out that the proposed culdesac exceeds the 800 sq. ft allowed in the Code. He said the PB can waive the provision if there are specific reasons, taking into consideration the public health and safety of the community.

Mr. Esposito said the culdesac is 900 sq. ft. and that the applicant is proposing to have 10 lots come off of it.

Mr. Garling said he had no problem with the PB waiving the 800 sq. ft. regulation.

Mr. Golden said the PB is allowed to waive the 800 sq. foot requirement, “but would have to find that this requirement is not necessary for the interest of public health, safety and general welfare and that it would be inappropriate to have because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision or to not waive this would be in conflict with the environmental, agricultural, scenic or historic resource protection purposes of the Code.” He suggested that the applicant come up with why

they believe they meet that standard and then the PB can review their reasons and make a determination. Mr. Andrews said he would like to see the applicant's reasons before the public hearing. Mr. Esposito agreed to give the PB that information before the September 6th meeting.

Mr. Golden pointed out that there are conflicting statements in the EAF as to whether or not mature trees are going to be saved or not saved. Mr. Esposito said the applicant will be clearing areas that have mature trees, in the sense that they are reproductive, not 100-year-old trees, but 60-year-old trees. He referred to the areas that will be cut as "minimal".

It was stated that the PB wants to know the specific areas where the applicant will be clearing the mature trees. At Ms. Cleaver's request, Mr. Esposito agreed to mark the actual trees, before the public hearing.

ITEMS FOR THE PLANNING BOARD DISCUSSION:

Hendler Findings Statement

Mr. Golden reminded the PB that they had approved the FEIS, and that the next step is to adopt findings summarizing the FEIS as to what the ultimate conclusions are in regard to the studies in the FEIS.

It was noted that the Findings Statement had been given to the PB this week and there had not been enough time to review.

Ms. Israelski said that she disagreed with #5 on page 7 of the proposed Findings. She said she thinks it does not meet the general standards set forth in Section 97.29 in that the proposed development will result in degradation of the scenic character and the aesthetic compatibility with the surroundings. Ms. Israelski said that the project exceeds the thresholds of clear cutting of more than 5,000 square feet of vegetation and grading of more than 5,000 square feet of any natural landscape. She said the paragraph needs to be changed, saying the project could have a significant negative visual impact. Both Ms. Cleaver and Mr. Myruski agreed. Ms. Israelski pointed out that they made up the majority of those present.

Applicant's representative, Ross Winglovitz said the scenic road corridor is untouched, saying the project was redesigned so that it is outside the corridor.

Ms. Israelski also suggested, and the PB members in attendance agreed, that "with no entitlement to 154 units" should be added to #1, fourth paragraph of Page 4, under Board Findings.

Ms. Cleaver said she had just received the Findings Statement this week and wants time to come back with comments. The PB agreed that Mr. Trelstad should re-organize the document so it is more aligned with the way the FEIS was organized.

Mr. Henry said he has comments which he will give to Mr. Trelstad.

239 Referral – Report of Final Local Action

The PB discussed who would be responsible for responding back to the County PB on 239 Referrals when the Town PB over-rides the County. It was determined that Mr. Garling would respond and that the PB would approve his written response, stating the PB’s reasons, before it is sent.

Proposed Zoning Code Changes

It was noted that the Town Board wants input from the PB on their proposed Zoning Code changes. It was stated that the Town Board will have a public hearing on August 29th and may take action that night.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Town of Goshen Planning Board will hold a special meeting August 21st to go over the proposed zoning code changes. Passed unanimously.

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

ADJOURNMENT

The PB adjourned at 10:31 p.m.

Raymond Myruski, Acting Chair
Notes prepared by Susan Varden