

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York 10924
December 6, 2007

MEMBERS PRESENT

Reynell Andrews
Lee Bergus
Susan Cleaver
Ralph Huddleston, Chair
Mary Israelski
John Lupinski

ALSO PRESENT

Neal Halloran, Building Inspector
Ed Garling, Planner
Richard Golden, Attorney
Kelly Naughton, Attorney
Sean Hoffman, Consultant

ABSENT

Ray Myruski

CALL TO ORDER

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

MINUTES

The minutes of the November 15, 2007 meeting were approved with modifications, upon motion made by Ms. Cleaver and seconded by Mr. Lupinski. Passed unanimously.

Wallkill – 12-1-24.2 – 175.1+/- acres, 2-lot subdivision, located on Echo Lake Rd. in the CO, I, and RU zones with an AQ3 and stream & Reservoir overlays.

Mr. Golden said there were two concerns with the application – (1) it doesn't appear that the parcel has the required road frontage. He said he thinks it can be adjusted, but as it is right now it doesn't comply and (2) The Town Code requires that when a lot is subdivided that it is sufficient to put a building on in some capacity. Mr. Golden said that because of the well fields and the zone of influence that has to be protected around it, it may not be an appropriate lot for building purposes. The PB has to decide if, as configured with the two wells, it is a lot acceptable for future building purposes.

Mr. Halloran said there is a meeting on December 10th with Empire Development and that it may make sense to hold off until the PB hears what was discussed at the meeting.

Mr. Golden said that if there are problems with the wells, it will impact the PB's decision whether this is a buildable area. Mr. Hoffman said he hasn't seen the well tests yet. The PB said they want to see them before proceeding further.

The PB decided not to set a public hearing yet because the current plan doesn't comply with zoning and there is an issue as to whether or not the submission is sufficient for building purposes. The approval process will not progress until the site is reconfigured with the proper road frontage and the PB sees the well testing information.

Ms. Cleaver said she believes the applicant has applied for a public water supply permit and wonders what has happened with the application. Mr. Hoffman said he would check with the DEC.

North Jersey Trailer & Truck – 12-2-20.1, 16.1 & 12.1 -0 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.

Present for the applicant:

Alan Singer and Mr. Sybesma

Mr. Singer said that what happens to Musket Court has to be decided before a public hearing takes place. Musket Court (a proposed culdesac) runs in the middle of the applicant's 16 acre parcel. The applicant proposes to abandon that road but the title company says there is a notation on the subdivision map of a Town easement for possible future road expansion. Mr. Singer said the applicant needs to know if the Town will abandon the easement. He said the applicant's proposal doesn't work with the road.

Mr. Golden said it is an unrecorded easement and appears only as a note on the subdivision plan, although the Town originally asked for the easement. Mr. Golden said it is a planning issue, that it made sense to have a connection at the time but that the PB will have to decide if it makes sense now. Mr. Garling said the way the area is now, after mining, "it would be difficult at best" to get the road up to the top of the hill, the area would have to be filled, he said.

Mr. Huddleston called it an "easement to nowhere", one that has lost its practicability and intended use as the result of mining. He said it makes sense to release the easement so they can go ahead and proceed with their application. He polled the members of the PB and all voted to release the easement with the exception of Ms. Cleaver who said she was undecided.

Mr. Golden told Mr. Singer that the PB has no problem with the Town quit claiming any interest in the parcel, or stating in a resolution that they hereby extinguish any right,

claim or interest they have in the prior claimed parcel, whichever works for the title company, he said.

Mr. Singer then presented the revised plan to the PB. It is for a facility of approximately 15,000 sq. ft. for the repair of trailer bodies. There will be no oil or gas issues, he said. Tractors will not be repaired.

Ms. Cleaver expressed her concern about there being only one entrance on and off 17M and asked how many tractor trailers will be pulling in and out? Mr. Sybesma said the minimal amount of traffic will be approximately seven times in and out a day. He said a truck will come in with a trailer and leave with a trailer. He said they are proposing eight bays to work on trailers, the parking is for the inventory of trailers to be repaired. He said there might be 30 to 100 hours of work done on a damaged trailer and said that is why they are proposing 200 parking spaces behind the building. He said he doesn't anticipate all 200 spaces being used.

Mr. Huddleston asked if the applicant will take the trailers in, repair them and then sell them. Mr. Sbyesma said "no, we are not looking to do sales here." Mr. Huddleston asked if the site would only contain damaged trailers waiting to be fixed or trailers that have been fixed and are waiting to be picked up. Mr. Sbyesma replied, "Yes" and said that they deal with a lot of large companies who could have 200 trailers to be repaired, and might have them brought in fifty at a time. "We have a customer base here and need a facility where we can do maintenance and repair." Mr. Lupinski said the PB doesn't want a lot of trailers sitting on site for days on end.

Ms. Cleaver said that it looks like their storm water discharge is going to discharge onto the neighbor's property and one infiltration basin looks like it's in the direction of the Gersbeck farm. She said she doesn't want that to happen. The applicant said they can pull it back. Mr. Hoffman said the DEC says there is a "hot spot" issue with run-off and recommends talking to the DEC about it. Mr. Singer said the applicant is prepared if necessary to adjust this. Mr. Huddleston said the PB is asking the applicant to make sure that anything they design for storm water discharge does not impact the neighbors.

Mr. Singer said the applicant is eliminating the lot lines to make their submission one parcel. Mr. Golden said the PB needs to see what lines are being eliminated. He said that when an applicant eliminates lot lines as to the subdivision, it doesn't require a public hearing, although if the PB wants one, they can schedule one. There will be a required public hearing on the site plan however. In order to eliminate the lot lines the applicant will have to have a statement that each of those lots are in the applicant's name or a written consent from the lot owners, he said.

Ms. Cleaver said that if the applicant is going to merge the property into one parcel, could the PB could get some assurance that this is all the applicant will put on the site. Mr. Golden said if in the future the applicant decides they want to do something else, they will have to come before the PB. He also said that if the applicant wants to later develop the area now designated as lots 11 – 13, Canon Hill Drive will have to be improved. The applicant doesn't own it.

Mr. Golden said the road hasn't been dedicated yet and that the Code requires applicants to have frontage on a Town road. The applicant doesn't have Town road frontage. This won't be a Town road until it has been brought up to Code and offered for dedication. He said it may require very little, possibly just a top coat, to bring it up to Code and asked the applicant to bring it up to Code so it can be offered for dedication and the application can proceed. He said he believes the Town is willing to take dedication on it. The Town Engineer will check on what needs to be done with the road to meet Code requirements.

Todrabh – 24-1-63.2 – 7.09 +/- acres, agricultural warehouse in the AI zone, located on Pulaski Highway & Big Island Rd in the AI zone with an AQ3 overlay.

Present for the applicant:

Jim Dillin Jr.

Mr. Dillin said he made revisions at the last work session and distributed the revised maps to the PB. He said the plan now shows details of the sign and location, shows dustless surface detail and has notes #7 & #8 regarding the dirt drive entrance on Pulasky Highway, and the fact that there will be no outdoor storage.

It was decided that site plan approval will not be granted until the professionals have had a chance to review the revised map.

Mr. Golden said if approval is granted, it will include the conditions that the first floor will be for warehousing and wholesaling of farm products, equipment and tools and the second floor will be restricted to offices that must be related to the warehousing and wholesaling of the farm products on the first floor; there will be no storage on the second floor of the warehouse, light levels will be limited to one foot candle at the property lines, and the applicant will offer for dedication a strip of property 25 ft. on Big Island Rd. and if the Town doesn't accept it, they will offer the Town an easement.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Bergus, the Town of Goshen Planning Board hereby types the application of Todrabh as an Unlisted Action and declares it will not have a negative impact on the environment. Passed unanimously.

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

The application will be put on the next meeting's agenda for site plan approval.

Meadows of Goshen – 12-1-86.1 – 97.8 acres – 37 lot subdivision, located on Gate School House Road & Maple Ave. in the RU zone with an AQ3 & AQ6 overlays.

Present for the applicant: Steve Esposito

Mr. Halloran told the PB that the application will go forward under the terms of the interim zoning that was in place during the building moratorium. The application received preliminary approval in 2003 during the interim zoning. Mr. Golden added that the plan does not have to meet the present zoning code because at the time it was given preliminary approval the Code allowed for the applicant to make improvements. Under state law, if improvements are made that are substantial enough, it vests them in whatever zoning was in effect when they received their approval. Mr. Golden said that for the purposes of the zoning code, they are vested and can have their plan in accordance with the zoning code that existed at the time of their approval, however, if the DEC, Health Department and other regulations change the applicant has to comply with those other regulations.

Mr. Esposito said the DEIS findings were filed. A new storm water report was submitted with a re-design to conform with the current code. He said the entrance onto Maple Avenue has been re-designed and approved by the County DPW and that the applicant is currently in the final "throes" of the Health Department.

He said they have made some changes on the plans, there are three less lots, and he will be coming back to the PB for final approval.

Ms. Cleaver said it appears that wetlands may have been created when the road was built four years ago and said she will do a site visit to see if there are new wetlands on the property. She asked if the well tests can be witnessed by the Town and Mr. Esposito said he will provide the PB's Engineer with a list of the well tests that are not witnessed by the County so that the Town can witness the testing.

Lone Oak – 11-1-58 & 11-1-49.2 – 217.4 +/- acres, located on Harriman Drive and Arcadia Rd in the HR zone with an AQ6 & stream and reservoir overlays.

Present for the applicant: Steve Esposito

The PB decided to consider the completeness of the project's revised DEIS at their meeting on January 3, 2008. Mr. Esposito said the applicant would consent to 45 days of additional time, although Mr. Golden said he didn't believe that the applicant's consent is necessary. Mr. Golden said the revised DEIS was based on the 1999 scope and the two will have to be compared. It was determined that comments on the completeness of the DEIS will be due from PB members and their consultants by the 12-14-07 staff meeting.

Howell's – 20-2-18-2.8 +/- acres, proposed 2,800 sq. ft. commercial building on Industrial Drive in the CO zone with an AQ3, scenic road corridor & stream and reservoir overlays. Special use permit for commercial building.

It was noted that the Zoning Code states that the PB has 62 days from the public hearing to make a decision but since the applicant was not present, the PB put the matter over until their next regular meeting.

Hendler – 10-1-56.2 & 56.3 – 77.06 +/- acres located on 6-1/2 Station Road and Cheechunk Road, in an RU & CO zone with an AQ6 and scenic road overlay, for a Planned Adult Community with 154 units and 7-lot residential subdivision.

Present for the applicant: David Weinberg & Ross Winglovitz

Mr. Weinberg said the subdivision is a six lot subdivision with five residential lots.

Mr. Golden told the PB that their timeframe for a decision on preliminary subdivision approval is 62 days after the close of the public hearing which, he said, has long since passed. The PB couldn't vote until it received the County's comments, which have now been received. He reviewed a letter dated 11-29-07 from the County Planning Department clarifying their original report. Mr. Golden recommended the PB vote tonight on the preliminary subdivision approval.

The PB went through the 18-page "Draft #4 Resolution of Conditional Preliminary Subdivision Approval and Associated Status of the Planned Adult Community Site Plan and Special Permit for Hendler" dated 12-6-07 and agreed with the changes that had been made to the document.

It was noted by Mr. Golden that on page 9 of the draft document was a footnote that said "The PB at this time has decided not to adopt all of the requested modifications of the Orange County Planning Departments General Municipal Law Section 239-1, m or n Report pertaining to the Planned Adult Community aspect of the application. Consequently, if this continues the Planning Board will need to approve the Planned Adult Community site plan and special permit by a majority plus one vote at such time that it will be voting upon such site plan and special permit. The Preliminary Subdivision

approval herein is not affected by any of the County's requested modifications in its General Municipal Law Section 239-1, m or n Report, thereby requiring a simple majority vote to approve this Resolution." He reminded the PB that they are not voting on the Planned Adult Community site plan tonight but only the Preliminary Subdivision approval.

Mr. Weinberg asked Mr. Golden if the County revises its recommendations, before the PB votes on the PAC, will the PB consider them. Mr. Golden replied that they would.

It was noted on Page 11 of the draft document, that the PB needs to make a determination on the location of the affordable housing units and how they will be phased in the FEIS. The PB has to decide whether the plan complies with the standards set forth in the Code – are the units physically integrated into the design of the development and integrated with the market rate units in such a manner that no more than two affordable units abut one another, and are the affordable housing units located throughout the development and distributed in the same proportion as all other units. The PB looked at the plan and determined that the applicant has complied with the Code.

The PB discussed each of the County Planning Department's four modifications and two suggestions. The discussion was as follows:

The County said that a sidewalk should exist on every street, serving all residents with a sidewalk. PB members were polled by Mr. Huddleston, and all agreed with the County.

The County said that to encourage interconnectivity and a walkable community, connections should be constructed between units mid-street and designed to provide safe access between units, including proper lighting and landscaping. Mr. Huddleston polled the PB members, three members agreed (Ms. Israelski, Ms. Cleaver and Mr. Huddleston) and three members disagreed, saying that they want interconnectivity but not between the buildings. (Mr. Bergus, Mr. Andrews, Mr. Lupinski.) Mr. Huddleston said that a tie vote is a denial and that it means the PB does not approve of this County recommendation.

The County said the applicant should include a small store within the community center that would provide residents goods and/or services that are designed to, and will, reduce traffic trips. There was lengthy discussion with PB members questioning such a store's economic viability. Mr. Huddleston polled the PB members. All voted against this requirement with the exception of Ms. Cleaver. Mr. Weinberg said the applicant agreed to have a place in the clubhouse where some things would be available, newspaper, coffee, using vending machines, but not a store. Mr. Golden said that the whole purpose of the County's recommendation was to reduce vehicular trips into town and that the County rejected the idea of vending machines because they say it would not reduce the

vehicular trips. The PB decided the applicant should include vending machines in the clubhouse to reduce traffic trips.

The County suggested that the use of permeable materials, such as Grasscrete, should be employed in the three separate overflow parking areas in the PAC. The PB members were polled and all agreed with the suggestion.

The County recommended that linear rain gardens should line the side of each road that does not possess a sidewalk. The PB disagreed, taking the recommendation of engineering consultant, Sean Hoffman who said that it was not practical. The PB said they have not eliminated the rain gardens in their entirety, but have not included them as the County requested.

The PB decided they do not want to include modifying the design of the 28-foot median as part of the entrance boulevard, as the County suggested.

It was noted that there will be two additional conditions to the approval: that the drainage area is to be re-designed to the satisfaction of the Town Engineer and that the location of the landscaping of the sewer plant must be finalized before final approval.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board hereby accepts the “Resolution of Conditional Preliminary Subdivision Approval and Associated Status of the Planned Adult Community Site Plan and Special Permit for Hendler” dated 12-06-07, as modified at tonight’s meeting of 12-6-07”. Passed unanimously.

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

ADJOURNMENT: Upon motion made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen adjourned at 10:40 p.m.

Ralph Huddleston, Chair
Notes prepared by Susan Varden

