

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York 10924
December 20, 2007

MEMBERS PRESENT

Reynell Andrews
Lee Bergus
Mary Israelski
John Lupinski
Ralph Huddleston

ALSO PRESENT

Neal Halloran, Building Inspector
Ed Garling, Planner
Dennis Lindsay, Engineer
Kelly Naughton, Attorney

ABSENT

Susan Cleaver
Ray Myruski

CALL TO ORDER

Mary Israelski called the regular meeting of the Town of Goshen Planning Board to order at 7:30 p.m. at Town Hall in the absence of Chair Ralph Huddleston who arrived later and assumed the role of chair.

Supervisor Bloomfield thanked the PB members and staff for their good work in 2007 and told them that the Town Board has passed a resolution for an eight-month moratorium for subdivisions 20 units and larger and PACs, but excluding commercial. He said the Board had scoping sessions and public hearings and received considerable input on Local Laws 2 & 3, involving zoning and coding changes which now must be reviewed and analyzed. He said the Board was advised by the professionals that it will take eight months to do all of the due diligence to come up with local laws that will reflect what is best for everyone. He said the County will have 30 days to comment on the moratorium proposal and a public hearing will take place on January 24, 2008. Applicants can continue with their planning at their own risk, he said.

Heritage Estates – 8-1-9.22 – 249.76+/- acres, 81 dwelling units, located on Old Chester Rd & Brookside Dr in the HR & RU zone with an AQ6, AQ3, scenic road and stream & Reservoir overlays. Extension of Preliminary approval granted on 7/5/07.

It was noted that the applicant requests an extension of its preliminary approval granted on 7/5/07.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Bergus, the Town of Goshen Planning Board hereby grants a six-month extension of its Preliminary Approval on Heritage Estates to 7/5/2008. Passed unanimously.

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

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 AQ 3, AQ6 and scenic road corridor overlay. Possibly set public hearing for preliminary approval.

Present for the applicant: Steve Esposito

The consultants said that the plan was ready for a public hearing. Ms. Israelski asked Mr. Esposito to make note that the PB had agreed by consensus that the through road should be widened to allow for a bike lane.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Lupinski, the Town of Goshen Planning Board hereby sets a public hearing on preliminary approval of the Application of Dickerson for January 17, 2008. Passed unanimously.

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

Ms. Naughton asked the PB to let the attorneys know what, if any, conditions they think should be placed within the scenic road corridor overlay.

Owens Road/Goshen Meadows – 10-1-10.22 – 126.40 +/- acres, 39 lot subdivision, located on Owens Rd. in the RU zone with an AQ6, AQ3, scenic road corridor, and stream and reservoir overlay. Conceptual review roads and parkland.

Present for the applicant: Steve Esposito

It was noted that Robert Fink, Esq. is representing the Town PB on this application.

Mr. Esposito said that after several months of studying the drainage, the PB consultants have determined that they want to see the road constructed so the applicant is going back to the July 2006 design for the road and the proposed drainage, requiring a catch basin and a pipe through the Army Corp. wetlands.

Mr. Esposito said the applicant is proposing 61.8 acres of open space and pursuing a plan of 34 lots. A total of thirty-nine lots are being proposed, he said, including a requested five bonus units in lieu of providing the 61 acres of open space connected to the Wallkill River for public use and dedication to the Town. He said that he was requested by the PB to take a conceptual look at developing the open space into some form of recreation area, but that his client is unwilling to authorize that work currently because he wants the road and drainage nailed down since it has a direct impact upon density and construction costs. Mr. Esposito said the area lends itself to a recreational use and is accessible. Mr. Halloran said that the Town's Joint Recreation Commission is interested in it, however Mr. Huddleston said that the PB needs to know that the Town Board has an interest in it.

Regarding the road, Mr. Lindsay said it is a fairly short extension and that his recommendation is to have the road extended and terminated at the property line. He said there will be infrastructure and wetland impacts that should be considered and said the extension of the road to the property line will require collection of road drainage and discharge to a storm water management facility. Mr. Lindsay said he has given the applicant and the PB a memo regarding specifics of the road extension and drainage. It was noted that there is a connection to the adjacent property, from the point where the road would meet the property line.

Mr. Huddleston told Mr. Esposito that the PB is in concurrence with the road extension and the drainage adjustments.

Regarding the recreational use of the open space, Mr. Huddleston said he wants to make sure someone from the TB has seen the access and that the Town is interested in it.

Howell – 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. Possible final approval - Special Use Permit for commercial building and site plan.

Present for applicant:

Michael McGovern

Mr. McGovern said the applicant has addressed all of the engineer's comments and is requesting an approval.

Mr. Lindsay agreed that the applicant addressed all of the issues and said he is suggesting a number of recommendations for inclusion in the approval resolution regarding outdoor storage, lighting and parking that were referred to in his memo to the applicant and PB and said he believes the plan is ready for a final vote.

Ms. Naughton read the proposed conditions which include:

1. No stacking of pallets shall be permitted in the outdoor area, only inert materials and vegetation may be stored in the outdoor area. Any items stored shall not be greater than 5 ft. in height with the exception of vegetation. No storage shall be permitted outside of the building and the outdoor storage area.
2. The applicant must remove all unsuitable soils with regard to the wells to the satisfaction of the Town Engineer.
3. Any and all trailers must be removed from the property and may not be maintained on the property at any time in the future.
4. The light levels must be limited to .1 foot candles at the property line so no offsite glare will result. The fixtures shall meet IDA, LDED, or Green Globes criteria for night time sunlight or dark sky lighting.
5. There will be no bulk storage permitted on the premises. Items stored in the outdoor storage area must be placed on pallets and off of the ground in such area and this restriction must be noted on the site plan.
6. The applicant must install a silt fence prior to construction on the site to prevent soil erosion.

Mr. Garling said he believes everything has been addressed.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Lupinski, the Town of Goshen Planning Board hereby recognizes the Application of Howell as a Type 2 Action for purposes of SEQRA. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby grants final approval for a special use permit and adopts the Resolution of Approval dated 12-20-07 on the Application of Howell. Passed unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Huddleston	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. Possible final approval warehouse extension – amended site plan.

Present for the applicant:

Steve Esposito

Mr. Esposito said the PB granted site plan approval for an 8,000+ square foot warehouse extension and the applicant relocated two existing loading docks and added one additional loading dock to the 8,000 sq. foot addition, which has been presented to the PB. He said the PB asked to show the turning radius of the trailers and he has looked at extending some of the asphalt to better accommodate the trailers and the traffic.

It was noted that the designation of pedestrian access was discussed at the recent study session and that the applicant does not want to encourage pedestrian traffic through this area. Mr. Lindsay said that positive steps must be taken to ensure that pedestrian traffic doesn't occur. Mr. Esposito said it has been agreed that the day care children will avoid the area.

Mr. Lindsay said the approved loading dock was in the rear yard and the proposed dock is in the side yard and suggested the PB make sure the visibility issue has been mitigated to its satisfaction. Mr. Huddleston said he believes the proposed landscaping will be an improvement.

Mr. Garling recommended that a condition of approval should be the removal of material from the rear of the building.

The following conditions were agreed upon:

1. Removal of all foreign material and storage materials.
2. Village of Florida commitment to provide the property with municipal water as stated in its letter dated July 25, 2007. If the Village of Florida rescinds such commitment prior to the issuance of a Certificate of Occupancy then no Certificate of Occupancy may be issued by the Building Inspector. If said commitment of the supply of water is rescinded by the Village of Florida in the future, the applicant must return to the PB for determination of an adequate water supply to the property including any necessary SEQRA requirements.
3. A Certificate of Occupancy is subject to blacktopping or providing and maintaining a suitable temporary surface, until May, to the satisfaction of the Town Engineer
4. A cash bond for plantings.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Town of Goshen Planning Board hereby continues as lead agency on the application of Muhlrud and reaffirms it will not have a negative impact on the environment. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby declares that the modifications proposed by the applicant on the site plan of Muhlrاد does not represent a substantial change from the original site plan. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby grants final approval to the amended site plan of Muhlrاد Warehouse Extension, with the conditions noted at its 12-20-07 PB meeting. Passed unanimously.

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

Heritage Estates – 8-1-9.22 – 249.76 +/- acres, 92 dwelling units located on Old Chester Rd & Brookside Dr in the HR & RU zone with an AQ6, AQ3, scenic road and stream & reservoir overlays. Possible final approval of scoping document.

Present for the applicant: Steve Esposito

Ms. Naughton told the PB that the public needs to be given an opportunity to comment on the scoping document before it takes action and suggested that the public be given until the close of business on December 31 to comment. It was agreed that an invitation to comment will be posted on the Town's website, in the *Independent Republican* if possible, and as a legal notice in the *Times Herald Record*. Mr. Halloran was asked to call Mr. and Mrs. Stephen Brown to alert them.

Mr. Lindsay referred to a memo dated 12-15-07 to the PB regarding his suggestions including: that the applicant look at an area wide sewage treatment facility and include it as part of the study; that if the applicant is going to present a WAC analysis and it proposes anything other than intermittent stream standards, that the design flow of the receiving stream should include review of specific drainage basin information and be verified by field measurement; and that the results of a pre-SPDES conference with the DEC and attended by Town representatives and the applicant should be included.

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

Present for the applicant: Steven Green

There was a discussion of whether the applicant was creating or expanding a lot. Mr. Green told the PB that the easement is only on the westerly portion. He said the applicant is expanding an existing lot and that lot already has an existing structure (a barn) on it. Mr. Huddleston said that for a lot to be a legal lot in the Town, it has to pass septic approval. Ms. Giunta produced a map showing that it was deemed an official building lot by the Town in 1985. Mr. Lindsay reviewed the map and said a map note stated that a perc test had been done and noted positive perc data.

Mr. Lindsay asked that a note be added to the plat stating that from “the best available knowledge, there are no buried utilities within or adjacent to the subdivision lot line that will cause encroachments or create violations of the state sanitary health code.”

Ms. Naughton said that in addition to Mr. Lindsay’s condition, there should be one other stating, “These properties shall be subject to a restrictive covenant in favor of the Town of Goshen, County of Orange and the State of New York, restricting the area of the properties that forms the prior railroad bed and easement in such a manner so that there shall be no buildings placed thereon, no crossings constructed across and no alterations made thereto so as to prevent the use in the future of such prior railroad bed and easement from being utilized for the purpose of a public trail. The form of such a restrictive covenant is attached to the Resolution, proof of its filing with the County Clerk shall be filed with the Town Building Inspector prior to the issuance of any building permit to the property.”

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Lupinski, the Town of Goshen Planning Board declares that the Giunta project as proposed will not have a negative impact on the environment. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board hereby grants final approval of the Covenant and Resolution as modified and discussed for the Giunta site plan at the 12-20-07 meeting of the PB. Passed unanimously.

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

OTHER BUSINESS:

Mr. Halloran confirmed that meeting nights of the Town of Goshen Planning Board will be the first and third Thursdays of the month and that those dates will be published in the newspaper.

Mr. Halloran said there will be a public hearing of the Town of Chester Planning Board on the Hills of Chester, which is located on the other side on the Hills of Goshen. A discussion followed.

Mr. Huddleston agreed to write a letter to the Town Board concerning the desire of members of the PB to change its terms of compensation.

ADJOURNMENT: Upon motion made by Mr. Andrews and seconded by Mr. Lupinski, the Planning Board of the Town of Goshen adjourned at 9:11 p.m.

Ralph Huddleston, Chair
Notes prepared by Susan Varden