

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924

DECEMBER 1, 2011

Members Present:

Reynell Andrews
Lee Bergus
Susan Cleaver
David Gawronski
John Lupinski
Giovanni Pirragalia
Ralph Huddleston, Chair

Also Present:

Neal Halloran, Building Inspector
Sean Hoffman, PB Engineer
Ed Garling, PB Planner
Richard Golden, Esq. PB Attorney
Kelly Naughton, Esq. PB Attorney

The PB approved the minutes of its meeting of November 17, 2011.

Meadows of Goshen – 12-3-11 2.53 +/- acres located on Howard Court in the RU zone, with an AQ3 overlay. Amended major site plan and amended major subdivision. Approval of resolution.

Representing the applicant: Applicant Chris Healey

It was noted that the location of the house has been changed on the site plan as previously discussed. Mr. Golden read the proposed Finding as follows:

“The original Project presented a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but suitable parks or recreation areas of adequate size to meet this requirement could not be properly located on the site, requiring a payment of a parkland fee to be determined by the Town Board in lieu of providing such parkland. The Planning Board recognizes that said fees were required to be paid prior to the signing of the original plat on July 19, 2011, and this amended application creates no new lots. Therefore, no new parkland fees are required in connection with this amended approval.”

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Gawronski, the Town of Goshen Planning Board adopts the Finding as read in the proposed Resolution of Meadows of Goshen. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Mr. Golden read the proposed Conditions in the resolution as follows:

1. The applicant must clearly mark the limits of disturbance prior to any construction activities. Such delineation shall be enforceable by the Town.
2. The applicant shall submit two copies of all submissions to and responses from the involved agencies between the time of this conditional approval and Final Approval.
3. All curbing along the roads of the subdivision shall be constructed using Belgium Block.
4. Wetlands and any required buffers are to be marked on individual lots prior to Final Approval. The applicant must use proper Environmentally Sensitive Area (“ESA”) signage where applicable, and have such signage in place prior to any site disturbance.
5. The Applicant shall place easements over that land outside of the street right-of-way that is part of the temporary turnaround (Road B – Howard Court), reverting the land to the abutting property owners upon the continuation of the road, and include such as a note on the map, subject to the satisfaction of the Planning Board Attorney as to form, providing that the land revert to the owners of the adjacent lots, Lot 11 and Lot 12, when the through road is completed.
6. Any and all wells installed shall be no less than 300 feet deep.
7. Though blasting is not expected, any and all blasting operations that might occur shall be conducted so as to not endanger the health, safety and welfare of persons and the safety of property, including but not limited to that of adjacent landowners. Any blasting operations shall be carried out in compliance with Chapter 58A of the Town Code and in compliance with the additional requirements of the Meadows of Goshen SEQRA Determination and Findings Statement dated May 15, 2003.
8. The Applicant shall stockpile topsoil, during construction, and re-spread it to establish permanent lawns and landscaping.
9. Pursuant to the SEQRA Determination and Findings Statement, the Applicant shall file deed restrictions prior to the issuance of a building permit and adequate proof of such filing submitted to the Building Department for each lot of this subdivision to include the following: (a) There shall be no signage, unregistered vehicles, hunting or raising of livestock or poultry on the property. (b) Satellite dishes are not permitted in the front yard, and shall be screened from neighboring lots. (c) No above ground pools shall be permitted. (d) Any and all clearing of the individual lots shall be in accordance with the limits as shown on the approved subdivision plat. (e) No trees shall be removed that buffer the border of the lots.
10. The Applicant shall offer for dedication to the Town a 100-foot easement for highway purposes and pedestrian access located between Lots 2 and 3, as shown on the plat.

11. The name of the street involved in this subdivision shall be subject to the approval of Orange County 911 services, and shall be sufficiently different in sound and spelling from other street names to avoid confusion.
12. Prior to the signing of the plat, the Applicant must comply with all outstanding issues set forth in the memorandum of the Town Engineer dated November 14, 2011 to the satisfaction of the Town Engineer.
13. Prior to the signing of the plat, the Applicant shall provide deed restrictions for Lots 1 and 34, satisfactory to the Planning Board Attorney as to form, for the maintenance of the landscaped entrance features.
14. Plantings along Lots 21 and 22 must be performed in a manner and in such specific locations as determined by the Town Highway Superintendent, Town Planner and Town Engineer to ensure optimum sight distances under the circumstances.
15. The drainage pipe along the common driveway near Road A – Ruth Court shall use a reinforced concrete pipe, not HDPE. All areas where pavement is removed for this reconstruction shall be stabilized and regrassed.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Ms. Cleaver, the Town of Goshen Planning Board accepts the conditions as proposed on the Amended Resolution of Conditional Final Approval Major Subdivision and Major Site Plan for Meadows of Goshen. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Northern Bear – 20-1-39 – 3.50 +/- acres, located on 17A in HC zone with an AQ3 overlay for special permit and site plan approval. Approval of resolution.

Mr. Golden read the Finding on the proposed Resolution as follows:

“The Building Inspector determined that this property previously received site plan approval on January 20, 1983, permitting a maximum of 15 parking spaces to be located in front of the building. Therefore, the Planning Board finds due to the location, prior approval for the property, and its existing improvements, compliance with the requirements in § 97-14(D)(1) regarding building placement would discourage the Applicant from developing the property. The Planning Board also finds that due to location and topography of the property, compliance with the requirements in § 97-14(D)(3)(a) for a bike path and/or sidewalk to be constructed within the landscaped buffer would impose an unnecessary economic hardship on the Applicant, and would discourage the Applicant from improving the property. Lastly, the Planning Board finds that due to the location of the existing structure, compliance with the requirements contained in § 97-14(D)(3), subject to Specific Condition number “2” noted below,

relating to landscaping would discourage the Applicant from developing the property. As a result of the above, the Applicant need not comply with the provisions of the above-cited Code sections.”

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Lupinski, the Town of Goshen Planning Board accepts the Finding on the application of Northern Bear as read. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Mr. Golden read the specific conditions as follows:

1. The Applicant shall provide a Traffic Impact Study, Stormwater Management Plan, proposed access to the State highway system and other information to the New York State Department of Transportation (“DOT”), if and as required by the DOT, and in accordance with its letter dated November 4, 2011.
2. Prior to the signing of the plan, the Applicant shall revise the plan to include landscaping around the proposed columns and sign to the satisfaction of the Town Planner.
3. Prior to the issuance of Certificate of Occupancy, the Applicant shall re-pave and stripe the parking lot.
4. Prior to the signing of the plan, the Applicant shall remove the existing log piles from the site.
5. All light levels must be limited to 0.1-foot candles at the property line so no offsite glare will result. The fixtures shall meet IDA, LEED or Green Globes criteria for Nighttime Friendly or Dark Sky lighting.
6. Prior to the signing of the plan, the Applicant shall furnish recent information on the existing well or perform testing to demonstrate that there is satisfactory quantity and quality for the proposed uses on the property, subject to the satisfaction of the Town Engineer.
7. Prior to the signing of the plan, the Applicant shall confirm the existing wastewater disposal system is appropriately designed for the anticipated flow and site conditions and is functioning properly as demonstrated by a dye test and visual inspection to the satisfaction of the Town Engineer. If the Town Engineer determines that the existing wastewater disposal system is not appropriately designed for the anticipated flow conditions, or is not functioning properly, the Applicant must return to the Planning Board for further action.
8. Prior to the signing of the plan, the Applicant shall comply with the memorandum of the Town Engineer dated November 14, 2011, to the satisfaction of the Town Engineer.

- 9. Prior to the signing of the plan, the Applicant shall revise the plans to include a grass swale extending from the proposed stormwater swale to the front of the property to the satisfaction of the Town Engineer.
- 10. The proposed parking calculations are based on 1,894 square feet of storage for the proposed service business. Conversion of the storage areas to retail or service will require additional parking in excess of the amount shown on the plans.
- 11. Prior to the issuance of the Certificate of Occupancy, the Applicant shall provide a certification from a New York State licensed engineer that all grading and construction occurring on the steep slope of this property is performed properly in accordance with the approved plans.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Andrews, the Town of Goshen Planning Board accepts the Conditions as stated on the Resolution of Conditional Approval Major Site Plan for Northern Bear Pet Food Supply. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Hudson River Healthcare Inc. – 22-1-150.31 .92+/- acres, site plan modification for additional parking in the AI zone. Approval of Resolution.

Mr. Golden read the two Findings as follows:

“The Planning Board has found that this application requesting approval for a minor site plan to continue to use the premises as a healthcare facility, though not a permitted use in the AI district under the Town Code, may proceed under the New York State Agriculture and Markets Law. *See Ag & Mkt Law Section 305-a*. Additionally, the Planning Board has found that the lot area (2 acres required; 0.92 acres provided), side setback (50 feet required; 30.9 feet provided) and road frontage (200 feet required; 175 feet provided) are pre-existing non-conforming elements of this plan, not requiring variances from the Zoning Board of Appeals.

The Planning Board has determined that the following elements of the site plan application are not necessary and are hereby waived: Section 97-75(B)(5), (7), (10), (12) and (14) through (21).”

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Bergus, the Town of Goshen Planning Board adopts the Findings as read by the PB attorney on the application of Hudson River Healthcare Inc. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Mr. Golden read the eight conditions on the proposed Resolution of Conditional Approval as follows:

1. Prior to the signing of the plan, the applicant shall provide a copy of the common driveway easement to the Planning Board attorney to confirm the adequacy of the easement. If no formal easement has been filed with the Orange County Clerk’s Office, the applicant shall provide an easement, in a form satisfactory to the Planning Board Attorney, which must be filed with the Orange County Clerk’s Office and proof of such filing provided to the Building Department, prior to the issuance of a building permit.
2. Prior to the signing of the plan, the applicant shall perform testing to confirm the existing wastewater disposal system is appropriately designed for the anticipated flow conditions and is functioning properly to the satisfaction of the Town Engineer. If the Town Engineer determines that the existing wastewater disposal system is not appropriately designed for the anticipated flow conditions, or is not functioning properly, the applicant must return to the Planning Board for further action.
3. Prior to the signing of the plan, the applicant shall complete the Site Inspection Authorization form, contained in the Town’s application.
4. Prior to the signing of the plan, the applicant shall provide an easement, in such form and manner of filing as is acceptable to the Planning Board Attorney, over the drainage facilities in favor of the adjacent parcel, as shown on the plan. Such easement shall be filed with the Orange County Clerk’s Office. Prior to the issuance of the first building permit, the Applicant shall provide proof to the Building Inspector of the filing of such drainage easement with the Orange County Clerk’s Office.
5. Prior to the signing of the plan, the applicant shall comply with the memorandum of the Town Engineer dated October 14, 2011.
6. Prior to the signing of the plan, the applicant shall revise the plan in accordance with the October 25, 2011 correspondence of the Orange County Department of Public Works and to the satisfaction of the Town Engineer, to improve drainage, and shall increase the width of the common driveway to a minimum of seventeen (17) feet.
7. Prior to obtaining a Building Permit, the applicant shall submit structure calculations demonstrating the adequacy of the proposed retaining wall design to the satisfaction of the Town Engineer.
8. Prior to the issuance of the Certificate of Occupancy, the applicant shall provide a certification from a New York State licensed engineer that the retaining wall is constructed in accordance with the approved plans.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Pirragalia, the Town of Goshen Planning Board approves the conditions as proposed for Conditional Approval of the Minor Site Plan for Hudson River Healthcare, Inc. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Heritage Estates – 8-1-9.22 – 249.76 +/- acres, located on Old Chester Rd. & Brookside Dr. in the HR & RU zone with an AQ6, AQ3, scenic road and stream & reservoir overlays. Two 90-day extensions.

Mr. Golden said the applicant has outlined all they have done in a detailed letter dated November 16, 2011 as the basis for the extension indicating they have been diligent in pursuing this approval and stating what action they are still waiting from the Town Board. They are seeking two 90 day extensions.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Gawronski, the Town of Goshen Planning Board grants extensions to June 7, 2012 for the applicant Heritage Estates. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

A&L Acres – 13-1-34.2 – 217.8 acres, 30-lot subdivision located on Houston Rd. in the RU Zone with an AQ3 & 2 scenic road and one stream corridor overlay. Two 90-day extensions.

Mr. Golden said the applicant submitted a letter November 3, 2011 providing a project status report and requesting an extension so that it can continue to work on the project.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Pirragalia, the Town of Goshen Planning Board grants extensions to May 17, 2012 for the applicant A& L Acres. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Peck – 5-1-7.22 – 4.32 +/- acres, site plan located on 101 Axworthy Lane in the RU zone with an AQ6 overlay for accessory dwelling.

Representing the applicant: Jim Dillin, Engineer

Mr. Dillin said the applicant, Mr. & Mrs. Peck, want to build an accessory dwelling. A portion of their large barn has collapsed and instead of re-building the barn in its existing footprint, they want to put in an accessory apartment for their son who has some disabilities and who lives with them. The 750 sq. ft. building will be put on the same foundation as the barn foundation. It will have its own septic system, he said.

Mr. Golden said this is an accessory residential structure and is allowed under the Code as long as it is below 1,000 sq. ft and on the existing lot.

Mr. Golden said this will be a minor site plan and a Type II Action under SEQRA with no public hearing required. It is not required to be referred to the County DPW for a 239 Review, he said. As part of the Scenic Road Corridor Overlay, the PB will have to make certain Findings that will be prepared by Mr. Golden. He said he will request as a condition that the accessory residential structure be connected to the same well as the principal structure.

Mr. Hoffman said he will want to have the well tested to demonstrate the applicant has enough yield to serve two uses and will want to review the septic field the applicant is designing for the unit.

It was noted that as for the site plan requirements, there are several that the applicant is requesting to be waived.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Ms. Cleaver, the Town of Goshen Planning Board states that there is no need for a public hearing and thus waives the public hearing on the application of Peck. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board declares the application of Peck a Minor Site Plan Type II Action under SEQRA. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye

Ms. Cleaver

Aye

Mr. Lupinski

Aye

Mr. Pirragalia

Aye

Mr. Garling said there will need to be a note on the plan relative to the Scenic Road Overlay requirements for the building within 500 feet of the road and relative to the disturbance of vegetation within 50 ft. of the road.

Mr. Golden noted that the applicant will modify its plan and a draft resolution will be prepared for the PB's next meeting.

Orchard at Towner Farm, LLC 12-1-103 – 3.42 +/- acres, for site plan approval located on Musket Court in the I zone with an AQ3 overlay.

Mr. Halloran said the application has been reviewed by the Zoning Board of Appeals. There was a public hearing with the ZBA, but the ZBA have not yet taken a vote on it. Mr. Golden said that the ZBA can't vote until the PB completes SEQRA. Once SEQRA is completed, the ZBA can act, he said.

Mr. Hoffman said a memo was sent to the applicant today with comments and that one of the engineer's main concerns is solicitation of comments from emergency service agencies.

Mr. Garling said there needs to be a plan for the building before approval can be given and the issue of a fence must be discussed by the PB. The parcel is screened from 17M and Mr. Garling said he believes the buffer, landscaping and screening with the existing proposed landscaping plan is well placed. The curb cut requirement will have to be waived, he said.

Mr. Golden said the applicant is asking the PB to do an expanded Part III for SEQRA. The applicant has identified two impacts, one on the public health and one on transportation. The PB will have to make a determination whether there are other issues to be addressed in the Part III and whether the project should be given a negative declaration.

PB members discussed the site plans with the applicant.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board sets a public hearing for purposes of site plan and SEQRA, on the application of Orchard at Towner Farm, LLC for January 19, 2012. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Quality Bus Service LLC – 12-2-40 5.18 +/- acres, site plan and special use permit located on Cannon Hill Drive in the I zone with an AQ3 overlay.

Representing the applicant: John Fuller, Engineer
George Eckes, Quality Bus

Mr. Fuller said the applicant proposes to locate a 50 x 75 sq. ft. building with associated parking for their bus service and employee parking on the five acre parcel at the end of Cannon Hill Drive. The pre-engineered steel building will have a dispatch office and there will be three bays used for bus repair and maintenance. Mr. Eckes said the company currently operates out of the John Deere building. The company operates 37 buses now and will have parking for 40 buses. Of the 37 buses, five are spares, he said. The majority of the buses are the small van type, and are replaced every three to four years. There will be a fueling station on the property. Mr. Eckes said he currently has three employees on site but will hire two additional.

The PB discussed the site plan with the applicant.

Mr. Golden said that the code requires that parking, if the building is visible from a public road, be in the rear and that while currently this is not a public road, it is about to become a public road within a month. The applicant could go the ZBA for a variance or they could extend the parking to the rear, he said. The applicant said he will pull the building forward and put the parking in the rear.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board types the application of Quality Bus Service LLC as an Unlisted Action and declares its intent to be lead agency, refers the application to the County Planning Department for a 239 Referral and to the Town’s Environmental Review Board. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board sets a public hearing on the application of Quality Bus Service LLC for January 19, 2012. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Meadows of Goshen – 12-1-86.1 – Bond Reduction

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board approves the PB Engineer’s recommendation to reduce the bond from \$961,200 to \$558,400 on the application of Meadows of Goshen. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

ADJOURNMENT - The Planning Board adjourned at 9.25 p.m.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden