

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

OCTOBER 15, 2009

Members Present:

Reynell Andrews
Lee Bergus
Susan Cleaver, Acting Chair
Mary Israelski
John Lupinski
Raymond Myruski

Also Present:

Neal Halloran, Building Inspector
Rick Golden, Esq. PB Attorney
Kelly Naughton, Esq. PB Attorney
Dennis Lindsay, Engineer

Absent: Ralph Huddleston

MINUTES

The minutes of the Planning Board meeting of October 1, 2009 were approved with corrections.

Persoon – 17-1-4 & 36, 127+/- acres, located on Maple Avenue, Winners Circle and Breezeway Lane, 66.5+/- acres in the RU zone with an AQ3 and scenic road corridor overlay. 60.4+/- acres in the AI zone with scenic road corridor & flood plain overlays.

Mr. Halloran said that the application was on the agenda to discuss the water testing protocols, only. Ms. Israelski recused herself from any discussion and vote on the application.

Mr. Lindsay said he has received the proposed submission relative to the water testing protocols and that he has a number of concerns regarding their testing protocol. There are areas where the submission does not relate to all of the Town's requirements, he said. Lot #4 shows a high capacity, but there is no information on Lot #2 and the applicant needs to provide information on the wells within the required distance from the project site, he said. That information needs to be on the map along with at least a representative number of wells in proximity of the site so that the wells to be monitored can be selected. Mr. Lindsay also said that a fracture trace appears on the map and needs to be looked at in conjunction with the wells selected to monitor. Mr. Lindsay listed the specific items where he found deficiencies.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Andrews, the Town of Goshen Planning Board authorizes the engineer to review the report for the water testing protocols on the application of Persoon as it comes back for compliance with the Town’s requirements and allow the applicant to proceed once it has been reviewed to the engineer’s satisfaction. Approved unanimously.

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| Mr. Andrews | Aye | Ms. Israelski | Recused |
| Mr. Bergus | Aye | Mr. Lupinski | Aye |
| Ms. Cleaver | Aye | Mr. Myruski | Aye |

Cimino – 11-1-48.221 – 13.2 acres, 2 lot subdivision, located on Duck Farm Road and Old Chester Rd. in the RU zone with an AQ6, stream & reservoir and scenic road corridor overlays. Water testing protocol.

Mr. Lindsay said the applicant followed the Town’s water testing protocols and that the plan presented follows the Town’s requirements. Mr. Lindsay said he had provided a written report to the PB. He said he would recommend that the PB authorize the applicant to proceed subject to a few items he had and allow the engineer to authorize the applicant to move ahead as soon as they satisfy him that they have complied with the items he had noted, including showing the fracture trace analysis on the plat.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board authorizes the applicant to proceed subject to compliance of the engineer’s items and allow the engineer to authorize them to move ahead as soon as they satisfy the engineer.

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

PUBLIC HEARING

Minisink Bus Garage - 19-1-34.2 – 8.4 +/- acres located at 308 Maple Avenue and Orzeck Lane in the AI zone with an AQ3 & scenic road corridor overlay. Request for special use permit for bus maintenance & repairs.

Representing the applicant: Delos Luther II, Director of Transportation
Minisink Valley Central School District
Amador Laput, Jr. Project Engineer,
and Bob McCloud, property owner

Mr. Laput said the Minisink School District is building a new bus garage which will not be complete until sometime next year and wants to use Mr. McCloud's warehouse on Orzeck Lane for a temporary facility to do bus inspections and repairs. There are 90 buses in the fleet and on any given day there would be 2 to 20 buses taken out of service to do the DOT inspections, he said. The buses will not typically be parked overnight unless there for overnight repair. There will be employee parking for about five employees. An on site septic will be located behind the building, and the existing well will be re-located, he said. There is currently screening along Vincent Drive just past the entrance to the warehouse, he added. It was noted that the school district has to leave their present facility by November 1 and has no secondary plan.

Mr. Lindsay said he filed a memo with the PB. He said the application is for a temporary request and that he recommends that the PB have an opportunity to revisit the application should the applicant's time expire. He said that the temporary length of time is long enough that the PB should require the things that will make this comply with Town zoning. He said he recommends additional screening. Mr. Lindsay said that while most of the sight distance requirements have been met, one is marginal. He suggested that the PB consider imposing a right-hand turn restriction and putting up signs. Mr. Lindsay also suggested a barrier to keep the buses away from the building so that the fire department can have access. He recommends drip pans for possible leaking to eliminate any environmental damage and suggested periodic inspections.

Mr. Bergus said he sees a need for additional landscaping on Vincent Drive to screen the buses from Vincent and Orzeck roads. He asked about security lighting and Mr. Laput said there will be none.

Mr. Lupinski agreed that there is a need for additional landscaping on Vincent Drive. He said he has concerns about the potential for leakage and asked if neighboring wells should be monitored. Mr. Lindsay said that according to NYS where you have these type of facilities you have a hot spot and that the oils must be captured in case of discharge. He suggested requiring that the applicant put down drip pans and that the site be monitored on a regular basis. "They should manage the grease and oil inside their buildings and outside and should prevent it from going into the ground with drip pans," he said.

Mr. Halloran said that the Town's Environmental Review Board (ERB) had discussed the application at length and had several recommendations including: that all work be done inside on account of the noise; that bus parking be at least 50 ft. away from the property lines, especially along Vincent Drive; that warning signage coming up to Orzeck Lane be installed; that there be additional screening with berms and plantings; that all unregistered vehicles be removed from the property; that the special use permit be for a restrictive

time period, that the dumpster be shown on the plans and that any lighting be shielded.

Mr. Golden said the PB has determined that the application is a Type 2 action and so nothing further has to be done with SEQRA. He said the PB will have to make a finding that the project will not result in the degradation of the scenic character, etc. because it is in the Scenic Road Corridor Overlay District and that the PB will also have to waive various provisions of the site plan in terms of the detail required because it is a smaller application.

Mr. Golden said that the County Planning Department has indicated that it is for "local determination" and that the County DPW sent a letter stating that after reviewing the application, they approve it.

It was noted that the PB has received a letter from Christopher and Dawn Stock with respect to neighbor issues.

Ms. Cleaver opened the hearing to the public.

Tom Pahucki of Celery Ave. said he is familiar with the property as his parents owned it years ago. He said that historically the children walk on Orzeck Lane to Maple Avenue for the school bus. He said the Goshen School District has deemed Orzeck Lane unsafe for school buses. He said the road is in disrepair and that with the out-of-district school buses exiting and entering on Orzeck Lane, it will degrade the road even more. He called it "non-sensible at best". He said the road is about a lane and a half wide and offers poor sight distance. He suggested that instead of using Orzeck, the applicant should run a long driveway from the building onto Maple Ave. He said there would be plenty of room. His biggest concern with the project is the use of Orzeck Lane, he said.

Donna Schneider, 332 Maple Ave. said she lives at the crest of the hill and called it a very dangerous area and unsafe for the children, citing skid marks from trucks and numerous accidents. She said she feared that someone will get killed if there are buses turning in and out of there. She handed Ms. Cleaver a petition from neighbors and showed PB members a map of the area.

Dawn Stock, 20 Vincent Drive, gave PB members two photos showing two views from the end of Orzeck Road.

Rick Plorczychk, 308 Maple Ave., talked about the dangerous condition of Orzeck Lane stating that the roadway is falling apart and that there isn't enough room. "Let's make it safe for these people. The road is unsafe, send them out to my house, I won't complain. Bring buses out onto Maple Ave. not onto Orzeck." He suggested that the buses could

come out on a roadway by his house and turn right onto Maple Ave. He suggested that the PB take a look at the site before they approve anything.

Mr. Pahucki agreed with Mr. Plorczychyk, stating that it is flat and there would be plenty of sight distance and that it wouldn't destroy Orzeck further.

Diago Schwarcz of 330 Maple Ave. said he is concerned with the traffic, safety, noise and diesel emissions.

Mr. Laput said that idling of buses for more than 5 minutes is not allowed under NYS law and Mr. McCloud said that the start up time for new diesel motors is less than one minute, adding that new federal emission laws are tougher.

Dawn Stock, 20 Vincent Drive, said she called the Goshen School District's transportation department and was told that the kids get picked up at the end of Maple Ave. She was told the buses are not coming down Orzeck Lane because the road is not wide enough and so she thinks, that as a taxpayer, it is unfair to watch another school district's buses use Orzeck Lane when her own school district won't use it. She said she thinks there needs to be more screening, two rows of trees, to block the view.

Chris Scott, 20 Vincent Drive, asked if the temporary use could turn into a permanent use since the Minisink School District hasn't yet voted on the construction of the new garage. He asked if there will be an expiration date to the special use permit. He said that he is a police officer and called Orzeck Lane "a recipe for disaster." He asked that the PB make Orzeck Lane safer for the residents, if they decide to approve the project.

Mr. Golden said that the use is permissible under the zoning and that the applicant is asking for the use for a certain period of time. That will have some impact as to what kinds of things the PB will require, he said, and said that part of any approval will be that it expires at a certain time. If the applicant wants to continue beyond that time, they will have to return to the PB, he said.

Tom Pahucki said that he finds it a "stretch that this (school bus repair garage) is compatible with the agricultural district." He said that if they are going to use Orzeck Lane, then the applicant should post a bond and fix the road. He said that the ideal would be to have the buses come straight out onto Maple Ave, off of 308 Maple Ave. and avoid Orzeck.

Mr. Halloran reported that the highway superintendent said the road was suitable for the weight of the buses.

John Davis, of 38 Orzeck Rd. spoke about road safety and called it a “freeway” during certain times of the day. He said there is always a problem getting in and out of the road.

Ms. Israelski said she concurs with the ERB comments, and that after hearing the public’s comments, and considering that the road seems to be in disrepair already and will be an extra burden to the taxpayer in general, she questioned if the permitted use is really compatible with the agricultural use, and what the Town will gain besides creating a detriment.

Mr. Golden said that the AI District speaks about compatibility with agricultural uses but also talks about non-agricultural uses that are non-compatible. He said that in Section 97-13 under C-7 all of the uses permitted by special permit are listed and among them is repair garages for non-farm related machinery, vehicles or equipment on a lot not less than 3 acres in area. “That clearly seems to apply,” Mr. Golden said, and added that the Building Inspector has reasonably determined that it is allowed as a special permit under the code. The PB needs to determine if this is an appropriate area within the entire AI zone for such a use to be allowed, and a part of that is to decide in terms of suitability of access, whether access should come off Maple Avenue or Orzeck Lane, he said. If the PB decides that access should come off Maple Ave., Mr. Golden said he believes the application will need to be re-submitted to the County Planning Department for their additional opinion or comments. The County, he said, needs to be given an opportunity to comment on an access onto County Route 37.

Mr. Myruski asked if the PB has the right “to take this away from someone if it is a permitted use”. Mr. Golden said that the PB has the right to determine where is the most appropriate access.

Jerry Boss, a Town resident, inquired as to whether the Town Police Chief has been asked to look at this in terms of safety and said he thinks access from Maple Avenue, with its better sight distance, is a good suggestion.

Dawn Stock suggested that the PB visit Orzeck Lane to see what it is like trying to pull out of it onto Maple Avenue.

Ms. Cleaver thanked the public for their comments, the petition and photographs. She said she was surprised to see all of the vehicles parked on the existing site and asked Mr. McCloud why the vehicles were parked there. Mr. McCloud said that the vehicles are his old hobby trucks he has worked on. He said that he can remove them. Ms. Cleaver said she can’t blame the neighbors for wanting screening and said she thinks it is important that no unregistered vehicles be permitted on the property and that there be a limit imposed as to how many vehicles will be parked on the property. She said she would like

to see an inspection done, not just for possible discharge from vehicles, but to report to the PB on how many vehicles are on the property.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Town of Goshen Planning Board closes the public hearing on the application of Minisink Bus Garage. Passed unanimously.

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

Ms. Israelski said that after hearing from the public and learning about the condition of Orzeck Lane which the Town's own school buses won't travel down, she thinks the PB should propose to the applicant that they come out on Maple Ave. and that for every tree they have to remove, they should replant another, and that all of the criteria that the ERB set forth should be included in the resolution.

The PB discussed each of the ERB's recommendations. They decided that certain of the requirements will not be necessary because of the change from Orzeck Lane to Maple Ave. for access, such as checking over-head clearance of wires. It was decided that the Town Engineer should determine if bus turning signs are needed. It was determined that a restriction that parking be at least 50 ft. from the property line will not be necessary because the screening will adequately mitigate the visual impact. The configuration of the berm will be left up to the Town Planner.[]

The PB determined that the special use permit should have a sunset provision and decided to set it at December 31, 2010.

The PB agreed that a further condition should be that the site be inspected for leakage and unregistered vehicles on a regular basis, initially weekly, with the authority for the BI to extend it to a further amount of time.

Mr. Lupinski said he is concerned with contaminating neighboring wells. Mr. Golden said that if the Building Inspector reports that the applicant is not abiding by the condition relating to discharge, then the applicant will have to appear before the PB for consideration of additional conditions such as bonding to protect the wells.

Mr. Lindsay said there must be adequate room for access to the building by the fire department. He also recommended that while most of the driveway coming out to Maple Ave. can be gravel, there should be at least 20 feet paved for exiting and entering and said there should be a wider radius so buses can turn in and out.

Mr. Golden said that once the revised plans are received by the PB, the Building Inspector will get the plans to the County Planning Department and try to expedite the process. The County has, by law, another 30 days to respond.

Mr. Golden said that because the property is in the Scenic Road Corridor, the PB will, before approving it, have to make the finding that “the project will not result in the degradation of the scenic character, will be aesthetically compatible with its surroundings; will minimize the removal of native vegetation, except where such removal may be necessary to open up scenic views and panoramas; and will locate and cluster buildings and other structures in a manner that minimizes their visibility from the road to the extent practical.”

Mr. Golden reported that Planner Ed Garling said it will be appropriate for the PB to waive various requirements of a major site plan detail, of certain provisions of Section 97-75 (B) and (D) of the Town Code.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Myruski, the Town of Goshen Planning Board waives certain provisions of Section 97-75(B) and (D) as recommended by its Planner. Approved unanimously.

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

Kaprielian – 4-1-9 & 7.1 – 77.2946 +/- acres, located at 57 Farmingdale Road & Woodcrest Lane in the RU zone with an AQ3, AQ6 and scenic road corridor overlay. Possible approval of lot line change.

Representing the applicant: James Dillin

Ms. Israelski recused herself from the discussion and any decision making.

Mr. Golden said that SEQRA has been completed, that it was determined to be an Unlisted action and that the application does not need to be sent to the County Planning Department or the County DPW. He said that by the PB approving the lot line change, it will be making one of the two lots less non-conforming than it otherwise would be.

Mr. Golden said he has modified the general conditions relative to the application being a lot line change rather than a subdivision. He read the one specific condition included in the resolution: “The applicant shall, prior to the chairperson signing the plans, offer to dedicate 0.2620 acres of land along and including portions of Farmingdale Road to the

Town of Goshen for highway purposes. Such documents shall be in a form acceptable to the Town Attorney.”

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Lupinski, the Town of Goshen Planning Board approves the Resolution of Conditional Preliminary & Final Approval of the lot line adjustment for Kaprielian. Approved unanimously.

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

Mr. Golden said that the plans won't be signed by the PB chair until the applicant makes the offer of dedication to the Town.

ADJOURNMENT: A motion to adjourn the meeting at 9:30 p.m. was made, seconded and approved unanimously.

Susan Cleaver, Acting Chair
Notes prepared by Susan Varden