

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

DECEMBER 16, 2010

Members Present:

Reynell Andrews
Susan Cleaver
David Gawronski
Raymond Myruski

Also Present:

Neal Halloran, Building Inspector
Dennis Lindsay, PB Engineer
Richard Golden, PB Attorney
Kelly Naughton, PB Attorney

Absent:

Lee Bergus
Ralph Huddleston
John Lupinski

Cimino – 11-4-48.221 – 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. Resolution approval.

Representing the applicant:

Kirk Rother

The PB had previously authorized its attorney to draft a resolution of approval.

Mr. Rother and the PB discussed a proposed condition stating that the dwelling location, driveway, well and septic system for Lot #1 are not being approved by the resolution but are identified on the plans for demonstration purposes only indicating that it is a buildable lot. Mr. Golden said the applicant can get approval with that condition or convince the PB that the location of the dwelling, driveway, well and septic are fine “as is” and get approval as two building lots.

Mr. Lindsay said he did an analysis of the lot layout and determined it is a buildable lot. “If that is where the applicant wants the house to be, we have reviewed it and can say that yes, it works from an engineering perspective,” Mr. Lindsay said.

There was discussion about the lot being in the scenic road corridor. Mr. Golden said that the PB can approve it tonight, with the lot “as is”, but that the applicant must understand that if someone says they want to move the house 25 ft. they will have to come back to the PB for site plan approval. The applicant said he is comfortable with that. Mr. Halloran said the house could possibly be moved backward 25 ft. further from the road, but not forward. He said there is no flexibility with the location of the septic system.

PB members were polled and agreed they are comfortable with the lot, the specific location of the house and driveway and therefore can approve it as a two lot subdivision.

Mr. Golden read the proposed Findings to the PB.

“The PB finds, in accordance with the requirements for the Scenic Road Corridor Overlay District, that this project will not result in the degradation of 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.

The Planning Board finds that, in accordance with the requirements for the Stream Corridor and Reservoir Watershed Overlay District, this project will not result in the degradation of scenic character; will be aesthetically compatible with its surroundings and will not result in erosion or surface water pollution from surface or subsurface runoff.

The Planning Board finds that all development activity proposed for this project is occurring outside of the boundaries of the Flood Plain and Ponding Area Overlay District. No finding pursuant to Section 97-25 of the Town Code is required.”

The PB agreed that it is in favor of the three specific findings read by Mr. Golden.

Mr. Golden said there was a question of whether there were existing structures in the area that had historical significance. Mr. Halloran said that he has determined that there are no existing structures of historic significance.

Mr. Golden read the remaining two Findings to the PB.

“In accordance with Section 97-29(H)(1), the Planning Board finds that there are not existing structures having historic significance in the vicinity of the structure proposed.

The Project presents 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 cannot 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 PB said they are in favor of the two Findings as read.

Mr. Golden read the specific conditions of the Resolution.

1. Prior to the signing of the plat, the applicant shall place a Conservation Easement over the tree line running along the property line adjacent to the Heritage Trail, fifty-feet in width, enforceable by the Town, which shall be drafted to the satisfaction of the Town Attorney as to form, including ongoing maintenance standards that will be enforceable by the Town against an owner of open space land to ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials. This Conservation Easement shall be for the purpose of protecting the scenic integrity. No trees shall be permitted to be removed within the designated area, but the owners of the property shall be permitted to plant additional trees. The applicant shall revise the plat to designate the fifty-foot wide area of the Conservation Easement to the satisfaction of the Town Planner, and shall include a note on the plat in accordance with the November 8, 2010 correspondence from the Orange County Department of Public Works indicating that the tree line shall be protected for its full length.
2. Prior to the signing of the plat, the applicant shall identify the limits of the scenic road setbacks on the plat (500 feet off of roads shown on the Zoning Map as being within the Scenic Road Corridor and a 50-foot continuous green buffer).
3. Prior to the signing of the plat, the applicant shall include the required agricultural note on the plat contained in Section 97-47 of the Town code.
4. The applicant must demonstrate to the satisfaction of the Building Inspector that the plan fully complies with Section 97-41(F) of the Goshen Town Code.
5. The applicant must comply with the requirements in Section 97-29(G) through (J) of the Goshen Town code, except where site features are screened from the road.
6. The applicant shall, prior to the chairperson signing the plans, offer to dedicate the land measuring 1.01 acres along Duck Farm and Old Chester roads to the Town for highway purposes. Such documents shall be in a form acceptable to the Town Attorney.
7. 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.
8. Prior to the signing of the plat, the applicant shall submit a signed and sealed copy of the last revised Well Testing Area Map to the Building Department.
9. Prior to the signing of the plat, the applicant shall correct the following typographical errors: (a) the area of Lot No. 1 is listed as 10.23 and 10.22 acres. This should be revised for consistency. (b) The limit of

disturbance of Lot No. 1 should be adjusted to avoid encroachment into the 100-year flood plain boundary along the rear of the lot. (c) The required rear yard setback for Lot No. 1 is 50 feet. The Bulk Table lists the rear yard setback as 30 feet. (d) The well construction detail should delete reference to the Town protocol with respect to well depth and the pump setting from the bottom of the well, as the protocol does not include these requirements. (e) In General Note 15, "SPEDES" should be revised to "SPDES". (f) In General Note 16, "of the" was repeated. The duplicate should be removed.

10. Prior to the signing of the plat, Plan Note No 11 must be revised to delete "one year of the system becoming available" and insert in its stead, "within six months from the notice from the Town in accordance with the Town Code Section 79-3."

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board approves the Resolution of Conditional Preliminary and Final Approval for the Small-Scale Minor Subdivision for Lands of Cimino. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye

Possible Extension of Applications pursuant to Town Code

Javelin Realty – Request for extension

Mr. Halloran said that the last extension on this project was granted July 15, 2010 and that Department of Health issues have been resolved.

Mr. Golden said the applicant is requesting an extension of their conditional preliminary approval to August 4, 2011. It has been extended a number of times. The purpose of allowing such extensions is if they are trying to get these approvals from the state agencies and they have been moving forward with these, Mr. Golden said.

No applicant was present. Ms. Cleaver said she would like the applicant to be present so that the PB can discover what the specific status is of various approvals. Mr. Golden said that the extension can be conditioned upon the applicant, if they desire further extensions, appearing before the PB with an explanation as to the status of the project and the outstanding issues prior to any further extensions being granted.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board approves a six-month extension, to August 4, 2011, of the conditional preliminary approval given to Javelin Realty with the above cited condition. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye

Heritage of Goshen – Request for extension of Preliminary Subdivision approval

Mr. Golden said that the current conditional preliminary approval is set to expire Jan. 28, 2011 and that the applicant seeks a 6-month extension to July 28, 2011. The Town Board granted the applicant an extension of their exemption from the new zoning to Jan. 28, 2011 but that is separate from the PB's preliminary approval. If the applicant's exemption from the new zoning expires, they can not come back to the PB for approval in the project's current form, Mr. Golden said. The approval will be with the understanding that PB approval does not effect their exemption from the new zoning with the Town Board. Mr. Halloran said that the applicant has made progress with the DEC and has submitted a letter stating they are finalizing outside permits and are working with the Town Board with regard to the formation of the sewer and water district.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board approves a six-month extension on the application of Heritage of Goshen to July 28, 2011 with the condition that if they are to request any further extensions, prior to such request, they must submit to the Building Department a written request identifying the specific status of the project and what approvals remain outstanding. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye

Hope Asset, LLC (Ruby Construction) - Request for extension of temporary site plan

Mr. Halloran said that the building is framed at this time, but that the applicant needs more time to finish construction. The applicant's approval expires in late December.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board approves a six-month extension to June 30, 2011 of the temporary site plan approval for the application of Hope Asset, LLC. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye

Meadows of Goshen - Request for 90 day extension of conditional final approval

Mr. Golden said that the applicant has submitted documents to his office and the project is moving forward.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board approves a 90-day extension of conditional final approval on the application of Meadows of Goshen. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye

Minisink School 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. Extension of special use permit for bus maintenance & repairs.

Mr. Halloran said that the applicant had been given a temporary use permit while the Minisink Valley School District rebuilds its bus garage, and uses this site to repair their buses. The applicant started its construction later than expected and the new garage will not be completed as soon as planned. Mr. Halloran said that there have been weekly inspections with no issues and that no complaints have been received from neighbors.

The PB had given the applicant temporary approval provided there is a weekly inspection by their engineer. The PB discussed changing that condition to monthly.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Ms. Cleaver, the Town of Goshen Planning Board approves a six-month extension on the special use permit for Minisink School Bus Garage. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Ms. Cleaver, the Town of Goshen Planning Board stipulates that the Building Inspector will visit the site of the Minisink School Bus Garage once a month for the next six months and that the applicant's engineer will provide a written report monthly. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye

Heritage - 8-1-9.22 – 249.76 +/- acres located on Old Chester Rd. & Brookside Drive in the HR & RU zone with an AQ6, AQ3, scenic road and stream & reservoir overlays. Amend conditional preliminary.

Representing the applicant:

Steve Esposito
Mike Walker and Roger Munford

Mr. Esposito gave an update on the progress of the application. He said that preliminary approval was granted in February of 2009 with 64 conditions, some falling within the Town Board's jurisdiction, such as sewer, water and open space issues, and that the applicant has been working with the Town nearly two years on those issues. Mr. Esposito said that the current administration of the Village of Goshen is in favor of providing the project with sewer. A final agreement will be reviewed by the Village. There are a lot of approvals to obtain outside of the PB. The applicant has been working for the past two years with the DEC on approvals and they are obligated to make a decision by mid-January. Mr. Esposito said that there are two large open space areas, Area A which is the Kolk Farm which will be under a conservation or agricultural easement and Area B which is the adjacent Town Park and Bridle Path. The Town Board would like to own Area B in fee, he said.

Mr. Esposito said that the applicant would like to get approval of the 81 unit development in phases and talked about three specific phases with Phase 1 including the main entrance, approximately 34 units and one sewer pump in the rear of the property. He said he will submit the specifics of the phasing at a later date along with a set of plans for PB review.

Mr. Lindsay said the applicant would like to change a condition of approval having to do with their SWPPP which must be approved by the Town Engineer and the PB. The condition refers to "no degradation to any receiving waters" which Mr. Lindsay said is "not possible" and unenforceable. "There is always some degradation," he said. He suggested alternative language.

Ms. Cleaver said that there are reasons why the water quality is so important here and that she is concerned that with fewer personnel, the DEC won't be able to review every SWPPP. She is also concerned that there will be oversight during construction.

Mr. Golden said there is no reason to have a condition that is set up to have a violation. "So if you say "no degradation" and that is not possible practically, then you are requiring something ahead of time that you know is going to fail." He said that the alternate language is consistent with state law and regulations and goes above and beyond that, adding that if the Town Engineer is doing a field visit and believes that additional

requirements are necessary that are reasonable, he can go ahead and require that as well. Mr. Lindsay suggested that the alternate language could read that the developer shall install the practices necessary to achieve the water quality objectives of the general permit No. GP010-001 and comply with all reasonable requests of the Town Engineer based on the review of the installed practices. He said the applicant will be required to get all of his approvals from the DEC and allow the Town Engineer to request additional items based upon field visits. Mr. Golden suggested that the issue be taken up at a future meeting.

Ms. Cleaver said she would like to attend a workshop where this is discussed and would like an opportunity to look at the applicant's SWPPP.

It was noted that the applicant will provide copies of the SWPPP to PB members and the Building Inspector will let PB members know when there is a staff meeting on this subject. If four or more members want to attend the work session, then a special meeting of the PB will be called.

ADJOURNMENT: The meeting was adjourned at 9:10 p.m.

Raymond Myruski, Acting Chair
Notes Prepared by Susan Varden