

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York
February 6, 2014

Members Present:

Reynell Andrews
Lee Bergus, Chair
David Gawronski
John Lupinski
Giovanni Pirraglia

Also Present:

Sean Hoffman, PB Engineer
Kelly Naughton, Esq. PB Attorney
Neal Halloran, Building Inspector

Absent: Phil Dropkin

The PB meeting was opened at 7:50 p.m. by Chair Lee Bergus.

The minutes of the meetings of December 19, 2013 and January 16, 2014 were approved with corrections.

Cannon Hill Flex Building 12-2-45 – 7.70+/- located on Cannon Hill Drive in the I zoning district 100 x 600 building. Lead agency.

Mr. Golden said that the Town ZBA sent notice that they want to be lead agency on the application. The PB has several choices of either deferring to them, challenging their notice of intention stating that the PB wants to be lead agency, getting the two boards together to discuss who should be lead agency or getting less than a quorum of each board together to discuss who should be lead agency. A discussion followed. It was decided that a few members of the PB (less than a quorum) will ask to sit down with a few members of the ZBA to discuss the issue of who will be lead agency. Planning Board members Susan Cleaver and Giovanni Pirraglia will represent the PB. Mr. Halloran will schedule the meeting.

Cimino – 11-1-100 10.223+/- acres located on Old Chester Rd. and Duck Farm Rd. in the RU zone with an AQ6, stream & reservoir and scenic corridor overlays. 2 lot subdivision. Draft resolution.

Representing the applicant:

Tom Depuy

Tom Depuy said the applicant wants to use two of the existing wells on the property. The well casings will have to be extended up seven feet in order to be two feet above the flood plain elevation, and will be screened from the road. There was a discussion of which trees will provide suitable screening.

Mr. Golden read each of the Findings necessary for the PB to make if the application is to be approved:

“The Planning Board 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 of surface water pollution from surface to subsurface runoff.

In accordance with Section 97-29(H)(1), the Planning Board finds that there are no 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.

On December 5, 2013 the Planning Board determined that the dwelling located on proposed Lot 1B complied with Section 97-41C, as it was not placed ‘in the middle of open fields.’ Town Code Section 97-41C.

The Planning Board hereby waives the Environmental Control Formula as permitted by Section 97-18(D)(3) because the applicant demonstrated, through site-specific soils testing and analysis to the satisfaction of the Planning Board and the Town Engineer, that the lots were appropriately sized and designed to accommodate the individual septic systems proposed.

In accordance with Section 97-25(B)(2), requiring a special permit for the construction of utility structures within the Flood Plain and Ponding Area Overlay District, the Planning Board finds that the utilization of the existing wells located in the FP Overlay District, which shall be raised to the height required by the New York State Department of Health and the Town Engineer, will not result in excessive off-premises noise, dust, odors, solid waste, or glare and will not create any public or private nuisances. The proper provisions have been made for stormwater management and other related needed improvements and utilities. The Planning Board

recognizes that the proper provisions have been made for potable water supply or wastewater collection and treatment, and the Town Highway Department has confirmed that the streets accessing the property are of such width, grade, condition and location as to accommodate the present and anticipated future vehicular traffic and to facilitate fire, police, and other emergency protections. This two-lot subdivision will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads. Furthermore, the Planning Board determined that this subdivision would not materially degrade any watercourse or other natural resource or ecosystem or degrade the water quality or quantity of an aquifer. This project is suitable for the property on which it is proposed, and is subject to conditions of design. This two-lot subdivision avoids strip commercial development, does not adversely affect the availability of affordable housing in the Town, and is required to comply with the site plan criteria in Section 97-75(D). This site is laid out in a manner that reflects and complements the natural historic, and scenic resources of the Town.”

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, The Town of Goshen Planning Board accepts the Findings as read by Mr. Golden in connection with the lands of Cimino. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

Mr. Golden read the specific conditions of approval as follows:

1. 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.
2. 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.
3. Prior to the signing of the plat, Plan Note #6 must be revised to delete “of the system becoming available” to read “of notice from the Town per Town Code Section 79-3”.
4. Prior to the signing of the plat, the applicant shall comply with the memorandum of the Town Engineer dated November 27, 2013 to the satisfaction of the Town Engineer.
5. As the proposed dwellings are located within the Scenic Road Corridor Overlay District, should the applicant wish to relocate the dwellings onsite from where they are presently depicted on the plat, prior to the issuance of a building permit, an application shall be made to the Planning Board for site plan approval in accordance with Section 97-29 of the Town Code.
6. During construction the applicant shall protect the existing trees adjacent to the Otter Kill River with temporary construction fencing. Prior to the issuance of a Certificate of Occupancy, any trees which were damaged or removed during lot development shall be replaced to the satisfaction of the Building Inspector.

7. The applicant intends to convert two (2) of the three (3) existing test wells to production wells to provide potable water for the two (2) proposed residential lots. Prior to obtaining a Certificate of Occupancy for the dwelling on Lot 1A, the applicant must abandon, cap and decommission the unused well in accordance with New York State Department of Health standards. If, at a later date, the applicant later constructs a new well on either lot the existing test well must be abandoned, capped and decommissioned in accordance with New York State Department of Health standards.
8. The evergreen trees planted in accordance with this approval as shown on Figures A&B shall be maintained in a healthy condition. The trees shall not be removed unless they die or become diseased. Should they require removal they shall be replaced within 30 days of their removal with trees as noted above.
9. Prior to the issuance of a Certificate of Occupancy, the wells that have been raised shall be painted green such that they blend in with the natural surroundings.
10. Prior to the signing of the plat Figure A shall be revised to properly identify the wells not to be abandoned to the satisfaction of the Town Engineer.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Gawronski, The Town of Goshen Planning Board accepts the ten specific conditions as read by Mr. Golden and grants approval of the application of the lands of Cimino. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

ADJOURNMENT – The PB adjourned its meeting at 8:45 p.m.

Lee Bergus, Chair
Notes prepared by Susan Varden

