

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

MARCH 15, 2012

Members Present:

Reynell Andrews
Lee Bergus, Acting Chair
Susan Cleaver
David Gawronski
Giovanni Pirragalia

Also Present:

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

Absent: Ralph Huddleston
John Lupinski

The PB meeting was opened at 7:30 p.m. by Acting Chair Lee Bergus but was recessed immediately thereafter for an attorney/client meeting. The public meeting resumed at 8 p.m.

Minutes – The minutes of the PB meeting of February 16, 2012 were approved.

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:

Applicant Mike Martucci
John Fuller

The applicant said that he is looking for conditional approval based on the proposed resolution. It was established that Quality Bus Service LLC is the owner of the property, a closing having occurred March 13, 2012. It was noted that a public hearing has taken place.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board assumes lead agency status on the project of Quality Bus Service LLC. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the

Town of Goshen Planning Board adopts a negative declaration on the application in terms of SEQRA. Passed unanimously.

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

Mr. Golden read the proposed Finding for the resolution as follows: “That Section 97-14(D) of the Town Code requires applications for new development involving property located in the HC, CO and I Districts of the Town to comply with certain design standards. The standards are required to apply in the I District “for buildings that are visible from public roads or properties not located in the I District.” Given the interpretation of the Building Inspector dated March 2, 2012, the Planning Board finds that the applicant has demonstrated that this building is not visible from public roads or properties located outside of the Industrial District. Therefore, compliance with the requirements in Section 97-14(D)(1)-(6) are inapplicable. Notwithstanding this finding of the inapplicability of Section 97-14(D)(1)-(6), the Planning Board finds that the applicant has complied to the maximum extent practical with the standards contained in Section 97-14(D)(1) through (6) in an effort to mitigate any potential for visibility. The Planning Board also finds that due to location of the property at the end of a cul-de-sac in the Industrial District, in an area containing various developed properties, compliance with the requirements in Section 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.”

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board adopts the Finding as read by counsel on the application of Quality Bus Service LLC. Passed unanimously.

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

Mr. Golden read the specific conditions of the proposed resolution as follows:

1. Drip pans shall be available onsite and placed under any bus immediately upon its arrival at the property if the bus is leaking. If the Building Inspector determines drip pans are not being placed under leaking buses, the applicant will be required to relocate the bus to within the interior of the onsite garage, or offsite to a repair facility.
2. Onsite bus washing shall be prohibited.

3. There shall be no disturbance of the tree line located along the southwestern property line, and the applicant shall maintain a 100-foot no disturbance buffer in that location as shown on the plan, with the exception of maintaining the drainage facilities as shown on the plan which may include brush and debris removal.
4. Prior to the signing of the plan, the applicant shall solicit correspondence from the fire department concerning any special fire protection needs or provisions for this use.
5. Prior to obtaining a Building Permit, the applicant shall comply with subsection (B)(2)(b)(2) "Wastewater Disposal" on page 3 of the March 9, 2012 memorandum of the Town Engineer regarding confirmation of onsite soil suitability for the proposed deep absorption systems through additional excavations and verification of the percolation rates in accordance with OCDOH and NYSDOH standards.
6. Prior to signing the plan, the applicant shall comply with subsection (B)(2)(d) "Miscellaneous – Lighting & Landscaping" on page 5 of the March 9, 2012 memorandum of the Town Engineer to the satisfaction of the Town Engineer.
7. Prior to the signing of the plan, the applicant shall revise the plan, to the satisfaction of the Town Engineer, to include an impermeable liner within any proposed parking area. This is required to reduce the potential for hotspot runoff to infiltrate to the groundwater.
8. 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.
9. Prior to the signing of the plan, the applicant shall comply with the landscaping comments contained in the memorandum of the Town Planner dated January 12, 2012 to the satisfaction of the Town Planner.
10. Prior to signing the plan, the applicant shall revise the plan to indicate each of the 46 proposed employee parking stalls shall be delineated by the placement of an individual parking lot number sign, as it is infeasible to stripe the stone surface. These signs shall be maintained and restored, as necessary.

Referring to an earlier discussion, Mr. Golden said he will add an eleventh condition regarding left-hand turns in and out of the facility by adding something similar to: "The Building Inspector will report back to the Planning Board within one year of operation, at the next available Planning Board meeting, as to whether or not there were any problems with the left-hand turns of buses in and out of the facility."

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Pirragalia, the Town of Goshen Planning Board approves the Resolution of Conditional Approval Special Permit and Major Site Plan of Quality Bus Service LLC. Passed unanimously.

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

Possible Extension or Abandonment of Applications pursuant to Town Code

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.

Representing the applicant: Applicant Mike Taylor

Mr. Golden said that the PB can't vote on the project because the ZBA has not voted on it yet. He said the applicant will have to grant the PB an extension to its 60 day time frame (from the public hearing) to make a decision. Applicant Mike Taylor said he would extend the time to the PB's April meeting.

Heritage Custom Homes – Extension

Mr. Golden said the PB received a letter dated 3-15-12 from MJS Engineering indicating that the applicant is working to complete the legal work and needs an extension on its conditional final approval to July 19, 2012 to give adequate time to finalize all of the legal issues and approvals that are required.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board approves an extension of the conditional final approval to July 19, 2012 on the application of Heritage Custom Homes. Passed unanimously.

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

Public Hearings

Goshen Sports Complex – 11-1-25.22 – 10.120 +/- acres, located on 17M in the CO zone. Modification to site plan for parking, addition for new indoor pool, new soccer field, three outdoor tennis courts, new volleyball court, replace existing sign. SEQRA determination of significance and public hearing determination.

Representing the applicant: Jeremy Valentine, Engineer

Mr. Garling said the ZBA has given the applicant approval relative to setbacks. Mr. Garling said he'd like to see either green or black chain link fencing or a wooden guard rail to screen the parking area and Route 17M. He also suggested plantings to screen vehicles near the wetland area.

The applicant is proposing ten more parking stalls, but may need to eliminate four stalls

because of their proximity to the wells, Mr. Garling said. He said the applicant has the required 30% of green space on site. He said he believes some of the grading is too aggressive and may need to be changed. He added that the pool design will need Health Department review.

Mr. Golden said that a resolution was prepared but that the applicant needs to do some revisions to its plans before the resolution is considered.

Mr. Bergus opened the meeting to the public.

Ken Newbold of 220 Arcadia Rd., said he is concerned with finding a way to slow down the traffic since he anticipates a lot more traffic due to the new restaurant on the other side of the road and the expansion of The Castle. Mr. Golden said that the only way that could be addressed is to have the Town Board request the DOT to have the speed limit reduced.

There were no further comments from the public.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board closes the public hearing on the application of Goshen Sports Complex. Passed unanimously.

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

Orange County Turf – 21-1-83 & 21-1-84 23.9 +/- acres located off Pulaski Highway & Pumpkin Swamp Road in an Agricultural zone. Special use permit, site plan approval, lot merger, assume lead agency, set public hearing.

Representing the applicant: Ryan McGuire, Piertzak & Pfau

Mr. McGuire said that when he appeared before the PB in November, one issue was concern with noise from the proposed stump grinding. He said that the idea of stump grinding on the site has been abandoned by the applicant. The only use of the site will be composting and the wholesale operation as discussed, he said. Mr. McGuire said a survey has been done of the flood plain, and the elevations located, and that all of the proposed development is located outside the flood plain.

Mr. Hoffman said that the applicant plans to truck in more than 30% of the compost, so under the code, the applicant will need to get a special permit. He said that the water usage on site will have to be determined.

Mr. Golden said that the applicant has provided various deeds which he hasn't yet reviewed. He said a copy of the title report will also have to be supplied.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board assumes lead agency status on the application of Orange County Turf. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Pirragalia	Aye
Ms. Cleaver	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 Orange County Turf for April 19, 2012. Passed unanimously.

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

Reiger – 9-1-8.452 306.9 +/- acres, located on Craigville Road at the end of Broadlea Road in the RU district, in the AQ3, AQ6, Scenic Road and Flood Plain overlay districts. FEIS

Representing the applicant: Applicant Mr. Reiger & Steve Esposito

The consultants and PB members discussed the adequacy of the applicant's FEIS.

Mr. Hoffman said he believes the applicant needs to comply with the Town's 2009 water protocols. The applicant's testing was done in 2007.

Mr. Golden said the applicant has said that all of the open space will be on a separate tax parcel, but that is not permitted under the Town code except if that tax parcel is given to and agreed to be taken by the Town as its own property or by a land trust that the Town approves. "If neither happens, then the plan as proposed for a separate tax parcel for the open space cannot be approved by you and they would have to come up with an alternative." Mr. Golden said that should be addressed by the applicant in the FEIS. Mr. Fedesco, the applicant's attorney, said the applicant will have to reconfigure the lots, if neither happens, and may reconfigure the utility lot. Mr. Golden said that also would depend on the Town agreeing to it. Mr. Fedesco said the applicant will outline in the FEIS the various options including a back-up plan.

Town Hydro-geologist Bill Canavan said there is still a concern with offsite well impacts,

stating that specific wells should be monitored for a two-year period after the project is up and going. He said that additional information is needed about how the applicant's waste water treatment plant and discharge process will impact ground water re-charge. Mr. Esposito said he has specific information on offsite wells and that the applicant agrees to a monitoring program.

Ms. Cleaver recommends that from now on there is a checklist of the water protocols and how the applicant has met each one, done on a regular basis for all applicants. She said the applicant should be responsible to do it and the consultants to check it. "We are responsible for the code and the protocols and I want to make sure they are met," she said. Mr. Golden suggested that the PB continue the discussion at the start of the next meeting. Mr. Canavan said that he will attend.

Mr. Golden said that from a legal point of view the applicant needs to comply with the 2009 water protocols. Whether they comply through additional testing or new testing, it needs to be addressed, or if the applicant hasn't complied fully, but the information is satisfactory to a certain level (81 homes), then that is what can be approved, he said.

Mr. Esposito said that it is the applicant's position that "we exceeded, by over twice, the pumping rate in the 2009 protocols. Before we go any further my clients want to resolve this issue."

Mr. Hoffman said he doesn't think the applicant is in strict compliance with the code, the code requires 110 gpm, and the applicant did 85 gpm and 78 gpm. The code says the wells should pump at a rate of 250% of the maximum daily demand. Mr. Hoffman said it doesn't necessarily dismiss all of the well testing they did and that if they met all of the other requirements they would have enough for 81 lots or thereabouts without doing any further well testing. He said the applicant could start with the 80+ lots at this time and phase in the rest, testing the system and demonstrating they can meet the requirements after the system is on line. They could probably easily meet the requirements at that time but would have to document it, he said.

Mr. Golden said it needs more analysis, that he understands the applicant's objection – "that the code only has this 250% under certain conditions and those conditions are inapplicable to you therefore, the 250% is inapplicable." The applicant is requesting an interpretation from the Building Inspector as to whether or not the 250% is applicable to this project, he said, adding it is a reasonable request.

Mr. Golden said it will be looked at by the Planning Board, the Building Inspector and the consultants, including himself, so that a collective decision can be made that the Building Inspector is comfortable with. The PB will then inform the applicant of its position.

Mr. Golden said it will be put on the April 19th agenda with respect to whether or not the testing protocols meet the 2009 code specifically in regard to the 250% issue.

Mr. Golden said the applicant will have to revise the FEIS and at some point in the process re-submit a red-lined FEIS for further discussions.

ADJOURNMENT - The Planning Board adjourned at 10:20 p.m.

Lee Bergus, Acting Chair
Notes Prepared by Susan Varden