

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

May 5, 2011

Members Present:

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

Also Present:

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

MINUTES – The PB approved the minutes of its meeting of April 21, 2011.

Possible Extension or Abandonment of Applications pursuant to Town Code

Persoon – Extension of Conditional Final Approval

The PB received a letter dated 4/25/11 from Jerome Fine requesting an extension of the conditional final approval granted Persoon, listing several circumstances including the continuing economic downturn, access to the site and health department approval as reasons for the request.

Mr. Golden said that under state law the standard extensions are for periods of 90 days each if the extension is warranted by the particular circumstances.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Bergus, the Town of Goshen Planning Board grants an extension to August 3, 2011 on the Conditional Final Approval given to the Persoon application. Approved unanimously.

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

Honey Bernstein of Winner Circle asked to speak on behalf of herself and neighbors who oppose the request of Persoon developers to modify a condition of the subdivision's approval that would allow the developer to use a farm road for access to his subdivision only for a certain portion of the construction period, not for the entire construction

period. Ms. Bernstein said that the PB’s approval of the modification should not hinge solely on what is most financially beneficial to the developer and advised the PB that the potential marketability of the existing homes on Winner Circle and Breezeway will be affected during the construction of the Persoon development. She asked the PB to, “at the very least,” re-open the SEQRA process on this issue of a modification of the farm road condition. She argued that when a developer has a choice of access, as in the case of Persoon, he should use the access that poses the least risk of damage to the Town and neighboring properties, particularly when that access is on his own property. She said that the economic burden of the developer is not a good enough reason to change the condition and that the developer’s convenience should not override the quality of life issues that would be impacted as a result of the modification. Ms. Bernstein’s written remarks were given to Mr. Huddleston.

Hambletonian Group – Extension of Preliminary Approval

Representing the applicant: Joseph Newman

Mr. Newman said that in order to proceed into the next phase of engineering and subdivision planning, he needs the Town’s water district to come up with plans to augment the district supply to accommodate his 37 building lots. He said he was in recent contact with Town Supervisor Doug Bloomfield who advised him of possible expansion of the district but didn’t know if or when it would take place. Mr. Newman said the project cannot proceed with engineering until he knows what he is capable of building based on the water requirements. He said he is requesting a six month extension and noted that the project has been before the Town since 1986.

The water situation was discussed. Mr. Golden told the PB that Mr. Newman is stating that the project will never be resolved unless the Town gives him water which they say they will not do. Mr. Huddleston said the PB cannot solve the water problem and added that he isn’t hearing anything stating that the project is moving along.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Pirraglia, the Town of Goshen Planning Board grants a six-month extension to November 19, 2011 on the Preliminary Approval given the application of Hambletonian Group. Approved 5 -1.

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

Zalunski – Extension of Phase I Conditional Final Approval. Extension of Phase II & III Conditional Preliminary Approval.

The PB acknowledged receipt of a letter from Ms. Sosler saying she will not be requesting an extension of Phase I, II or III, and stating that due to the length of time and expense they can no longer continue, but asking to keep in place whatever approvals they have achieved.

Mr. Golden said that the approvals Ms. Sosler is asking to be kept will be abandoned if she is not proceeding with a request for an extension and suggested that the PB grant an extension anyway because he believes from Ms. Sosler's letter that she is misunderstanding the purpose of the extension which is to protect the approvals going forward. "She needs to decide if she is truly abandoning the extension and if so, she will be giving up her approvals," he said. It was noted that either Mr. Golden's office or Mr. Halloran's office will contact her to explain the process.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Bergus, the Town of Goshen Planning Board grants an extension to August 4 on the Phase I, II & III approvals on the application of Zalunski. Approved unanimously.

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

Items for the Planning Board to discuss

Gims Garden, LLC 24-1-7 – 10.663 +/- acres, for site plan approval located on 884 Pulaski Highway, in the AI zone for warehouse and packaging.

Representing the applicant: Chris Guddemi, Engineer
Owner Dae Hun Kim

Mr. Guddemi said the applicant wants to build a 42,000 sq. ft. warehouse and packing facility. The majority of the facility will be located on top of an existing concrete pad, he said. There will be a four-tenths of an acre increase in the amount of impervious surface. The site is currently used for a similar purpose. The applicant proposes to take down a pavilion on the property and construct another pavilion adjacent to the proposed structure. Mr. Kim said it will be used year-round, not seasonally. The warehouse will be used as an agricultural warehouse.

Mr. Lupinski questioned having only two parking spots for employees. Mr. Kim said his employees share rides. Mr. Guddemi said they can provide parking for 4-6 spaces and that there is potential for an overflow of 14-16 spaces. Mr. Hoffman said that the PB can waive the provisional parking requirements for warehouse facilities (80 parking stalls)

but if it is waived, he suggests setting aside an area for future parking. Two parking spaces are inadequate, he said. Mr. Hoffman also said that when the project was originally presented it was understood to be a seasonal business and that now that it will be used year-round some of the engineer's recommendations will change. He said there are concerns with roadway surface, road width, parking spaces, turning radius and circulation. He said the project will have to be reviewed again.

Mr. Huddleston said that it appears a lot of changes need to be made and suggested it be sent to a work session.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board declares its intent to be lead agency under SEQRA on the application of Gims Garden. Approved unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Bergus, the Town of Goshen Planning Board types the application of Gims Garden as an Unlisted Action under SEQRA. Approved unanimously.

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

Kimiecik – 18-1-21-11 & 69 – 15.08 +/- acres, for site plan amendment located on NYS Route 94 and Durland Road in the CO and RU zone.

Mr. Gawronski was present for the discussion of the Kimiecik application.

Mr. Esposito said the application is before the PB for a modification to an existing site plan to add dumpsters (not more than six) and a hot dog stand at the entrance at the corner of Durland Rd. & Route 94. There will be one picnic table for the mobile eating stand. The applicant was originally before the PB in 2004 when he received site plan approval, Mr. Esposito said. The dumpsters will be put in the storage area for landscaping equipment, tucked in the back by the steep slope. Mr. Esposito said he is proposing building a berm and planting trees so that it will be screened when driving on Route 94 towards Florida. He said the applicant is looking for a waiver from the code requirement relating to landscape buffers and screening that call for total screening from a public road.

Mr. Huddleston said he believes the facility is very orderly and attractive, while allowing people to drive by and see a business is there. “He has done a good job and I believe the screening is adequate,” he said.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Lupinski, the Town of Goshen Planning Board issues a waiver of the landscape buffer and screening requirements relating to public roads on the application of Kimiecik. Approved.

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

Mr. Hoffman said that the parcel is actually a combination of two lots, a small lot where the hot dog stand will be placed and a larger lot that has the majority of the landscape business. Because the two lots come together at the first driveway off of Durland Road, Mr. Hoffman said he believes the applicant needs to meet the setback requirement for side yard at that point. Currently there are existing storage bins in the area and the applicant my wish to re-locate them but if he wants to continue with this he may need an area variance, Mr. Hoffman said.

Mr. Golden agreed that they are separate tax lots, each with separate setbacks and said that the Building Inspector has interpreted that the applicant needs to comply with the setbacks. Mr. Kimiecik said he isn’t interested in merging the two lots because of the expense. Mr. Golden said that if the applicant wants to keep the lot as a separate tax lot, then the setback requirements go with each of the tax lots and that the only way to get around it other than merging the lots is by getting an area variance and the ZBA to modify the setback requirements. He also suggested that an additional option would be for the applicant to move the structures so they are outside the setback. Mr. Kimiecik suggested that he can remove the one bin that is in question and face the two others bins the opposite way, so that they would be outside the setback.

Mr. Hoffman said the Town Code has a limitation on impervious surface coverage of 70%, with 30% to be open green space. It was stated that it is for the BI to interpret whether the proposal meets the intent of the code. Mr. Halloran said he has not yet addressed the issue.

Mr. Hoffman stated that the Town Code permits the applicant to use 10% of the entire parcel for outdoor storage and the applicant will utilize all of that 10%. A large portion of the parcel is in the RU zone and whether or not that portion of the RU zone goes into the applicant’s calculation of 10% will be determined by the Building Inspector. Mr. Golden said the PB can waive it but that the BI should first interpret whether a waiver is required.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Pirragalia, the Town of Goshen Planning Board declares its intent to be the lead agency, types the action as an Unlisted Action under SEQRA, and sends the application of Kimiecik to the County Planning Department for a 239 Approval. Approved unanimously.

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

Heritage Estates – Declaration of Agricultural Conservation Easement

Representing the applicant: Steve Esposito

PB members discussed the easement document. Ms. Cleaver said that if hunting will be allowed in the agricultural conservation easement that she would like the document to state it will allow tree (hunting) stands to be located in the easement. Mr. Golden said it can be revised to include hunting stands. He said his office made some recommendations and will review the document to see that those recommendations were included.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board approves the Declaration of Agricultural Conservation Easement, subject to review of the PB attorney as to compliance, on the application of Heritage Estates. Approved unanimously.

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

Mr. Esposito said that on April 21, 2011 he submitted to the PB the final subdivision including the final drawings, final surveys and a copy of the permit from the DEC. Ms. Naughton noted that the application will be put back on the PB agenda within the 62-day time period within which the PB must act.

Mr. Huddleston excused himself from the remainder of the meeting due to a family matter. Ms. Cleaver took over the responsibilities as Chairperson.

Orange & Rockland – 12-1-1.7 48.7 acres special use permit and site plan review located on Hartley Road in the RU and HC zone with AQ6 and scenic corridor overlay. Scoping document.

Mr. Golden said this is the last opportunity for the PB to finalize the scope, the applicant having extended the original time frame for the PB. He said the scoping document includes all of the changes that were requested.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Lupinski, the Town of Goshen Planning Board adopts the Final Scoping Document for the Preparation of a Draft Environmental Impact Statement for Orange and Rockland Substation dated May 5, 2011. Approved unanimously.

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

Maplewood – 8-1-48 – 94+/- acres

Ms. Cleaver recused herself from the discussion of the Maplewood application and Mr. Lupinski chaired the remainder of the meeting.

The PB received a letter from Maplewood consultant Turner Miller asking to modify the requirements for the Maplewood Traffic Study and a letter from PB consultant John Canning commenting on the request.

Mr. Golden explained that the PB's consultant had added more sites to be included in the traffic study, including the Goshen Executive Park Development. The applicant is saying it shouldn't have to study that development, if in fact it is not going forward. There has been nothing on the project since 2006. Mr. Golden said the PB doesn't want an applicant to study things when there is no likelihood to have an impact. He said that if no one has independent knowledge that something is going on with that project, then it would be speculation for the PB to say let's include a project that hasn't had any activity whatsoever. He said that at any time in the SEQRA process, the PB has the ability to address an issue through a Supplemental EIS.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Bergus, the Town of Goshen Planning Board will not require the Draft Environmental Impact Statement for the Maplewood project to address the potential traffic impacts of the Goshen Executive Park Development. Approved unanimously.

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

ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden