

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York
May 7, 2015

Members Present:

Reynell Andrews
Dr. Kris Baker
Lee Bergus, Chair
Phil Dropkin
John Lupinski
Giovanni Pirraglia

Absent:

David Gawronski

Also Present:

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

The PB meeting was opened at 7:30 p.m. by Chair Lee Bergus.

The minutes of the meeting of April 16, 2015 were approved with corrections.

Possible Extension or Abandonment of Applications pursuant to Town Code

Traskus - A letter was read from KJD Realty asking for two 90-day extensions of the approval of the Traskus project. The letter stated that the additional time is needed to complete soil testing.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Dropkin, The Town of Goshen Planning Board grants two 90-day extensions of the approval on the Traskus application to the PB's October 15, 2015 meeting. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

Heritage - A letter was read from Steve Esposito seeking two 90 day extensions of the conditional final approval on the Heritage application, which expires May 21. A summary of the activities taken in the last several months was included.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Lupinski, The Town of Goshen Planning Board grants two 90-day extensions of the Conditional Final Approval on Heritage to November 5, 2015. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

Kolk - A letter was read from Steve Esposito asking for two 90-day extensions of the conditional, preliminary and final minor subdivision approval on the Kolk project. A schedule of the status of the work was attached.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Dr. Baker, The Town of Goshen Planning Board grants two 90-day extensions to November 5, 2015 of the Conditional, Preliminary and Final Minor Subdivision Approval on the application of Kolk . Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

A&L (Phases 2 & 3) - Ms. Naughton said that the application is ready for signature but added that it's not certain the application has yet been signed.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Andrews, The Town of Goshen Planning Board grants two 90-day extensions of the approval granted the application of A&L (Phases 2&3) to November 5, 2015. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
nnr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

AT&T New Cingular Wireless – A letter was read from attorney Anthony Morando asking for a six month extension to submit modified plans to the PB for review and signing, with the extension needed in order to complete a requested habitat survey for a specific begonia plant which needs to be done in the spring.

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, 2015, for the applicant to submit modified plans to the PB for review and signing on the application of AT&T New Cingular Wireless. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

5 Spoke Creamery: A letter from the applicant dated April 20, 2015 was read seeking a six month extension of the Conditional Final Approval on the application.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Andrews, the Town of Goshen Planning Board grants a six month extension to October 16, 2015 on the Conditional Final Approval on the application of 5 Spoke Creamery. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

High Ground Realty – 20-2-7: Site plan application for a contractor storage and office facility on 2.0 +/- acres on Industrial Drive in the CO District with AQ-3 overlay. Discussion and schedule public hearing

Representing the applicant: David Getz, Engineer

Ms. Naughton said that the ZBA has made its determination. The applicant had requested a variance for the windows and the roof pitch. The applicant later withdrew his request for the windows and the ZBA granted a variance on the roof pitch to a 3:12 from the required 8:12 subject to the condition that it be earth-toned, Ms. Naughton said. The applicant requested to have a public hearing scheduled.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Dr. Baker, the Town of Goshen Planning Board schedules a public hearing on the application of High Ground Realty to May 21. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

Cannon Hill Flex Building – 12-2-45: Site plan and special permit application for a warehouse and office facility (flex building) on 7.7 +/- acres on Cannon Hill Drive in the I District with AQ-3 and Floodplain & ponding overlays. Draft resolution.

Representing the applicant: Anthony Trochiano, Pietrzak & Pfau

Mr. Hoffman said that Town Hydrogeologist William Canavan reviewed the Aquifer Testing Work Plan for Cannon Hill Flex Building, including the proposed pumping well and monitor wells. Mr. Canavan said the work plan will be acceptable, once certain comments he made are addressed. Mr. Canavan's conditions as noted on his technical memorandum were discussed.

Ms. Naughton read two proposed Findings on the draft resolution as follows:

"In accordance with Section 97-25, prohibiting certain activities within the Floodplain & Ponding Area Overlay District, the Planning Board finds that the applicant's submission locates the proposed improvements outside of the floodplain area. The Planning Board hereby finds that this project 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 finds that the proper provisions have been made for potable water supply and wastewater collection and treatment. 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 protection. No new roadways are proposed. The project will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads. Furthermore, the Planning Board determined that this project 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 the conditions contained in this Resolution on operation and design. It avoids strip commercial development, does not adversely affect the availability of affordable housing in the Town and complies with the site plan criteria in Section 97-75(D). This site is laid out in a manner that reflects and complements the natural, historical and scenic resources of the Town. Additionally, the Planning Board finds that the area proposed for disturbance will be safe from flooding or ponding, and there is adequate means of vehicular access to the area from an existing street, which is safe from flooding. The applicant has submitted evidence that surface drainage facilities are adequate to service the intended use. Evidence was submitted in connection with the adequacy of the sewage disposal and water supply facilities for the intended use, and was found to be satisfactory.

Town Code Section 97-48(D)(1) provides, "Parking lots containing more than 40 spaces shall be divided into smaller areas by landscaped island...all islands shall be planted with three-inch-minimum-caliper shade trees..." The Building Inspector has determined that this project contains four (4) separate parking areas, and therefore no landscaped islands are required."

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Pirraglia, the Town of Goshen Planning Board approves the Findings on the Cannon Hill Flex Building as read by legal counsel. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

Ms. Naughton read the proposed specific conditions. There was a lengthy discussion by Planning Board members about several conditions and changes were made accordingly.

1. The plan identifies twelve (12) 5,000 square foot rentable spaces and was reviewed as such. Should the applicant wish to vary the proportion of uses from those reviewed in a manner that would impact traffic and parking (i.e., exceed the maximum office use

threshold of 12,000 square feet), the applicant shall return to the Planning Board for further review.

2. Pursuant to Town Code Section 97-14(D)(2), this project shall comply with the requirements for window proportion, roof peaks, and building proportion for buildings larger than 10,000 square feet.
3. Prior to the signing of the plans, the applicant shall revise the plans to indicate at least 2% pitch for drainage on the concrete sidewalk.
4. The plan includes twenty-seven (27) set aside ("banked") parking stalls which shall remain undeveloped unless the Building Inspector determines additional parking is necessary. At which time the applicant will be required to pave or improve these areas with a durable surface, to the satisfaction of the Town Engineer and the Building Inspector, and install a single pole mounted light located between the stormwater pond and edge of pavement, near the southerly property line to sufficiently illuminate all of the "banked" parking spaces. Until such time, the areas that have been set aside for future parking shall remain in its natural state, or may be landscaped, but it shall not be used in a manner that would prevent the development of the parking stalls in the future.
5. Prior to the issuance of a Certificate of Occupancy, the applicant shall stripe the pavement, including directional arrows, to direct truck traffic to the designated truck entrance and exit to the satisfaction of the Town Engineer and the Building Inspector.
6. Prior to the signing of the plans, the applicant shall revise the plans to include a construction detail for the retaining walls to the satisfaction of the Town Engineer.
7. The applicant shall be required to utilize flush (non-projecting) loading docks to facilitate truck turning.
8. Prior to the signing of the plans, the applicant shall revise the plans to include (i) invert elevations for the proposed sanitary sewer to verify gravity connections for each unit are feasible and to confirm adequate coverage, and (ii) a distribution box detail for the sewage disposal system.
9. Prior to the signing of the plans, the applicant shall revise the plans to show discharges from footing and floor drains, if any, as well as to include a detail showing the transition from vertical roof leader to subsurface drain. The applicant shall revise the plans further to include a cleanout and above-grade surcharge/overflow pipe to the satisfaction of the Town Engineer.
10. Prior to the signing of the plans, the applicant shall revise the plans to modify the drainage manhole detail to include dimensions, and the cover should be identified to distinguish the structure from the nearby sewage disposal system to the satisfaction of the Town Engineer.
11. Prior to the signing of the plans, the applicant shall comply with the memorandum of the Town Engineer dated March 13, 2015, to the satisfaction of the Town Engineer.
12. 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. Any wall pack fixtures shall include non-glare, full cut-off shields.

13. The applicant shall comply with the following conditions contained in the decision of the Town Zoning Board of Appeals, dated September 2, 2014: (a) The southern-most curb cut/access shall be for the ingress and egress of trucks and delivery vehicles, and the northern-most curb cut/access shall be for the ingress and egress of passenger vehicles only. The applicant shall post appropriate signage designating these entrances as such. (b) The 21 parking spaces that have been relocated to the rear of the proposed building shall be constructed, only if necessary based upon the review of the Planning Board and/or the Building Inspector. Until that time, the area shall be shown on the plans as reserved for the additional parking stalls and shall remain undeveloped. (c) In the rear of the building, appropriate directional signage shall be installed to limit truck and delivery vehicle traffic from circling the building to the front parking area (i.e., "No trucks beyond this point", "No truck access", etc. (d) The Planning Board in consultation with the Town Engineer, shall review the width of the lane around the rear of the building and extend the width of the lane if necessary.
14. Prior to the signing of the plans, the applicant shall revise the Stormwater Pollution Prevention Plan ("SWPPP") to correspond with the New York State Stormwater Design Manual (latest issue) to the satisfaction of the Town Engineer. Prior to signing the plans, the plans shall be updated to correspond with the SWPPP if necessary.
15. Any tree clearing permitted by this approval for the construction of this project shall be limited to the time between October 1st and March 31st so as to mitigate any adverse impacts on roosting Indiana bats.
16. Prior to the signing of the plans, the applicant shall revise the landscaping plan to include landscaping consisting of shrubs along the southerly property line to visually separate the truck entrance from the entrance into the adjacent property, subject to the satisfaction of the Town Engineer.
17. Prior to the signing of the plans, the applicant shall revise the landscaping plan to remove landscaping from the areas between the loading docks reserved for dumpsters.
18. Prior to the signing of the plan the applicant shall perform well testing in accordance with the recommendations of the Town Engineer and Hydrogeologist including submission of a monitoring plan prior to commencing the test. At the conclusion of the test, the applicant shall submit a hydrogeological report of test results to the satisfaction of the Town Engineer.
19. Prior to the signing of the plans, the applicant shall provide proof to the Building Department that he has received all necessary approvals from the New York State Department of Environmental Conservation and the Orange County Department of Health.
20. Prior to the signing of the plans, the applicant shall respond to the correspondence from the Fire Department dated October 22, 2014 by certified return-receipt requested mail, to the satisfaction of the Town Engineer and Building Inspector and provide copies of all correspondence to the Building Department.

VOTE BY PROPER MOTION, made by Dr. Baker, seconded by Mr. Dropkin, the Town of Goshen Planning Board approves the Resolution of Conditional Approval Special Permit and Major Site

Plan for Moving Forward, LLC (aka Cannon Hill Flex Building) as read and modified by legal counsel. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

17A Warehouse (aka Jem Lane) – 20-1-48.21: Site plan application for warehouse and office facility on 23.98 +/- acres on Pumpkin Swamp and Jessup Switch Roads in the CO District with AQ-3 and Flood Plain & Ponding Overlays. Discuss architectural elevations and draft resolution.

Representing the applicant: Michael Lynch, Project Engineer

Mr. Lynch spoke about the elevation plan. He said that there is a cornice on the front and both sides of the building. Mr. Lynch also said that to comply with the zoning requirement that building sections not be larger than 10,000 sq. ft., there are now juts in the walls offset two feet for each section. Mr. Bergus questioned if that will be noticeable from a distance or if it will just look like one big warehouse. Mr. Pirraglia suggested that more separation can be created by using different color tones in between the corner spacings. Mr. Lynch said he believes that can be done. PB members discussed the building design.

Ms. Naughton said that the proposed Finding is the same as the first Finding for the Cannon Hill Flex Building which she had previously read to the PB. The PB members said it was not necessary for her to read the Finding again.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Pirraglia, The Town of Goshen Planning Board approves the Finding for the application of 17A Warehouse. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

Ms. Naughton read the specific conditions. There was discussion and changes made. The amended conditions read:

1. Prior to the signing of the plans, the applicant shall provide easements for access and utility connections, which shall be drafted to the satisfaction of the Planning Board attorney. Prior to the issuance of a building permit, the applicant shall provide to the Building Department proof of filing with the Orange County Clerk's Office of said easements.

2. Prior to the signing of the plans, the applicant shall revise the plans to include details for signage indicating which access points are for trucks and pedestrians only, to the satisfaction of the Town Engineer.
3. Pursuant to Town Code Section 9714(D)(2), this project shall comply with the requirements for window proportion, roof peaks, and building proportion for buildings larger than 10,000 square feet. The building shall be constructed using varying earth tones to differentiate the four sections of the building.
4. Prior to the signing of the plans, the applicant shall provide proof to the Building Department that he has received all necessary approvals from the Village of Florida, the New York State Department of Environmental Conservation and the Orange County Department of Health.
5. Prior to the signing of the plans, the applicant shall revise the plans to depict the "easement for channel relocation" along Quaker Creek as shown on the Orange County Tax Maps to the satisfaction of the Town Engineer.
6. Prior to the signing of the plans, the applicant shall comply with the memorandum of the Town Engineer dated October 10, 2014, to the satisfaction of the Town Engineer.
7. 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. Any wall pack fixtures shall include non-glare shields.
8. The plan includes thirty set aside parking stalls which shall remain undeveloped unless the Building Inspector determines additional parking is necessary. At which time the applicant will be required to pave or improve these areas with a durable surface to the satisfaction of the Town Engineer and the Building Inspector. Until such time, the areas that have been set aside for future parking shall remain in their natural state, or may be landscaped, but they shall not be used in a manner that would prevent the development of the parking stalls in the future.
9. Prior to the issuance of a building permit, the limits of clearing and disturbance shown on the plan shall be identified in the field with appropriate signage, flagging and/or fencing. The signage, flagging and/or fencing of the limits of clearing and disturbance shall be posted conspicuously on the site to the satisfaction of the Building Inspector.
10. Prior to the signing of the plans, the applicant shall revise the Stormwater Pollution Prevention Plan ("SWPPP") to correspond with the New York State Stormwater Design Manual (latest issue) to the satisfaction of the Town Engineer. The SWPPP shall confirm the adequacy of the proposed stormwater collection, conveyance and treatment practices. Prior to the signing the plans, the plans shall be updated to correspond with the SWPPP if necessary.
11. Prior to the issuance of a certificate of occupancy the applicant's design professional shall provide the Building Department with a certification indicating the water supply and sanitary sewer disposal systems have been inspected and constructed in compliance with the conditions imposed by those governmental authorities having jurisdiction pursuant to Town Code Section 97-43(A).
12. Prior to signing of the plans, the applicant shall measure the height of the overhead wires and verify adequate clearance for proposed construction operations.

13. Prior to the signing of the plans, the applicant shall revise the plans to show the location of the dumpster and provide a detail of the proposed dumpster enclosure.

VOTE BY PROPER MOTION, made by Dr. Baker, seconded by Mr. Dropkin, The Town of Goshen Planning Board approves the Resolution of Conditional Approval Major Site Plan for Elias Muhlrad (A.K.A. 17A Warehouse). Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

Other Business:

Mr. Dropkin advised PB members that he will be recusing himself from the Amy's application in the future because Amy's has asked him to be a paid advisor to coordinate the activity of its engineers and consultants to see that the application proceeds with efficiency. Mr. Dropkin said he discussed this with the Town Supervisor, the Planning Board Chair and the Planning Board attorney. He said that Mr. Golden told him that he can act as a consultant if he recuses himself from the Amy's matter. In addition, there are some other restrictions which he will follow, he said. Mr. Bergus suggested that when the Amy's application comes before the PB, Mr. Dropkin remove himself from his Planning Board seat and sit in the audience to listen. Mr. Dropkin said that he will not address the PB about the project.

Adjournment – The Town of Goshen Planning Board adjourned at 9:55 p.m.

Lee Bergus, Chair
Notes prepared by Sue Varden