

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

May 17, 2012

Members Present:

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

Also Present:

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

The PB meeting was opened at 7:30 p.m. by Chair Ralph Huddleston.

Minutes – The minutes of the PB meeting of April 19, 2012 were approved.

Possible Extension or Abandonment of Applications pursuant to Town Code

A & L Acres

Mr. Halloran said that the applicant is still working on the project and is asking for two 90 day extensions.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board grants an extension to A&L Acres to October 18, 2012. Passed unanimously.

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

Heritage

Mr. Halloran said that the applicant is still having a dialogue with the Town Board about forming districts. It was noted that they submitted a detailed status report with respect to what they have accomplished. They are seeking two 90 day extensions.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board grants an extension to Heritage to November 15, 2012. Passed unanimously.

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

Persoon

Mr. Halloran said that the applicant is trying to market the project but states that the economy is tough and seeks two 90 day extensions.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Pirragalia, the Town of Goshen Planning Board grants an extension to Persoon to November 15, 2012. Passed unanimously.

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

Public Hearing Continued

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

Representing the applicant: Ryan McGuire, Piertzak & Pfau

Mr. McGuire discussed the proposed composting facility off Pulaski Highway, approximately 1500 feet off the road, stating that the 1 acre composting area will include improvements to the site, a small leaching pool and a small office.

Mr. Hoffman said he discussed the flood plain issue with the applicant who offered to raise the road to get above the flood elevation. At the public hearing an issue was raised whether they have the right to make improvements for that access. Mr. Golden said the deed contains rights of access over various rights-of-way to Pulaski Highway and the rights granted over the rights-of-ways do not include descriptions as to the locations or the width of the rights-of- ways which are subject to the use of others.

Mr. Golden said he thinks there is an access problem, that the applicant has some right somewhere to get access to Pulaski Highway but no documents are filed. He said the best way would be for the applicant to work it out with adjacent property owners. Mr. Golden said if the PB believes it needs further support than what is there, the PB can either deny the application because it doesn't have adequate access into the site or it could condition its approval on the applicant, before getting a building permit, obtaining the necessary permissions to go ahead and widen it.

Mr. Hoffman said there are two issues, the width and the stability of the roadway. It is known that the width is substandard for two vehicles and the applicant is aware of this and is looking into it, he said.

Mr. Huddleston opened the hearing to public comment.

Greg Yurchuk of 396 Round Hill Road, Florida, showed the PB satellite images of the present organic recycling facility on one side of his property and where the applicant plans to put his composting site, on the other side of his property. Mr. Yurchuk said he is concerned this is going to make his property worthless. Mr. McGuire defined mulching as a process of turning wood materials into decorative landscaping material, a totally different process than composting. He defined composting as the change of organic matter into soil (decomposing vegetable matter, wood chips, and other things that are turned into a soil). He said that the applicant's total site is 24 acres and the actual site of composting is smaller than one acre. Mr. McGuire said he will provide Mr. Yurchuk with written materials on composting.

Mr. Yurchuk asked if the applicant will be allowed to bury the black dirt in this area. Mr. McGuire said that is not proposed, that there is no plan to impact the black dirt and that he is not aware of anything like that going on.

Mr. McGuire said the code requires that there will be material excavated to compensate for any filling that is done in the flood plain. Mr. Yurchuk said that if the applicant is going to build up the road that goes across his property, he wants to know what materials are going to be used. Mr. Huddleston said that the applicant is not allowed to use substandard materials, that the materials will have to meet the Town code.

One of his concerns, Mr. Yurchuk said, is who is going to monitor the site. He said he doesn't know if the organic facility on the other side of his property is being monitored and mentioned the mulch facility in Tuxedo that is causing environmental problems. He said he doesn't want to have to call the Building Inspector several times a week, and wants to be left alone to farm. He said he is especially concerned that the composting operation will end up using all 24 acres eventually. He said if he can keep the operation to one acre, he can work it out with him. Mr. McGuire said there is no intent to expand at this time.

Mr. Yurchuk said he is also concerned with liability, that he doesn't want to be liable if someone drives off a drainage ditch and goes across his land. He said he'd want the applicant to carry adequate insurance to cover if something happens when crossing his property. He said he'd like the PB to see the organic recycling operation.

Mr. Golden said that the applicant hasn't provided a plan of how he is going to improve the right-of-way and whether or not by improving it, it will take other people's property. The applicant should submit a detailed plan of what he proposes that can be reviewed by the Town Engineer and he should get together with the neighbors to reach an agreement, Mr. Golden said. If the applicant can do that and have a road suitably improved for the Town Engineer, then that gets over the hump that he doesn't actually have an absolute right, from what is in the deed records, to go ahead and improve this and do what he is planning to do with the easement. "We know you have some type of right that goes from the edge of your property over various rights of way down to Pulaski Highway but whether or not that easement is something fairly narrow, so that if you build it up, you are doing more than improving the easement but are doing something that actually takes over someone else's land." He said the way to get over that is to have an agreement with the other property owners and a provision that the applicant carry sufficient liability insurance and indemnify the other property owners.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board declares that the public hearing on the application of Orange County Turf is open to the June 21st meeting of the Planning Board. Passed unanimously.

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

Agenda Items

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 with Town Board.

Representing the applicant: Alan Lipman, Esq.

Mr. Lipman said he was present to announce an adjournment of the application to the June 7th PB meeting.

BMG Powersports – 12-1-1151.5 +/- acres located at 2677 New York State Route 17M in the HC zone with an AQ overlay. Site Plan review.

Representing the applicant: David Getz

At last month’s meeting the PB had discussed a code requirement prohibiting the new building to be seen from the road. Mr. Golden said that as long as the applicant is providing a bike path or sidewalk, the application does not fall under the code requirement. He said the applicant has decided to provide a sidewalk.

Mr. Hoffman said that the access issue has been addressed with the DOT who did not like the idea of the westerly entrance drive so the applicant has eliminated that entrance and will share the driveway with the adjoining realty office. He said however that there is still a concern about whether the site circulation is clear. He reported that the applicant has addressed the outdoor merchandise display and made changes in the storage building. It was noted that the applicant has submitted a long form EAF.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Gawronski, the Town of Goshen Planning Board types the application of BMG Powersports as an Unlisted Action in terms of SEQRA. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Bergus, the Town of Goshen Planning Board declares its intent to be lead agency on the application of BMG Powersports. Passed unanimously.

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

MetroPCS – 11-1-45 18.1 +/- acres located 338 Harriman Drive in the RU zone with AQ3 and scenic corridor overlay. Wireless telecommunication facility on a proposed 20’ extension of the existing 154’ lattice tower. Review and SEQRA.

Representing the applicant: John Furst, Esq.

Mr. Furst said that the applicant would like to co-locate on an existing 154 ft. tower off Harriman Drive, situated one mile back on an 18 acre parcel. The applicant is seeking a special use and site plan approval to extend the tower 20 ft. to about 174 ft. above grade level. The applicant will put six antennas at the top and have a 10x20 fenced-in equipment compound at the base, he said. There are four carriers on the tower now but no more space on the existing tower, other than at 104 ft., which is not adequate for the applicant.

Mr. Furst said that MetroPCS is licensed by the FCC and is a new entrant in the market. It is building its network from scratch and has few sites on air in Orange County. The applicant wants to link up all of the towers along Route 17 to make sure it has all of the coverage along the major highways, commercial, residential and roads along Route 17 and can only do that at 174 ft. Mr. Furst said. He submitted a visual analysis that he said shows that the 20 ft. extension will not make a visual difference given the seclusion of the tower.

Mr. Golden said he believes the application requires a variance, stating that Sections 97-94 & 97-40 “basically say that if you have a certain height then you have to set back a certain distance.” He believes two variances from the ZBA are needed.

Mr. Furst said he thinks the PB previously waived this and Mr. Golden said he will look into it to see what the PB can do.

VOTE BY PROPER MOTION, made by Mr. Pirragalia, seconded by Mr. Gawronski, the Town of Goshen Planning Board declares its intent to be lead agency on the application of MetroPCS and types the application as a Type I Action under SEQRA. Passed unanimously.

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

The application will be put on the June 7th PB agenda.

Taylor – 20-2-17 2.134 +/- acres located at 9 Industrial Drive in the CO zone. Amend site plan building addition. SEQRA and possibly set public hearing.

Representing the applicant: James Clearwater, MJS Engineering

Mr. Clearwater said that Mr. Taylor will be expanding his building for the fourth and last time, the last expansion being in 2007. The applicant makes roof vents. Mr. Taylor wants

to build a 2168 sq. ft. addition at the rear of the building. The building itself impacts the wetlands next to the addition and the applicant has already secured permits from the DEC for that, he said.

Mr. Hoffman said that the applicant has proposed shadow parking. The applicant has four employees and isn't anticipating additional people, Mr. Clearwater said.

Mr. Golden said there can be a condition in the resolution of approval that states that at such time that the shadow parking is going to be evoked, then before a building permit can be issued, the applicant has to get a permit from the DEC for that encroachment into the buffer.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Lupinski, the Town of Goshen Planning Board assumes lead agency status on the application of Taylor. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Town of Goshen Planning Board declares the application of Taylor to be an Unlisted Action in terms of SEQRA. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Pirragalia, the Town of Goshen Planning Board sets a public hearing on the application of Taylor for June 21, 2012. Passed unanimously.

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

5 Sisters Properties – 2-1-25 8.4 +/- acres located on Greencrest Rd. & NYS Route 207 in the RU, AQ3 & AQ6 overlay. 3-lot minor subdivision. Water protocols, lot frontage waiver and SEQRA

Representing the applicant:

Steve Esposito

Mr. Esposito said the property is located at the corner of NYS Route 207 & Greencrest Rd. The applicant is presenting a conservation analysis and a sketch plan to the PB for a three lot minor subdivision, he said. There are two tax parcels, one is 7.3 acres where the existing house sits and the other is a tax parcel of 1.14 acres for a total of 8.44 acres. There is access on Route 207 and Greencrest Rd. and one half of the site is wooded, the other half is open field. The applicant is proposing two additional dwelling units and keeping the existing house on one tax parcel.

Mr. Halloran said he believes this is a 3 lot subdivision and not a lot line change and that means there needs to be water testing protocols. Mr. Esposito said the applicant's position is that there are two existing tax parcels and an existing house and "we are deleting a lot line, and modifying the configuration of lots, but only proposing two additional dwelling units and one additional lot.

Mr. Hoffman said that the two front lots will need a waiver of a 300 ft. setback from the road. He said the elevations need to be shown so they can do a complete analysis.

Mr. Esposito said he requests a waiver of the 300 ft. frontage because there is a ridge that runs through the property that the applicant would like to take advantage of. "It has been cleared and it would be simple to put a house there and we wouldn't have to do additional clearing," Mr. Esposito said, adding he believes there is value in preserving woodlands.

Mr. Golden said that the only waiver the PB can give must be based on topographic conditions "that due to the topographic conditions, a lesser frontage is appropriate."

VOTE BY PROPER MOTION, made by Mr. Pirragalia, seconded by Ms. Cleaver, the Town of Goshen Planning Board waives the 300 ft. setback, as requested, pursuant to Section 97-27C (2) as represented on sketch plan dated 4-19-12 on the application of 5 Sisters Properties. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board assumes lead agency status and types the application of 5 Sisters Properties as an Unlisted Action in terms of SEQRA. Passed unanimously.

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

Mr. Golden said he will prepare a Draft Conservation Analysis Finding for the PB to review.

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. Field changes.

Mr. Hoffman said that the applicant had proposed a concrete sidewalk between the building and two handicapped parking stalls but now wants to eliminate the concrete sidewalk and concrete paved handicapped stalls in favor of paving it with asphalt. Mr. Hoffman said he views this as a “field change” but wanted the PB to have the opportunity to weigh in on it. There were no objections.

ADJOURNMENT - The Planning Board adjourned at 9:30 p.m.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden