

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924
July 19, 2012

Members Present:

Reynell Andrews, Acting Chair
Susan Cleaver
David Gawronski
John Lupinski

Also Present:

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

Absent: Ralph Huddleston

Lee Bergus
Giovanni Pirragalia

The PB meeting was opened at 7:50 p.m. by Acting Chair Reynell Andrews

Minutes – The minutes of the PB meeting of June 21, 2012 were not approved. Approval will be taken up at the PB’s next meeting.

Goshen Sports Complex – Water test plan

Mr. Hoffman said that a condition of the PB’s site plan approval of the Goshen Sports Complex application was that the applicant had to return for approval of a water test plan. Mr. Hoffman’s office has reviewed the applicant’s water test plan and recommends that the PB grant approval to the applicant to proceed with the water testing.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board accepts the water testing plan of Goshen Sports Complex subject to the submission of the final hydrological report at its conclusion. Passed unanimously.

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

Possible Extension or Abandonment of Applications pursuant to Town Code

Heritage Custom Homes

Ms. Naughton read a letter to the PB from Heritage Custom Homes stating that its final approval was granted January, 2011 but that because of the current economic climate, the project has not been finalized, signed or filed. The applicant is asking for two 90-day extensions of the conditional final approval.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board grants an extension on its conditional final approval of Heritage Custom Homes to December 20, 2012. Passed unanimously.

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

Ms. Cleaver said that if there is another extension sought, then the applicant should provide a summary of the work completed and the work remaining.

Traskus

Representing the applicant: Richard Croughan, Esq. of the office of James Sweeney, Esq.

Mr. Croughan said the request is for an extension of the application's conditional final approval. He said that getting the plans finalized between the family members is taking awhile and that the person who was negotiating between family members died two weeks ago. He asked for two 90-day extensions.

On the suggestion of Ms. Cleaver it was agreed by Mr. Croughan that if the applicant appears for an additional extension on December 20, 2012 they provide a letter summarizing the progress made on engineering issues and the work that remains to be completed.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Gawronski, the Town of Goshen Planning Board grants an extension on its conditional final approval of Traskus to December 20, 2012. Passed unanimously.

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

Peck

Mr. Halloran reminded PB members that the application is to add an additional house to the property for a family member who currently resides in the main house occupied by his parents. He said the additional house would use the same well as the parent's house. It was noted that at some point in time there might be others residing in the house, thus increasing the number of inhabitants. The PB had granted the application Conditional Final Approval on the condition that the applicant provide testing of water quality and quantity. Mr. Halloran said that laboratory testing of the water quality showed that the quality was fine but that the issue of water quantity has not been resolved. A letter was received from Mrs. Peck stating that they have adequate water for the farm and therefore

the quantity should be good enough for the additional house. Mr. Hoffman said that while the applicant provided their certification that the quantity was adequate, the PB has not accepted certifications as meeting its standards on past projects. Mr. Hoffman said the PB could order the applicant to do a low-cost, bare-bones stop-watch type of test or revise its condition.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Andrews, the Town of Goshen Planning Board changes the condition relative to water quantity testing on the application of Peck. The vote was 2 to 2 and so did not pass.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Nay	Mr. Lupinski	Nay

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Lupinski, the Town of Goshen Planning Board grants a 90-day extension to September 20, 2012 to satisfy the conditions on the application of Peck. Passed unanimously.

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

Mr. Andrews asked that a staff member explain to the applicant the simple nature of what needs to be done.

Public Hearing Continued

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.

Mr. Halloran said that the PB received a letter from Engineer Ryan McGuire requesting that the public hearing be extended to the August 16 meeting of the PB while an issue is being resolved.

Mr. Andrews asked if anyone from the public was present to speak at the public hearing. There was no one.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board grants an extension of the public hearing on the application of Orange County Turf to August 16, 2012. Passed unanimously.

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

BMG Powersports – 12-1-115 1.5 +/- acres located at 2677 New York State Route 17M in the HC zone with an AQ overlay. Public Hearing

Representing the applicant: Jeremy Valentine

Mr. Valentine explained that the project is to construct a building off 17M to sell recreational vehicles on a parcel of land that now houses a farm stand. Well and septic will be constructed.

Mr. Hoffman said that the DOT has asked the applicant to eliminate the driveway entering the site. Instead, the applicant will share the existing driveway with the realty company on the north and construct an exit only on the south side. The plans calls for two other retail uses on the first floor of the building and a residential apartment upstairs.

Mr. Andrews asked if there was anyone from the public who wanted to speak to the application. There was no one.

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

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

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

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

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board issues a Negative Declaration in terms of SEQRA on the application of BMG Powersports. Passed unanimously.

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

Ms. Naughton informed the PB that the application received a variance from the Town ZBA for lot frontage.

Ms. Naughton read the two Findings which the PB will have to adopt when approving the application as follows:

“In accordance with Section 97-48(A)(2) and (A)(3)(a)(1), this application is required to have a total of twenty-four (24) parking stalls. The Planning Board is permitted to modify the provisional parking standards for any proposed use upon considering the factors set forth in Section 97-48(A)(3)(b), which include: (i) the maximum number of vehicles during peak usage of the site, (ii) the size of the structure and the size of the site, (iii) the environmental, scenic or historic resources of the site, (iv) availability of on-street parking, (v) availability of adjacent off-street parking that is open to the public, and (vi) the requirements for parking for the disabled as prescribed by the Americans with Disabilities Act. In making any such modification, the Planning Board may require an applicant to set aside additional land to meet potential future parking needs. Here, the applicant has requested that the Planning Board modify the provisional parking standards and reduce parking stalls required to be constructed from twenty-four (24) to twenty-one (21) stalls. The Planning Board has found that such modification is appropriate for this application, given the maximum number of vehicles that would be parked on site at times of peak usage, and also has included as Specific Condition No. 18 the requirement for the applicant to show the land set aside for parking on the plans.

In connection with this project, the Building Inspector has made the interpretation and determination that the proposed driveway for this property can be constructed within ten (10) feet of the property line because the use of the driveway in its current location (zero feet from the property line) is a legally pre-existing nonconformity. This application proposes to relocate the driveway to be setback five (5) feet from the property line. Therefore, the Planning Board hereby finds, based upon the Building Inspector’s interpretation and determination, that this application decreases the existing nonconformity.”

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Lupinski, the Town of Goshen Planning Board accepts the two Findings as read by legal counsel pertaining to the application of BMG Powersports. Passed unanimously.

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

Ms. Naughton read the Specific Conditions of approval as follows:

1. Prior to the issuance of a Certificate of Occupancy, the existing shed on the property shall be removed, as well as one parking stall, in accordance with the approved plans.
2. Prior to any site disturbance, the applicant shall mark/flag in the field, the limits of disturbance as shown on the plans.

3. The “Proposed Storage Building” on the plans shall not be used as an accessory apartment, and shall not contain any kitchen or bathroom facilities.
4. On-site vehicle washing shall be strictly prohibited.
5. Prior to the signing of the plans, the applicant shall revise the plans to include a note stating that if the applicant chooses a use for the commercial space/area in the building that uses more water than proposed to the Planning Board, such as, but not limited to food service, school/daycare or beverage production, the applicant shall be required to return to the Planning Board for review.
6. Prior to the signing of the plans, the applicant shall revise the plans to show the location of the fire water storage tank, and shall include a note on the plans to require the initial filling of the tank to be performed by a bulk water supplier, rather than the on-site well.
7. Prior to the signing of the plans, the applicant shall solicit the comments of the Town of Goshen emergency service organizations (“ESOs”) to confirm that adequate emergency access is provided. A copy of such solicitation shall be provided to the Planning Board and if after thirty (30) days of such solicitation, no response is forthcoming from the ESOs, then the applicant may proceed, provided the applicant informs the Planning Board, in writing, that no such ESO comments were received.
8. Any and all outdoor display merchandise shall be placed in areas that do not impact sight distance. Display merchandise will be removed from the building exterior each evening, so it will not constitute outdoor storage under the Town Code, in the opinion of the Building Inspector.
9. Prior to the signing of the plans, the applicant shall perform percolation and deep pit tests to be witnessed by the Town Engineer. The installation of all on-site sewage disposal systems shall be observed during construction by the Town Engineer if requested by the Building Inspector.
10. Prior to the signing of the plans, the applicant shall revise the plans to show a typical curb cut (six (6) inch reveal) with a curb ramp, in compliance with the ADA.
11. Prior to the signing of the plans, the applicant shall provide information to the Town Engineer, or include as a detail on the plans, demonstrating that the proposed wall-packs will be equipped with non-glare shields. Additionally, prior to the signing of the plans, the applicant shall revise the Lighting Plan in accordance with this resolution and shall reduce the proposed pole mounted light fixtures to a maximum of fifteen (15) feet to comply with Section 97-48(A)(4)(d) of the Town Code.
12. Prior to the signing of the plans, the applicant shall revise the plans to stripe any anticipated loading zone(s). Prior to the issuance of a Certificate of Occupancy, the applicant shall post signs restricting the time that delivery vehicles may be parked within the driveway to thirty (30) minutes, subject to

- the provisions of the New York State Building Code. The number and location of the signs shall be determined by the Building Inspector.
13. Prior to the signing of the plans, the applicant shall revise the plans to stripe and/or place signs at the intersection of the common driveway and parking lot to improve circulation to the satisfaction of the Town Engineer.
 14. Prior to the signing of the plans, the applicant shall provide an easement, in such form and manner of filing as is acceptable to the Planning Board Attorney, over that portion of the driveway utilized by the adjacent parcel, in favor of the adjacent parcel, as shown on the plan. Such easement shall be filed with the Orange County Clerk's Office. Prior to the issuance of the first building permit, the applicant shall provide proof to the Building Inspector of the filing of such access easement with the Orange County Clerk's Office.
 15. The drilled well that will not be utilized by the applicant must be properly abandoned, capped and decommissioned prior to the issuance of any building permits, in accordance with New York State Department of Health standards.
 16. 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.
 17. Prior to the signing of the plans, the Building Inspector shall determine whether the architectural plans submitted comply with Section 97-14(D). The applicant shall revise any portion of the architectural plans that do not comply to the satisfaction of the Building Inspector.
 18. Prior to the signing of the plans, the applicant shall revise the plans to show additional set aside parking in compliance with the Town Code.
 19. Prior to the signing of the plans, the applicant shall revise the plans to the satisfaction of the Town Engineer to drain the proposed low point along the exit drive including the installation of catch basins and subsurface storm water piping.
 20. No deliveries shall be made to this site by tractor-trailer trucks, as the ingress, egress and parking areas have not been designed to accommodate such vehicles.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Lupinski, the Town of Goshen Planning Board approves the Resolution of Conditional Approval, Major Site Plan, BMG Powersports as read by PB counsel. Passed unanimously.

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

A&L Acres – 13-0-1-34.2 & 48 amend the Conditional Final Approval of Phase I and II

Ms. Naughton said this is the third amended resolution of conditional final approval which is re-phasing the project and taking what was already approved and exchanging the phase line to read Phases I, II and III. Phase I now includes Lots 1, 2, 17, 21-29 and drainage easement A. Phase II will include Lots 9-15 and Phase III includes Lots 3-8, 16 and 18-20.

Ms. Naughton read the Specific Conditions on the proposed Resolution as follows:

1. The applicant must demonstrate full compliance 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 feature are screened from the road.
3. Prior to the issuance of the first building permit for structures in either Phase I or Phase II, the applicant must dedicate a 30-foot strip of land along the northeast side of Houston Road to the Town for the purpose of a pedestrian walk or the widening of the road, and provide proof to the Building Inspector of the filing of such dedication with the Orange County Clerk's Office.
4. Within sixty (60) days of the filing of this Resolution the applicant must file a petition with the Town Board to create a Drainage District within the A&L Subdivision, whereby the Town of Goshen will be responsible for repairs and maintenance of the drainage facilities on the premises, and charge the costs thereof to the homeowners in the Drainage District. This Petition shall include a condition that the area along Road A and the drainage facilities be constantly mowed and maintained, at least four times a year, all costs thereof to be charged to the homeowners in the District. If a Drainage District is not created by the Town Board, the owner of Lot 29 is responsible for the property along Road A and must offer an easement over such property in favor of the Town granting the Town the right, but not the obligation, to enter upon the property to maintain the drainage facilities. There shall be a deed restriction in such a form as is satisfactory to the Planning Board attorney filed to this effect for all drainage facilities, with proof of filing provided to the Building Inspector prior to a building permit being issued.
5. The Common Driveway Maintenance Agreement for Lots 11, 12 and 13 must be modified to the Town Attorney's approval. Prior to the issuance of building permit for any of these three lots, the applicant shall provide proof to the Building Inspector of the filing of the Maintenance Agreement with the Orange County Clerk's Office.
6. Prior to signing of the plat, wetlands and any required buffers are to be marked on the plat, identifying such individual lots affected. The applicant must use proper Environmentally Sensitive Area ("ESA") signage where applicable, and have such signage in place prior to signing of the plat.
7. Prior to signing the plat the applicant shall place a Conservation Easement over 53.215 acres, enforceable by the Town, which shall be drafted to the satisfaction

of the Town Attorney as to form, including ongoing maintenance standards that will be enforceable by the Town against an owner of open space land to ensure that the open space land is not for storage or dumping of refuse, junk, or other offensive or hazardous materials. This conservation easement shall provide that the State of New York may take such portions of Lot 5 located within the conservation easement as necessary for use by the State for the expansion of Route 17A, or for use by the Town for such purpose should the State so permit.

8. The applicant must construct roadways with a minimum of 1.5% slope.
9. Any and all swales constructed on the site must be constructed to the satisfaction of the Town Engineer and Highway Superintendent.
10. Footing drains and roof drains must be carried in separate pipes, and discharge directly to the road drainage system (pipe, basin or swale) on high sides of roadways or to daylight on low sides of roadways.
11. The applicant must direct the outlet channel from the storm water management facility toward the stream near Houston Road.
12. The overflow from the water quality detention pond to the emergency channel must have rip-rap protection.
13. The 30-inch pipe from Road A must have a drop into the basin, and not have its invert match the wet pond depth to avoid deposition in the pipe.
14. Prior to the signing of the plat, the names of the streets constructed as a part of this subdivision shall be subject to the approval of Orange County 911 services and shall be sufficiently different in sound and spelling from other street names to avoid confusion. Proof of such approval shall be filed with the Building Department.
15. The applicant shall submit two copies of all submissions to and responses from the involved agencies between the time of this conditional approval and final approval.
16. Any and all drilled wells that will not be utilized by the applicant must be properly abandoned, capped and decommissioned prior to any building permits.
17. Prior to signing of the plat, the applicant shall modify the open space calculations to the satisfaction of the Town Engineer.
18. Prior to the signing of the plat, the applicant shall submit a letter from the Daughters of the American Revolution acknowledging their willingness to accept the land being offered.
19. Prior to the signing of the plat, the applicant shall revise the plat to indicate that the two lots lines proposed to be modified and removed are subject to the Planning Board receiving and granting final approval to a Lot Line Adjustment application involving the parcel of land belonging to the Daughters of the American Revolution.
20. After the Chairman has signed the plat conditionally approved herein, and that plat transferring property to the Daughters of the American Revolution, the applicant shall file the plat with the Orange County Clerk's Office. The plat

- demonstrating the transfer to the Daughters of the American Revolution shall be filed first.
21. Prior to the signing of the plat, the applicant shall submit the New York State Department of Environmental Conservation wetlands map to the Building Department.
 22. Prior to the signing of the plat, the Landscape Plan shall be revised to show Red Oak along Road "B" to be 40 feet on center rather than 50 feet.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board approves the Resolution of Conditional Final Approval for Phases I, II, III Major Subdivision for A&L Acres as read by PB counsel. Passed unanimously.

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

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

Reynell Andrews, Acting Chair
Notes Prepared by Susan Varden