

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924
November 15, 2012

Members Present:

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

Also Present:

Neil Halloran, Building Inspector
Sean Hoffman, PB Engineer
Kelly Naughton, PB Attorney

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

The minutes of the PB meetings of Aug.16, Sep. 20 and Oct. 18, 2012 were approved.

Possible Extension or Abandonment of Applications pursuant to Town Code

Persoon

Ms. Naughton said the applicant sent a letter to the PB requesting an extension due to the general condition of the economy. The last extension was granted on May 17, 2012.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Andrews, the Town of Goshen Planning Board grants an extension on the application of Persoon to April 18, 2013. Passed unanimously.

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

5 Spoke Creamery

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Ms. Cleaver, the Town of Goshen Planning Board grants an extension on the application of 5 Spoke Creamery to April 18, 2013. Passed unanimously.

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

Jackson – 13-1-69.22 – 3.9 +/- acres located on Gibson Road in the RU District, AQ6 overlay. Modification of site plan for Dickerson subdivision for a duplex.

Representing the applicant: Christopher Jackson

Ms. Naughton said that the County’s response was received stating the application is a matter of “local determination”.

Ms. Naughton said the PB has been provided with a draft resolution, including two specific conditions and read them as follows:

1. 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 a Common Driveway Maintenance Agreement or a Declaration of Restrictive Covenant concerning the maintenance of the driveways on the property. The language of the agreement or the Declaration must be approved by the Planning Board Attorney prior to filing.
2. Prior to any site disturbance, the Applicant shall mark/flag in the field, the limits of disturbance as shown on the plans.

Ms. Cleaver asked that the applicant plant additional trees.

Ms. Naughton added a third specific condition as follows:

3. Prior to the issuance of a Certificate of Occupancy, the applicant shall plant two (2) trees along the driveways on the property. The type of trees shall be in the applicant’s discretion.

Mr. Pirragalia said he thought the addition of two trees was arbitrary.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Gawronski, the Town of Goshen Planning Board accepts the Resolution with the three conditions on the application of Jackson. Passed 6 to 1.

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

Al Turi Landfill Inc. – 12-1-7.2, 19, 1.2 and 12-1-21, 22, 20 & 21.1 – 118.31 +/- acres subdivision located at 73 Hartley Road in the I District in the flood plain and stream overlay. Lot line modification.

Representing the applicant: Dan Yanosh, Surveyor

Ms. Naughton said the PB has been provided with a draft resolution and said the office reviewed documents, at the PB's request, that could potentially contain restrictions against the property. The deeds do contain some restrictions, but none related to the application, she said. Ms. Naughton read the specific conditions as follows:

1. Notwithstanding this conditional approval, the properties involved herein will continue to be subject to any applicable State or Federal restrictions or regulations. Also, this conditional approval does not alter or otherwise affect the existing deed/covenant restrictions on the properties.
2. This lot line adjustment is not meant to be an approval of, and does not authorize, any use that is not in accordance and in conformity with the Town Code.
3. Prior to the signing of the plat, the applicant shall revise the plat to include the location of any wells or reputed subsurface sewage disposal systems and include the following certification after visually reviewing the area: *"To the best of my knowledge, based on actual onsite physical inspection, there are no buried utilities within or adjacent to the property transfer that will result in encroachments or violation of Health Department and other regulatory agency requirements."*
4. The applicant has agreed to offer to dedicate to the Town the land measuring 1.07 +/- acres along Hartley Road for highway purposes. Prior to the signing of the plans, the applicant shall submit such documents to the Town that are necessary to accomplish such dedication offer in such form as is acceptable to the Town Attorney. Additionally, the applicant shall offer an easement to the Town over the existing culvert, allowing stream restoration, in a form acceptable to the Town Attorney.

Ms. Cleaver asked for clarification of the restrictions. Ms. Naughton said the restrictions in the deed and declaration remain, running with the land, but don't have anything to do with how it is subdivided or where the lot lines are located. It does not impact this application, she said.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Pirragalia, the Town of Goshen Planning Board accepts the Resolution with the conditions as read on the application of Al Turi Landfill, Inc. Passed unanimously.

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

Woodcrest (aka Kaprielian) -4-1-9 77+/- acres, small scale two-lot subdivision located on Woodcrest Lane and Farmingdale Road, in the RU zone in the AQ3 and Scenic Road Corridor overlay districts.

Representing the applicant: David Egarian, Engineer

Mr. Halloran said that the consultants tried to find the natural drainage way during a field inspection but could not find it. He reported that the applicant moved the location of the driveway. Mr. Hoffman said that both houses are consistent with what has been previously built there.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Town of Goshen Planning Board issues a negative declaration (SEQRA) on the application of Woodcrest. Passed unanimously.

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

Ms. Naughton read an advisory comment from the Orange County Department of Planning, who recommended local determination. The Department of Planning suggested that the Town develop a policy “aimed at protecting the development rights of adjacent parcels, the eastern lot leach field is sited on the edge of the applicant’s property and will preclude a future well within 200 feet of the shared border. Since the abutting property is already developed and cannot be subdivided, it does not apply in this circumstance, however other examples have occurred in the past and should be prevented in future development. Earlier land developers should not be able to dictate how a later developer designs their property.” Mr. Huddleston said it was a good point and should be passed along to the Town Board.

Ms. Naughton read the proposed Findings as follows:

“The Planning Board further finds, in accordance with the requirements for the Scenic Road Corridor Overlay District, that this project will not result in the degradation of scenic character; will be aesthetically compatible with its surroundings; will minimize the removal of native vegetation, except where such removal may be necessary to open up scenic views and panoramas; and will locate and cluster buildings and other structures in a manner that minimizes their visibility from the road to the extent practical. This Project presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes to address their recreation needs, but suitable parks or recreation areas of adequate size to meet this requirement cannot be properly located on the site. This Planning Board finds that this project requires the payment of a

parkland fee to be determined by the Town Board in lieu of providing parkland adequate to suit the Town’s needs for this development.”

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board accepts the Findings on the application of Woodcrest as read by counsel. Passed unanimously.

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

Ms. Naughton read the proposed specific conditions of approval as follows:

1. The applicant must comply with the requirements in Section 97-29(G) through (J) of the Goshen Town Code, except where site features are screened from the road.
2. The applicant must demonstrate to the satisfaction of the Building Inspector that the plan fully complies with Section 97-41(F) of the Goshen Town Code.
3. Prior to the signing of the plat, the applicant shall revise the table on the cover sheet to read “Section 4, Block 1, Lot 9.21” , rather than “Section 38, Block 1, Lot 9”, and the reference to the new Lot 9.03 shall be eliminated.
4. Prior to the issuance of a building permit, the limits of clearing and disturbance shall be shown on the plat, and 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.
5. As the proposed dwellings are located within the Scenic Road Corridor Overlay District, should the applicant wish to relocate the dwellings onsite from where they are presently depicted on the plat, prior to the issuance of a building permit, an application shall be made to the Planning Board for site plan approval in accordance with Section 97-29 of the Town Code.
6. Prior to the signing of the plat, the applicant shall offer to dedicate the land measuring twenty-five (25) feet from the centerline along the northerly side of Farmingdale Road to the Town for highway purposes. Such documents shall be in a form acceptable to the Town Attorney.
7. Prior to the signing of the plat, the applicant shall revise General Note No. 1 to include the language, “Any future subdivision of the parcels involved herein beyond four (4) lots, including the two created by this approval, shall be treated as an application for open space development and shall be reviewed under the provisions of Section 97-20 “Standards for Open Space Development”.

8. Prior to the signing of the plat, the applicant shall comply with the memorandum of the Town Engineer dated November 13, 2012 to the satisfaction of the Town Engineer.
9. The applicant shall plant four (4) shade trees along Woodcrest Lane. The locations of the shade trees shall be verified in the field prior to the issuance of a Certificate of Occupancy to confirm there is no interference with driveway sight distances. This condition shall also be included as a note on the final plans submitted for the Chairman's signature.
10. Prior to the signing of the plat, the applicant shall revise the plat to include a detail showing the depressed curb details, transitions and reconstruction of the pavement section.
11. Prior to the issuance of a building permit, the applicant shall demonstrate to the satisfaction of the Building Inspector that the proposed dwellings comply with Section 97-29(H) of the Town Code.
12. Prior to the signing of the plat, the applicant shall revise the plat to comply with Section 97-40C(4) of the Town Code, requiring driveways to be set back at least 10 feet from side lot lines for lots with 100 feet or more of road frontage.
13. Prior to the signing of the plat, the applicant shall perform percolation and deep pit tests to be witnessed by the Town Engineer. The installation of all onsite sewage disposal systems shall be observed during construction by the Town Engineer if requested by the Building Inspector.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Pirragalia, the Town of Goshen Planning Board accepts the Resolution of Conditional Preliminary and Final Approval Small-Scale Minor Subdivision for Woodcrest. Passed unanimously.

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

Representing the applicant: Anthony Trochiano

Mr. Trochiano said the applicant is waiting to hear from his attorney regarding an agreement on access with the property owners. Mr. Trochiano waived the 62 day threshold for the next three months, on behalf of the applicant.

Public Hearing

Land Worx – 18-1-17.2 1.9+/- located at 4239 State Route 94 in the RU District with an AQ3 overlay. Change in use of the existing building to add apartment above the building.

Representing the applicant: Pete Nilsestuen

Mr. Halloran said that the project is a truck repair facility being changed into a landscape business. Mr. Hoffman said the engineers haven't received anything from the applicant on water, sewer or drainage. Additional information is needed in order to proceed.

Mr. Huddleston asked for comments from the public. There were none.

It was determined that since there is additional information required from the applicant the PB will keep the public hearing open. Ms. Naughton said the application needs to be referred to the Orange County Planning Department. The applicant was told to check the property's wetland status.

VOTE BY PROPER MOTION, made by Mr. Pirragalia, seconded by Mr. Andrews, the Town of Goshen Planning Board declares it intent to be lead agency on the application of Land Worx. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Ms. Cleaver, the Town of Goshen Planning Board adjourns the public hearing on the application of Land Worx to December 20, 2012. Passed unanimously.

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

Agenda Items

Alders – 2-1-27.11 & 2-1-27.12 – 6.0192 +/- acres, minor lot line change located on State Route 207, in the RU District.

Representing the applicant: James Dillon Jr.

Mr. Halloran said the application is for a minor lot line change.

Mr. Dillon said that since meeting with the consultants, the height of the fence has been noted on the plans and the septic area on Lot #2 has been shown.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board declares that the application of Alders is not considered an action under SEQRA. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Gawronski, the Town of Goshen Planning Board waives the public hearing on the Alders minor lot line change application. Passed unanimously.

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

Ms. Naughton read a proposed Finding as follows:

“The minimum road frontage along any Town, County or State Road in the RU district, within the AQ-6 Overlay district, is 200 feet. The Building Inspector has determined that the existing road frontage for Lot 27.11 (75.70 feet along N.Y.S. Route 207 and 112.03 feet along Greencrest Road) is a pre-existing, non-conforming condition.”

VOTE BY PROPER MOTION, made by Mr. Pirragalia, seconded by Mr. Bergus, the Town of Goshen Planning Board adopts the Finding as read by counsel. Passed unanimously.

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

Ms. Naughton read the two specific conditions of approval as follows:

1. Prior to the signing of the plat by the Chairman, the applicant revises the plat to include the following certification: *“To the best of my knowledge, based on actual onsite physical inspections, there are no buried utilities within or adjacent to the property transfer that will result in encroachments or violations of Health Department and other regulatory agency requirements”*.
2. Prior to the signing of the plat by the Chairman, the applicant shall revise the plat to include the height of the fence. Should the height of the fence exceed six (6) feet, the Chairman shall not sign the plat and the applicant shall be required to return to the Planning Board.”

VOTE BY PROPER MOTION, made by Mr. Pirragalia, seconded by Mr. Gawronski, the Town of Goshen Planning Board adopts the Resolution of Conditional Preliminary & Final Approval Lot Line Adjustment for Alders and Coppers. Passed unanimously.

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

Kolk – 11-1-98.6 10+/- acres, 3-lot subdivision located on Old Chester Road in RU, AQ6 and Scenic Corridor Overlay. Discussion and SEQRA.

Representing the applicant: Anthony Trochiano

Mr. Halloran said this property was part of the original Heritage property. The PB last looked at this in 2006 and decided it can proceed as a subdivision separate from the Heritage subdivision, he said.

Mr. Trochiano said this is a three lot subdivision. The Heritage Trail is at the rear of the property. Mr. Trochiano said that Esposito and Associates did the conservation analysis, that 54% of the site is to be preserved as open space providing a buffer between the houses and Heritage Trail. The lots are 2.32 acres, 2.08 and 4.65 acres.

Mr. Hoffman said that well testing is required because it is a three lot subdivision and that the applicant will have to prepare water testing protocol for the Town hydrologist’s review. Road frontage is not listed on the plan, he said, and added that the applicant will have to confirm that there is more than 300 ft. road frontage, if it is not, the applicant will have to seek a waiver.

Ms. Cleaver said the Environmental Review Board (ERB) is suggesting that the applicant consider doing the water testing and soil testing before going much further. Mr.

Trochiano said the applicant will prepare a well testing plan, doing it now, rather than later.

Ms. Naughton said that PB minutes show that on May 18, 2006 the PB approved the Conservation Analysis and had a draft of Conservation Analysis Findings but they were never actually adopted. She said they have been revised slightly and re-submitted the PB.

Ms. Naughton read the proposed Conservation Findings as follows:

1. The areas identified above are those features that contribute to the natural attractiveness of the site and should be preserved during the design and construction of the development to the greatest extent practicable.
2. The Planning Board finds that the tree line and natural buffer along the Orange County Heritage Trail should be permanently preserved by a conservation easement to the greatest extent practicable, consistent with the terms of Section 97-21 of the Town Code.
3. The Planning Board finds that areas conserved as part of the 50% open space requirement should be contiguous to those areas being preserved along the Heritage Trail to the greatest extent practicable. The applicant should seek to preserve intact tree lines, especially in those areas where the tree line continues onto adjacent properties.
4. The applicant should strive to maintain a visual buffer between the proposed homes and the Heritage Trail.
5. Interior driveways should be designed to minimize visual impacts and disturbance, as well as incorporate landscaping appropriate for the Scenic Road Corridor Overlay District.
6. Proposed building lots should indicate a building envelope in which all improvements shall be made. These areas shall preserve contiguous tree lines by minimizing cleared areas for grading and lawns to the greatest extent practicable.
7. This review is based on preliminary analysis and should not be considered as a final approval of any kind. Upon further analysis of the proposed subdivision application the Planning Board may find it necessary to modify its findings with respect to the Conservation Analysis.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Pirragalia, the Town of Goshen Planning Board adopts the Conservation Analysis Findings as read by counsel on the application of Kolk. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Gawronski, the Town of Goshen Planning Board types the application of Kolk as an Unlisted Action and assumes its lead agency status. Passed unanimously.

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

2013 Planning Board Meeting Schedule

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Ms. Cleaver, the Town of Goshen Planning Board sets its 2013 meeting schedule for the first and third Thursdays of each month starting at 7:30 p.m. Passed unanimously.

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

ADJOURNMENT - The Planning Board adjourned at 8:35 p.m.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden