

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York
December 19, 2013

Members Present:

Reynell Andrews
Lee Bergus, Chair
Susan Cleaver
Phil Dropkin
David Gawronski
John Lupinski (arrived late)
Giovanni Pirraglia

Also Present:

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

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

The minutes of the meeting of December 5, 2013 were approved with corrections.

Possible Extension or Abandonment of Applications pursuant to Town Code.

Javelin

Correspondence was received from applicant's representative Dave Higgins who outlined what has been accomplished to-date and asked for a six month extension to identify any adjustments that could reduce the construction costs of the project. The most recent extension to the applicant's Preliminary Approval was granted June 20, 2013.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Dropkin, the Town of Goshen Planning Board grants a six month extension to June 19, 2014 on the application of Javelin. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Ms. Cleaver	Aye		
Mr. Dropkin	Aye		

Traskus

A letter to the Building Inspector was read asking for a six month extension in order to finish satisfying conditions of the County Department of Health.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Dropkin, the Town of Goshen Planning Board grants two 90-day extensions to May 15, 2014 on the application of Traskus. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Ms. Cleaver	Aye		
Mr. Dropkin	Aye		

New Horizons – 10-1-28 Water Testing

Mr. Hoffman said this was originally an eight lot subdivision with a community septic system. Currently, the new owner has reduced the project to a three lot subdivision and submitted a water test plan. Town Hydrologist Bill Canavan has submitted several technical objections. Mr. Hoffman reviewed the items in Mr. Canavan’s memo. Mr. Hoffman said he will tell the applicant that they can proceed with the water testing subject to his and Mr. Canavan’s recommendations.

Atlantic Fiber Optic – 18-2-10 – 2+/- acres located on Quarry Rd. in the HC District for site plan approval. Draft resolution.

Representing the applicant: Brian Friedler

The applicant’s plans were discussed. Mr. Golden noted the advisory comment of the County Department of Planning stating that “the proposed building height of almost 42 feet is out of context with the surrounding area.”

Mr. Golden said that the PB must complete SEQRA.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Dropkin, the Town of Goshen Planning Board determines that the application of Atlantic Fiber Optic does not create a significant adverse impact on the environment. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Ms. Cleaver	Aye		
Mr. Dropkin	Aye		

Mr. Golden read the two Findings in the draft resolution he prepared. He said that the Finding stating: “The Planning Board hereby finds that the landscaping as proposed adequately screens the structure from adjoining properties and public roads,” is necessary to approve the project according to the Towne Code.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Gawronski, the Town of Goshen Planning Board adopts the Finding read by Mr. Golden referring to landscaping in the draft resolution on the application of Atlantic Fiber Optic. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Ms. Cleaver	Aye		
Mr. Dropkin	Aye		

Mr. Golden read the proposed conditions of approval as follows:

1. Prior to the signing of the plans, the applicant shall comply with the memorandum of the Town Engineer dated November 15, 2013 to the satisfaction of the Town Engineer.
2. Prior to the signing of the plans, the applicant shall demonstrate compliance with the architectural requirements of Town Code Section 97-14(D) to the satisfaction of the Building Inspector.
3. All containers/pods stored onsite shall remain empty while onsite, and shall be located in approximately the areas shown on the plan.
4. All light levels must be limited to 0.1-foot candles at the property line so no off-site 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.
5. The proposed parking and work areas shall be gravel as shown on the plan unless the Building Inspector determines the gravel surface creates unanticipated nuisance conditions (dust, ponding, excessive maintenance, etc.) at which time the applicant will be required to pave these parking areas to the satisfaction of the Town Engineer and the Building Inspector.
6. A lockbox shall be provided at the gate to the property to allow emergency services to unlock the gate in the event of an emergency.
7. Prior to the issuance of a Certificate of Occupancy, the existing portable office trailer shall be permanently removed from the site.
8. Prior to the signing of the plans, the applicant shall revise the plans to show additional set aside parking in compliance with the Code.
9. Prior to the signing of the plans, the applicant shall provide information to the satisfaction of the Town Engineer to verify the existing water supply well will satisfy anticipated demand.
10. Prior to the signing of the plans, the applicant shall revise the plans to correctly state the conditions of the 1999 ZBA variance.
11. Prior to the issuance of the Certificate of Occupancy, the applicant shall provide to the Building Department proof of filing with the Orange County Clerk's Office of a restrictive covenant permitting the general public to access and utilize the bike path and preventing the applicant or any successor or assigns from removing and or blocking

access to the bike path. This restrictive covenant shall be in a form acceptable to the Planning Board attorney.

12. Prior to the signing of the plans, the applicant shall revise the plans to expand the gravel parking area to include the employee parking area.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Pirraglia, the Town of Goshen Planning Board grants approval of the resolution of conditional approval on the application of Atlantic Fiber Optic. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Ms. Cleaver	Aye		
Mr. Dropkin	Aye		

Wallkill Savings – 17-1-31.31 25.95+/- acres located on Maple Ave. for a lot line modification. For lots 31.31 & 31.32. Possible draft resolution.

It was noted that a short form EAF was prepared and that the applicant is not proposing a change of use.

Mr. Golden stated that this is a lot line modification and consequently there is no requirement to send it to the County Planning Board for a 239 Review and that it is not an action under SEQRA. He said the PB can require a public hearing but there is no requirement to hold one because it is not a subdivision application. If a lot line presents some difficult issues that the PB needs public input on the PB can schedule a public hearing, he said.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board waives a public hearing on the application of Wallkill Savings. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Ms. Cleaver	Aye		
Mr. Dropkin	Aye		

Mr. Golden said that the PB should be aware that the Building Inspector has made the determination that the existing front yard setback for Lot 31.31 of 12.8 feet (50 feet is required) is a legally pre-existing nonconformity.

Mr. Golden read two proposed conditions of approval as follows:

1. 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.
2. Prior to the signing of the plat, the applicant shall comply with the December 13, 2013 memorandum of the Town Engineer.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board grants Conditional Preliminary & Final Approval on the application of Walkkill Savings. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Ms. Cleaver	Aye		
Mr. Dropkin	Aye		

17 A Warehouse – 20-1-48.21 23.98+/- acres located at 1751 State Route 17A. Florida in the CO zoning district.

Representing the applicant: Ross Winglovitz, PE

Mr Winglovitz said the applicant is proposing a 40,000 sq. ft. warehouse flex space with 8,000 sq. ft. for office use on a 24 acre parcel bordering the Village of Florida. The proposed access is off of the existing paved road. The applicant proposes to extend the driveway to the west, across the railroad right of way with an easement to access the site. The warehouse is expected to employ 20-30 people. The applicant will provide a storm water basin discharging into Quaker Creek and will install an individual well. It is estimated that 1200 gallons per day will be used. There is a flood plain on the property, Mr. Winglovitz said and the applicant will need to do additional survey work.

Mr. Hoffman said the applicant is proposing that the access to the site will be provided through the rear of the site to NYS Route 17A and will require access through several easements on private properties within the Village of Florida. Information on the easements must be submitted to confirm there are no limitations on the access, such as volume, size or weight.

The site is in the CO Zone and so will require compliance with the design standards under Section 97-14D and will require the construction of a bike path and/or sidewalk. Mr. Hoffman also said that the PB will have to address the building size of 40,000 sq. ft.

Mr. Golden said that a full form EAF was submitted. He said the PB should type the action as a Type I action, should declare its intent to be lead agency and refer the matter to the County under a 239-m referral and a 239-nn referral.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board declares the application of 17A Warehouse to be a Type I Action under SEQRA. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Pirraglia, the Town of Goshen Planning Board declares its intent to be lead agency on the application of 17A Warehouse. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

The PB asked its attorney to make the 239 referral to the County.

OTHER BUSINESS

The Building Inspector said that the meeting schedule for 2014 will be the first and third Thursday of the month, if needed.

PB members discussed Section 83-32 and 25B of the Code.

Mr. Bergus said he will designate a Deputy Chair to sign documents in his absence.

ADJOURNMENT - The Planning Board adjourned at 9:08.

Lee Bergus, Chair

Notes Prepared by Susan Varden