

**APPROVED MINUTES  
Town of Goshen Planning Board  
Town Hall  
41 Webster Avenue  
Goshen, NY 10924  
DECEMBER 20, 2012**

**Members Present:**

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

**Also Present:**

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

Absent: Giovanni Pirragalia

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

**Possible Extension or Abandonment of Applications pursuant to Town Code**

**New Horizons**

Ms. Naughton said the applicant is requesting a six month extension on its preliminary approval and is working to retain a well driller.

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Lupinski, the Town of Goshen Planning Board grants an extension on the application of New Horizons to June 20, 2013. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
		Mr. Lupinski	Aye

**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.

The applicant was not present. Ms. Naughton said that the applicant was going to submit new plans after the last meeting but the PB's attorney hasn't received them.

Mr. Huddleston asked if there was anyone from the public who would like to comment on the application. There was no one.

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board continues the public hearing on the application of Land Worx to January 17, 2013. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
		Mr. Lupinski	Aye

**RVH Mulch – 54.60 +/- acres** located at Hartley Road in the I District with a Flood Plain Stream and Reservoir Overlay. Site plan and special use permit for mulching operation.

Representing the applicant: Tom Depuy

Mr. Halloran said that the site is off Hartley Road and is part of the recently re-subdivided Turi property.

Mr. Depuy said the application is for a mulching operation on five acres of the property with access off a gravel road off Hartley Rd. The main season of the operation will be March through July. The applicant did a noise analysis and determined that any noise is well below the acceptable decibel readings and won't affect either of the two closest neighbors, he said.

The owner stated that there might be some stump grinding but added that he will mostly be converting wood chips to mulch which will be sold wholesale. The applicant has been in the business for 25 years. He said the operation will use two loaders and a tub grinder and that tractor trailers will be brought in. Mr. Depuy said they did a sight distance analysis and there is plenty of room for the tractor trailers. There will be no lighting, fencing or signage. The applicant said he will do an erosion control plan.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Lupinski, the Town of Goshen Planning Board lists the application of RVH Mulch as an Unlisted Action in terms of SEQRA and assumes Lead Agency status. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
		Mr. Lupinski	Aye

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Lupinski, the Town of Goshen Planning Board sets a public hearing on the application of RVH Mulch for January 17, 2013. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
		Mr. Lupinski	Aye

**Meadows of Goshen – 12-3-10 2.3 +/- acres** located on Howard Court in the RU zone, with an AQ3 overlay. Site plan modification for driveway relocation.

There was no representative present.

Mr. Halloran said the developer wants to move the driveway from one side of the property to the other side of the property. The house has already been built and is ready for sale. Mr. Hoffman asked the PB if it wants the engineer to address this as a field change. He said the change will have very little impact and there are no sight distance issues.

Mr. Lindsay noted that the applicant should be notified that he must in the future return to the Planning Board before he makes any changes to the site plan after approval has been granted.

Following discussion, Ms. Naughton read the two Findings in the proposed Resolution of Approval as follows:

“The original Project presented a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but suitable parks or recreation areas of adequate size to meet this requirement could not be properly located on the site, requiring a payment of a parkland fee to be determined by the Town Board in lieu of providing such parkland. The Planning Board recognizes that said fee is required to be paid prior to the signing of the original plat on July 19, 2011, and this amended application creates no new lots. Therefore, no new parkland fee is required in connection with this amended approval.

The Planning Board hereby finds that the proposed amendment to Lot 10, involving the relocation of the driveway to the dwelling, is not a material or substantial change from the approved site plan.”

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Mr. Lupinski, the Town of Goshen Planning Board adopts the Findings as read by legal counsel on the application of Meadows of Goshen. Passed unanimously.

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

Ms. Naughton said that most of the Specific Conditions for approval are the same as on the initial approval for the project so she said it was not necessary to read all fifteen but would only read the additional conditions and those that were modified. She read as follows:

“The applicant shall place easements over that land outside of the street right-of-way that is part of the temporary turnaround (Road B- Howard Court), reverting the land to the abutting property owners upon the continuation of the road, and include such as a note on the map, subject to the satisfaction of the Planning Board Attorney as to form, providing that the land revert to the owners of the adjacent lots, Lot 11 and Lot 12, when the through road is completed. Said easements must be filed with the County Clerk prior to the issuance of any building permits.

The applicant shall file a deed restriction prior to the issuance of a building permit, with adequate proof of such filing submitted to the Building Department, for each lot of this subdivision requiring that any and all wells installed shall be no less than 300 feet deep.

Prior to the signing of the plat, the applicant shall provide deed restrictions for Lots 1 and 34, satisfactory to the Planning Board Attorney as to form, for the maintenance of the landscaped entrance features. Said deed restrictions shall be filed with the County Clerk, with adequate proof thereof filed with the Building Department, prior to the issuance of any building permit.

The Applicant shall replace the existing depressed curbing to a full reveal in the area of the initially approved (now abandoned) driveway location.”

**VOTE BY PROPER MOTION**, made by Mr. Lupinski, seconded by Mr. Bergus, the Town of Goshen Planning Board approves the conditions as read by legal counsel for approval of the application of Meadows of Goshen. Passed unanimously.

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

**Young’s Grove/Reiger – 9-1-8.452 306.9 +/- acres**, located on Craigville Rd. at the end of Broadlea Road in the RU District with an AQ3, AQ6, with Scenic Rd., and flood plain overlay. SEQRA Findings.

Representing the applicant:

Steve Esposito

Ms. Naughton said that SEQRA Findings should be adopted within 30 days of the filing of the FEIS and that the FEIS on this application was filed October 10. The PB needs to adopt the SEQRA Findings tonight, she said.

PB members, its consultants, Mr. Reiger and Mr. Esposito discussed all of the Findings at length. Ms. Naughton said her office will make the changes discussed.

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Mr. Lupinski, the Town of Goshen Planning Board adopts the SEQRA Findings Statements as modified on the application of Young's Grove/Reiger. Passed unanimously.

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

There were two waivers requested by the applicant and the following actions taken:

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Bergus, the Town of Goshen Planning Board accepts the grading modification as defined by the engineer and requested by the applicant on the application of Young's Grove/Reiger. Passed unanimously.

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

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Gawronski, the Town of Goshen Planning Board approves the waiver on the application of Young's Grove/Reiger with respect to the roadway with the mitigation of providing a secondary means of access at a somewhat less standard than the typical roadway standard because the application satisfies conditions #2 & #3 of Chapter 97 as read by PB Counsel. Passed unanimously.

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

**A&L Acres – 13-1-34.2** – Site plan modification, extension and bond approval.

Representing the applicant:

Steve Esposito

Mr. Hoffman said that in July the applicant went from two phases to three phases because of the market conditions. The applicant has conditional final approval and has done some construction and now is looking for a bond recommendation from the PB to the Town Board so that they can post a bond and file the maps to sell one of the lots. The PB engineer is recommending a Phase I bond of \$286,400, but if the applicant completes the culvert to the satisfaction of the Town Engineer, then it will be reduced by \$50,000.

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board will make a recommendation to the Town Board to accept the bond amount and the recommended reduction as defined by the Town Engineer on the application of A&L Acres. Passed unanimously.

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

The PB discussed landscaping the proposed cul-de-sacs. It was noted that the Town Highway Superintendent prefers they not be landscaped because of plowing and maintenance difficulties.

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Bergus, the Town of Goshen Planning Board recommends paving the large cul-de-sac and reducing the diameter of the second cul-de-sac and paving it in accordance with the approval of the Town Engineer. Passed 4 votes to 1.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver		Mr. Lupinski	No

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Bergus, the Town of Goshen Planning Board grants an extension of the Conditional Final Approval on the application of A&L Acres to July 18, 2013. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver		Mr. Lupinski	No

**ADJOURNMENT** - The Planning Board adjourned at 10:10 p.m.

Ralph Huddleston, Chair  
Notes Prepared by Susan Varden

