

**Town of Goshen
Planning Board
MINUTES OF THE
WORK SESSION MEETING
August 4, 2005**

MEMBERS PRESENT

Ralph Huddleston, Chairman
Reynell Andrews
Susan Cleaver
Mary Israelski
John Lupinski
Raymond Myruski

ALSO PRESENT

Jayne Daly, Attorney,
Neal Halloran Bldg. Insp
Joe Henry, Engineer
Susan Roth, Planner

ABSENT

Lee Bergus

I. CALL TO ORDER

Chairman Huddleston called the work session meeting of the Town of Goshen Planning Board to order at 7:30 pm

II. MINUTES

The minutes of the July 21, 2005 meeting were approved as modified upon motion made by Ms. Israelski, seconded by Ms. Cleaver. Mr. Myruski abstained.

III. PUBLIC HEARING

Glenview Hills - 20-1-28.22 & 31.1, 1.238 acres, located on rte 94, in the CO zone with an AQ3 overlay, lot line change & subdivision. **(EP) (RG)**

Present for the applicant: Rachel Lockwood
Jane Samuelson

Mr. Golden is acting as Counsel to the PB for this project. Mr. Halloran explained that the Public Hearing was kept open as there were pending issues with the DOT and the neighbors' driveway. The applicant has submitted some changes to the plan. Mr. Golden has seen the map, but Mr. Henry has not.

Ms. Lockwood stated that, after working with the neighbor, Mr. Hecker, they have changed the lot configuration. They will be giving Mr. Hecker the whole piece in the front, which will give him frontage on Route 94 and on the new entrance road. Mr. Golden asked for an explanation of the five-year deed restriction on this piece. Ms. Lockwood explained that this portion states that there can be no above ground construction for five years. This is to protect the developer while he is in the process of building and selling his units. Ms. Lockwood stressed that while they trust the

Heckers', if the present owner should sell during this period, there could be no unsightly construction on this front piece. She also stated that there would be a 10' long easement along the front piece and along the proposed entrance road for landscaping purposes and to buffer the existing house. Mr. & Mrs. Hecker have agreed to this solution. Mr. Golden asked if the landscaping easement would be forever. Yes, it will be. He also asked if the new piece would be part of the existing lot or a separate parcel. It will be part of Mr. Hecker's current tax lot. It will be considered a lot consolidation and this should be clarified in the documents.

Mr. Huddleston asked what the size of the parcel is now and what it will be after the transfer. It is currently .32 acres and will increase to .58 acres total. Mr. Andrews asked if the Heckers' will still receive this extra lot if the project should fail to be completed. Ms. Samuelson replied that she thought it would. Mr. Golden replied that that will depend on how the PB treats the approval. Mr. Halloran noted that if the approval is conditioned on issuance of the building permit or CO it would not be within the control of this Board. It should be conditioned on the signage of the plans.

Mr. Golden stated that he would need to review the easement and the deed restriction. Also, the agreement, between the Hecker's and the applicant, needs to be signed by Mrs. Hecker as it is co-owned. Mr. Henry stated that all changes need to have the metes and bounds stated and he would like to review the plans one more time.

Mr. Hecker asked if it would be advantageous to have the property joined or kept as two separate parcels for tax purposes. Mr. Golden replied that it is not for the PB or himself to give advice on this subject. Mr. Huddleston did state that they would be in a better position from a planning point of view to have one parcel. Mr. Golden further stated that he will be reviewing the documents to be sure they are in conformance with the PB's wishes.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen hereby closes the Public Hearing in regard to the Glenview Hills application. Passed unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
Mr. Huddleston	Aye	Mr. Myruski	Aye

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby declares that the Glenview Hills application will not have a significant impact on the environment under NY SEQRA. Passed unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
Mr. Huddleston	Aye	Mr. Myruski	Aye

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen hereby grants final subdivision approval conditioned upon the following: 1) resubmission of the modified plans and their review by the PB engineer; 2) review by the attorney of the easements and the documents combining the properties, to be in a form in conformance with the PB's wishes and 3) receipt of DOT approval of the driveway and road cuts. Passed unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
Mr. Huddleston	Aye	Mr. Myruski	Aye

IV. AGENDA ITEMS

Prospect Hill 20-1-58 proposed subdivision special use permit in the RU & HR district with a AQ3 and scenic road overlay on Route 17A.

Mr. Golden is acting as Counsel to the PB for this application. Mr. Halloran stated that the Public Hearing was closed on July 7 and the PB was anticipating comments from the Town Board. Mr. Huddleston attended the Town Board meeting and after discussion, the Town Board is in agreement with the document. Mr. Golden stated that the applicant has waived the 60 day required time frame for the submission of the Final Scoping Document. Ms. Roth stated that she will probably have the document in final form by tomorrow and no later than Monday 8/8/05.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby finalizes the Scoping Document as discussed and modified at the July 7 meeting. Passed unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
Mr. Huddleston	Aye	Mr. Myruski	Aye

Hendler, - 10-1-51.2 & 52.3 & 52.4 - 91.1 acres located on 6 1/2 Station Road and Cheechunk Road, in an RU& CO zone with an AQ6 and scenic road overlay, for a Planned Adult Community and 8-lot residential subdivision.

Present for the applicant: Jane Samuelson

Mr. Golden is acting as Counsel to the PB for this application. Mr. Halloran reported that the PB issued their intent to be Lead Agency on 6/12/05, however there was an error in the mailings and not all parties were notified. This has since been corrected, but the PB now needs to wait 30 days before they can declare as Lead Agent.

A SEQRA declaration cannot be made until Lead Agency is established. The applicant would like to set a scoping session, however the copies of the document are normally circulated with the pos dec. They need to wait until September. Ms. Samuelson has a draft of the scoping document prepared tonight. The PB will review this document and the Lead Agency and Public Hearing for the Scoping can be discussed at the first meeting in September.

Wick's (Angelo's Italian Ices) - 11- 1-97 - located on Rte 17M, in the RU zone with an AQ3 & scenic road corridor overlay.

Present for the applicant: Mary Ann Gough

Mr. Halloran explained that Ms. Gough has a small vending trailer selling Italian Ices known as Angelo's, on the property owned by the driving range. Due to the new peddler/vending law passed by the Town, it is necessary to come before this Board for site plan review. Mr. Halloran is concerned because when the driving range was approved several years ago, a septic system and well were required. A leech field was installed, but never hooked up. Mr. Halloran suggested giving the applicant a year to comply.

Mr. Wickes is actually the applicant, but Ms. Gough is acting as his agent. Mr. Huddleston asked why Mr. Halloran suggested that they give the applicant a year since it was required some time ago. Mr. Halloran noted that that was the time frame allowed for the Adamis application. Mr. Huddleston noted that the Adamis application was new, while this situation has been in non-compliance for several years.

Ms. Roth and Ms. Israelski expressed concern about shutting Angelo's down for the rest of the season, under these circumstances. Ms. Gough noted that they have met all Board of Health requirements. Their employees use the port-a-johns on the site if necessary and the trailer has hot running water for hand washing. Ms. Israelski stressed that this vendor is a great asset to the community. They have a very orderly parking area and the "ices are delicious." She requested that they not be too onerous to the vendor. Mr. Andrews suggested that the owner be given a reasonable period of time to comply so that Angelo's will not be penalized.

Mr. Huddleston asked Mr. Halloran if they still could obtain compliance on the septic issue through the Building Department’s enforcement arm. Mr. Halloran agreed that this is possible and he will discuss a time frame for compliance with Mr. Wicke. He stated that there have been no complaints regarding Angelo’s and there are no signage issues. Mr. Myruski suggested that the septic system be settled before next season. Mr. Henry noted that Mr. Wicke’s does have an approved plan and it is now just a construction issue.

Ms. Daly stated that the site plan needs to be amended to show the location of Angelo’s Trailer and it needs to be stamped by a professional. No Public Hearing is needed. It is an unlisted action and can be given a conditional approval based on the receipt of the stamped amended site plan.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby states that the application of Angelo’s Italian Ices is an unlisted action and will have no significant impact on the environment under NY SEQRA. Passed unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
Mr. Huddleston	Aye	Mr. Myruski	Aye

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby grants final site plan approval to the Angelo’s Italian Ices conditioned upon receipt and approval by the engineer and counsel of the modified site plan. Passed unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
Mr. Huddleston	Aye	Mr. Myruski	Aye

Fidanza - 17-1-5.21 & 5.23 - 46 acres located on NYS RTE 17A and Houston Rd in the RU zone with a scenic road corridor and AQ3 overlay.

No one is present for the applicant. Mr. Halloran noted that the site has been walked. Mr. Huddleston stated that he is sure there will be changes requested by the board members and since the applicant is not present, they should not continue. The members agree and this topic will be held over to the next meeting.

RTE 17M Storage - 12-1-103 - 3.75 acres, located on 17M & Musket Rd, in the I zone with an AQ3 overlay.

Present for the applicant: Michael Neely – Hudson Valley Engineering
Michael Blustein, Attorney
Chris Memmelaer

Mr. Neely explained that the applicant is proposing a commercial storage/warehouse facility off of Musket Court. The building will front on 17M. There will be space for offices in the front with warehousing in the rear. All entrances will be off of Musket Court. The truck loading will be in the rear and the office parking will be in the front. The hope to attract small businesses that need a minimum amount of office space with some storage for their product/supplies. There will be no retail sales. The perc and deep tests have been done and are satisfactory. He also noted that the applicant does own the adjacent property.

The property was first built on in 1995 when the zoning was HC. Now the zoning has changed and they will have proceed to the ZBA for variances to the setbacks. They are here tonight to ask for comments and input from the PB. Mr. Huddleston stated that screening will be a major consideration especially from the neighboring Church. He asked if there would be parking of any large equipment. Mr. Neely stated that it will not be that type of facility – there will be no outside storage. Mr. Andrews asked if there are two tax lots involved. Mr. Neely explained that original subdivision was for four lots. This parcel is 3.75 acres.

Ms. Cleaver asked if there are wetlands in the back corner. Mr. Neely will check on this. Mr. Henry noted that there has been a lot of disturbance to the site over the years. Ms. Daly stated that there are some errors in the bulk table calculations, and suggested that the applicant should re-work their figures.

Mr. Henry asked if the road that has been created in this subdivision will be brought up to Town specs as was originally required when the subdivision was filed. Mr. Blustein explained that part of the contract they have with the owner is that the owner will bring the road up to Town specs or place the money in escrow to do so. This is part of the contract and the project will not proceed unless this is done. Mr. Henry also pointed out that there is still an open work permit with the DOT.

Ms. Roth asked for elevations of the Church and this building so they can decide how best to screen. They need to show the relationship between the two buildings. Mr. Henry noted that during the staff meeting they discussed the need for separation of the parking and the truck traveled way. Ms. Israelski asked that

the view from Route 17M also be considered. Mr. Neely asked what they need to do next. Mr. Halloran stated that there is an application before the ZBA for their next meeting. Mr. Blustein noted that the building would have fit in perfectly with the old zoning and with the changes nothing will work on this parcel. He emphasized that the proposed use is consistent with the other uses in the area and would like the PB to let the ZBA know that they look favorably on the project. Mr. Huddleston pointed out that the neighboring businesses do not meet the 200' setback in the current code – they all are right on the road. Ms. Daly stated that she does not recommend this, as they do not have enough information at this point. Mr. Halloran suggested that if the applicant can come back with the suggestions discussed above by the next meeting, they would be in time to make a recommendation by the next ZBA meeting.

Mr. Myruski asked where the septic system is placed and will there be a number of bathroom facilities or just one. Mr. Neely responded that each business will probably have their own facilities, but this has not been determined yet. This design is based on the worse case scenario, that each bay will have a different tenant. Ms. Israelski asked that the screening show the variety of species. Mr. Huddleston re-emphasized that they need to give consideration to the Church. Ms. Cleaver suggested they look at the downward directed lighting used by Furniture Options. Ms. Daly reminded the applicant that they need to consider impact on traffic.

Mr. Memmelaer stated they are trying to build an appealing building. There will be some brick work on the front and it will be similar to one that is in Chester. Applicant will review all these suggestions and come back with more detail as soon as possible.

Wholesale Storage (Hartley Road) - 12-1-18, 5 acres, located on Hartley Road, in a CO zone with an AQ6 overlay.

Present for the applicant: Kirk Rother

Mr. Halloran reported that the applicant has removed the grinder from the application. The noise from this was a problem when the applicant was here last time. Mr. Rother stated that they have erased the grinder area from the original plans and the wetlands have been flagged by ERS Consultants. Mr. Huddleston asked that the qualifications of the delineator be submitted for the file. The applicant will be wholesaling landscaping supplies, i.e., mulch, stone and topsoil. There will be a building for a small office and equipment parking. He asked if they could proceed.

Ms. Daly noted that there is a provision in the code that outside storage can only cover 10% of the lot unless it is required by the business. Mr. Rother stated that approximately 50% of the area is wetlands and the rest will be used for storage of the materials as that is the basis of their business. Ms. Israelski asked for a more elaborate planting scheme. She asked if there is a means to enforce the landscaping standards. Ms. Roth noted that this would all be on the plan as well as a maintenance agreement. Ms. Cleaver asked if there would be any way to protect the wetlands from migration. Mr. Rother noted that this has been discussed in staff meetings.

The members are satisfied that this sketch plan meets with their approval. The applicant can proceed to implement a more formal plan.

Reiger - 9-1-8.452 - 360.9 acres, located on Craigville Rd in the RU district with an AQ3 & AQ6 overlay with a scenic Road corridor overlay.

Present for the applicant: Steve Esposito

Mr. Halloran explained that this is on the agenda to allow opportunity to discuss the recent site walk. The Conservation Analysis was approved at the last meeting. After the walk, the members concur that the Conservation Analysis is appropriate. Mr. Esposito noted that they have a map from 1903 that shows a cemetery on a portion of the site. They are having an archeologist look into this possibility. There are no further comments at this time.

Brennan Pond - 14-27-2 - 3.16 acres , located on Murabito Pl in a RU zone with an AQ3 and stream & reservoir overlay.

Present for the applicant: Steve Esposito
Mr. Brennan

Mr. Esposito explained that Mr. Brennan began digging a pond on his property before he realized that the new Clearing and Grading ordinance restricts this activity. Wetlands have since been identified in the area. Approximately 1000 sq. ft have been disturbed. Mr. Brennan plans to restore approximately half of the area and then reconfigure the pond to promote natural habitat. He would like to complete the work as soon as possible.

Mr. Andrews asked how the pond is fed. There is a spring and the water does not appear to be stagnant. There will be an inlet and outlet to the pond. Mr. Huddleston asked what species of plant life they would be putting in and suggested some different types that would be less aggressive. Mr. Henry asked if they plan to provide access to the existing well and if so they should tie in the

coordinates on the map. Mr. Huddleston also asked for a 2-year maintenance plan for the plantings. He asked about the swale. Mr. Esposito replied that the natural pattern for water flow was west to east and they will be putting in an outlet where the swale was located.

Mr. Henry asked for details on the rip rap and inlet/outlet pipes to be placed on the map. They need to be sure that the drainage does not change. Mr. Huddleston stated that they need to see the calculations used as a basis for the negative change comment in Mr. Pfau's letter.

Mr. Andrews asked how the children would be protected. Mr. Esposito responded that this is not the only pond in the neighborhood and they will not be putting up a fence. Mr. Huddleston noted that there is no town requirement to do so.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby declares the application for Brennan's Pond is an unlisted action and will have no significant impact on the environment under NY SEQRA. Passed unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
Mr. Huddleston	Aye	Mr. Myruski	Aye

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby grants final approval for the clearing and grading permit for the Brennan Pond application conditioned upon the submittal and approval of the riprap and pipe details requested by the Town Engineer. Passed unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
Mr. Huddleston	Aye	Mr. Myruski	Aye

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Lupinski, the Planning Board of the Town of Goshen hereby declares an expiration date of 9 months from today's date (May 4, 2006)for the clearing and grading permit granted for the Brennan Pond application. Passed unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
Mr. Huddleston	Aye	Mr. Myruski	Aye

Battiato - 18-1-13 - 8.8 acres, located on Arcadia Rd in a RU zone with an AQ3 overlay.

Present for the applicant: James Clearwater

Mr. Halloran reported that the staff has walked the property. It consists of a flag lot that backs up into the Town of Chester. There is a private observatory in the rear of the property.

Mr. Clearwater explained that the applicant would like to subdivide into 3 lots on this 8.8 acre parcel. It is in the RU zone. The applicant has reviewed the draft Conservation Analysis and finds no objections. They realize that they are just short of the 3 acre per lot requirement. Therefore, they will have to perform well testing analysis. Ms. Roth noted that there appears to be a small portion of wetlands, which needs to be shown on the map.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby approves the Conservation Analysis Findings as prepared in regard to the Battiato application. Passed unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
Mr. Huddleston	Aye	Mr. Myruski	Aye

Mr. Clearwater asked that the Board consider approving this sketch plan as the applicant would like to go ahead with the well testing. Mr. Huddleston explained that the professionals have not reviewed this plan and the applicant is not agenda for that purpose, therefore there will be no further action taken at this time.

Panda Foods - 22-1-45 - 3.99 acres, located on Pulaski Highway in the AI zone with an AQ3 overlay.

Present for the applicant: Henry Creces
Stefan Willems

The applicant would like to build a warehouse/produce facility. Mr. Creces stated that they buy produce and sell it at wholesale. They have been doing this since 1989 at this location, and they need to expand. They are not changing the product line. Mr. Myruski noted that this has always been a very clean operation and they keep it nice and neat. The owner lives on the property.

Ms. Cleaver asked if there is a refuse area. Mr. Creces stated that they have a 20-yard container. She asked if they would screen it and they agreed. Mr. Huddleston asked if they use cooler units. Mr. Creces stated that they have box coolers, but now they will be larger. Ms. Roth asked how many people are employed. They have 17 employees currently and may increase slightly later. They usually come to work together, so there is not much need for parking. She suggested they might need to show "shadow" parking. Mr. Henry noted that parking, drainage, septic etc. will be reviewed later in the process. Mr. Huddleston asked how many truck trips per day – there are usually 2 trucks coming in. There might be one more when they increase. Ms. Israelski asked about the color of the metal building. They have not decided yet. She asked for a landscaping detail and expressed concern about the view from Pulaski Highway. Mr. Willems replied that the property is wooded in front already and the new building will be in the rear of the lot. All mechanical equipment will be inside and the compressors for the coolers will be on the side facing their home. They would like to begin construction before winter.

Mr. Myruski emphasized that he has known these people for years and if the Board explains what is needed, the applicant will comply. The members agree that the sketch plan is appropriate as presented and the applicant should be given a list of items required so they can be at the next staff meeting.

Atlantic Fiber Optic Corp - 18-2-10 - 2 + acres, located on Orange Farm Rd (Co Rte. #68) in an HC zone with an AQ3 and scenic road corridor overlay.

Present for the applicant: Karen Emmerich
 Matthew Comis

Mr. Halloran reported that this application is for a modification to an existing use. They wish to construct a 60' x 80' building to store trucks. There are containers stored on the property currently. The applicant plans to put the trucks that move the containers inside the new building. Mr. Halloran noted that the containers are always empty when on the property and there have been no complaints from any of the neighbors.

Mr. Halloran stated that he has had an issue with the office trailer on the premises. Mr. Comis stated that the previously building inspector told him it could stay there as long he kept the wheels on it. He stated that once the building is completed he would put the office trailer inside. He did have an approval for a small building in the front, which was used as a tool shed/office.

Ms. Emmerich noted that there is a 6' stockade fence with 12' spruce and forsythia buffering the property. There is also a 6-8' berm on the property line. Mr.

Huddleston agreed that the property is heavily buffered. Mr. Henry stated that the applicant uses these containers for construction demolition sites. Their business is regulated by the DEC. Mr. Huddleston asked about employee parking. There is only one full time employee. Ms. Daly asked if they would move the parking if they move the trailer. The whole area is gravel. Ms. Daly stated that this is a modified site plan and the use is not changing, therefore a public hearing is not necessary. The members agree that the concept as presented is acceptable.

V. Items for Planning Board to Review

Draft Generic Environmental Impact Statement for the Goshen Executive Center

The Village has sent a DGEIS for Goshen Executive Center for review by the Town. Mr. Huddleston suggested that the consultants review the document and then the members will discuss it at the next meeting.

Adjournment: The meeting adjourned at 10:05 pm upon motion made by Mr. Myruski, seconded by Ms. Cleaver.

Ralph Huddleston, Chairman

Notes prepared by Linda P. Doolittle