

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924
JANUARY 17, 2013

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
Richard Golden, PB Attorney
Kelly Naughton, PB Attorney

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

The minutes of the December 20, 2012 meeting were approved with corrections.

PUBLIC HEARING

RVH Mulch – 54.60 +/-1 acres - site plan and special use permit for light industry/wholesale mulching in the I zone with a flood plain and stream overlay.

Representing the applicant: Tom Depuy

Mr. Depuy said the operation will be taking wood and wood products and grinding them into mulch on a five acre area of the property. He said there will be no composting done. Mr. Golden said that if the applicant wanted to do composting he would have to make a separate application to the PB and receive a special permit from the Town Board.

Mr. Hoffman said several issues have been discussed. He said the applicant will not propose water supply or septic facilities. He said that the applicant has shown sight distance measurements and that the plans were updated to show the new flood plain boundaries.

Ms. Cleaver asked if there are deed restrictions on the property in regard to water. The applicant said there are no water restrictions on this parcel. The applicant said that the DEC will allow them to pump out of the river if they want to, allowing 75 gallons per minute, according to DEC guidelines. Mr. Golden asked if that is in writing. Mr. Depuy said he doesn't have it in writing. Ms. Cleaver said she is concerned about drawing water from the river because of the water quality. Mr. Huddleston said he doesn't have the information needed to make a determination of

significance on this issue. Mr. Hoffman said he will look into the issue with the applicant and Ms. Cleaver said she too would like to be involved in the conversation. The applicant said he doesn't plan on using water, but if he needs water, that is what the DEC would allow him to do.

It was noted that the operation is year-round, but busiest during certain seasons. There will be two employees and the applicant plans to provide a portable toilet and will bring water into the site.

Mr. Huddleston opened the meeting to public comment.

Richard Kuchi, 216 Cheechunk Road, asked what guarantees have been made that the materials from the site will stay on the site, stating he is concerned about what might be washed away into the river. His property is in front of the Wallkill River and he said that when it floods, the river backs up onto his property where his well is located. He has a \$4,000 filter system he uses. He is concerned with anything from the operation ending up in the river and wonders if the trees they will be grinding have been sprayed with chemicals. He asked if there will be dying on site, and when the applicant said that there will be dying, Mr. Kuchi asked what guarantees there are that the dye won't get into the water table.

Mr. DePuy said the applicant understands the concern. The operation is located on the high part of the property out of the flood plain, but the applicant will re-verify the flood plain boundaries, he said.

Mr. Hoffman said that the property is located in the stream corridor overlay district and the Town requires a 150 foot distance from the high water mark. Mr. Hoffman said the applicant is trying to stay as far away from the river as possible because they don't want to lose product and has provided a buffer of 200 ft. from the river.

Jeff Richardson, of 112 Hartley Road, said his is the only house on the road, and that it looks like a good use of the land to him.

Jeff Sanfronaro, 94 Hartley Road, said his property is across the street and asked about the zoning. Mr. Halloran said he will need to confirm that it is all in the I zone. Mr. Sanfronaro said if he has the same zoning, then he would like to do the same thing.

The PB decided that before they can make a determination of environmental significance, Mr. Golden should review and report back on easement restrictions, Mr. Hoffman should look into the DEC guidelines regarding pumping water from the river and into the environmental significance of the dying and the applicant should review the flood plain again.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Gawronski, the Town of Goshen Planning Board closes the public hearing on the application of RVH Mulch. Passed unanimously.

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

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. Possible closure of the public hearing.

Representing the applicant: Travis Ewald, Pietrzak & Pfau

The PB reviewed the updated site plan. Mr. Ewald said the project is to convert an existing construction repair facility into a landscape contractor facility. The entrance is located off Route 94. The majority of the parcel is covered by a gravel parking area and two existing buildings. The applicant proposes to replace the flat roofs with pitched roofs and to convert one of the buildings into two stories making the second floor a two-bedroom apartment and the first floor office space. The remainder of the building (4,000 sq. ft.) would be used as a workshop. The applicant plans to use the existing well and septic systems. Mr. Ewald said the applicant prepared flow tests and determined that the existing system can facilitate the proposed uses. The operation will have approximately 25 employees at the peak of the season, with two on site and the remainder in the field. Mr. Ewald said they will demonstrate the ability to provide parking spaces in excess of the requirement.

Mr. Hoffman received a copy of a letter from the DOT stating that a permit is not necessary for the application. He said his office has questions about some of the setbacks and needs time to review the well and septic tests. There are two residences in the area and a few others proposed, Mr. Hoffman said, so the PB may want the applicant to perform some testing on their well to determine the impact on offsite wells. He said they will have to show some shadow parking due to the number of employees projected. Mr. Hoffman said he will need information on the dimensions and detail of the signs

Ms. Cleaver said she wants the applicant to answer the E.R.B.'s comments at the applicant's next appearance.

Mr. Huddleston asked if there were comments from the public. There were none.

Mr. Golden said that the Planning Board must make a determination whether or not to allow the project to proceed with the two uses they seek, which are both non-conforming uses. In order for the applicant to go forward, he said, they need a special permit from the Planning Board and it can only be made upon a finding that the two non-conforming uses the applicant wants now, the apartment and landscaping business, accumulatively are less than the pre-existing non-conforming use that was there previously.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Gawronski, the Town of Goshen Planning Board finds that the two non-conforming uses sought on the application of Land Worx, an apartment and landscaping business, are accumulatively less than the pre-existing non-conforming use that was there previously. 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 Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board closes the public hearing 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 Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board assumes lead agency status 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. Andrews, seconded by Mr. Pirraglia, the Town of Goshen Planning Board declares the application of Land Worx to not have a negative impact on the environment. Passed unanimously.

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

Kaprielian – Craigville – 4-1-9.122 & 14.1 206.56 +/- acres subdivision located on Craigville Rd. in the RU zone with AQ3 and AQ6 overlay. Consideration of the proposed conservation analysis.

Representing the applicant: Steve Esposito

Mr. Esposito was asked to review the ERB comments before the next meeting.

Mr. Esposito said that this is an open area development and the applicant has identified the net useable acreage and certain constraints that are outlined in the zoning code such as wetlands and steep slopes. He said there are about 61 acres of state and federally regulated wetlands and about 16 acres of steep slopes scattered about the site. The site is pretty much wooded, he said, although there are fields in the northern corner of Farmingdale Road. He pointed out the overlay districts and noted the scenic road corridors. “Basically we anticipate developing the knoll,” he said. He stated that they are not aware of any significant trails on the site.

Mr. Golden said it is up to the PB to determine, based upon the analysis, what it believes are appropriate conservation pieces to protect and then after telling their attorney what they are, the Planning Board attorney will draft the Conservation Findings.

The Planning Board will do a site visit in the week before the next meeting.

Mr. Golden told the applicant that a requirement of the analysis is to note trees of 12 inch d.b.h. or larger in the area to be developed. He asked the applicant to submit a long form EAF at the next meeting. Mr. Esposito said it will be filled out for the conservation analysis. He said the applicant wants to know what their developable area is before preparing the sketch plan and so they want the Planning Board to come up with the Conservation Findings before the sketch plan is done.

ADJOURNMENT - The Planning Board adjourned at 8:45 p.m.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden