

APPROVED MINUTES

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924**

December 18, 2008

Members Present:

Reynell Andrews
Lee Bergus
Susan Cleaver
Ralph Huddleston, Chair
Mary Israelski
Raymond Myruski

Also Present:

Neal Halloran, Building Inspector
Sean Hoffman, Engineer
Ed Garling, Planner
Rick Golden, Esq.
Kelly Naughton, Esq.

Absent:

John Lupinski

CALL TO ORDER

Chair Ralph Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:30 p.m. at Town Hall.

MINUTES

The minutes of the Planning Board meeting of December 4, 2008 were approved with corrections by vote of the Planning Board.

Pskowski – 12-1-118 & 45.2 – (15.20 & 48.40 acres) located on Gate School House Road in the RU zone with AQ3 & AQ6 overlays Possible final approval lot line change.

Present for the applicant:

Applicant Chris Pskowski

Mr. Pskowski said that the metes and bounds have been corrected and the required sign-off on the survey stating there are no underground storage tanks has been added as Note #8.

There was a lengthy discussion with the applicant about what he will be required to provide regarding a proposed easement on the driveway.

Mr. Golden said he has a proposed Draft Resolution of Conditional Preliminary & Final Approval of the Lot Line Adjustment and read the following specific conditions:

1. Prior to the signing of the plat, the applicant must provide a copy of the easement granting access to the Barboni property over the existing macadam driveway or the applicant must revise the plans to remove the note “See insert for existing 20’ wide R.O.W. in favor of Barboni” and replace it with “Proposed 20’ wide R.O.W. in favor of Barboni” and within the insert, “Existing 20’ wide R.O.W. in favor of Barboni” must be replaced with “Proposed 20” wide R.O.W. in favor of Barboni.”
2. Prior to the signing of the plat, the applicant must revise Survey Note #8 to reflect that it is 1.51 acres, rather than 1.39 acres being conveyed.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board finds that the application of Pskowski has no negative impact on the environment. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Andrews, the Town of Goshen Planning Board approves the resolution as read with the conditions for preliminary and final approval on the application of Pskowski. Passed unanimously.

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

Brancaccio – 13-1-42.3 – 12.1+ acres, 2 lot subdivision, located on Maple Ave. in a RU zone with AQ6 & AQ3 overlays. Possible conditional final 2 lot subdivision approval.

Present for the applicant: Chris Guddemi, Lan Associates
Applicant Kathy Brancaccio

Mr. Guddemi said the applicant is seeking conditional final approval on her application for a proposed two lot subdivision on Maple Ave. At the request of the Orange County DPW, adjustments were made to widen the driveway to a minimum of 18 ft. Those changes were made and appear on Sheet #4 and have been submitted to Pat Kennedy. The applicant is waiting for final acceptance on the driveway from the County DPW. Mr. Guddemi also said that the attorneys are drafting a driveway maintenance agreement.

There was a discussion about the placement of ESA signs.

Mr. Golden said he has a draft Resolution of Conditional Preliminary and Final Approval for the Minor Subdivision for Brancaccio and read the following specific conditions of approval:

1. Wetlands and any required buffers are to be marked on individual lots prior to the signing of the plans. The applicant must use proper Planning Board approved Environmentally Sensitive Area (“ESA”) signage approximately every 100 feet along the outermost edges of the wetlands, for a total of 5 signs and have such signage in place prior to any site disturbance.
2. Prior to the signing of the plans, the applicant must comply with the memorandum of the Town Engineer dated December 12, 2008.
3. The applicant shall place an easement over Proposed Lot 2 as indicated on the plans, which shall be drafted to the satisfaction of the Planning Board Attorney as to form. The applicant shall file with the Planning Board Attorney the Common Driveway Maintenance Agreement which shall be revised to his satisfaction. This condition shall be completed prior to the issuance of a building permit.
4. The applicant shall comply with the Orange County Department of Public Works letter dated November 13, 2008 or any subsequent revised letter from the Department of Public Works.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Town of Goshen Planning Board finds that the application of Brancaccio has no negative impact on the environment. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Ms. Cleaver the PB finds that the project presents a proper case for requiring park or parks suitably located for playgrounds or other recreational purposes but suitable parks or recreational areas of adequate size to meet this requirement must be properly located on the site and require a payment of a parkland fee to be determined by the Town Board in lieu of providing such parkland.

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

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Andrews, the Town of Goshen Planning Board approves the Resolution of Conditional Preliminary and Final Approval of the Minor Subdivision for Brancaccio. Passed unanimously.

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

Owens Road/Goshen Meadows – 10-1-10.22 – 126.40 +/- acres, 39 lot subdivision located on Owens Rd in the RU zone with an AQ6, AQ3, scenic road corridor and stream & reservoir overlay. Approval of well testing protocol.

Present for the applicant: Ken Cerullo, Owner
Steve Oberon, Cultural Resources Consultant
Tom Cusack, Hydrologist

Mr. Hoffman said that the only outstanding question is that an existing well may be located in a wetland on the site but said he doesn't think it affects the well testing. He said that the applicant should take notice that the well may be in a wetland and it may not be permissible by the DEC and County Health Department. He stated that it is not in a mapped wetland at this time. Project Hydrologist Tom Cusack stated that the well location is 130 ft. away from the present flagged wetland on site and said that if that location becomes regulated, the well likely will be outside the buffer zone. Mr. Hoffman said he looked at the site on December 5th with the Building Inspector and that it looks to him as though it was in a wetland. He said the DEC will be down next week to look at the site and make a determination. It was noted that the applicant had a wetland delineation done of the site by Mr. Torgensen. Mr. Huddleston said he doesn't see how testing a well in an adjacent area or wetland can have a negative impact except from possibly driving equipment into the area to test it, and said he believes that is where the impact would be.

Mr. Halloran told the PB members that the earliest any well testing can be done will be January 1.

Ms. Cleaver said that she had a conversation earlier in the day with a neighbor of the property who claims they have a right of way to the property and that they own acreage in the middle of the site. They told her that they have contacted their attorney to notify the applicant. The applicant said they have not been contacted by anyone and have submitted certified copies to the PB of the subdivision, based on a signed survey. Mr. Huddleston said the PB should keep that in mind but that it is a legal issue and doesn't have to be considered for adopting well testing protocol.

The applicant said correspondence, in the form of an e-mail, has been received from SHIPPO stating it does not object to the well testing proceeding. Mr. Hoffman and Planning Consultant Mr. Garling both said they have no objections to approving the well testing protocol at this time. Mr. Hoffman said he has seen the fracture maps and that his firm's December 11th memo to the applicant suggests which wells to start up. Mr. Cusack said he concurred and that as far as their staff is concerned the well testing cannot occur before January 5.

Mr. Huddleston asked Steve Oberon, the applicant’s cultural resources consultant, if there is potential for damage to these resources by the vehicles and the activities required to implement the well testing protocol. Mr. Oberon replied, “I would say not at all.” He said he communicated with SHIPPO, who concurred there would be no impact even if the wells were just now being drilled. Asked about his credentials, Mr. Oberon said he is a cultural resources consultant and meets the qualifications of NYS’s Parks and Recreation Department and the US National Park Service for conducting archeological and historical surveys.

Mr. Cusack said he will direct his staff and the well drilling contractor to stay on the access roads and not to deviate.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Myruski, the Town of Goshen Planning Board approves the well testing protocol for Owens Road/ Goshen Meadows subdivision. Passed unanimously.

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

Owner Ken Cerullo hand delivered a letter to the PB from Tognino & Grossbarth, LLP, dated December 18, 2008.

Mr. Cerullo asked why Bob Fink, the PB’s attorney on this matter (Mr. Golden recused himself) was not present. Mr. Huddleston said Mr. Fink was not present because he did not believe there would be legal issues brought up. Mr. Cerullo said that legal issues have been coming up and he believes it would help to expedite the process if the attorney were here. Mr. Cerullo told the PB, “I think our project is a well developed plan with sound planning and offers tremendous benefits to the Town including open space. All we request as an applicant is fairness in the process and after the testing is completed we ask the PB to complete the SEQRA process immediately and schedule this application for public hearing for preliminary approval.”

Mr. Huddleston told Mr. Cerullo to talk to his surveyor to make sure his survey is accurate. Mr. Cerullo said they will go through the survey again and verify the data.

Mr. Huddleston also said that based upon Mr. Cerullo’s statement, Mr. Fink will be asked to be present at every meeting in the future.

ADJOURNMENT

The Town of Goshen Planning Board adjourned the meeting at 8:20 p.m.

Ralph Huddleston, Chair

Notes prepared by Susan Varden

