

APPROVED MINUTES

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

June 5, 2008

Members Present

Reynell Andrews
Lee Bergus
Susan Cleaver
Ralph Huddleston, Chair
Mary Israelski
John Lupinski
Ray Myruski

Also Present

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

CALL TO ORDER

Planning Board Chair Ralph Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:35 p.m

MINUTES

The minutes of the Planning Board Meeting of May 15, 2008 were approved with modifications by a vote of the Planning Board. Motion made by Mr. Lupinski, seconded by Mr. Myruski with Mr. Bergus and Ms. Cleaver abstaining. Motion passed.

Continued Public Hearing

Thompson – 8-1-7.22 48.2 +/- acres, 2 lot small scale subdivision located on Craigville Rd. in the RU zone with an AQ6, scenic road corridor and stream & reservoir overlays. Possible conditional final approval.

Present for the applicant: **Mr. Youngblood**

Mr. Huddleston reported to the PB that he had spoken to Doug Goggler of the NYS DEC about locating the driveway nearer the wetlands. He said that Mr. Goggler feels strongly that the driveway should be kept as far away from the wetlands as possible. Mr. Youngblood said that the closest it will be is 15 feet. Mr. Huddleston indicated that 15 feet will not be acceptable to the DEC, saying Mr. Goggler wants the driveway 50 feet from the wetlands but agreed to 40 feet, if necessary. Mr. Hoffman said that currently the

sight distance is at 495 feet, that if it is brought down 25 feet to 475 feet that there will be no choice but to not align the driveways. Mr. Huddleston asked if the driveway can be designed differently. Mr. Youngblood described a possibility of sliding the driveway up 10 to 15 feet, suggesting giving up a little of the driveway alignment and decreasing the sight distance to 470 or 475 feet. It was noted that the recommended site distance is 500 feet, and Mr. Huddleston asked if it will be acceptable to bring it down to 470-475 feet. Mr. Hoffman said he will have to take another look. He recommended that the applicant draw it again and re-shoot the site distance. Mr. Youngblood asked if the DEC will go for it if he can achieve 40 feet or better clearance from the wetlands. Mr. Huddleston said "yes" and clarified that the 40 feet is from the point of disturbance.

Mr. Huddleston said that the whole issue is the safety issue, "from a planning point of view, that has been the point, otherwise we wouldn't intrude on the DEC buffer area, but we also have the environment to consider." He told the applicant and Mr. Hoffman to look at it and give the PB their opinion on the acceptability of the distance as it is finally designed.

It was noted that the Building Inspector hasn't reviewed the latest revised site plans, that the applicant needs to submit the final set of plans to him, the PB and a set for the public, in time for everyone to review them.

Ms. Cleaver said the trees that were planted look "very good" and are "a major improvement." She asked Mr. Hoffman if there is a way that the new driveway can be drained away from the wetland buffer "so there isn't any road debris running into the wetlands". Mr. Hoffman said that the road drainage goes into the wetlands there now but suggested the applicant look at putting a swale along the shoulder of the proposed driveway on the downhill side closest to the wetlands. Mr. Youngblood agreed that he could do that.

Mr. Andrews asked if police and accident reports were looked at. Mr. Halloran said that the police department has told him that they have given few, if any, tickets on Craigville Road for speeding. The accidents on Craigville Road are with deer, not people, he said.

Mr. Garling commented that he has prepared a negative declaration. Mr. Huddleston asked for further comments from the public. There were none.

Mr. Huddleston and Mr. Golden suggested keeping the public hearing open.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen adjourns the public hearing on the application of Thompson to July 3, 2008. Passed unanimously.

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

North Jersey Trailer & Truck – 12-2-20.1, 16.1, 12.1, 1.1, 1.2, 2, 3, 4.1, 6.1, 9.1 38.2, 37.1, 39 – 47.7 +/- acres, 15,000 sq. ft. truck trailer service building located on Calvary Court & Cannon Hill Drive, in the I zone with an AQ3 overlay. Subdivision, Special use permit and site plan approval.

Present for the applicant:

Alan Singer, Esq.
Travis Ewald

Mr. Singer said that it was made known at the last public hearing that there was an issue with the screening affecting the degree of impervious surface the applicant could have and the sight lines from the neighbors. He said the applicant has prepared a plan showing the proposed landscaping in more detail. Mr. Ewald said that the issue was providing adequate landscaping and screening along the driveway accessing off 17M and also from the Jesus Christ Triumphant Church. He said the applicant has provided cross sections illustrating that along the driveway, with the minimum height landscaping that they provided, “you will be looking over the roof of the proposed building and that from the church, none of the site will be seen when there is foliage, because of a cluster of existing trees approximately 100 feet thick that surrounds the rear of the building. He said that during the winter months, their proposed berm and landscaping of evergreens will make it so the building can’t be seen.

Mr. Ewald said the applicant did a site inspection after it was mentioned at the last public hearing that storm water runs across the driveway. He said the applicant did not see any infrastructure coming across there. He said that the majority of the water running in the rear comes to the pond area and that the small portion that comes across the driveway has already been factored into their storm water pollution prevention plan.

Ms. Cleaver commented on the plan to plant wildflowers all through Lot #4 and said she thinks the planting is much improved.

Mr. Garling said he has looked at the drainage and feels that it is running across the driveway onto the church property before it gets to the North Jersey site because the entire road goes downhill toward 17M. He said he has reviewed the landscaping and thinks the screening is going to be very effective from all sides.

Mr. Garling questioned if the application was for Phases 1 & 2 stating that he had reviewed the plans and written a negative declaration based on both phases. Mr. Singer said that the applicant is looking for approval from the PB for both phases.

Mr. Turner said that in the applicant's latest landscaping plan, forty evergreens about 8 feet tall plus indigenous trees and shrubs are being proposed to provide "a considerable amount of screening from every angle."

Mr. Hoffman reported that he had received correspondence from the DEC stating that the site is a "hot spot" and that the applicant is revising its plan and is going to go with a full wet pond. He said he'd like the opportunity to look at the recently received plans and wants the public to have the same opportunity.

Mr. Bergus asked about the materials to be used for the parking area, stating that Mr. Lindsay had said that the crushed gravel won't provide an adequate base for maneuvering tractor trailers. Mr. Hoffman said the applicant should provide a specification on the material that is going to be used.

Mr. Turner asked if the public hearing can be closed, citing time issues involving the closing on the purchase of the property. Mr. Hoffman said he recommends keeping it open, stating that the plans were received on May 29th and there hasn't been a chance to review them. He said he doesn't think the public has had an opportunity either. Mr. Halloran said that one individual has come in to review the plans. Mr. Huddleston recommended keeping the public hearing opened since the public has only had a few days to review the plans and the PB's engineer and legal counsel are recommending that it be held open.

Mr. Huddleston asked for public comment.

Ron Korycki, 12 Korycki Lane, said he wants to see screening where the new house is, stating that there is none proposed and there is a void there. Mr. Huddleston asked Mr. Garling and Mr. Ewald to meet with Mr. Korycki on site to look at the particular area mentioned by him. Mr. Korycki said he wants to make sure that the site will be for the "storage of trailers only, no trucks", and asked for specific wording in the resolution specifying the parking of trailers only. Mr. Korycki questioned the size of the plantings, saying that if too high, the road will be shaded and the snow won't melt.

Patricia Gersbeck, adjoining land owner, said she wants to set the record straight on the drainage and the water crossing the road. She said there are two pipes where the water is draining under the road and that if those pipes weren't there, the road would be completely washed out in a heavy rain. There is a drainage problem there, she said, "we

have corrected it so that we can get in and out so there are pipes there.” Mr. Garling said he will look for the pipes when at the site. Ms. Gersbeck asked about the noise from the site. She was told that the distance from the church to the building is over 1000 ft. and that the majority of the work on the trailers will be indoors. Mr. Eward said there won’t be any idling trucks in the parking lot and the operation will be closed on Sundays. Mr. Hoffman said he doesn’t see noise being of particular concern.

Mr. Golden said that the road meandering along the boundary line, meanders right on, over and back of the property line serving the lots on the backside of 17M. He asked if there are existing easements with respect to this road, saying the rights should be clarified so there aren’t problems in the future. Mr. Ewald said there is an easement, but the applicant doesn’t know yet exactly where it is, there are no metes and bounds, no easement shown in the title report, only on the maps.

Mr. Golden recommended to the PB that they make a condition of approval that an easement has to be entered into to guarantee access to the back lots. Mr. Huddleston said he would be “uncomfortable not having the easement defined.” He said the PB has a responsibility to ensure the integrity of the access for the people who would utilize that. Mr. Turner said the applicant can define it with a sketch, but doesn’t want to spend the money on a full legal description. Mr. Golden instructed the applicant that, “provided the Orange County Clerk will accept whatever description you have there, it is fine with me.” He told the applicant that if they want to hurry the application along, they should have it by the next meeting.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Planning Board of the Town of Goshen adjourns the public hearing on the application of New Jersey Trailer & Truck to June 19, 2008. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Israelski, the Planning Board of the Town of Goshen types the application of New Jersey Trailer & Truck as an “unlisted action”. Passed unanimously.

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

Public Hearing

Dickerson – 13-1-69 & 37.1 – 92.90 acres, 2-lot subdivision located on Dunmore Lane, Gibson Rd., and Route 17A in the RU zone with an AQ3, AQ6 and scenic road corridor overlay. Possible Final approval pending 239M.

There was no one present for the public hearing.

Mr. Halloran said he has received the County's 239 Referral and the application was designated a "local determination".

Mr. Esposito described the project as a two-lot subdivision located on 17A with Lot #1 being 9.2 acres with an existing house and 6.5 acres under a conservation easement and Lot #2 consisting of a proposed house serviced by individual well and septic, with access via a driveway up to Dunmore Lane. The balance of Lot #2 will be 83.6 acres, he said.

Mr. Hoffman said he has asked the applicant to design a full replacement septic system for the existing lot, in the event the septic fails. He said he witnessed a test and that it appears the lot is capable of supporting another septic system so that has been satisfied.

Mr. Garling said he has prepared a negative declaration and has no other issues with the application.

Mr. Bergus said that the well detail, accompanying notes, and the separation distance table, do not conform to the new guidelines that went into practice at the end of 2007. Mr. Esposito said he will tell the project engineer that it has to be updated.

Mr. Golden said there are several Findings that the PB must make prior to any approvals. The Findings will be incorporated in the Resolution, if approved, he said, and read the proposed findings to the PB.

Finding #1 – The PB finds, in accordance with the requirements for the Scenic Road Corridor Overlay District, that this project will not result in the degradation of scenic character; will be aesthetically compatible with its surroundings; will minimize the removal of native vegetation, except where such removal may be necessary to open up scenic views and panoramas; and will locate and cluster buildings and other structures in a manner that minimizes their visibility from the road to the greatest extent practical.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Planning Board of the Town of Goshen approves Finding #1 on the application of Dickerson. Passed unanimously.

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

Finding #2 – The PB hereby waives the Environmental Control Formula as permitted by Section 97-18(D)(3) because the Applicant demonstrated, through site-specific soils testing and analysis to the satisfaction of the Planning Board and the Town Engineer, that the lots were appropriately sized and designed to accommodate the individual septic systems proposed.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Planning Board of the Town of Goshen waives the Environmental Control Formula on the application of Dickerson. Passed unanimously.

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

Finding #3 – The Project presents 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 cannot 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.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen approves Finding #3 on the application of Dickerson. Passed unanimously.

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

Mr. Golden mentioned that everything in the plan should say “AQ3” not “AQ6” as referenced in some places. He also told Mr. Esposito that a correction needs to be made on Plan D-1 #17 where there is a blank after “shall be valid for a period of...”.

The PB discussed shade trees along 17A and Code requirements. It was determined that three shade trees will be provided and that it will be left to Mr. Esposito’s judgment exactly where the trees will be planted along 17A.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen types the application of Dickerson as an “unlisted action”. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Planning Board of the Town of Goshen declares its intent to be lead agency on the application of Dickerson. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Planning Board of the Town of Goshen issues a negative declaration on the application of Dickerson, declaring that the application as proposed will not have an adverse impact on the environment. Passed unanimously.

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

Mr. Golden said he has drafted a Proposed Resolution of Approval of the minor subdivision for both preliminary and final and read the eight specific conditions of the approval as follows:

1. The Applicant must comply with all the requirements of the Goshen Town Code including, but not limited to Sections 97-29(G) through (J) except where site features are screened from the road.
2. Wetlands and any required buffers are to be marked on individual lots prior to signing of the plans. The Applicant must use proper Environmentally Sensitive Area (“ESA”) signage where applicable, and have such signage in place prior to any site disturbance.
3. The Applicant must mark the clear limits shown on the plans prior to the signing of the plans, and mark them also in the field prior to construction to ensure the objectives of open space conservation are met.

4. The Applicant shall place a Conservation Easement over the lots as indicated in the plans, enforceable by the Town, which shall be drafted to the satisfaction of the Town Attorney as to form, including ongoing maintenance standards that will be enforceable by the Town against an owner of open space land to ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials. The filing of the conservation easement must occur prior to the issuance of any Building Permits.
5. The Applicant shall provide deed restrictions, acceptable to the Planning Board attorney as to form and proof of filing for Lots 1 and 2, which incorporate by reference the Scenic Road Corridor Overlay restrictions contained with Section 97-29 of the Town Code.
6. The Applicant must demonstrate compliance with Town Code Section 97-41 (F) prior to issuance of any Building Permits.
7. Three shade trees shall be added to the plans along State Route 17A prior to the signing of the plans.
8. The 23-lot Dickerson subdivision, of which this two-lot subdivision was a part, that previously received a Preliminary Approval has been abandoned, without prejudice to a new subdivision application being submitted.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Planning Board of the Town of Goshen accepts the Resolution granting preliminary and final subdivision approval on the application of Dickerson, based on the conditions read and the facts previously found. Passed unanimously.

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

Items for the Planning Board to discuss

Mr. Halloran advised the PB that the Town of Wallkill scheduled a public hearing for June 26, 2008 on the sale of the Echo Lake property. He said the Town of Wallkill has declared itself to be lead agency with regard to the sale and with regard to access off of that property over the Heritage Trail onto Echo Lake Rd. He asked the PB if it wants legal counsel to respond. Mr. Huddleston said the Town is an involved agency because it is in the Town of Goshen and Mr. Golden said an objection could be filed with the DEC stating that the Town of Goshen wants to assume lead agency, if it is timely. Following discussion, Mr. Huddleston asked Mr. Golden to make the objection to the DEC.

ADJOURNMENT - The Planning Board of the Town of Goshen adjourned at 9:20 p.m.

Ralph Huddleston, Chair

Notes prepared by Susan K. Varden