

APPROVED MINUTES

Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924
June 21, 2007

MEMBERS PRESENT

Reynell Andrews
Lee Bergus
Susan Cleaver
Mary Israelski
John Lupinski
Ray Myruski

ALSO PRESENT

Neal Halloran, Bldg. Insp.
Joe Henry, Engineer
Rick Golden, Attorney
Kelly Naughton, Attorney
Graham Trelstad, Planner
Ed Garling, Planner

CALL TO ORDER

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

Muhlrad – 20-1-149 – 13.9 +/- acres, located on Route 17A, in the CO zone with an AQ3 & stream & reservoir overlay. Site plan approvals for warehouse recreation use and office use. Building renovations.

Present for the applicant:

Steve Esposito
Al Muhlrad, Owner

Mr. Muhlrad has two separate applications. This application is to renovate the existing building which houses a gym in the front and warehouse space in the rear. The applicant wants to convert 27,000 square feet of the existing warehouse space to a recreational use. This is a special use under the current code, Mr. Esposito said. There would be four fields, three turf and one hard surface for indoor training for soccer, lacrosse and football. The fields are small, for training only. The parking will be in the back of the building, which is currently gravel. There is adequate parking, we don't have to change the footprint of the building or the gravel there now, Mr. Esposito said. An existing loading area in the rear will be removed so there will be a reduction of impervious surface by 1200 sq. feet, he said. In addition to the training fields, there will be a center corridor, meeting rooms, rest rooms, a reception area, office and lunchroom. Mr. Muhlrad has his own sewer treatment plant that services the facility, it runs on average at 5,000 gallons a day and is currently permitted for 25,000 gallons a day. Water comes from the Village of Florida and the building is 100% fire-sprinkled, he said.

The applicant anticipates about 60 people, including employees, using the facility at one time. There are already 80 spaces there for parking. There will be two separate entrances with no access between the two separate companies.

Mr. Huddleston said it looks like a good ratable, commenting that it has its own sewer, its water comes from the Village of Florida and the changes are to the interior.

Mr. Garling said it will require a public hearing and will be sent to the County Planning Dept. Mr. Golden said there will have to be a 239 Review because it is on the highway and that the Village of Florida will need to be notified. He also recommended notifying the DEC.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby types the action, the application of Muhlrاد Building Renovation, as “unlisted” for the purpose of SEQRA.

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

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Planning Board of the Town of Goshen declares its intent to be Lead Agency on the application of Muhlrاد Building Renovation Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby sets a Public Hearing on the Muhlrاد Building Renovation application for August 2, 2007. Passed unanimously.

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

Muhlrاد – 20-1-148 – 16.3 +/- acres, located on Route 17A in the CO zone with an AQ3, scenic road corridor and stream & reservoir overlays. Warehouse expansion.

Present for the applicant: Steve Esposito
Al Muhlrاد, Owner

The application is to expand the existing warehouse on the south side of the building where the present wire operation is currently housed. It is currently 8,150 square feet. The proposal is for a 175 x 50 foot building addition. Approximately 1,000 sq. ft. will be used for a wholesale meat distribution business. It will be connected from the inside and outside. The area for the proposed expansion is currently a gravel and paved area. Mr. Esposito said the applicant is required to have 16 parking spaces, but is proposing 17 spaces on the existing gravel area. Approximately 1,000 sq. feet of asphalt will be removed and converted to lawn.

Ms. Israelski asked the applicant for some landscape entrance design off Route 17A. Mr. Muhlrاد said he is willing and that Mr. Esposito will put a plan together. Mr. Myruski asked if two completely different types of operation in the same building is a conflict. It was noted that both are permitted uses. It was stated that the site is on public water and Mr. Bergus asked about the well on the property. Mr. Muhlrاد replied that it is a standby well for emergencies, and has not been used.

Mr. Garling asked about the number of trucks and employees and asked that truck parking be shown. Mr. Muhlrاد responded that there will be two trucks and possibly four employees. Mr. Esposito said the plans will show the 17 parking spaces required by the Code but said the applicant can “bank them” because there is plenty of existing parking in the front of the building.

Mr. Halloran said while it has nothing to do with this application, that Mr. Muhlrاد is planning on constructing a new building in front of his property. Mr. Muhlrاد said there are plans for probably more than one building for office space.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby types the action, the application of Muhlrاد Warehouse Expansion, as an “unlisted” action under SEQRA.

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

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen declares its intent to be Lead Agency on the application of Muhlrاد Warehouse Expansion, with notice going to the County, the Village of Florida and the DEC. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby sets a Public Hearing on the Muhlrاد Warehouse Expansion application for August 2, 2007. Passed unanimously.

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

Mr. Muhlrاد commented that one project cannot happen without the other.

The Planning Board took a short recess for an attorney/client meeting in connection with attorney matters in connection with the next applicant.

Heritage Estates – 8-1-9.22 – 249.76 +/- acres, 92 dwelling units located on Old Chester Rd. & Brookside Dr. in the HR & RU zone with an AQ6, AQ3, scenic road and stream & Reservoir overlays. Review of the State Environmental Quality Review Findings Statement

Planner Graham Trelstad distributed a “red-lined” version of a draft of the Findings Statement dated 6/20/07 incorporating comments he had received from PB. It was the first time the PB members had seen this red-lined version.

Mr. Trelstad said that in this draft the “estate lots” are now referred to as “Lots 88 through 93”.

Mr. Trelstad said that since the 5/9/07 draft, the Building Inspector has interpreted the Code and determined the base density at 52 units, not including the 5 proposed estate lots or the 4 existing dwellings on the property, for a total of 61 units. His interpretation of the Code is that property that would not be served by public water and sewer require a different calculation of density from the open space subdivision, so there are 9 units on that side of the property plus the 52 in the cluster subdivision for a total of 61 units.

Mr. Trelstad said he added language with respect to discussions regarding the density bonuses and the need to amend the conservation easement. Mr. Trelstad said that most of the changes he has made from the original draft are the result of the zoning analysis that came out of Mr. Halloran’s interpretation and the discussions of the previous month.

Mr. Trelstad noted that one substantial addition to school impacts is that the Findings Statement uses two sources of data, Rutgers University and the school board's preliminary enrollment projections. He said the school district has been asked for data but haven't gotten it assembled yet. Using the Rutgers University data, the top range of school age children would be 48 to 75, with 62 as the medium point. Using the second source of information, the school board's preliminary enrollment projections, those 62 students represent 8.1% of the preliminary projected increase in enrollment for the 2016-2017 school year which does not include estimates from projected new developments. When that report is updated with the available information the school district has requested from the towns, he projects the 8.1% figure will decrease because they will have more population from the new housing as part of the projection.

Mr. Trelstad said he removed "most likely" from the document and replaced it with "in the event that".

Mr. Golden said there will be two major documents for the PB to act on at its next meeting - The Findings Statement and The Resolution with potential conditions that will be placed on any approval should the PB decide to approve the project. The two are related, Mr. Golden said, and there is overlap, but they are two separate documents, one to summarize for the public and the PB what environmental analysis the PB went through and what are its findings based upon that analysis and then the Resolution which sets forth approval based upon certain conditions.

The PB members reviewed the findings statement, page by page with Mr. Trelstad and made the following changes:

Page 1 – Additional approval will be required for wetland permits – need to add NYS Dept. of Health and, for wastewater disposal, the NYS DEC.

Page 5 – Mr. Halloran said he has had a subsequent conversation with Mr. Esposito and has revised the base density to 69 which includes the four existing units. Mr. Halloran said that if the PB deems there is enough information to decide that there is enough water, then the applicant is entitled to the 69 lots, lacking that they would have a reduced number of 64 lots, citing Section 97-20.A of the Code. Mr. Trelstad said he will revise the statements on page 5 to be consistent with Mr. Halloran's interpretation of the Code. Mr. Golden said to have the Findings Statement indicate that it is either the 69 or the 64 dependent on the PB determining whether or not the applicant is entitled to the higher or lower lot unit.

Page 6 – Statement regarding bonuses: the proposed trail was determined "not to be a significant recreational benefit to the Town and the additional open space provided is used for improvements related to project development such as well

sites and well access roads and, because of this, and because of the lack of true public access to this additional open space, the applicant is entitled to only 12 density bonus units.”

Mr. Trelstad said he made the following addition to reflect the changes asked for by Mr. Cleaver and Ms. Israelski: “...The PB has determined that the Conservation Analysis must be amended to conform with the current proposed project. The amendments, to be adopted at the time of Final Plat approval, will allow for minimal disturbance within primary conservation areas to allow installation of wells and associated piping as well as access roads. The Conservation Analysis must also be amended to identify trees greater than 12 inches in diameter that would be removed within the area to be disturbed.” Ms. Cleaver asked to add “to the greatest extent possible” after “...allow for minimal disturbance”.

Mr. Trelstad also noted that he had added “to ensure future compliance and consistency with the water supply testing conducted for this site, the Final Plat must include notations and appropriate deed restrictions limiting the bedroom count on each approved lot. Restrictions on accessory units may also be imposed.”

Page 8 – 4 - Changed to: “The applicant has submitted information relevant to its obligations under Section 97-27, “Aquifer Overlay District,” through a water testing protocol...”

Page 9 – Add at end of first paragraph “and demonstrate full compliance with Sections 97-41 of the Town Code.”

Mr. Lupinski questioned whether the paragraph needed both statements and Mr. Huddleston said that the Building Inspector has interpreted that it needs both statements; complying with Section 97.41 and statement “proposed buildings will not protrude above treetops and the crest line while still preserving the primary and secondary conservation areas identified in the conservation analysis.”

Page 10 – Items 6. Substitute “plan” for “plat”.

Page 10 - Under Vegetation and Wildlife. Ms. Cleaver asked about the bog turtle. Mr. Trelstad said that The Southern Wallkill biodiversity study lists species that could be in the area, like the bog turtle and grasshopper sparrow as potential species but the site specific study that was conducted did not identify those on the site. Mr. Huddleston said that the FEIS did state that there were bog turtle habitats there so that should be included. He said he believes it is worded appropriately.

Page 12 – Under “Groundwater Resources” Changed to read: “As indicated in the DEIS, the project was analyzed with estimated water consumption for the project

of 26,100 gallons of water per day, for domestic residential use, based upon a total of ____ units.” (to be determined)

Page 17 – Last paragraph changed to “The development of an on-site wastewater treatment plan was only discussed conceptually in the DEIS, and no design was offered to the Board for review, since it is proposed that the project be connected to the Village wastewater treatment facility.”

Page 20 Item 3 - Add at the end of the last sentence. “The width and specifications of the emergency access shall be determined by the Town Board prior to final plat approval.”

Page 21 “Community Services and Facilities” - Ms. Israelski said she did her own study on the impact on school enrollment. She looked at relatively new neighborhoods like Brookside Drive, Woodcrest Lane and Breezeway and the number of school age children attending Goshen public schools, eliminating babies, college students and parochial students. She found 1.1 student per household for Breezeway, 1.7 on Brookside Drive and 1.7 per household on Woodcrest Lane. “On one application we see 1.3 students per household and on this application we see .75 students per household, and I don’t see how that number can change from one application to another,” Ms. Israelski said. She also said she has a problem with saying that this development, or any development, adds to the community economically when it does not. She said she would like to see her study included in the Findings Statement and suggested giving it a range, not just stating “.75”.

Mr. Trelstad said the statement in the Findings Statement that originally said the project resulted in a positive economic impact has been removed, and now says, on page 22: “The Planning Board wishes to clarify that the offset is not a complete offset and that there will likely be a negative fiscal impact to the school system.”

Mr. Golden said that although there will be tax revenue generated to expand services if necessary, the PB is clarifying that the offset is not a complete offset and that there will likely be a negative fiscal impact to the school system. Whatever the incremental difference between the studies, the Finding Statement won’t change, he said. He said he agreed with Ms. Israelski that the PB should settle on consistent statistics to be used in all of the DEIS’s, from one to the other. But for purposes of this Findings Statement, the statement is, even in the most rosiest of pictures, it is going to have a negative impact on the schools but there is nothing much you can do about that. SEQRA is simply an analysis of the environmental impacts and what you can do to minimize them, consistent with the law, and SEQRA also allows for impacts that cannot be avoided, he said.

Mr. Trelstad said he will add to page 21 – “A limited investigation of recent construction in the Town of Goshen suggests that the actual number of school children may be significantly higher.”

Mr. Trelstad said he will add a summary of impacts and identification of unmitigated impacts at the conclusion of the document.

Mr. Golden told the PB they will have a clean copy of the Findings Statement well in advance of their next meeting (July 5) and the Resolution of Conditional Approval which was circulated 6/12/07. Changes will be made to make it consistent with changes just made in the FEIS. He said he proposes an additional condition that states: “Prior to final approval, the applicant must re-submit the plans to reflect a plan layout consistent with the number of lots approved hereby that is satisfactory to the PB.”

Mr. Bergus suggested adding “and subject to the Town and Planning Board Attorneys” at the end of the sentence in Condition #5 of the Resolution.

Ms. Cleaver said she didn’t see a condition on blasting and Mr. Golden said that will be included as an additional condition. She complimented the attorney on a job well done.

Other Business: Engineer Joe Henry said he sought approval to revise the performance bond amount on the Houston Subdivision to reflect the additional trees that the PB wanted. Upon motion made by Mr. Myruski and seconded by Mr. Andrews, and passed unanimously, the bond amount was revised.

VOTE BY PROPER MOTION, made by Mr. Israelski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen agrees to go into Executive Session at 9:55 p.m. for the purpose of discussing use of professionals for four upcoming projects. It was stated that no public business would be conducted once the PB comes out of the Executive Session, except to close the meeting. The motion passed unanimously.

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

Ralph Huddleston, Chair
Notes prepared by Susan Varden

