

APPROVED MINUTES

Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924
August 2, 2007

MEMBERS PRESENT

Reynell Andrews
Lee Bergus
Ralph Huddleston
Mary Israelski
John Lupinski
Ray Myruski

ALSO PRESENT

Kelly Naughton, Attorney
Ed Garling, Planner
Neal Halloran, Building Inspector
Joe Henry, Engineer

ABSENT:

Susan Cleaver

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

Upon motion made by Mr. Bergus, seconded by Mr. Andrews, the minutes of the July 19, 2007 meeting of the Planning Board were approved with amendments.

Muhlrad – 20-1-148 – 16.3 +/- acres, located on Route 17A in the CO zone with an AQ3 scenic road corridor and stream & reservoir overlays. Site plan approval for warehouse expansion. And

Muhlrad – 20-1-149 – 13.9 +/- acres, located on Route 17A, in the CO zone with an AQ3 & stream & reservoir overlay. Special Use Permit for change of use to recreation and office use. Interior building renovations.

Present for the applicant:

Steve Esposito
Mr. Muhlrad, owner

Mr. Esposito stated that the applicant has two applications, a site plan application and a special use permit application. The site plan application is for expansion of an existing warehouse and the special use permit is for a change of use. Two tax parcels are involved, one is 16 acres and one is 13.5 acres, both located at 17A just outside the Village of Florida. He said there are now three buildings on the sites.

He said the applicant has provided two sets of site plans and the long-form EAF on both applications and documents relating to sewer and water. Mr. Muhlrاد currently owns and operates a waste water treatment plant, he said, that has the ability to treat 25,000 gallons a day. The plant operates below 5,000 gallons a day so there is extensive capacity for the two proposals, he said. Mr. Esposito also explained that Mr. Muhlrاد and the Village of Florida have a written agreement where the Village provides water to Building #3. He said that adequate water capacity exists.

The first application is an extension of the existing warehouse that would be 175 x 50 feet or 8100 sq. ft., the majority used for additional warehousing, and 1000 sq. ft for possible leasing. There is adequate parking, Mr. Esposito said. The Code requires the applicant to provide 17 parking spaces, which the applicant will show on the plans but won't use until needed.

The second application is a change of use of Building #3 to recreational use, which requires a special use permit, and is subject to PB review and approval. The change of use, it is presently a gym with warehouse space in the rear, would involve renovation inside the building of the rear warehouse space, with no physical change to the exterior with the exception of providing doors.

Ms. Naughton said the first public hearing will be limited to comments on the expansion of the warehouse building

Public Hearing opened on the warehouse expansion:

There were no comments from the public nor comments from the PB about expansion of the warehouse. Mr. Garling said the plans are ready for a negative declaration and approval but that based on site inspection of the outside existing storage area, a clean up of materials in the back of the building should be made a condition of approval. Mr. Muhlrاد said he had no problem with that request.

Mr. Henry asked that the warehouse plan indicate the total parking for the entire site. Mr. Esposito said that as a practical matter, anytime during the day only 50% of the front parking is used and said the applicant is meeting today's standards for their proposals. Mr. Halloran said he has never had any complaints from anyone about the parking situation being too crowded. Mr. Esposito said the warehouse proposal reduces the parking needs by a substantial number and that in the aggregate the parking demand has been lowered. Mr. Henry said that if the applicant is reducing the parking requirement, they should put a note on the plan that this is the parking required.

Mr. Garling said, "the parking is adequate, we all know that," but said they are just looking for numbers on a map showing the number of parking spaces required and the number proposed.

Mr. Huddleston asked, “Will a note that says the warehouse is being reduced 21,000 sq. ft. representing a reduction in the parking units required and we are leaving it as is be acceptable to everyone?” It was agreed.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Israelski, the Town of Goshen Planning Board hereby closes the public hearing on the application of Muhlrاد for the expansion of an existing warehouse. Approved unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Town of Goshen Planning Board hereby declares a negative declaration for purposes of SEQRA on the application of Muhlrاد for the expansion of an existing warehouse. Approved unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Town of Goshen Planning Board hereby grants preliminary and final approval of the Muhlrاد application for expansion of the warehouse, conditioned upon a note on the map referencing the reduced square footage relative to parking, that no Certificate of Occupancy will be issued if the Village of Florida changes its position from that stated in its letter dated July 25, 2007 that they provide the water, and any and all exterior lighting fixtures should reduce the potential sky illumination and nighttime glare. Passed unanimously.

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

Public Hearing opened on the change of use to recreational and office use:

Atticus DeProsporo of 7 Spruce Hill Lane, Goshen, urged the PB to approve the project because exercising for kids is vital, with child obesity at alarming levels, saying that physical fitness all year is important. He said his parents drive him and his siblings one hour to play indoor soccer, saying it consumes gas and adds to the pollution. “It is important to have a local facility where you can get good training and play indoor soccer,” he said.

Coleen Roth of 32 Pine Hill Drive, is on the Executive Board of the Greenwood Lake Soccer Club, and said that schools have only a limited time for the many indoor sports that are played and that adult indoor sports programs are also becoming very popular, stating she supports the proposal and said it is also supported by the Greenwood Lake Soccer Club and the Village of Greenwood Lake.

Joe Juliano of 13 Crescent Ave., Warwick, said there is a need for this type of facility in the area, with hundreds of parents and kids traveling long distances to find an inside sports facility in the winter. Mr. Juliano said he is a volunteer with the Warwick Soccer Club, a coach and parent.

Roderic Balquin of 73 Evan Rd., Warwick, said he is a Warwick Little League baseball coach and is always looking for a place to play in the wintertime. He said he is hoping to use this also as a training place for baseball and supports its approval.

Doug Bloomfield, Supervisor of the Town of Goshen, said he was very excited about both projects, saying they are tax ratables and will help the citizens of Goshen.

Mr. Esposito said this is an off-season training facility for many sports including basketball, baseball, football, lacrosse, softball, wrestling, and soccer. "There are no places in Orange County like this," he said.

Skip Howell, of 449 17A, lives across from the site and said he has no objections to the proposal but asks if traffic will increase coming onto 17A, saying he is concerned because there is also 112 housing units being proposed across the street.

Mr. Esposito said the answer is "yes, there will be additional traffic" but that it will be off-peak traffic, most occurring on weekends, in the evenings or after school, prior to the peak times. Mr. Garling said he had evaluated the issue of traffic, saying that while more traffic is anticipated, it is not peak hour traffic and the overall impact will not be of enough significance to require a traffic analysis.

Mr. Esposito said there will be four fields for training purposes, that they are 6500 sq. feet each.

Mr. Huddleston referred to a July 25, 2007 letter from the DEC regarding the Muhlrud application which said certain additional permits were needed. Mr. Esposito said he interpreted the letter differently, that all was done under permits issued ten years ago that the person who authored the letter was probably not aware of. He added that the proposal isn't disturbing any navigable water and he doesn't see an issue. Mr. Huddleston suggested moving forward but adding a condition of compliance with the DEC comments in their letter of July 25, 2007 to the Town of Goshen.

Mr. Esposito requested that the DEC condition be a condition of the Certificate of Occupancy, not a condition of approval. He said it was critical to obtain a Building Permit so they could start work inside. The PB agreed that with Mr. Esposito's request.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Bergus, the Town of Goshen Planning Board hereby declares a negative declaration for SEQRA purposes on the application of Muhlrاد for building renovation site plan and change of use. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby closes the public hearing on the application of Muhlrاد for building renovation site plan and change of use. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Bergus, the Town of Goshen Planning Board hereby withdraws its earlier motion, made before the Public Hearing was closed, to declare a negative declaration on the application of Muhlrاد for building renovation site plan and change of use. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Israelski, the Town of Goshen Planning Board hereby declares a negative declaration for the purposes of SEQRA on the application of Muhlrاد for building renovation site plan and change of use. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Town of Goshen Planning Board hereby grants preliminary and final approval on the application of Muhlrاد for building renovation site plan and change of use, conditioned upon: a note on the map referencing the reduced square footage in the parking, parking

spaces marked and painted and traffic control and speed limit signs posted, that no Certificate of Occupancy will be issued if the Village of Florida changes its position from that stated in its letter dated July 25, 2007 that they provide the water, that no Certificate of Occupancy will be issued if the applicant is not in compliance with the DEC comments in their letter to the Town of Goshen dated July 25, 2007, compliance with the Building Code’s occupancy and any and all exterior lighting fixtures should reduce the potential sky illumination and nighttime glare. Passed unanimously.

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

CMU Designers & Builders -5-1-1.121 – 46.63 +/- acres, 8 lot subdivision, located on Phillipsburg Rd in the RU zone with AQ6 & stream and reservoir overlay. Conservation analysis.

Present for the applicant: Steve Esposito

Mr. Esposito said he has submitted the conservation analysis on the site located on Phillipsburg Rd. and identified the primary resources which are wetland slopes. There are no flood plains on the site, he said. It’s been determined that there are 6 acres of constrained area, netting an unconstrained area of 40.6 acres, Mr. Esposito said.

Mr. Esposito said the applicant wants to preserve, in the best way they can, the woodland in the back of the property and use existing topography to screen and buffer. He said the applicant is looking at two areas for access, saying one alternative is to try to keep the horse farm, and coming into the property from the south but said this alternative would create the need for substantial offsite improvements or using the northern access point which would be the easiest way to get on site but would eliminate the farm. He said it hasn’t been decided how to develop it yet, that costs have to be evaluated.

A walk of the site for the PB members was scheduled for Aug. 8 at 5:30 p.m.

Mr. Henry said when he walked the site he noticed that the area between the riding barn and the arena is a steep slope and is not shown on the plans and that on some of the soil mapping, the symbols are not provided in the southern area of the site.

Maplewood – Salesian Village - 8-1-48 - a 94 acre hamlet residential, open space subdivision in an HR & RU zone with an AQ6 scenic road and stream corridor overlay.

Present for the applicant: Don Geuron & Steve Esposito

Mr. Esposito said that the draft EIS along with the preliminary subdivision plans and site plans have been delivered and an escrow check brought today. Mr. Halloran acknowledged receipt of the escrow check.

Ms. Naughton told the PB that after receiving the DEIS, it has the next two meetings to determine if it is complete, meaning the consultants would have to have their comments in by August 10th, unless the applicant waived the 45 day time frame. The applicant was asked to waive the 45 day time frame. The applicant agreed to give the PB two additional weeks, or until September 20th to determine if the DEIS is complete.

Hendler – 10-1-56.2 & 56.3 – 77.06 +/- acres located on 6 ½ Station Road and Cheechunk Road, in an RU & CO zone with an AQ6 and scenic road overlay, for a Planned Adult Community with 154 units and 7-lot residential subdivision,. Possible FEIS Completeness.

Present for the applicant:

Ross Winglovitz

Mr. Winglovitz noted that the subdivision plan was signed and sealed by the surveyor and delivered to Mr. Henry and the PB.

Mr. Huddleston referred to a letter from consultants, AKRF, dated August 1, 2007 saying that the revised FEIS had been reviewed and the majority of the previous comments addressed satisfactory. The letter stated that the FEIS was in an acceptable condition, and able to be approved as complete.

Mr. Winglovitz said the applicant had met at a work session with the Town's consultants, including Karen Schneller-McDonald from Hickory Creek, and PB member Sue Cleaver. He said the applicant has agreed to participate in the study with other developers regarding the wetlands and the impact of pollutants, requested by Ms. Cleaver. He said they also incorporated additional mitigation for the chloride, also asked for by Ms. Cleaver, which is snow storage areas and the under-drain systems for those storage areas.

Mr. Winglovitz said he needs a better understanding of Ms. Israelski's visual concerns. Ms. Israelski said that like Harness Estates in the Village of Goshen, the applicant's project will have a similar visual impact, only much more so. "I see it as having a significant negative visual impact. Just look at what happened with Harness Estates, it is an example of what is going to happen here," she said. Ms. Israelski said that while the applicant is proposing a substantial amount of new plantings, she is concerned that the plantings will not flourish and asked where the water will come from to make the plants grow to help with the mitigation of the visual impact. She said there will be significant negative visual impact from far away and told Mr. Winglovitz that the mature trees on all four sides of the property should be kept to mitigate the impact. The whole development will sit on the hill and the applicant plans on knocking down all 40 to 50 foot trees. She

said that she likes the idea of a Planned Adult Community but said she doesn't interpret the Code as an entitlement to the proposed density, and would like an interpretation of whether there is entitlement.

The Code says the maximum amount you are going to get is "x", it doesn't say you are guaranteed "x", Mr. Halloran said.

Mr. Winglovitz said he thinks "The site plan was an evolution of that concern from where it originated around the hill to tucking it in behind the hill so the scenic view shed along 6-1/2 Station Road would be preserved. That was the idea." He went on to say that the only opportunity to view it is when you come straight in front of the site but Ms. Israelski disagreed, saying it can be seen from Phillipsburg Road and is going to have a significant negative visual impact from Route 17.

Ms. Israelski called for "standards as to when to discuss density". Applicants go on as if they are entitled to their density, she said.

Mr. Winglovitz said that 174 units are permitted under the Code and the applicant is proposing 154, saying it is "significantly less than is permitted".

Mr. Winglovitz said the applicant is willing to provide a landscaping bond to insure the longevity of the 800 plantings in their landscaping plan. Ms. Israelski said the watering and maintaining would have to go one for at least a couple years and Mr. Huddleston suggested setting up a maintenance and management plan for 3-5 years.

Ms. Naughton reminded the PB that they are to determine if the FEIS is complete. "They have identified issues and they think they have mitigated them to the greatest extent practical, if you don't agree with their mitigations, you can discuss that in your Findings," she said.

Mr. Halloran said that the PB's environmental consultant, Hickory Creek, said at the staff meeting that any outstanding issues could be addressed in the Findings.

Mr. Huddleston reminded the PB that "saying the FEIS is complete is in no way saying we have given approval to the project." He asked if anyone thinks there is an issue that has not been addressed in the FEIS. No one responded.

A poll of PB members, asked if the FEIS was complete, resulted in the following responses: (6-0 affirmative responses)

Mr. Bergus: "Yes, as long as the issues raised by Hickory Creek were acceptable to our professionals at the staff meeting.

Ms. Israelski: As long as the professionals concurred.

Mr. Andrews: Agree
Mr. Myruski: Agree
Mr. Lupinski: Agree
Mr. Huddlston: Agree

Ms. Naughton stated that the applicant is behind in their payment of escrows and that the Town Code allows an employee to suspend any forward motion on an application so nothing will go forward with the Findings or Preliminary Approval until the escrow is paid.

ADJOURNMENT:

VOTE BY PROPER MOTION, made at 9 p.m. by Mr. Andrews, seconded by Mr. Bergus, the Town of Goshen Planning Board agrees to go into Executive Session for the purpose of personnel issues dealing with the assignment of plans to professionals with no intention of doing any additional business after coming out of Executive Session. Motion passed five to one.

Mr. Andrews	Aye	Ms. Israelski	Aye
Mr. Bergus	Aye	Mr. Lupinski	No
Mr. Huddleston	Aye	Mr. Myruski	Aye

Ralph Huddleston, Chair
Notes prepared by Susan Varden