

**APPROVED MINUTES**  
**Town of Goshen Planning Board**  
**Town Hall**  
**41 Webster Avenue**  
**Goshen, New York 10924**  
**October 18, 2007**

**MEMBERS PRESENT**

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

**ALSO PRESENT**

Ed Garling, Planner  
Joe Henry, Town Engineer  
Dennis Lindsay, Engineer  
Kelly Naughton, Attorney  
Neal Halloran, Building Inspector  
Richard Golden, Attorney

**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 October 4, 2007 meeting were approved with modifications upon motion made by Mr. Myruski, seconded by Mr. Bergus. Motion passed.

**Howell's – 20-2-18 – 2.8+/- acres**, proposed 2,800 sq. ft. commercial building on Industrial Drive in the CO zone with an AQ3, scenic road corridor and stream and reservoir overlays. Special Use Permit.

Present for the Applicant: Michael McGovern, Lan Associates

Mr. Halloran said that the wetlands have been re-delineated since the last time the PB looked at the application, and determined that they are Army Corp. of Engineers' wetlands, not DEC wetlands. He said there are DEC wetlands one lot over.

Mr. McGovern said the property is vacant and located on the south side of Industrial Drive. The plan is to develop it for the owner's landscape contracting business and construct a 2800 sq. ft. single-story warehouse type building, with a two bay garage, two offices and two bathrooms. He said it meets all zoning requirements. He said the three abandoned trailers currently on site will be removed. The building dimensions are 80 ft. x 30 ft. and it will be a pre-engineered butler building with a pitched roof. Six parking

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spaces will be provided and six spaces will be shown on the drawings as “banked”. He said there will be a new road entry off Industrial Drive with a macadam apron the first 50 to 60 feet, then gravel. He said extensive landscape buffer of Norway spruce and White Pine will be provided alongside the north side of the site. There will be a separate septic system, a garbage enclosure and surplus storage enclosure on the east side of building to house surplus landscape materials. There will be a sign at the main entry of the road. Building lighting will be provided with lighting shields in both the front and back. He said the referral application has been sent to the Orange County Planning Department.

Mr. Huddleston asks for public comment. There was none.

Mr. Lindsay said his office witnessed the perk tests and said that while there was trouble at the upper layers, the applicant dug deeper and found good soils at a lower level and they are replacing some of the materials so they will have a good bed underneath their absorption bed.

McGovern said the actual gallon per day water usage at this facility will be minimal.

Mr. Lindsay said the applicant modified the plans and that while there was a question about coverage on the site, they have 5% coverage and are well within the requirement. He said a seepage pit was required and provided. He added that some notes on the sheets require corrections.

Mr. Lindsay said that there is a drainage easement that runs alongside the western side of the property that the PB’s attorney will want to look at. Mr. Golden told the applicant to submit the easement documents so he can determine whether it has any impact on the proposal.

Mr. Lindsay suggested that the PB place some limitations on what the applicant can store, and the height of those stored materials in its outside 6 foot cedar storage enclosure. Mr. Garling said there should be no storage on the property except in the fenced in area and a plan note that the site will be left in its natural state, except in the building areas.

The PB discussed storage inside the fenced area and decided they want materials no higher than 5 ft., with the exception of shrubs and trees and agreed that the stored materials should be inert materials and plants, nothing that could be a possible contaminant problem. This should be included as a note on the plan. They recognized the action as a Type 2 action relative to SEQRA.

Mr. Huddleston instructed the applicant to make the note changes on the plans, get the easement to the attorney for review and submit final plans for a final review.

**Hausner – 13-1-47 – 9.6+/- acres**, located on Gibson Rd in the RU zone with an AQ3 overlay. Special use permit for a dog kennel.

Present for the applicant: Anthony Meluso, Engineer

Mr. Halloran reported that County Planning has responded that they have no comments to make on the application.

Mr. Meluso said that some of the requested changes, buffering in the corner of the property, fencing and additional screening has been done. He said that two additional perk holes were dug this week and gave better results than in August.

Mr. Huddleston said that at the last meeting the PB had decided to limit the applicant to 12 dogs for the first year, and if there were no complaints, that the Building Inspector could grant approval to house 16 dogs. Ms. Hausner was told that ultimately the PB will determine the validity of a complaint.

The PB talked about what materials could be used to insulate the kennel for noise. Mr. Meluso said the applicant plans to use standard wall installation. Mr. Lindsay acknowledged that the applicant has proposed a number of sound mitigations but said he sees the problem with noise possibility coming from the open ends of the dog runs. He said the applicant should look at insulations that are designed for sound. Mr. Huddleston said the applicant should give detail of how the insulation will be provided, with the Town Engineer reviewing it to see that it is a good use of the particular product. The PB decided not to require the applicant to do anything presently at the end of the dog runs, but to wait to see if it needs addressing in one year.

Mr. Lindsay said the applicant wants to provide the design of the waste water system for review prior to issuance of building permits and said he has no problem with that since the application is for a kennel, not a house. He said he has provided the applicant with a list of what he would want to see in a waste water system.

Mr. Garling said his calculations show the square footage as under 4,000 and asked the applicant to check the numbers. He said that the trees shown on the plan are about 20 ft apart, not ten feet apart as proposed. He said the plans need to show the correct number of trees and distances between them.

It was decided that a condition will be that the applicant provide revised drawings subject to approval by the Town Engineer and Building Inspector.

**VOTE BY PROPER MOTION**, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board hereby recognizes the application of Hausner as a Type

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2 Action for SEQRA purposes and approves the application with the conditions mentioned. Passed unanimously.

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

**Tirelli – 17-1-90, 3.80 +/- acres** located at 108 Maple Ave in the RU zone with an AQ3 & scenic road corridor overlays. Site plan for pond.

Present for the applicant: Joseph Munuto & Jennifer Sheldon

Mr. Halloran said the owner of the property made a pond out of the wetlands on his property and the Army Corp of Engineers is ignoring it because it is a relatively small pond. The PB’s decision will be whether to require the owner to return it back to wetlands or allow it to continue as a pond.

Mr. Munuto said the owner constructed the pond not knowing he would need a permit. He said that the PB had instructed him to provide sizing details for stabilization and an outlet structure and that he has done so. Mr. Huddleston said that what brought this about was that there was a washout situation in the spring, and the PB told the applicant to stabilize what was there. Mr. Huddleston said the Army Corp won’t come out for violations under one acre. He stated that the discharge goes into the existing Army Corp. wetlands which ultimately flow into the Wallkill River. He asked if the pond structure and an adequate weir can be maintained to avoid a flooding situation again. Mr. Henry said it could not avoid flooding from a 100 year storm. He said there needs to be a maintenance plan to find out how large a storm it can handle.

Mr. Huddleston polled the PB to determine how many members wanted the applicant to keep it as a pond or turn it back to its original state. Four members, Mr. Bergus, Ms. Israelski, Mr. Andrews and Mr. Myruski want to see it as a pond with Mr. Myruski saying that one it assets will be to provide a source of water to fight a fire. Three members, Mr. Huddleston, Mr. Lupinski and Ms. Cleaver, want the site returned to wetlands, with Ms. Cleaver saying she was concerned about setting a precedent. She said there are already two or three people who have built ponds without permits. Ms Cleaver said she wants to see an annual inspection and make sure that absolutely no chemicals are allowed, since it leads to other wetlands and streams.

Mr. Henry said he had a list of comments to forward to the applicant and the PB.

It was mentioned that a condition of approval can be an aeration thru fountain, or similar mechanical device and a prohibition of chemicals to avoid a stagnant pond.

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Mr. Huddleston said that “the Town should really look into its own wetlands law, because you have people who violate the law, get what they want and say the penalty is worth it if I get the pond. They have violated the wetlands and we have no enforcement control on it except after the fact.”

Mr. Golden said he thinks the Army Corp of Engineers’ jurisdiction is going to fade away in many areas and suggests that Towns adopt, for their own Town wetlands, the definition of the Corp’s wetlands.

It was stated that the Town Engineer would be performing an annual inspection for structural integrity and maintenance of the system and the cost would be borne by the owner.

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

Present for the applicant: Chad Wade, Esposito & Associates

Mr. Wade showed the PB an alternative sketch plan similar to the original in terms of the road alignment for Phillipsburg Rd. He said the culdesac has been shortened approximately 300 ft. to get it inside the slope. This plan cuts the clearing down and cuts off one house, he said. The road comes in and preserves the one tree line. Everything is closer to Phillipsburg Rd., he said. “We will be looking for a 100 foot waiver, if possible, based on the health, safety and welfare and we think this is a big safety issue in its existing condition, and by giving us the waiver we will be able to get a couple extra lots that are needed to make it economically feasible to fix the road. We are looking for an okay to move ahead,” Mr. Wade said.

Ms. Cleaver said she is looking for more open space and asks why the lots can’t be smaller. Mr. Wade said that if the lots are squeezed anymore, “you are going to get more into your secondary resources. It is designed this way to save them to the maximum extent possible.”

Mr. Garling talked about common driveways and Ms. Cleaver talked about narrowing the lots and stacking the 12 houses along the culdesac, providing a more contiguous open space area, although not public access.

Mr. Bergus said he wouldn’t want to see the homes facing each other. He said he likes the design but wants to see the driveways shared off the culdesac. Ms. Israelski said she likes the design as is, with separate driveways. Mr. Myruski said he too wants to see separate driveways but is willing to look at something different. Mr. Huddleston said he likes the current plan and added that the PB’s instruction early on was that they’d like to see the road fixed. Mr. Lupinski said he likes the realignment of the road and thought the

plan is basically adequate. Mr. Andrews, Ms. Cleaver and Mr. Garling stated they want to see other alternatives.

Mr. Wade said they are willing to work with the PB on the boulevard.

Mr. Huddleston told Mr. Wade that the PB wants to see other alternatives. Mr. Henry suggested that the applicant explore the possibility of extending the realignment of the Town road back towards the Village.

**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.

Present for the applicant: Ross Winglovitz

Mr. Halloran said the 30 days has not elapsed for the County to respond to the 239 Referral so action cannot be taken. The County's position is that the Findings Statement has to be to them for the application to be complete.

It was noted that the Findings Statement draft had not been given to the applicant and some of the PB members hadn't looked at the proposed conditions. It was decided to put the application as the first item on the November 1, 2007 meeting agenda. Mr. Halloran said he sent the Findings Statement to County Planning at Oct. 17<sup>th</sup> but has personally requested that they respond by November 1<sup>st</sup>.

## **ADJOURNMENT**

**VOTE BY PROPER MOTION**, made at 9:20 p.m. by Ms. Israelski, seconded by Ms. Cleaver to go into Executive Session for the purpose of appointments and that no public business will be conducted after the PB emerges from the Executive Session.

Ralph Huddleston, Chair  
Notes prepared by Susan Varden