

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

JANUARY 19, 2012

Members Present:

Reynell Andrews
Lee Bergus
Susan Cleaver
David Gawronski
Ralph Huddleston, Chair
John Lupinski
Giovanni Pirragalia

Also Present:

Neal Halloran, Building Inspector
Dennis Lindsay, PB Engineer
Ed Garling, PB Planner
Kelly Naughton Esq., PB Attorney
Rick Golden, Esq., PB Attorney

Minutes – The minutes of the PB meetings of December 1 and December 15, 2011 were approved.

Peck – 5-1-7.22 – 4.32 +/- acres, site plan located on 101 Axworthy Lane in the RU zone with an AQ6 overlay for accessory dwelling. Resolution.

Mr. Golden read the first Finding of the proposed Resolution of Conditional Approval on the Minor Site Plan of Peck as proposed:

“The Planning Board 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 extent practical. In making this Finding the Planning Board considered the Building Inspector’s determination of the location of the front yard setback, and recognized that a portion of the barn collapsed in February 2011. This application proposes to utilize a segment of the remaining foundation as the foundation for the accessory apartment, thereby reducing the existing nonconformity.”

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board accepts the Finding as read. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Mr. Golden read the second Finding of the Resolution as proposed:

“The Planning Board has determined that the following elements of the site plan application are not necessary and are hereby waived: Section 97-75(B)(5) (as it requires height, (7), (8), (10), (11), (12), (14), (18) through (21).”

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Bergus, the Town of Goshen Planning Board accepts the second Finding as read. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Mr. Golden read the five proposed specific conditions of approval as follows:

1. The accessory apartment shall be less than 1,000 square feet in order to comply with the Code provisions applicable to this project.
2. Pursuant to the Town Code, the accessory apartment shall be connected to the same well as the principal structure on the property. Prior to signing of the plan, the plan should be revised to show the location of the existing well and the applicant shall provide well test data demonstrating the adequacy of the existing well in terms of quality and quantity.
3. Prior to the signing of the plan, the applicant shall confirm that the existing wastewater disposal system is appropriately designed for the anticipated flow and site conditions, and is functioning properly as demonstrated by a dye test and visual inspection to the satisfaction of the Town Engineer. If the Town Engineer determines that the existing wastewater disposal system is not appropriately designed for the anticipated flow conditions, or is not functioning properly, the applicant must return to the Planning Board for further action.
4. Prior to the signing of the plan, the plan shall be revised to include an identification of the location of the components of the existing sewage disposal system so the required separation distances between it and the water supply may be verified. In addition, the plan should be revised to include soil testing and design information for the new sewage disposal system to serve the accessory apartment.
5. The applicant must comply with all the requirements of the Goshen Town Code including, but not limited to Section 97-29(G) through (J) except where site features are screened from the road, and subject to the Building Inspector’s determination noted above.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Ms. Cleaver, the Town of Goshen Planning Board accepts the Resolution of Conditional Approval Minor Site Plan of Peck as read. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Maplewood – 8-1-48 Acknowledgement of DEIS

The PB acknowledged the receipt of the Draft Environmental Impact Statement on the Maplewood application.

Possible Extensions or Abandonment of Applications:

Persoon – Mr. Golden said the applicant is requesting two 90-day extensions and that the nearest meeting date to 180 days will be June 21, 2012. He said the applicant is still working on the project.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Lupinski, the Town of Goshen Planning Board extends the Conditional Final Approval on the application of Persoon to June 21, 2012. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Traskus – Request for extension of Conditional Final Approval. It was stated that the applicant was unable to gain access to the property to do testing but has access now. The extension request is for 180 days.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Pirragalia, the Town of Goshen Planning Board extends the Conditional Final Approval on the application of Traskus to June 21, 2012. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Javelin – Request for extension of Preliminary Approval. Mr. Golden said the applicant is requesting a six month extension and that the nearest meeting date would be July 19, 2012. The PB received a letter dated 1-10-12 stating the applicant is still working with the Health Department.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Ms. Cleaver, the Town of Goshen Planning Board extends the Preliminary Approval on the application of Javelin to July 19, 2012. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Zalunski/5 Spoke Creamery – Request for extension of Conditional Final Approval. It was noted that the applicant is still working on the design of the modifications required to establish the cheese making operation on the property. A request for two 90 day extensions would bring it to the PB’s meeting of June 21, 2012.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Gawronski, the Town of Goshen Planning Board extends the Conditional Final Approval on the application of Zalunski/5 Spoke Creamery to June 21, 2012. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

PUBLIC HEARING

Orange & Rockland – 12-1-1.7 48.7 acres special use permit and site plan review located on Hartley Road in the RU and HC zone with AQ6 and Scenic Corridor Overlay.

Representing the applicant: Alan Lipman, Esq.
John Coffey, O&R Engineer

Mr. Golden said this is a joint public hearing with the Town Board because the PB, as lead agency under SEQRA, is required to coordinate all of the public hearings. In addition to the site plan public hearing and the SEQRA public hearing, the Town Board is considering a special permit with respect to the application. The public hearing is therefore a joint public hearing on the special permit, site plan and SEQRA, he said.

The Town Board convened and opened its meeting for purposes of the joint public hearing with the PB.

Mr. Golden said that the application doesn't require any new zoning, that a public utility facility is allowed in all the zones but only by special permit of the Town Board. The applicant does need a height variance from the ZBA and a variance not to have to go underground for a section. They will apply to the ZBA for those two variances, he said.

Mr. Golden said that after the public hearing is closed, written public comments will be accepted for a specified length of time. The applicant is then required to submit a Final Environmental Impact Statement (FEIS), which must be accepted by the PB and which must respond to all of the comments by the board and the public raised with respect to the Draft Environmental Impact Statement (DEIS). The SEQRA Findings Statement must be concluded after that and accepted by the PB. At that time, SEQRA is completed and the various boards can take an action. Variances from the ZBA have to occur before the Town Board can act on the special permit or the PB can act on the site plan, he said.

Mr. Lipman addressed the public, stating that their comments will be taken but not responded to during the public hearing, but will be answered in the FEIS. Mr. Huddleston confirmed the procedure.

John Coffey, O&R's chief transmission and substation engineer, said the proposed sub-station is meant to increase the capacity and reliability for the Town of Goshen. Of the 49 acres, the applicant is developing about one acre, retaining 20 acres for a buffer and putting a conservation easement on 29 acres. This is an \$18 million investment, he said. Currently the sub-station generates \$14,000 in taxes and after installation it will generate about \$500,000 in taxes, Mr. Coffey said.

Mr. Lindsey, PB engineer, said his office reviewed the DEIS and prepared a memorandum dated 1-13-12 for the PB. He said there are a number of points that need to be clarified by the applicant. He said that one of his interests is protecting the ground water and that this proposed facility will store a significant amount of oil for the transformers. The applicant has a control plan for that and the PB engineer will be reviewing it. He said that visibility is a key item for which the applicant has proposed mitigations which the PB engineer will study further. He noted that there will be 1800 cubic yards of fill used on the site.

Mr. Garling, PB planner, said he also has reviewed the DEIS, and prepared a memorandum for the PB to review which includes comments on visibility. He said he recommends looking at a shift of the sub-station about 80 to 100 ft. to the east.

Mr. Golden said that the PB received two letters, one from Holly O'Hern dated 1-13-12 and one from Donna Allen dated 1-14-12 and that both of the letters will need to be responded to by the applicant in the FEIS.

Mr. Huddleston asked for comments from the PB.

Mr. Gawronski asked if it requires a waiver from the Scenic Road Corridor Overlay District. Mr. Golden said he does not believe it does but will review the law further.

Mr. Bergus asked the applicant where the magnetic field strength will be if the lines are buried.

Mr. Huddleston asked for comments from the TB.

Town Supervisor Doug Bloomfield asked about the 1800 cubic yards of fill for the site and said that special emphasis needs to be put on how to get the fill to the site, noting there have been problems in the past, for instance the building of the sewer plant and re-locating a land fill. He is concerned about the weight tonnage on each road.

George Lyons asked about the process, specifically when the Town Board can take action on the special permit. He said that since the Town Board will have to make a decision on whether or not to accept the conservation easement, it needs a copy of the proposed easement to review. Mr. Golden said the Town Board cannot take action until the SEQRA process is complete and the ZBA has granted variances, if the applicant's plan needs variances as it does in its present form.

Mr. Huddleston asked for comments from the public.

Peter Lei, 127 Cheechunk Rd., said he is a soil scientist and understands the project will create a tax benefit for the county but that he is concerned with the human side. He said the electro magnetic field does have an impact on humans, animals and plants and noted that within one-half mile of the station, there are already five cancer survivors, including himself. His concern is that the site will have a negative impact to the human body.

Susan Ronen, 214 Cheechunk Rd. asked why the zoning doesn't need to be changed. Mr. Golden said that this particular use is permitted in the present zoning and that it just has to get a special permit from the Town Board beforehand.

Bruce Wiggin, 32 Owens Rd., said his concern is with the view. He said the utility will show from his property and others. He said there are certain things he can't do because his property is in the Scenic Road Corridor Overlay District, and said the utility company

should not be allowed to do certain things either. Mr. Wiggin said he worries about the sound, saying there will be a steady sound from the transformers 24 hours a day, 7 days a week, noting that sound travels in the area because of the contours of the ground and that occasionally neighbors can hear what is happening at the landfill.

Tom McLane, 3 Carolets Lane, a private road off Cheechunk Rd. said the jail, the transfer station and the 911 Center are on this side of the town and asked how much more will be put there. He said his property value will plummet. He said he moved to his home because of the wildlife and is now concerned with the health aspects. He asked the Town to not “keep dumping everything on our part of the Town.”

Jerald Boss, of Goshen, said he had been involved in an investigation of why there were so many cancer cases along Cheechunk and was amongst a group who met with the CDC and they deemed it was not a cancer cluster but there was cancer along the road. He said that the superfund site of the Al Turi Landfill is there and asked that the applicant test to see if there has been any leaching from the superfund site into this area and whether the digging and construction will disturb what else may be in the earth in that area.

Josh Owen, 126 Cheechunk Rd., said that since 2004 there are six new residents on Cheechunk, by Hartley Rd. and that these property values will be lowered further. He said the wires should be underground, not overhead and that the quiet road doesn't need more things. “Enough is enough,” he said.

Ken Newbold, a member of the Town Board, asked if the PB has addressed security measures at the site and questioned if there will be lighting pollution, stating that there is a lot of lighting at the utility company's Monroe facility. He said, “the county assured us at the jail site that there would be no light pollution but you can see the lighting for miles and miles away.”

Nancy Wiggin, 32 Owens Rd., said that when she bought her house it was in the Scenic Corridor and she didn't think there would be power lines there. She is concerned about her property value, safety issues and the impact of the project on her well.

Tom McLane, 3 Carolets Lane, said there are seven or eight school bus stops on Cheechunk. He cautioned the PB to “keep in mind the school bus that runs on Cheechunk and the children. If there is a chance that any one of the kids will be harmed by this electric station, then it is a no-brainer isn't it?”

Mr. Huddleston asked for further comments and there were none.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Pirragalia, the Town of Goshen Planning Board closes the public hearing on the application of Orange & Rockland. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

The Town Board also made a motion to close the public hearing on the application. It was so closed by a unanimous vote.

Mr. Golden said the PB will accept written comments until January 30, 2012. Those comments will be forwarded to the applicant who will be required to respond to them in their FEIS, he said. Mr. Huddleston said that the Building Inspector’s office will also accept e-mail comments. He said the DEIS is on line on the Town’s website.

Mr. Huddleston announced that the public hearing on SEQRA and the site plan is closed. The Town Board adjourned its meeting.

Orchard at Towner Farm, LLC 12-1-103-3.42 +/- acres for site plan approval located on Musket Court in the I zone with an AQ3 overlay.

Representing the applicant:	John Cappella, Esq.
	John Petrocini, Project Engineer
	Mike Taylor, Applicant

Mr. Cappella said the property is on the south side of 17M and is 3.42 acres in an industrial zone where there is a minimum lot size of five acres. He said that the applicant has appeared before the ZBA. He said the proposal is to build a 4,000 sq. foot building for a propane and welding supply business. It is primarily a service business for welders and propane, he said. There will be three 75 ft. long 13 ft high propane tanks on the site. The trucks will fill with propane and deliver. There is a 35 x 35 ft. storage dock and a bleach storage building, totally self contained and with a lined tank to accommodate spills, Mr. Cappella said. The development is fairly non-intrusive as it will only disturb 25% of the site, he said. The applicant has met with people from the nearby church and with neighbors along Musket Drive and have talked about landscaping to screen views. He said that traffic will come from Musket Dr. so there will be no further curb cut on 17M.

Project Engineer John Petrocini said that there is a berm that obstructs the view from 17M and “we won’t disturb any of that.” He said the site will not be seen coming from Goshen. He said there is a limited view into the site coming towards Goshen. He said

screening will be provided along that area. Mr. Petrocini said that the ZBA wants, at a minimum, evergreen plantings to block the view of the storage docks. He said the site will have individual well and septic. The site will use less than 400 gallons of water a day. Perk rates have been “excellent,” he said. The wetlands will be avoided except for a temporary crossing. Storm water from impervious areas will be put into a treatment pond so the applicant won’t be increasing runoff. He said the chlorine that will be stored is liquid, not a gas. Six employees are expected to work at the site.

Mr. Lindsay said it is a permitted use in the zoning district with a special permit for the site plan. He said he looked at the parking on site, some of it is gravel, and he recommends that the applicant be authorized to pave the parking area if the gravel becomes a problem. Mr. Lindsay said a summary of the water usage will have to be provided as well information on the design of the storm water management facility. He recommends seeking comment from emergency services. Mr. Lindsay noted that there is a requirement of no glare off site and night time dark sky friendly lighting.

Mr. Garling talked about proposed landscaping, saying the site should be totally screened from 17M. He said he will need to review an architectural drawing of the building.

Mr. Golden said the ZBA had its public hearing and is ready to act, but cannot until SEQRA is completed. He said the applicant has submitted materials as part of an Expanded Part III of the EIS and has asked for a negative declaration. The PB should be ready at its next meeting to make a determination as to significance, he said. The applicant should make sure it complies with the requirements of Section 97-14(d), he said.

Ms. Cleaver said that in the past the PB has asked for water testing when the site is within 2,000 feet of the landfill. Mr. Golden said he will look at the Code and if it is required, the applicant will have to do it.

Planning Board members asked questions about the bleach storage. The applicant said it will come in by tractor trailer, will go into the storage tanks and then out in smaller trucks. It is a sodium hypo-chlorite solution of 12.5 %, the applicant said.

Mr. Huddleston opened the public hearing to public comment. There was none.

VOTE BY PROPER MOTION, made by Mr. Pirragalia, seconded by Mr. Andrews, the Town of Goshen Planning Board closes the public hearing on the application of Orchard at Towner Farm, LLC. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Huddleston	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye
		Mr. Pirragalia	Aye

Quality Bus Service LLC – 12-2-40 5.18 +/- acres site plan and special use permit located on Cannon Hill Drive in the I zone with an AQ3 overlay.

Representing the applicant: John Fuller, Applicant’s engineer
George Ekkes, owner

Mr. Fuller said this will be a new bus garage across from NJ Truck & Trailer. The 5 acre site is bordered by a residential property to the west. The proposal is to construct a 4300 sq. ft. bus garage with accompanying office and storage, housing 40 buses that primarily transport special needs children. The buses will be transient to and from the site and stored overnight. There will be 40 bus operators and five building staff. Some bus repair will take place inside the garage. Mr. Ekkes said his company has outgrown its location at 6-1/2 Station Road.

Mr. Lindsay submitted a memo to the PB with recommendations. He said there are certain requirements in the building code for the peak of a roof and the shape of the windows. Currently what the applicant proposes does not comply. There are extensive landscaping requirements, he said. Forty-five parking spaces are required, and the applicant shows 46 spaces, some in a graveled area. Mr. Lindsay said that the refueling station is in the back behind the building, and because of the size of the buses, maneuverability space is limited. That may require a closer look, he said. Cannon Hill Drive has not been accepted by the Town yet and since it is a private road the applicant must show they have authorization to use it how it will be maintained. Mr. Lindsay suggested that the PB may want to solicit the fire department for comments. He said he is somewhat concerned about returning buses making a left-hand turn into the site. It should be looked at and addressed, he said. Mr. Ekkes said some could be re-routed.

Mr. Garling pointed out that there are five permits that the applicant has to address with the DEC.

Mr. Golden said the PB sent out its Notice of Intent to be the lead agency and has received no objections. He said the applicant must comply with Section 97-14(d) including the bike paths, sidewalks and buffer. He said there is no waiver of that, that the only way to address it is if the buildings are not visible from public roads or properties not located in the I District. Mr. Golden said he thinks the applicant will have problems because he thinks the building will be seen from a property behind the site, not in the I district. If it can be seen, then the applicant must comply with all of Section 97-14(d). He

said the PB will have to determine if the building is visible from that property and will probably have to do a site visit to make that determination.

Mr. Bergus suggested protecting the well head with bollards and Ms. Cleaver said the sewage disposal system also needs to be protected.

Mr. Huddleston opened the meeting to public comment.

Priscilla Gersbeck, who owns 127 acres on one side of the site, said she doesn't want to see the tree line disturbed. She asked if there is a back-up plan if there is a leak of gas and diesel, particularly to protect the Wallkill River. The applicant said there will be double-walled self-contained above-ground tanks with monitor systems in them. Ms. Gersbeck asked if the applicant has considered security since police have been called to this and nearby sites. The applicant replied that there will be some camera systems.

Bill Gersbeck, 8 Gatehouse Road, said that all of the Town roads have weight restrictions and that he is concerned with the buses leaving and entering the bus garage. It was noted that the restriction is 5 tons or 10,000 pounds. The applicant said that most of the vans are 7,000 lbs.

Guy VanDunk, church youth pastor, said there is a pond at the bottom of the church property, formed by runoff from another business site. He asked what will be done to mitigate the runoff. The applicant said the flow will go into the drainage ditch in the Town easement.

Don Korecki, 12 Korecki Lane, said his house overlooks the site and suggests down-turned lighting, stating that he doesn't want the light to prevent him from sleeping.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board closes the public hearing on the application of Quality Bus Service LLC. Passed unanimously.

Mr. Andrews	Aye	Mr. Bergus	Aye
Mr. Huddleston	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirragalia	Aye

Goshen Sports Complex – 11-1-25.22 – 10.120 +/- acres, located on 17M in the CO zone. Modification to site plan for parking, addition for new indoor pool, new soccer field, three outdoor tennis courts, new volleyball court replace existing sign. SEQRA conditions/Lead Agency determination.

Mr. Golden said that the PB granted a conditioned negative declaration in 2005 for this project. There were 3 conditions. One was the removal of existing construction

demolition that has already been completed. The other two have not been completed and include a traffic study performed by the applicant and a geo-hydrologic pump test performed on the wells. Mr. Golden said the PB can re-affirm the conditioned negative declaration or have a new SEQRA analysis.

The PB discussed whether there was a need for a traffic study and determined, by polling members, that no traffic study is needed.

They discussed the geo-hydrologic pump test and determined they will make a decision on the well after Mr. Lindsay has reviewed the water supply.

ADJOURNMENT - The Planning Board adjourned at 9:45 p.m. to go into Executive Session to discuss distribution of reports.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden