

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

April 7, 2011

Members Present:

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

Also Present:

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

MINUTES – The PB approved the minutes of the meetings of March 3, 2011 and March 17, 2011.

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. Scoping document and set public hearing.

The 15-page proposed scoping document was discussed and several minor changes made.

Mr. Golden said that if the PB is going to set a public scoping session, it should be set for the April 21st meeting given the requirements of SEQRA to move quickly.

Mr. Halloran said he will post the scoping document on the website.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board sets a public scoping session on the application of Orange & Rockland for April 21, 2011 at 7:30 p.m. Approved unanimously.

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

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.

Representing the applicant:

John Petrocciome, Mike Taylor

Mr. Halloran said the property is located at the corner of 17M and Musket Court and that the applicant proposes to build a wholesale propane and welding supply facility. He said this was a site that was previously discussed with the PB and an earlier applicant.

The applicant said it will avoid the wetlands on the property and have taken the locations that were previously approved and put them on the current site plan. He said they will have one temporary crossing of the wetlands to get from the building to the proposed storm water area. It was stated that the disturbance will be far less than one-tenth of an acre.

Mr. Golden said the applicant will have to have a use variance if they are going to use the site for retail, as well as wholesale. He said that use variances are extremely difficult to obtain. The applicant said it is not intending for it to be a full retail operation but that if a homeowner comes looking for welding equipment, it will not turn them away. Mr. Golden reviewed the code definition of retail and stated that the applicant's description fits and that it will need a use variance.

The applicant asked the PB for a referral to the ZBA to work out the variances needed.

The PB determined that it wants to be lead agency and noted that a long EAF has been submitted.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board declares its intent to be the lead agency on the application of Orchard at Towner Farm, LLC. Approved unanimously.

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

Mr. Golden said that the applicant can go before the ZBA, but that the ZBA cannot make its decision before the PB has finished with the SEQRA process.

The applicant said the site will house a propane distribution center and welding supply business, not welding services, all as one business. It proposes to have three 30,000 gallon propane tanks. Mr. Taylor said the location is ideal for his business. He said he has been in the business for 42 years and has a growing customer base. Mr. Garling said the site is well screened from the road.

Persoon Subdivision – 17-1-4 & 36 127+/- acres Construction Road

Representing the applicant: Jerry Fine

Mr. Halloran said the applicant is seeking a modification to a condition of approval that called for the use of a construction road when building the subdivision. When the application was first approved, the original developer said they would not use either of the Town's subdivision roads, Breezeway and Winners Circle, but would build a construction road. There is now a new proposed developer and the applicant is asking that the condition be modified, Mr. Halloran said.

Mr. Huddleston explained that a lot of neighbors voiced their concerns at the public hearing about construction vehicles damaging Breezeway and Winners Circle so the original developer said he would build a construction road to access the subdivision.

In a March 28, 2011 letter from attorney Michael Donnelly, it was stated that the applicant now proposes using an existing farm road for construction of the roadways within the subdivision, and then using the existing town roads for construction of the homes. They propose to post "a modest financial security that would be intended to cover the type of damage a normal construction vehicle might cause."

Mr. Fine pointed out that the heaviest truck on Winners Circle and Breezeway will be cement trucks for the foundations and stated that all of the houses will not be built at once.

Mr. Fine said that the farm road comes in off Maple Ave., that there are four lots on Maple Ave. and that using the farm road will impact two of the four lots. They are two of the prime lots so it will hurt the developer in the beginning by impairing the marketability and it will impact the lot that it will come through, which will be kept open until the last house is completed.

Mr. Hoffman said his firm provided two bond estimates, one to completely repair Breezeway at \$98,000 and one to repair Winners Circle at \$37,000. He said there is no way to determine how much damage there will be. He said the applicant's proposal has been changed somewhat since he prepared the estimates as the applicant is now proposing a hybrid using the farm road as a construction access road and later using Winners Circle and Breezeway for construction of the homes. He said it may mean a modification of the proposed bond amounts and that he will review the estimate.

Mr. Huddleston said that the neighbors were present at the public hearing and raised quality of life concerns about the construction traffic. The developer at the time offered to mediate the concerns, the PB accepted it and we told the people at the public hearing that

is how it would be done. "The public isn't here today." He said he wants to make sure the PB members are comfortable with that situation.

Mr. Fine said the applicant thought the modification was a "reasonable way" to make it workable and that they were "trying to meet the Town half-way."

Mr. Hoffman said the estimate was prepared at the request of the applicant. He said it was assumed that the applicant would use one or the other, Breezeway or Winners Circle and that when the estimate was made the applicant wasn't proposing to use the farm road as the construction road. The applicant said that both roads, Breezeway and Winners Circle will be used, unless the Town requests that only one road be used.

Mr. Huddleston said that a legitimate bond is not an unreasonable request.

Ms. Cleaver said she is concerned for the residents of the developments about the intrusion of construction traffic and asked if travel and deliveries can be restricted to certain hours on the weekends. The applicant said that it can include it in the contract but that it will be hard to police.

Mr. Huddleston said he is hearing from the professionals that the two roads can probably take the traffic, with the heavy construction coming off the farm road. "All that will probably work with a proper bond," he said. "But realize when you have a public hearing and you set a deal you have to think hard why you would change that later." He said that if it is going to be overridden there needs to be a good reason why it's going to change.

Mr. Bergus said he thinks there is a big difference in the situation now, stating that the fact that the heavy equipment will come off the farm road, and not the public roads, is important.

Mr. Huddleston said that Mr. Hoffman should revisit the bond issue and take into consideration that the Town is covered and see if he can come up with an amount that the applicant can accept. "I feel strongly about the bond," he said.

Mr. Huddleston polled the PB members.

Mr. Bergus said he sees no problem with the split use of the roads as proposed, but wants some sort of protection for the roads but not necessarily a bond as extensive as the cost of rebuilding the entire road. That, he said, should be a shared cost with the Town.

Mr. Gawronski said he agrees with the modified proposal and that he will defer to the Town's engineer in terms of the bond amount. He said that the risk will be reduced because the heaviest traffic will be on the farm road.

Mr. Andrews, Ms. Cleaver and Mr. Lupinski also agreed and said they want to see a bond in place to protect the Town.

Mr. Pirragalia was in agreement but said he struggles with the bond issue. "If the applicant can prove that these roads are built to the same standard as say Maple Avenue and other town roads, then I'm not a real staunch advocate that the Town needs a bond for it," he said.

Mr. Golden said that it needs to be determined what standards the two subdivision roads were built to. He also said that if the PB determines to modify the condition, then it will need to define what heavy construction is, by tonnage or timing.

Mr. Hoffman said he would like to consult with the Town Highway Superintendent. He said he will make a recommendation as to the form and amount of the bond. He said he understands the PB's feeling that it has an obligation to protect the Town and said the applicant should submit a proposal and be prepared to discuss it at the staff meeting.

Heritage Estates – 8-1-9.22 – 249.76 +/- acres, located on Old Chester Rd. & Brookside Dr. in the HR & RU zone with an AQ6, AQ3, scenic road and stream & reservoir overlays. Approval of conditions.

Representing the applicant:

Travis Ewald & Steve Esposito

Mr. Esposito said he was present to review 17 of the conditions with the PB to see if some of them have already been satisfied and could be eliminated from the final approval and resolution.

Mr. Golden said he needs to know if the applicant considers its March 17th plat, its final plat because if it is, then the PB has only 62 days from submission of the final plat to make a decision, or the applicant will get a default approval. Mr. Esposito said the March 17th filing is not the final plat submission. He said they have not yet filed the final plat but are close to it.

The PB discussed some of the proposed conditions of the draft resolution. The PB members each agreed that they are satisfied with the final landscape plan and consider it "code compliant."

ADJOURNMENT

The meeting was adjourned at 10:20 p.m.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden

