

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

JULY 7, 2011

Members Present:

Reynell Andrews
Lee Bergus, Acting Chair
Susan Cleaver
David Gawronski
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

Absent: Ralph Huddleston

Minutes – The minutes of the Planning Board meetings of May 18 and June 16, 2011 were approved with corrections.

All Star Academy Schools (Matchpoint) Goshen Sports Complex – 11-1-25.22
Amendment to site plan for play area for Preschool on 17M in the CO zone. Possible final approval.

Mr. Halloran said that the County Department of Planning has responded with a “local determination” for the application.

Mr. Golden discussed the Draft Resolution of Conditional Approval. He said that three findings will need approval of the PB. He read the three findings as follows:

“The Planning Board has determined that this proposed amendment to the approved Goshen Sports Complex site plan is consistent with the terms of that approval, does not represent a substantial change from that approval, and therefore does not require a public hearing.

The Planning Board has found that the proposed location of the chain link fence as shown on the above-referenced site plan is not visible from Route 17, Route 17M or any other public highway.

The Planning Board has determined that the following elements of the site plan application are not necessary and are hereby waived: § 97-75(B)(1), (2), (5), (7), (8), (9)(d) and (10) through (20).”

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board accepts the three Findings relative to Goshen Sports Complex as read. Passed unanimously.

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

Mr. Golden read the one specific condition of approval:

1. The above-referenced site plan includes “Plan ‘A’” and “Plan ‘B,’” showing two different options for the fenced area. Only the Plan ‘A’ option is the play yard that is approved herein.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Pirragalia, the Town of Goshen Planning Board accepts the specific condition on the Resolution of Conditional Approval on the Amended Site Plan for Goshen Sports Complex. Passed unanimously.

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

Adamis – 12-1-30 – 3.6 +/- acres, site plan approval for retail landscape sales located on 17M and Fischer Lane in the HC zone.

Representing the applicant: Lou Adamis

Mr. Halloran said the application was before the PB last month and is for a proposed landscape materials yard. He said that the applicant put the stakes up on Route 17M to show where the trees would be planted. Mr. Adamis put the stakes 75 feet apart as requested.

Ms. Cleaver said that it looks like it will be a solid row of trees and asked if something else can be considered. Mr. Pirraglia questioned whether people driving by will be able to see the material. Mr. Adamis said he had no intention of putting anything there as landscaping and wants people to see what he is selling (mulch). There was a lengthy discussion about tree plantings along Route 17M

VOTE BY PROPER MOTION, made by Mr. Pirragalia, seconded by Ms. Cleaver, the Town of Goshen Planning Board requires that the applicant plant trees every 100 feet along Route 17M. Passed 4 to 2.

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

It was noted that every 100 feet means that seven trees will be planted.

Mr. Golden read three proposed findings of the Resolution of Conditional Approval Minor Site Plan for LK Adamis/Mulch Mart, Inc. as follows:

“The Planning Board has found that due to the modest site plan involved in this application, compliance with the requirement in § 97-14(D)(3)(a) for a bike path and/or sidewalk to be constructed within the landscaped buffer would impose an unnecessary economic hardship on the Applicant, and would discourage the Applicant from improving the property.

In accordance with § 97-14(D)(5) (“Outdoor storage and enclosed buildings.”), the Planning Board has found that this site plan provides for the outdoor storage of materials and equipment in an orderly and attractive manner, and hereby waives the requirement for screening other than as indicated below, as it would prevent the necessary display of merchandise for public viewing. Additionally, the Planning Board determined that the use proposed in this application requires the outdoor storage of material and products, and waived the restriction on outdoor storage of 10% of the area of the lot, but limited the outdoor storage to a maximum of 20% of the lot.

The Planning Board has determined that the following elements of the site plan application are not necessary and are hereby waived: § 97-75(B)(1), (2), (5), (7), (8), (9)(d) and (10) through (20).”

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board adopts the three Findings as read. Passed unanimously.

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

Mr. Golden read the six proposed specific conditions as follows:

1. Prior to the signing of the plan, the Applicant shall comply with the memorandum of the Town Engineer dated June 10, 2011.
2. Prior to the signing of the plan, the Applicant shall confirm the existing wastewater disposal system is appropriately designed for the anticipated flow conditions and is functioning properly as demonstrated by a dye test to the satisfaction of the Town Engineer.
3. Prior to the signing of the plan, the Applicant shall submit a properly executed Owner's Endorsement to the Building Department.
4. The Applicant shall make every effort to have the property owner offer to dedicate the land measuring twenty-five (25) feet from the centerline of New York State Route 17M, including the applicable portion of Fischer Lane to the Town of Goshen for highway purposes. Such documents shall be in a form acceptable to the Town Attorney.
5. The Applicant has submitted a photograph of a sign existing on his property along New York State Route 17A. Any signs proposed for this property must be substantially similar to the photograph submitted, and attached hereto as Attachment "A", and shall be in compliance with the Town of Goshen sign regulations.
6. Prior to the authorization by the Building Department to proceed with this approved use, the Applicant shall plant seven (7) trees, spaced approximately 100' apart along New York State Route 17M.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board adopts the six specific conditions as read. Passed unanimously.

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

Maplewood – Review letter from traffic consultant

PB Member Susan Clever recused herself from the discussion.

It was noted that in the traffic study for the applicant's EIS, traffic counts at the four busiest intersections done in the spring of 2011 showed that traffic activity in the area is substantially lower than was the case for the DEIS and considerably lower than was anticipated. The PB's consultant, John Canning of VHB Engineering, Surveying and Landscape Architecture, P.C. wrote a letter to the PB dated June 1, 2011 suggesting that

the PB select one of four options he outlined. Mr. Canning had himself recommended Option #2 that increases the 2011 traffic counts at the four counted intersections by 10% to “normalize” them and uses the DEIS traffic volumes at the other intersections.

Mr. Hoffman said the traffic count found a 15% drop off in traffic due possibly to the economy. Mr. Garling and Mr. Hoffman both said that Mr. Canning’s option #2 will make sense if adopted. Mr. Golden said he believes that recommendation will take the traffic counts and make them more realistic than what they are in the raw to provide a better understanding of what type of traffic should be anticipated.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Gawronski, the Town of Goshen Planning Board endorses and supports Option #2 as outlined in a letter to the PB dated June 1, 2011 from John Canning, P.E. Passed unanimously.

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

Burke Catholic High School – 10-1-36.2 & 37.2 63+/- acres, site plan approval for ball field in the RU, CO zone.

Representing the applicant: Al Fusco

Mr. Fusco, chairman of the Board of Trustees of Burke Catholic High School, said that the school wants to put a ball field on the property it purchased a few years ago and would like to do tree cutting and grading before winter. Once the new ball field is built, the old ball field, in the front facing Fletcher St., will be abandoned and something else will be put there in the far future. He said it might possibly be a hockey area in that location. He said they have had preliminary discussions with the Town officials and PB consultants.

He also showed PB members a copy of a master plan, showing many sporting facilities, the applicant was developing before the economic downturn.

Mr. Garling said he is suggesting that the applicant abandon a section of Fletcher St. which will provide some parking and benefit the Town and the school. He said the area being proposed for a ball field is a level area and good for this type of ball field.

Mr. Hoffman said he needs more detailed plans to review and added that he has not field-walked the property. He spoke about the wetlands in the area. Mr. Pirragalia and Ms. Cleaver both said they think the ball field will encroach on the wetland. Ms. Cleaver said

there is a stream that is discharging out of the wetlands and that she doesn't want to see any grading done until the D.E.C. makes a determination.

Mr. Golden said that one of the problems now is that the PB doesn't know what the plan is. If it is just a ball field then it will be a Type II Action for SEQRA and will be considered a minor site plan application, he said. If these other things come into play, a stadium for instance, it will not be a Type II Action. The PB needs further clarification of what the applicant wants, he said.

Mr. Fusco said that within the next weeks he will come in with a more determined plan, including more specifics. Ms. Cleaver said she would like to do a site walk of the property.

Traskus (a.k.a. Elm Hill Farms) 18-1-18.22 – 114.54 acres, 32-lot subdivision located on Arcadia Road in the RU zone with an AQ3 overlay. Possible Conditional Final Approval.

Representing the applicant:

Jim Sweeny, Esq.
Ryan McGuire of Pietrzak & Pfau
Bruce Catona

Mr. Sweeney said the application is one of the projects grandfathered from current zoning law under a condition that Conditional Final Approval be achieved by the end of July, 2011. He said the applicant has done a lot of work toward that end but there has been one unanticipated issue having to do with the soils on the property and the need for a design for the septic system that accommodate the difficult soils. He said that the County Health Department says the soils, after testing, should sit for awhile to see if the testing holds up. However, that pushes the application beyond the end of the July, 2011 deadline, he said and suggested that the PB grant a Conditional Final Approval with the condition that the Orange County Health Realty Subdivision Approval be one of those conditions.

The details of the soil situation were explained by Ryan McGuire who said the Health Department wants the applicant to do a "soil sit" for six months over a freeze thaw cycle which will take until next spring. Bruce Catona, representing the contract purchaser of the property said he knows of no other outstanding approvals.

Mr. Golden said that preliminary approval was given in 2007 with six to twelve conditions. He said that Conditional Final Approval has to include the updated plans showing the revision dates. When an applicant has been given preliminary subdivision approval it gives the applicant certain rights, Mr. Golden explained. The law states that if what the applicant is proposing as their final conditional subdivision plans are in substantial agreement with the preliminary plans, then they have an absolute right to have it approved. We cannot revisit things again in that situation, he said. The PB's

consultants need to look at the plans to make sure they are in substantial agreement and will need a list of the plan revisions made since the 2007 preliminary approval, he said. "Provided there are no big issues, you should act upon this at your next meeting." Mr. Golden said the application will be put on the agenda for the staff meeting and the PB meeting of July 21 and that he will draft a proposed Resolution of Conditional Final Approval.

ADJOURNMENT - The Planning Board adjourned at 9 p.m.

Lee Bergus, Acting Chair
Notes Prepared by Susan Varden