

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

JULY 21, 2011

Members Present:

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

Also Present:

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

Absent: Susan Cleaver

Minutes – The Minutes of the Planning Board Meeting of July 7, 2011 were approved with corrections.

Javelin – 11-1-7 - Requesting extension of preliminary approval

Mr. Golden said a letter dated June 17, 2011 from Dave Higgins was received requesting an extension to allow sufficient time to finalize the subdivision plans and relating what has transpired since its most recent extension granted December 16, 2010. That extension expires August 4, 2011.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Pirragalia, the Town of Goshen Planning Board grants a six month extension on the preliminary subdivision approval on the application of Javelin to February 2, 2012. Passed unanimously.

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

New Horizon – 10-1-28 Requesting extension of preliminary approval

Mr. Golden said that three six-month extensions have been given to the application's preliminary subdivision approval, the latest expiring August 20, 2011. A letter dated July 8, 2011 from the applicant's engineer stated that while they have completed the joint soils inspection with the Orange County Department of Health, they are still working to retain a well driller.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board grants a six month extension on the preliminary subdivision approval on the application of New Horizon to February 20, 2012. Passed unanimously.

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

MMG Holdings of Orange County (Hudson Valley Landscaping) Lot Line change.

Mr. Golden said that the applicant's letter of July 21, 2011 states that the PB granted final approval in August 2010 for a lot line change and that final plans were prepared but the owners were unable to act on the property transfer until this month and are now requesting an extension of the original approval so the owners can file the plans.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Gawronski, the Town of Goshen Planning Board grants a six month extension on the lot line change approval to March 15, 2012 on the application of MMG Holdings. Passed unanimously.

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

AT&T

Mr. Halloran said he had received a letter from AT&T requesting that its application for installation of a cell tower on 17A be withdrawn.

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 – traffic

Representing the applicant: Alan Lipman, Esq.

Mr. Halloran said there is a question about how much study is needed relative to traffic.

Mr. Lipman said the applicant will generate four trips a month, or at the most one trip a week.

Mr. Lindsay said that a section in the scoping document states that an updated estimate of the number of vehicles will be provided to determine traffic patterns. Mr. Lipman said that the applicant has no problem updating the PB but that the need to study and identify potential traffic patterns is unnecessary.

The PB also agreed that it was not necessary.

Persoon – Conservation Easement

Representing the applicant: Jerome Fine

Mr. Golden said that the applicant wants changes in the language of the conservation easement to allow for the agricultural practices on the one lot (it is a 57 acre parcel that is being hayed). Mr. Huddleston said that the PB doesn't want to eliminate agricultural use for anything that could be agriculturally beneficial.

Mr. Fine said that the lot is a 57 acre lot and that the applicant wants to continue to maintain it as an agricultural farm.

Mr. Golden said that the Applicant's attorney has proposed some language changes to the easement and that he has no problem with most of the language changes but if approved, would like it subject to language that is acceptable to the PB attorney.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Andrews, the Town of Goshen Planning Board approves the inclusion of agricultural use for the property subject to language acceptable to the PB Attorney. Passed unanimously.

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

A&L Acres – 13-1-34.2 – 217.8 acres, 30-lot subdivision located on Houston Rd. in the RU zone with an AQ3 & 2 scenic road and 1 stream corridor overlay. Conditional final approval.

Representing the applicant: Steve Esposito

Mr. Golden read the two findings that would have to be approved by the PB as follows:

“The Planning Board finds that, in accordance with the requirements for the Stream Corridor and Reservoir Watershed Overlay District, this project will not result in the degradation of scenic character; will be aesthetically compatible with its surroundings and will not result in erosion or surface water pollution from surface or subsurface runoff.

This project proposes to add 29 new residential homes, nine of which are in Phase II. It presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes to address their recreation needs, but suitable parks or recreation areas of adequate size to meet this requirement cannot be properly located on the site. The proposed open space is not being preserved for active or passive recreation, and is not suitable for the development of active recreation. This Planning Board finds that this project requires the payment of a parkland fee to be determined by the Town Board in lieu of providing parkland adequate to suit the Town's needs for this development."

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Lupinski, the Town of Goshen Planning Board adopts the Findings as read by the PB attorney relative to the application of A&L Acres. Passed unanimously.

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

Mr. Golden read the following Specific Conditions as follows:

1. The Applicant must demonstrate full compliance with § 97-41(F) of the Goshen Town Code.
2. The Applicant must comply with the requirements in § 97-29(G) through (J) of the Goshen Town Code, except where site features are screened from the road.
3. Prior to the issuance of the first building permit, the Applicant must dedicate a 30-foot strip of land along the northeast side of Houston Road to the Town for the purpose of a pedestrian walk or the widening of the road, and provide proof to the Building Inspector of the filing of such dedication with the Orange County Clerk's Office.
4. Within sixty (60) days of the filing of this Resolution the Applicant must file a petition with the Town Board to create a Drainage District within the A & L Subdivision, whereby the Town of Goshen will be responsible for repairs and maintenance of the drainage facilities on the premises, and charge the costs thereof to the homeowners in the Drainage District. This Petition shall include a condition that the area along "Road A" and the drainage facilities be constantly mowed and maintained, at least four times a year, all costs thereof to be charged to the homeowners in the District. If a Drainage District is not created by the Town Board, the owner of Lot 29 is responsible for the property along "Road A" and must offer an easement over such property in favor of the Town granting the Town the right, but not the obligation to enter upon the property to maintain the drainage facilities. There shall be a deed restriction in such a form as is satisfactory to the Planning Board attorney filed to this effect. Prior to the issuance of the first building permit, the Applicant shall provide proof to the Building Inspector of the

filing of such easement with the Orange County Clerk's Office (or creation of such Drainage District by the Town Board). Prior to the signing of the plat, the notes regarding maintenance and mowing of the wet pond shall be revised to be consistent with this condition.

5. Prior to final approval wetlands and any required buffers are to be marked on the plat identifying such individual lots. The Applicant must use proper Environmentally Sensitive Area ("ESA") signage where applicable, and have such signage in place prior to any site disturbance.
6. The Applicant shall place a Conservation Easement over 54 acres, enforceable by the Town, which shall be drafted to the satisfaction of the Town Attorney as to form, including ongoing maintenance standards that will be enforceable by the Town against an owner of open space land to ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials. This conservation easement shall provide that the State of New York may take such portions of Lot 5 located within the conservation easement as necessary for use by the State for the expansion of Route 17A, or for use by the Town for such purpose should the State so permit. Prior to the issuance of the first building permit, for structures in either Phase I or Phase II, the Applicant shall provide proof to the Building Inspector of the filing of such easement with the Orange County Clerk's Office.
7. The Applicant must construct roadways with a minimum of 1.5% slope.
8. Any and all swales constructed on the site must be constructed to the satisfaction of the Town Engineer and Highway Superintendent.
9. Footing drains and roof drains must be carried in separate pipes, and discharged directly to the road drainage system (pipe, basin or swale) on high sides of roadways or to daylight on low sides of roadways.
10. The Applicant must direct the outlet channel from the stormwater management facility toward the stream near Houston Road.
11. The overflow from the water quality detention pond to the emergency channel must have rip-rap protection.
12. The 30-inch pipes from "Road A" must have a drop into the basin, and not have its invert match the wet pond depth to avoid deposition in the pipe.
13. Prior to the signing of the plat, the names of the streets constructed as part of this subdivision shall be subject to the approval of Orange County 911 services, and shall be sufficiently different in sound and spelling from other street names to avoid confusion. Proof of such approval shall be filed with the Building Department.
14. The Applicant shall submit two copies of all submissions to and responses from all regulating agencies between the time of this Conditional Final Approval and the signing of the plat.
15. Any and all drilled wells that will not be utilized by the Applicant must be properly abandoned, capped and decommissioned prior to any construction.
16. Prior to the signing of the plat, the Applicant shall modify the open space calculations to the satisfaction of the Town Engineer.

17. The Common Driveway Maintenance Agreement for Lots 11, 12 and 13 must be modified to the Town Attorney's approval. Prior to the issuance of building permit for any of these three lots, the Applicant shall provide proof to the Building Inspector of the filing of the Maintenance Agreement with the Orange County Clerk's Office.
18. Prior to the signing of the plat, the Applicant shall submit a letter from the Daughters of the American Revolution acknowledging their willingness to accept the land being offered.
19. Prior to the signing of the plat, the Applicant shall revise the plat to indicate that the two lot lines proposed to be modified and removed are subject to the Planning Board receiving and granting final approval to a Lot Line Adjustment application involving the parcel of land belonging to the Daughters of the American Revolution.
20. After the Chairman has signed the plat conditionally approved herein, and that plat transferring property to the Daughters of the American Revolution, the Applicant shall file the plat with the Orange County Clerk's Office. The plat demonstrating the transfer to the Daughters of the American Revolution shall be filed first.
21. Prior to the signing of the plat, the Applicant shall revise Sheets 1 through 6 and L1 to use the lot numbers approved in the plat approved as part of the Conditional Preliminary Approval.
22. Prior to the signing of the plat, the NYS DEC Freshwater Wetland Boundary Validation, shown on Sheet 1 of 6, shall be executed.
23. Prior to the signing of the plat, the Landscape Plan shall be revised to show Red Oak along Road "B" to be 40 feet on center, rather than 50 feet.
24. The applicant shall note on the plat that Phase II is dependent on Phase I and that Phase I shall be substantially complete as determined by the Town Engineer.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Pirragalia, the Town of Goshen Planning Board accepts the Resolution of Conditional Final Approval of Phase II in the A&L Acres Subdivision application, as read by PB attorney and modified. Approved unanimously.

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

Mr. Golden said that in his estimation the lot line adjustment for A&L Acres needs an extension granted, since it hasn't been finalized yet.

VOTE BY PROPER MOTION, made by Mr. Pirragalia, seconded by Mr. Andrews, the Town of Goshen Planning Board extends the A&L Acres lot line adjustment approval to November 17, 2011.

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

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.

Mr. Halloran said the PB received a letter from a neighbor expressing concerns that was e-mailed today. PB members were given copies of the letter and time to read it.

Mr. Golden said the applicant received Conditional Preliminary Subdivision Approval on May 17, 2007. He read the one Finding that the PB will have to make for the Conditional Final Approval as follows:

“Initially, this Project proposed to add approximately 153 new residents, 50 of which would be school-aged children, to the Town of Goshen. Though the project has been reduced from 38 dwelling units to 32 dwelling units, it would still result in 128 new residents, 40 of which would be school-aged children, using the multipliers provided by the Applicant. It presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes to address their recreation needs, but suitable parks or recreation areas of adequate size to meet this requirement cannot be properly located on the site. The proposed open space is not being preserved for active or passive recreation, but instead for agricultural use. This Planning Board finds that this project requires the payment of a parkland fee to be determined by the Town Board in lieu of providing parkland adequate to suit the Town’s needs for this development.”

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Lupinski, the Town of Goshen Planning Board adopts the Finding as read by the PB attorney. Approved unanimously.

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

Mr. Golden read the following Specific Conditions as follows:

1. Prior to the signing of the plat by the Chairman, the Applicant must demonstrate full compliance with § 97-41(F) of the Goshen Town Code.
2. Prior to the signing of the plat by the Chairman, The Town Engineer shall witness all percolation and pit tests that are not witnessed by the Orange County Health Department.

3. There is to be a 50-foot no-build buffer surrounding the entirety of this project. Said buffer is to contain no structure, as defined by the Town Code, with the exception of the subdivision roadway as depicted on the approved plans, the swale/curtain drains on Lots 4, 5 15, 19, 20 and 21, the sewage disposal absorption and expansion areas on Lot 5, 20 and 21, the roof leaders and foundation drains on Lot 4, portions of the stormwater collection, conveyance and treatment system (storm drains, swales, manholes and ponds) on Lots 15 and 33, but may be landscaped. The Applicant shall submit a deed restriction acceptable to the Planning Board attorney as to form and proof of filing incorporating this restriction. Such restriction shall be filed with the Orange County Clerk's Office simultaneously with the filing of the plat. Prior to the issuance of the first building permit, the Applicant shall provide proof to the Building Inspector of the filing of such restriction with the Orange County Clerk's Office.
4. Prior to the signing of the plat, the Applicant shall offer easements, in such form and manner of filing as is acceptable to the Planning Board Attorney, over the stormwater infrastructure and drainage facilities in favor of the Town, granting the Town the right, but not the obligation to enter upon the property to maintain the stormwater infrastructure and drainage facilities. Such easements shall be shown on the plat, and the open space acreage calculation shall be included on the plat, and shall not include the area of these drainage easements. Such easements shall be filed with the Orange County Clerk's Office simultaneously with the filing of the plat. Prior to the issuance of the first building permit, the Applicant shall provide proof to the Building Inspector of the filing of such easements with the Orange County Clerk's Office.
5. Prior to the signing of the plat, the design and landscaping of the stormwater ponds must be in accordance with the requirements of the applicable NYS Stormwater Management Design Manual to the satisfaction of the Town Engineer and Town Planner.
6. The Applicant must install fencing along the westerly side of the road within the easement and along the proposed stormwater management facility on the farm site prior to the issuance of any building permits.
7. Prior to the signing of the plat, the Erosion Control Plan, Storm Drainage, and Storm Water Pollution Prevention Plan ("SWPPP") shall be modified to the satisfaction of the Town Engineer.
8. Prior to the signing of the plat, the Applicant must indicate which trees are to be removed on its Landscaping Plan.
9. Prior to the signing of the plat, the Applicant shall correct the tax map number/identifier on each sheet of the plat.
10. Prior to the signing of the plat, the Applicant shall correct the location of the cemetery.

11. The Applicant shall place easements over that land outside of the street right-of-way that is part of the temporary turnaround abutting the lands now or formerly belonging to Johnson, reverting the land to the abutting property owners upon the continuation of the road, and include such as a note on the map, subject to the satisfaction of the Planning Board Attorney as to form, providing that the land revert to the owners of the adjacent lots, Lot 14 and Lot 15, if and when the through road is completed. Such easements shall be filed with the Orange County Clerk's Office simultaneously with the filing of the plat. Prior to the issuance of the first building permit, the Applicant shall provide proof to the Building Inspector of the filing of such easements with the Orange County Clerk's Office.
12. The Applicant shall place a Conservation Easement over a minimum of 50% of the acreage involved (57.28 acres), not including drainage facilities, in essentially the locations shown on the cover sheet of the plan set, enforceable by the Town, which shall be drafted to the satisfaction of the Town Attorney as to form, including ongoing maintenance standards that will be enforceable by the Town against an owner of open space land to ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials. Such easement shall be filed with the Orange County Clerk's Office simultaneously with the filing of the plat. Prior to the issuance of the first building permit, the Applicant shall provide proof to the Building Inspector of the filing of such easements with the Orange County Clerk's Office. The easements shall be shown with metes and bounds on the survey plats (Sheet Nos. 5 & 6) prior to filing.
13. The Applicant shall place an Agricultural Easement over 31.34 acres, enforceable by the Town, which shall be drafted to the satisfaction of the Town Attorney as to form. Such easements shall be filed with the Orange County Clerk's Office simultaneously with the filing of the plat. Prior to the issuance of the first building permit, the Applicant shall provide proof to the Building Inspector of the filing of such easements with the Orange County Clerk's Office.
14. Prior to the signing of the plat, the names of the streets constructed as part of this subdivision shall be subject to the approval of Orange County 911 services, and shall be sufficiently different in sound and spelling from other street names to avoid confusion. Proof of such approval shall be filed with the Building Department.
15. Prior to the issuance of any building permits, the Applicant must offer for dedication to the Town Board the roadways to be constructed in accordance with the approved plat. The Applicant shall provide proof to the Building Inspector of the filing of such offers with the Orange County Clerk's Office.
16. The Applicant shall place an easement for purposes of access to and maintenance of the cemetery located on Lot 3 to the Town of Goshen, which shall be drafted to the satisfaction of the Town Attorney as to form. Such

easement shall be filed with the Orange County Clerk's Office simultaneously with the filing of the plat. Prior to the issuance of the first building permit, the Applicant shall provide proof to the Building Inspector of the filing of such easement with the Orange County Clerk's Office.

17. Prior to the signing of the plat, the Applicant shall remove the drainage facilities from the area proposed to be included in the conservation easement, and update the conserved area to include a minimum of 50% of the property, in accordance with §§ 97-20 and 97-21 of the Town Code. This open space calculation shall be corrected on the plat as well.
18. The entrance to the property off of Arcadia Road does not meet AASHTO standards for sight distance. Prior to the signing of the plat, the Applicant shall meet and discuss with the Town Engineer and Highway Superintendent whether any mitigation is possible. If it is possible, it shall be modified in accordance with the Town Engineer's and Highway Superintendent's directives.
19. Prior to the signing of the plat, General Note #7 shall be revised from "90 days" to "62 days", in accordance with Town Law Section 276(11).
20. Prior to the signing of the plat, the Applicant shall revise the Grading and Utility Plan Sheets to graphically show the 50-foot no-build buffer to identify any potential encroachments. Such buffer shall also be shown on the plat to be filed with Orange County for future reference.

VOTE BY PROPER MOTION, made by Mr. Pirragalia, seconded by Mr. Bergus, the Town of Goshen Planning Board accepts the Resolution of Conditional Final Approval for the Major Subdivision for Traskus (aka "Elm Hill Farms") as read by counsel and modified. Approved unanimously.

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

ADJOURNMENT - The Planning Board adjourned at 8:35 p.m.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden