

TOWN OF GOSHEN PLANNING BOARD

Town Hall

41 Webster Avenue

Goshen, New York

August 24, 2016

Members Present:

Lee Bergus, Chair
Reynell Andrews
Giovanni Pirraglia
Phil Dropkin
John Lupinski
Dr. Kris Baker
David Gawronski

Also Present:

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

The Planning Board meeting was opened with the Pledge of Allegiance at 7:30 p.m. by Chair Lee Bergus.

The minutes of the meetings of June 16, 2016 were approved.

Possible Extension or Abandonment of Applications pursuant to Town Code – None

Public Hearings - None

Items for Discussion/Action

Quickway Imports, Inc. – 24-1-109: Application for site plan and special permit for a commercial storage warehouse on 9.14 +/- acres along Pulaski Highway (County Route 6) in the AI District with AQ-3 and Flood Plain & Ponding Area Overlay Districts. **SEQRA Determination of Significance and Draft Resolution**

Representing Applicant:

Joe Pfau, Pietrzak & Pfau

Mr. Pfau stated there was a public hearing for this project last week. It was opened and closed with no comment. A draft resolution was received. The applicant hopes for a negative declaration and a site plan special use permit this evening.

Chairman Bergus stated the Board did receive the Part 2 EAF over the course of the week. He polled the Board for comments.

Mr. Dropkin asked about a note about all required waste water discharge to ground water. Mr. Hoffman stated it is a small impact because discharge to an existing septic system that's been inspected by the applicant. It's just the use of the septic system that is not being used currently.

Mr. Bergus asked about item 8D which states it may irreversibly revert agricultural land to non-agricultural. Ms. Naughton stated it was included in the draft negative declaration, but because of what

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was checked off in the Part 1 EAF this is located in an agricultural district and does use more than 2.5 acres. To mitigate that, it could be reversed back to agricultural land because there are no new structures.

Mr. Bergus also asked about 10B which states substantially contiguous to an area designated as a sensitive or archeological site. Ms. Naughton stated that came off of the mapper and she did get a letter from SHPO saying there was no impact. She is unsure of exactly what triggered it, but perhaps the caves nearby.

Ms. Naughton stated she has provided the Board with a draft Negative Declaration.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Andrews, The Town of Goshen Planning Board moved to declare this project as not having a significant negative impact and grant a Negative Declaration. Approved unanimously.

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|---------------|-----|---------------|-----|
| Mr. Dropkin | aye | Mr. Andrews | aye |
| Mr. Bergus | aye | Mr. Pirraglia | aye |
| Mr. Lupinski | aye | Dr. Baker | aye |
| Mr. Gawronski | aye | | |

Ms. Naughton stated she also distributed to the Board a Draft Resolution of Approval for this project as authorized at the last meeting. Since that time she has still not received a response from the Orange County Planning Department, but 30 days have passed. Today she did receive a letter from the OCDPW.

Mr. Bergus read the letter stating they had no objection to the Town of Goshen Planning Board being designated as Lead Agency. The letter said that the Orange County Department of Public Works Highway Engineer can conceptually accept the location of the commercial driveway entrance. The current commercial driveway is required to be brought up to all current Orange County standards and requires a full set of site design plans prepared in conformance with the policy and standards of the OCDPW to be submitted to the Department for review and approval under Section 239f under the General Municipal Law and 136 of the Highway Law.

Ms. Naughton said to address their comments; it is covered by general condition #1 that all other approvals that are needed have to be obtained and that includes the OCDPW.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Gawronski, The Town of Goshen Planning Board moved to accept the Resolution of Conditional Approval subject to the changes made. Approved unanimously.

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| Mr. Dropkin | aye | Mr. Andrews | aye |
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|---------------|-----|---------------|-----|
| Mr. Bergus | aye | Mr. Pirraglia | aye |
| Mr. Lupinski | aye | Dr. Baker | aye |
| Mr. Gawronski | aye | | |

RVH Mulch Supply, LLC – 12-1-17.2: Application for site plan approval for mulch processing facility on Hartley Road and NYS Route 17M in the HC & I Districts with AQ-3/AQ-6 overlays. **Assume Lead Agency Status & Discuss Revised Plans and Well Test**

Representing Applicant: Tom DePuy, DePuy Engineering

Mr. DePuy stated the last two big issues were the wells. They performed some testing on the existing well and found it adequate to be used for both domestic and process use. They will utilize a 2000-gallon water tank on site for the process which they will fill on a daily basis when it is needed. It is not a constant use. All the other wells are going to be decommissioned/abandoned in accordance with DEC regulations.

Also it has been determined that the original septic location was not proper. They found out where the pump station was and the force main didn't even come close to where it was shown from the original survey. It meets all the separations required under the health requirements.

Ms. Naughton stated as far as SEQRA is concerned, back in March this Board declared their intent to be Lead Agency and typed the action and then it was determined that the Department of Health was also an involved agency. Tonight this Board is able to assume Lead Agency status. Back in March a Type 2 EAF was distributed which was not reviewed by the Board and SEQRA hasn't been completed at this time.

Mr. Bergus said he had a question on the water usage and well report. He asked what parole evidence was. Mr. DePuy stated it was from talking to people. Mr. Golden stated it had a different meaning legally. Mr. DePuy stated he went and talked to people.

Ms. Naughton stated on this project she had received comments from the fire department and the DPW. Mr. Hoffman stated the fire department had three specific recommendations. The fire department was looking for the road to be clear, access to the storm water pond for emergencies and a Knox box containing keys to the building in an emergency. The Orange County Department of Planning issued a local determination.

Mr. Hoffman stated he would like the applicant to delineate the septic area in some way with either a small fence or posts or rocks so vehicles or trucks do not drive over it.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Dr. Baker, The Town of Goshen Planning Board moved to declare itself lead agency on the project. Approved unanimously.

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|---------------|-----|---------------|-----|
| Mr. Dropkin | aye | Mr. Andrews | aye |
| Mr. Bergus | aye | Mr. Pirraglia | aye |
| Mr. Lupinski | aye | Dr. Baker | aye |
| Mr. Gawronski | aye | | |

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Gawronski, The Town of Goshen Planning Board moved to issue a Negative Declaration on this project.

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| Mr. Dropkin | aye | Mr. Andrews | aye |
| Mr. Bergus | aye | Mr. Pirraglia | aye |
| Mr. Lupinski | aye | Dr. Baker | aye |
| Mr. Gawronski | aye | | |

VOTE BY PROPER MOTION, made by Dr. Baker, seconded by Mr. Andrews, The Town of Goshen Planning Board moved to authorize the attorney to prepare a Resolution of Conditional Final Approval on this project.

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|---------------|-----|---------------|-----|
| Mr. Dropkin | aye | Mr. Andrews | aye |
| Mr. Bergus | aye | Mr. Pirraglia | aye |
| Mr. Lupinski | aye | Dr. Baker | aye |
| Mr. Gawronski | aye | | |

The Estates at Rolling Ridge (aka Fieldstone Farm) – 12-1-70-.211 Application for a 22-lot residential subdivision on 67.8 +/- acres on Maple Avenue (County Route 31) in the RU & HC Districts with AQ-3/AQ-6 overlays. **Discuss Revised Plans, Road Waivers and Well Test.**

Representing Applicant:

Michael Sandor, PE

Mr. Sandor stated well testing had been conducted, completed and submitted. A tree survey had been performed and submitted. It shows all the trees in the areas of Lots 1 through 6 and the septic on Lot 7.

The biggest change to the plan is road width. The road width is now 30 feet with curb and there is a section of the road that necks down that was part of the Goshen Meadows project. That is down to 26 feet with a sidewalk. There are no houses on that stretch. The comments from the Town engineer can be addressed.

The applicant has a request for waivers and has brought in an engineer to discuss a waiver on the pavement thickness. There is a question regarding the slope of the driveway as it enters the road. For a lot that is up higher than the road, the code states it should have a negative slope. The applicant would

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like to have a positive slope to get up to the house as quickly as possible. Mr. Sandor stated the negative slope works if there is no curb and a swale behind it. For a house that is lower than the road, the negative slope would be kept.

There was a question regarding affordable housing. It says that 10 percent of the units have to be affordable. At 24 units, 2.4 or 3 units have to be affordable housing. Out of that number (3), has to be a single-family house. The applicant is proposing one house on a lot will be a single-family affordable house and on the large lot, Lot 13, a three-family house with two units as rentals. That should address the code. The affordable units should blend on the exterior with the other market-rate units in the subdivision. They should not be distinguishable. A rendering is suggested.

Next to appear for the applicant was Kevin Patton, PE to discuss the modification in the pavement thickness. Mr. Patton stated he has been doing geotechnical work in the area for 30 years including doing materials evaluations, road construction and inspections.

He stated back in May the applicant asked him to review the Town's specified road section and see if an alternate section could be used and still provide the required performance. The Town has a prescriptive specification for a road section that is very heavy and durable and is one-size-fits-all. It calls for 5 inches of asphalt over 3 inches of high-quality Item 4 subbase with an additional 12-inches of good quality bank run gravel under the Item 4. Mr. Patton went to the site, looked at the soils, performed some lab testing and developed some site-specific information on the soils and came up with estimated traffic volumes.

Mr. Patton stated he came up with a somewhat reduced section that would provide a normal service life of 20 years before complete repaving. His reduced section is 2 inches of asphalt atop 3 inches of binder with 9 inches of Item 4. He felt those 10 inches of Item 4 for the full depth of the pavement provides a good 20 years of service life and it saves approximately \$30,000 to \$40,000 than can be applied to other improvements on the site. There is another section that is on shale outcrop near the existing end of Howard Court that would have to be excavated and doesn't need 15 inches of subbase to cushion the pavement. A 6-inch thick subbase is predicted to give a good service life. Mr. Patton went on to explain further specific technical aspects of the soils in the area. He discussed geosynthetic layers as well.

Mr. Hoffman stated that the report was very competent and very well prepared. He had no issues from an engineering stand point in the design. However, the Town does have conservative road standards due to the soil variability in the Town of Goshen. The code does allow for modification of road standards, but must be in conformance with the Comprehensive Plan and requires recommendation from the Highway Superintendent. If the board grants a waiver in this instance, the Board will be required to review and consider all road specs in other instances.

Mr. Golden stated the waiver provision is uniquely drafted. It states that everything has to be done in accordance with the code unless, upon review and recommendation by the Town Highway

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Superintendent and the Town Engineer, the Planning Board determines that the specs that are otherwise required should be modified to fulfill the purposes of the chapter of the Comprehensive Plan and the Zoning Chapter. Unless Mr. Hoffman and Mr. Knoell state that the stock standards are not going to satisfy the purposes of the Comprehensive Plan and the Zoning Chapter and Chapter 81, then the Planning Board should not grant a waiver. In order to make this determination, the Planning Board would have to say the existing code is inadequate.

Mr. Knoell, the Highway Superintendent stated he does not support this waiver. He stated the road specification is the Planning Board's tool to oversee the roads. It's not that he does not believe Mr. Patton, it's that he doesn't believe the Planning Board should be going down the road of precedence granting waivers for each application. He is not in favor of the waiver. The only aspect he is in favor of is where there is bedrock; he does not see any reason to cut it out only to fill it with 15 inches of fill.

Mr. Hoffman stated the code allows for road enhancement, not reductions, as is being requested in this application.

Mr. Bergus polled the Board for questions and comments.

Mr. Dropkin stated he saw no reason for the waiver. Mr. Gawronski applauded the applicant for their very comprehensive study and presentation. Mr. Andrews stated he agreed with Highway Superintendent as did Mr. Pirraglia and Mr. Baker. Mr. Lupinski disagreed and stated that as new technologies become available, the restrictive nature of the Town's Code would keep those new technologies from being explored.

Mr. Golden stated that the Planning Board could construct a letter to the Town Board requesting that the restrictive waiver provision be revisited. The Board discussed the benefits of exploring alternative road designs. Mr. Knoell stated that he believed the applicant's proposal was an equivalent design, not necessarily a better design to what the present code would deliver. Mr. Baker stated that an equivalent design at a lower cost could actually be considered a better design. Mr. Hoffman stated that updating the road standards could be presented to the Town Board if the Planning Board wished to do so.

Mr. Golden stated he would draft a memo from his office to the Town Board that the Planning Board requests that it consider the redrafting of the road specs based on the recommendations of the Town Engineer and the Highway Superintendent.

The applicant discussed the timeline with the Board as to how quickly a change could be made at the Town Board level. Various projections were made and it is up to the applicant to decide how they want to proceed and if they were willing to tie up their own timeline on the project.

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Mr. Hoffman said before the Board left the topic of the roads, he wanted to address another issue of the proposed width change of the road. Mr. Hoffman said the 26 feet doesn't meet any of the requirements and standards of the Town Code for making a change in road width. He stated the only time he could see it being allowed is if a wetland were trying to be avoided.

Mr. Sandor stated the applicant was willing to go with 28 feet for that section with curb. Mr. Hoffman stated there is no 28. The fire department's minimum recommendation is 28 feet for moving their apparatus, but the Town standard is 30 feet. Mr. Hoffman stated the Board had previously discussed this, but it was before it was considered the ability of the Planning Board to make a change to the Town standards under 83-13(a).

Mr. Golden stated that he did not advise the Board in regard to the width that it was subject to the same waiver standard that was just discussed as far as the road standards. Mr. Golden stated it was missed the last time. The applicant stated what was discussed at the last meeting and appeared in the minutes of that meeting. Mr. Golden said it was all discussed in great detail and when it was looked at initially the first part of the provision that talked about width, location and construction shall be compatible with the existing character of the hamlet or rural area in which they are located, that was the part that was keyed in on. He stated he did not—and it was his error—did not go down to the bottom of the same section which talks about the actual waiver part of it. Mr. Golden explained to the Planning Board that they were not advised properly with respect to the waiver provision.

Mr. Hoffman stated the specification is a rural road spec calling for 30 feet. Mr. Golden again stated it was his office's error in not advising the Board as to the proper standard for the waiver previously. When looking into the road construction specs, the road width and depth area was discovered to fall under the same provisions. Mr. Golden stated the Board relied upon his advice that they could consider a width reduction previously.

Mr. Sandor stated he did receive the comments from Mr. Hoffman. They did do the pump tests and water tests and there is a summary report that Mr. Hoffman should have gotten where the hydrogeologist accepted that report. Mr. Sandor stated he hoped the project was ready for a public hearing.

Mr. Hoffman stated in regards to the trees, the conservation findings which were adopted in the fall had a requirement for a tree survey within the limits of disturbance and 100 feet beyond. In early June the applicant stated there were not a significant amount of trees and asked the engineer to look at the site. Mr. Hoffman walked the site with the building inspector and the applicant indicated that it would be appropriate to do a tree survey on Lots 1 through 6 and the rear of Lot 7. Mr. Hoffman concurred with that. If the Planning Board agrees with this, they would have to amend the conservation findings. If the Board requires a tree survey, it should be available to the Board for the public hearing. The Planning Board sent Mr. Hoffman out there to survey if there were any significant trees to actually be surveyed.

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The Planning Board can amend to use Mr. Hoffman’s observations on the site or have a tree survey of the whole site. Ms. Naughton stated she can revise the conservation analysis findings for the Board. The Board agreed to do this.

Mr. Golden stated from this point until this project is completed, he will waive the attorney’s fees that would otherwise be charged to the applicant for this project.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Pirraglia, The Town of Goshen Planning Board moved to set a special Planning Board meeting on Wednesday, September 21, 2016 at 7:30 pm.

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| Mr. Dropkin | aye | Mr. Andrews | aye |
| Mr. Bergus | aye | Mr. Pirraglia | aye |
| Mr. Lupinski | aye | Dr. Baker | aye |
| Mr. Gawronski | aye | | |

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Gawronski, The Town of Goshen Planning Board moved to set a public hearing for the Estates at Rolling Ridge on Wednesday, September 21, 2016 at 7:30 pm.

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| Mr. Dropkin | aye | Mr. Andrews | aye |
| Mr. Bergus | aye | Mr. Pirraglia | aye |
| Mr. Lupinski | aye | Dr. Baker | aye |
| Mr. Gawronski | aye | | |

Todrabh Property Management, Inc. – 24-1-63.2: Application for amended site plan approval for retail sale of farm products on 7.09 +/- acres on Pulaski Highway (County Route 6) and Big Island Road in the AI District with AQ-3 overlay. **Initial Presentation & Commence SEQR.**

Representing the Applicant: James Dillin, PE

Mr. Dillin stated the property now has an existing building. The first floor is storage and the second floor is offices. The building is used year round. It has its own self-contained parking lot, a well and a septic system. Mr. Halloran believes currently auctions are held at the building.

The applicant is proposing a farmer’s market on the property. It would operate two days a week on Friday from noon until dusk and Saturday 9 am until dusk running approximately five or six months a year.

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Ms. Naughton stated that the Board needs to clarify what is happening in the building and if it's something that it was not approved for, it should be brought into compliance with this amended approval because it will impact this project from a SEQRA standpoint. Mr. Dillin stated it's supposed to be farm equipment and things related to farming.

Mr. Dillin stated about 12 pads/vendors is the anticipated number. Mr. Hoffman stated the applicant is showing 24 parking spaces which are two per vendor. Mr. Hoffman asked if the vendors will park at the pads and the patrons will park in the spaces. Mr. Dillin confirmed this.

Adjournment – The Town of Goshen Planning Board adjourned at 9:43 p.m.

Lee Bergus – Chair

Notes respectfully prepared by Tanya McPhee