

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

OCTOBER 1, 2009

Members Present:

Reynell Andrews
Lee Bergus
Susan Cleaver
Ralph Huddleston, Chair
Mary Israelski
John Lupinski
Raymond Myruski

Also Present:

Neal Halloran, Building Inspector
Kelly Naughton, PB Attorney
Ed Garling, PB Consultant
Sean Hoffman, PB Engineer

MINUTES

The minutes of the Planning Board meetings of July 16, 2009 and September 3, 2009 were approved.

Persoon – 17-1-4 & 36, 127 +/- acres, located on Maple Avenue, Winners Circle and Breezeway Lane, 66.5+/- acres in the RU Zone with an AQ3 and Scenic Road corridor overlay. 60.4+/- acres in the AI zone with a Scenic Road corridor & Flood Plain overlays. Possible sketch plan approval for the 5 lot subdivision

Representing the applicant: Jerome Fine

Ms. Israelski recused herself from the discussion and any decision making.

Mr. Fine said there are three sections of the property, Sections II and III have received preliminary approval from the PB. Section I has one buildable lot on it and had lost its eligibility, he said. The applicant is starting over but moving ahead on the basis of all of the work that had been done including SEQRA, Mr. Fine said. The only change is the new Town water protocol, he added. Section I fronts on a county highway and the Code states there must be 300 ft. of frontage, so Mr. Fine anticipates needing a waiver of the frontage requirement and also a waiver of the density transfer, he said. He said that three curb cuts are needed. The temporary construction access in the rear was shifted, he said.

Ms. Naughton said that density transfers are not allowed under the Code and currently the applicant shows two individual parcels as part of this one application. It turns out, she said, that the majority of the open space is on one side of the road and that open space is being used to serve as the open space for all of the lots on the other side of the road as well as that one.

Mr. Fine said a conservation analysis determined that the base density is 30 units and the applicant is applying for 27 units. He said work with the County Health Department is concluding. He said the applicant is going to dedicate a strip of land running in front of the five lots to the County DPW. He said that the additional house in the far corner of the lot, will not be anywhere near the DEC wetlands. Mr. Fine said that the applicant will have some dedications to make and several drainage easement agreements.

Ms. Cleaver asked if the lot across the street has been reviewed for the presence of endangered species. She said she thought there was bog turtle in the area. Mr. Fine said he will look into it.

Mr. Fine said that one-half of the project is open space and that the only way to handle it is to let it run with the land and leave it in private hands.

Mr. Huddleston said he thinks the open space would stay with the single unit in ownership but can still comply as the open space for all of the units. He said that from a SEQRA point of view, the 300 ft. frontage, the open space, and easements, he personally doesn't see any difference with one more house located on the property that was already there and being used as the open space, as long as the applicant meets the water protocol. He told Mr. Fine that he will have to show the designation of the 100 ft. buffer area, and call the DEC about the possibility of endangered species.

Mr. Hoffman said he reviewed the application as an amendment of a previously approved plan. There were 21 lots, and now the applicant is adding five more lots on one side, and one on the other side of Maple Ave. He noted that the Code doesn't permit common driveways and said that the PB may want to waive that requirement and the road frontage requirement. He said there is an estimated 7.5 acres of wetland on the property and if it gets any larger the applicant may need to adjust his layout. Mr. Hoffman said he hasn't been able to run the numbers for the constraints analysis yet. He will meet with the applicant to make sure the application meets the Code changes.

Mr. Garling said he prepared a memo in August and is still waiting for a response from the applicant. He noted that access to the single lot should be from the subdivision road, not Maple Avenue.

Mr. Hoffman said the applicant needs to obtain PB approval of the work plan for the water protocols. Mr. Halloran said the applicant should return to the PB in two weeks for that.

Minisink Bus Garage - 19-1-34.2 – 8.4 +/- acres located at 308 Maple Avenue in the AI zone with an AQ3 & scenic road corridor overlay. Request for special use permit for bus maintenance & repairs.

Representing the applicant:

Delos Luther II, Director of Transportation
Minisink Valley Central School District
Amador Laput, Jr. Project Engineer

Mr. Halloran said that the PB is seeing the application for the first time. He said the school district has to move its bus garage temporarily and intends to rent the facility at 308 Maple Ave. to do bus maintenance and repairs only for a limited time, probably until August, 2010. The facility will revert back to the owner for his septic system business. The school district needs to be out of their own bus garage by October 16 in order to replace their unstable foundation. Mr. Halloran told the PB that this is a permitted use that will require a public hearing.

Mr. Laput said that anywhere between two and ten buses a day will come to the facility for their DOT inspection and/or repairs. He said there will be five mechanics on the site and expects it to be open from 6 a.m. to 6 p.m. There is parking for the mechanics on the site near the garage. There is already some screening along Vincent Drive, he said, and plenty of room for the turning radius for buses. He said there is one change from the original plan in that the applicant originally thought they would need an overflow area, but decided it will not be needed since they expect eight to ten buses at the maximum, and have 16 spaces along the building. The proposed overflow area will be eliminated on the plans, he said. Mr. Laput said the warehouse is 3300 sq. ft.

Mr. Halloran said the applicant is proposing adding a bathroom and office on a second story above one-half of a bay. Mr. Garling said that the drawings show something different and that this will have to be clarified.

Mr. Hoffman said that there are inconsistencies between the plan and the application and suggested a written statement to clarify the inconsistencies. Mr. Hoffman said that the applicant also needs to include a written statement as to use, intended hours of operation, the number of employees, the number of vehicles, and the length of time the special permit will be in use.

Two neighbors who didn't identify themselves raised some issues. Mr. Huddleston explained that they are welcome to listen and gather information but that this is not the public hearing. There will be a public hearing, which will be noticed, when the public will have an opportunity to speak on the application, he said.

Mr. Laput said that the buses will be coming onto Orzeck Rd. and making a left, and will come out of Orzeck Rd. and make a right. He said they exceed the sight distance requirements except on the driver's right which is 408 ft. instead of 430 ft.

Mr. Hoffman said this is a temporary use for a repair garage and is permitted without a variance. He asked the applicant to prepare a written statement clarifying certain issues. He said that drip pans will be required on site and he recommends using a different gravel material. Most of the buses will be turning right and they have the sufficient sight distance for that, he said. He stated that the PB could ask the Orange County DPW to place a sign requiring all school buses to make a right turn. Mr. Hoffman mentioned that the applicant has gotten a fast perc, just over one minute, and suggested blending to slow that down. He noted that the use of the proposed restroom will be minimal with just five to six employees. The existing well is inadequate and the applicant will be putting in a new well. Mr. Hoffman said they will want to see where that is going to be located and noted that the applicant will have to revise the plans.

Mr. Garling said the second floor that will be added appears to be 855 sq. ft. He said he thinks the building is actually smaller than the 3300 sq. ft. the applicant states. He said the exact building size must be determined because it will affect whether it is a Type II Action or an Unlisted Action for purposes of SEQRA. He said he wants to see the layouts of the inside of the warehouse. He said that the PB will need to determine which issues might be waived, such as landscaping and screening, because of the limited nature of the use.

Ms. Naughton said that the exact square footage must be determined for SEQRA purposes. She added that the application has been referred to County Planning and County DPW. County Planning has said it is a local determination. No response has been received yet from the County DPW, she said.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Town of Goshen Planning Board sets a Public Hearing on the application of Minisink Bus Garage for October 15, 2009. Approved unanimously.

Mr. Andrews	Aye	Ms. Israelski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye
Mr. Huddleston	Aye		

Mr. Laput said he will provide the narrative and revised plans to the Building Inspector by Monday, October 5. Mr. Huddleston said that if it's not provided by Monday, the public hearing will not be posted for October 15.

Kaprielian – 4-1-9 & 7.1 – 77.2946 +/- acres, located at 57 Farmingdale Road & Woodcrest Lane in the RU zone with an AQ3, AQ6 and scenic road corridor overlay. Lot line change.

Representing the applicant: James Dillin

Ms. Israelski recused herself from the discussion and any decision making.

Mr. Halloran said this is a lot line change on a three unit subdivision and that it will be up to the PB to determine if a public hearing is necessary. There is a house on one parcel and a barn behind it on another parcel. The applicant wants to expand the parcel with the house on it to include the barn.

Mr. Dillin said that the house is the original farmhouse and that years ago a one acre parcel was cut out of the property to separate the farmhouse and barn, probably for mortgage purposes. The applicant wants to straighten the lot line to include the barn.

Mr. Hoffman said that the larger lot (#9) owns through the road and that there is no right-of- way. The applicant will correct that now by providing a 25 ft. right-of- way from the center line on Farmingdale Road. He said that there currently is a non-conformity, that there is a line 10 ft. off the front place of the dwelling. It also goes through the septic area. The applicant will decrease the non-conformity by pushing the line out to 20 ft. but it is still non-conforming under the Code, he said. Ms. Naughton said that generally when an applicant is decreasing a non-conforming, it doesn't require a variance so she doesn't believe it will need to go to the Zoning Board of Appeals.

Mr. Hoffman pointed out that the applicant needs to include the well and septic on the plans.

Mr. Huddleston said that while it may not be conforming, the applicant is making things better and suggested that because it is a better situation than was there, and makes sense, that he personally thinks the PB should go forward with it.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Town of Goshen Planning Board assumes lead agency status on the application of Kaprielian. Approved unanimously.

Mr. Andrews	Aye	Ms. Israelski	
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye
Mr. Huddleston	Aye		

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Myruski, the Town of Goshen Planning Board types the application of Kaprielian as an Unlisted Action. Approved unanimously.

Mr. Andrews	Aye	Ms. Israelski	
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye
Mr. Huddleston	Aye		

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Bergus, the Town of Goshen Planning Board gives the application of Kaprielian a Negative Declaration in terms of SEQRA. Approved unanimously.

Mr. Andrews	Aye	Ms. Israelski	
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye
Mr. Huddleston	Aye		

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board determines that no public hearing is required on the application of Kaprielian. Approved unanimously.

Mr. Andrews	Aye	Ms. Israelski	
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Myruski	Aye
Mr. Huddleston	Aye		

The PB attorney will draft a resolution for the PB to consider at its next meeting.

ADJOURNMENT: A motion to adjourn the meeting at 8:50 p.m. was made, seconded and approved unanimously.

Ralph Huddleston, Chair
Notes prepared by Susan Varden