

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

NOVEMBER 5, 2009

Members Present:

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

Also Present:

Neal Halloran, Building Inspector
Sean Hoffman, Engineer
Kelly Naughton, Esq. PB Attorney
Leslie J. Dotson, Garling Assoc.

Absent: Raymond Myruski

Minisink Bus Garage - 19-1-34.2 – 8.4 +/- acres located at 308 Maple Avenue and Orzeck Lane in the AI zone with an AQ3 & scenic road corridor overlay. Special Use permit for bus maintenance & repairs, modified site plan with driveway to Maple Avenue.

Representing the applicant:

Delos Luther II, Director of Transportation
Minisink Valley Central School District
Amador Laput, Jr. Project Engineer,
and Bob McCloud, property owner

Mr. Laput said that the site plan has been modified since the last meeting with the PB and that access will now be from Maple Avenue, not Orzeck Lane. He showed PB members the new site plan, stating that it affords better sight distances and that it does not call for the removal of trees. He said there will be a 30 ft. inside radius and 54 ft. outside radius which will be adequate for the buses to be able to turn. Other changes made to the site plan include a berm and tree plantings, he said. The new plan provides screening at the end of Vincent Drive with a berm on the corner.

Mr. Hoffman said that the driveway is now going to be 24 ft. wide. The County regards it as a commercial driveway and has asked for a stop bar and stop sign, he said. The applicant is working with the County and expects to get a work permit soon.

The PB discussed the County DPW recommendations in connection with NYS General Municipal Law Section 239-f and agreed to incorporate them into the resolution.

It was noted that Mr. McCloud is still storing his excavating equipment on the property.

Ms. Naughton told the PB that because the site is located in the Scenic Road Corridor Overlay District, the PB will have to approve the following finding: “That the project will not result in the degradation of scenic character; will be aesthetically compatible with its surroundings; will minimize the removal of native vegetation, except where such removal may be necessary to open up scenic views and panoramas; and will locate and cluster buildings and other structures in a manner that minimizes their visibility from the road to the extent practical”.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board makes the necessary Finding read by its attorney in regard to the Scenic Road Corridor Overlay District on the application of Minisink Bus Garage. Passed unanimously.

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

Ms. Naughton read the conditions of approval as:

1. This application has been reviewed with the understanding that the use shall remain until December 31, 2010. Should the use remain for a longer period of time, the applicant is required to reapply to the Planning Board for approval.
2. The light levels must be limited to 0.1 foot candles at the property line so no offsite glare will result. The fixtures shall meet IDA, LEED or Green Globes criteria for Nighttime Friendly or Dark Sky lighting.
3. All grading and excavation activity necessary to complete this project must comply with Chapter 53 of the Goshen Town Code.
4. Prior to the signing of the plan, Note 4 on the plans shall be revised to eliminate the statement that the temporary occupancy is contingent upon the completion of the MVSD bus garage, and to indicate the temporary occupancy ends December 31, 2010.
5. Prior to the signing of the plan, the applicant shall revise the Bulk Table to correspond with the plan and appropriate zone requirements.
6. Prior to the signing of the plan, the applicant shall comply with all outstanding issues set forth in the October 30, 2009 memorandum of the Town Engineer, subject to his satisfaction.
7. Information regarding the quality and quantity of the existing well shall be provided, subject to the satisfaction of the Town Engineer, prior to the issuance of a Certificate of Occupancy.
8. Prior to the issuance of a building permit, all unregistered vehicles, lumber and debris, shall be removed from the property.
9. Prior to the signing of the plan, the applicant shall revise the plan to indicate the location of all dumpsters for both waste and oil.

10. Any and all inspections and repairs performed on the school buses shall be performed inside the repair garage to the extent practicable.
11. Screening shall be provided along the driveway along Vincent Drive in accordance with the plan last revised 11-1-09.
12. The number of vehicles permitted on the premises shall be limited to twenty (20) buses and six (6) cars or trucks at one time.
13. Drip pans shall be placed under every bus immediately upon its arrival at the property. If the Building Inspector determines that drip pans are not being placed under all buses all of the time, the applicant will be required to appear before the Planning Board to obtain an amended site plan and special permit which shall require that an appropriate bond be posted with the Town to ensure that the Town may take necessary remediation efforts funded by the proceeds of such bond with regard to environmental problems from potential oil and other fluids discharge.
14. The applicant shall hire a firm to inspect the premises weekly to ensure environmental protection practices are properly installed or implemented. Protection practices shall include, but not be limited to the placement of drip pans under each and every bus on site. Applicant's inspector shall provide weekly written inspector reports to the Building Inspector. The Building Inspector shall have the authority to decrease the frequency of these inspections, as he deems necessary.
15. Prior to the signing of the plans, the applicant shall comply with the requirements set forth in the Orange County Department of Public Works letter dated October 30, 2009. This condition shall be considered accomplished by proof that revised plans satisfying said requirements have been transmitted to the Orange County Department of Public Works being submitted to the Building Department.
16. Prior to the issuance of a Certificate of Occupancy, the applicant will abandon the well as indicated on the plans in accordance with the detail on the plans.

Mr. Hoffman suggested that the parking stalls be delineated so that vehicles cannot park any closer than 15 ft. to keep a proper distance for emergency vehicles.

Ms. Naughton added condition #17 to read: "The applicant shall delineate the first parking stall for the buses closest to the building to the satisfaction of the Town Engineer."

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board accepts the Resolution of Conditional Approval for Temporary Site Plan & Special Use Permit for McCloud School Bus Inspection & Repair including its specific conditions #1 through #17. Approved unanimously.

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

Braunius – 8-1-23.2 – 1+/- acres, located at 222 Craigville Rd. and Knoell Rd in the RU zone with an AQ and scenic road corridor overlay. Amendment to a subdivision plat, discussion of sight distance for stopping and reaction.

Representing the applicant: Terence Dahl, Esq.

Mr. Halloran said the house is located on the right-hand side of Craigville and Knoell roads and said the original subdivision plan stipulated that when the access off Knoell Rd. to Mr. Dembeck's property was put in, that at the bend in the driveway to Craigville Rd. would be a connection to that access onto Knoell Rd. It came up in a recent title search and is now an issue for a purchase, he said.

Mr. Dahl said it was approved in 1986 and was never done. His client purchased the property eight months ago and it did not come up in the title search then but he is under contract now to sell the property and the title company came up with this note on the plans. It has been "as is" for 20 years and the applicant is interested in keeping it "as is", he said. Mr. Dahl suggested that there may have been a concern at one time of backing out onto Craigville Rd. but his client has demolished the free standing garage and there is now a turnaround at the top of the driveway so cars do not have to back out onto Craigville. The applicant wants to leave it "as is" and simply change the note on the plans.

Ms. Naughton said it is an application for an amended site plan and that if the PB agrees the note should be removed, that the applicant will have to file a new map with the County removing the note.

It was noted that the County DPW has no record of it and no requirement for it. Mr. Denbeck was in the audience and said he has no memory of it and is for leaving it "as is". Mr. Huddleston said the note makes no sense now.

Ms. Naughton said the applicant will have to prepare a new subdivision plan and that it requires a public hearing. Ms. Cleaver said the applicant should show the wetlands in the back of their property on the new subdivision plan and Mr. Hoffman asked for a sight distance measurement plan.

Mr. Huddleston told the applicant that the map needs to be satisfactory to the Town engineer.

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

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

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Lupinski, the Town of Goshen Planning Board types the application of Braunius as an Unlisted action. Approved unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Town of Goshen Planning Board sets a public hearing on the application of Braunius for November 19, 2009. Approved unanimously.

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

Mr. Huddleston said that the applicant must have the material available to the public by Nov. 13, 2009.

Dickerson – 13-1-69-92.90 acres, 6 lot subdivision located on Dunmore Lane, Gibson Rd. and Route 17A in the RU zone with an AQ3, AQ6 and scenic road corridor overlay. Waiver of road frontage and revised sketch plan, discuss reaffirmation of the SEQRA finding.

Representing the applicant: Amador Laput, Engineer

Mr. Laput said that the current proposal is for six lots. He said that historically it was to be a much larger subdivision but that market conditions dictate fewer lots. The applicant is proposing 5 driveways. Lots #3 & #4 are flag lots with 70 ft. wide frontage on County Route 100. The applicant is requesting waivers for the two lots. Mr. Laput said that 64% of the site is in conservation areas.

Mr. Hoffman said the application was originally for a 23 lot subdivision. He said the applicant needs a waiver of the road frontage, the Code requires 300 ft. frontage. He said that making the lots conforming was discussed, but that it would encroach on the wetlands. The applicant is providing a 100 ft. buffer. Without dramatically changing the plan and affecting the wetlands, the applicant has asked for a waiver, Mr. Hoffman said. He said that the applicant needs to confirm that the principal building is greater than 50 ft. from the conservation easement.

Ms. Cleaver asked if the DEC has looked at the wetlands and said she is also concerned about the wetlands offsite Mr. Laput said he will send the site plan to the DEC asking for a determination and confirmation of the line.

Ms. Naughton said that previously when the 23 lot subdivision received preliminary approval from the PB, she believes the applicant performed a bog turtle study. She said the PB issued a negative declaration. She said that since the application has been downgraded in terms of the number of units, it would be appropriate for the PB to re-type the application from a Type 1 action to an Unlisted action. The PB decided not to re-type it at this time. Ms. Cleaver said she wants to confirm that there is not a bog turtle presence before typing it as Unlisted.

The PB discussed the request of a waiver from the 300 ft. road frontage requirement. Ms. Naughton said the PB has the ability to say that a lesser frontage is appropriate due to the topographic conditions. Mr.Huddleston said that a waiver would avoid impacting the wetlands.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board waives the requirement of a 300 ft. road frontage on Lots #3 & #4 for the application of Dickerson. Approved 5 votes in favor and one abstention.

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

Ms. Naughton said that the PB had adopted the conservation analysis and now the applicant is asking that the PB re-confirm the Conservation Finding that it previously adopted for the 23 lots.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Israelski, the Town of Goshen Planning Board re-confirms the Conservation Finding that the PB had adopted on the 23 lot subdivision on the application of Dickerson. Approved unanimously.

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

Valden (Hacienowen) – 11-1-28 & 11-1-30.1 – 3.65 +/- acres, located at 1700 Route 17M in the RU zone with an AQ6 & scenic road corridor overlays. Site plan & septic report for restaurant/banquet hall, landscaping, parking, access.

Representing the applicant:

Amador Laput, Engineer
Mr. Barajas, Owner
Eric Osborne, Architect

Mr. Halloran said the site is the location of the former Owen Murphy Inn and is now owned by Mr. Barajas, owner of the Hacienda restaurant, also on Route 17M. The major issue with the site, in the past, has been the septic system, he said.

Mr. Laput showed the PB an architectural rendering. He said the applicant is totally re-designing the septic system, per Department of Health regulations. The new septic system being proposed consists of two large septic tanks, two storage tanks and a pump station with total storage of 17,000 gallons, he said. Mr. Hoffman said the usage is over 10,000 gallons a day so it will require a Speedez permit.

It was noted that the zoning of the parcel has changed from RU to HC (Highway Commercial) which in turn changes the parking requirement. The PB discussed the fact that the applicant will lose eight parking spots under the new HC zoning, thus limiting the number of patrons allowed for the banquet facility, from 264 to 249. Ms. Naughton advised the applicant that he could apply to the town's Zoning Board of Appeals for a waiver. Mr. Laput said the applicant wants to try to save those parking spaces and will go to the ZBA. Mr. Hoffman said the waiver that the applicant will be seeking is from Section 97-48(A3) under "Off street parking" stating...if any parking spaces are located in the front of the principal building, the minimum front yard setback shall be increased by 30 ft. and planted by alternating double rows of trees..."

The PB reviewed the applicant's landscape plan. Mr. Huddleston said that the landscaping, as designed, seems well thought out for traffic and visual considerations associated with this particular site.

Mr. Halloran referred to the requirement of Town Code Section 97-14(D1) which states: "Buildings shall be placed in front of their parking lots to screen the parking from the road, this requirement shall not apply to the entire site if screened from the road by natural vegetation or topography."

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Town of Goshen Planning Board waives the requirement of 97-14(D1) and determines that it is not practical and feasible for the screening as described on the application of Valden. Approved unanimously.

Mr. Andrews
Mr. Bergus
Ms. Cleaver

Aye
Aye
Aye

Mr. Huddleston
Ms. Israelski
Mr. Lupinski

Aye
Aye
Aye

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Town of Goshen Planning Board declares it intent to be the lead agency on the application of Valden and types the action as an Unlisted action. Approved unanimously.

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

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. Reaffirmation of conservation analysis, waiver of road frontage, waiver of common driveway, reaffirmation of SEQRA. Possibly set a public hearing.

Representing the applicant: Jerome Fine

Ms. Israelski recused herself from discussion or pending action on the application.

Mr. Fine said the applicant wants the PB to re-affirm the conservation analysis which is unchanged from the November, 2004 conservation analysis and had previously been affirmed.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board accepts the Conservation Analysis with the latest revision date of October 2009 as presented on the application of Persoon. Approved unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Bergus, the Town of Goshen Planning Board re-affirms the November, 2004 Conservation Analysis Findings on the application of Persoon. Approved unanimously.

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

Mr. Huddleston said the PB had previously set a condition that the applicant use common driveways, but that the revised Town Code restricts common driveways, although the PB has the ability to waive the restriction.

Ms. Naughton said the PB has the ability to waive it under the three conditions set forth in the Code that it is (A) Not requisite in the interest of the public health, safety and general welfare (B) Inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision or (C) Is in conflict with the environmental, agricultural, scenic or historic resource protection purposes of Chapter 97 of the Zoning Code.

Mr. Lupinski said that he didn't see where common driveways are needed as opposed to individual driveways to guarantee any of the criteria.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Bergus, the Town of Goshen Planning Board waives the common driveway restriction pursuant to conditions A and C on the application of Persoon. Approved 4 to 1.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Ms. Israelski	Recused
Ms. Cleaver	Aye	Mr. Lupinski	Nay

Mr. Huddleston said that the applicant needs lot frontage waivers. Ms. Naughton said that if the PB wants to impose conditions, it can limit it to the 3 curb cuts or 4 permitted common driveways and Lot #36 accessing onto Sunset Court.

It was discussed that the frontage can be waived based upon topographic features of the site. Mr. Lupinski questioned what topographic features the PB would be protecting if it waived the requirement. He said he believes that when the law was written the intent was to grant a waiver only for severe topographic reasons and "that is what it should be." He said the PB hasn't met a 300 foot frontage waiver that it hasn't embraced and questioned why then it is included in the Code.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Town of Goshen Planning Board states that on the application of Persoon that due to topographic features on the site, specifically to limit the development along an existing ridgeline and steep slopes which will result with any configuration of the proposal attempting to limit the number of lots fronting on Maple Avenue, the Planning Board determines that a waiver of the requirement for 300 feet of frontage on Maple Avenue for the five lots proposed to be developed along Maple Avenue is appropriate, conditioned upon limiting it to the 3 curb cuts and that Lot 36 will access onto Sunset Court. Approved 4 to 1.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Ms. Israelski	Recused
Ms. Cleaver	Aye	Mr. Lupinski	Nay

Ms. Cleaver asked if the application was submitted to the DEC for rare and endangered species on the property. Mr. Fine produced a letter from the Office of Natural Heritage stating there are no records of known occurrence of rare or endangered species on the site.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Bergus, the Town of Goshen Planning Board reaffirms the PB’s SEQRA Negative Declaration originally issued on March 16, 2006 on the application of Persoon. Approved 4 “ayes”, one “abstention”.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Ms. Israelski	Recused
Ms. Cleaver	Aye	Mr. Lupinski	Abstention

Mr. Hoffman said that the applicant has done extensive soil testing, witnessed partly by the Health Department and that the applicant’s current engineer has re-done the testing so he can certify that the previous results were essentially the same.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Bergus, the Town of Goshen Planning Board finds that the applicant, Persoon, has demonstrated, through site-specific soils testing and analysis to the satisfaction of the PB and Town Engineer, that the lots were appropriately sized and designed to accommodate the individual septic systems proposed and the PB hereby waives the Environmental Control Formula as permitted by Section 97-18(D)(3) of the Town Code. Approved 4 to 1.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Ms. Israelski	Recused
Ms. Cleaver	Aye	Mr. Lupinski	Nay

Mr. Hoffman said that the applicant needs to submit amended preliminary plans for the engineer to review. Mr. Fine said the amended plans can be submitted in a few days. It was stated that any public hearing will be conditioned upon the applicant getting the amended plans to the engineer and the public by Nov. 10.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board sets a public hearing on the application of Persoon for November 19, 2009. Approved 4 “ayes”, one abstention

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Ms. Israelski	Recused
Ms. Cleaver	Aye	Mr. Lupinski	Abstention

ADJOURNMENT: A motion to adjourn the meeting at 9:30 p.m. was made, seconded and approved unanimously.

Ralph Huddleston, Chair
Notes prepared by Susan Varden