

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

NOVEMBER 18, 2010

Members Present:

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

Also Present:

Neal Halloran, Building Inspector
Dennis Lindsay, PB Engineer
Ed Garling, PB Planner
Kelly Naughton, PB Attorney

The Minutes of the PB meeting of November 4, 2010 were approved with corrections.

Meadows of Goshen – 12-1-86.1 – 97.8 acres – 34 lot subdivision, located on Gate School House Road & Maple Ave. in the RU zone with an AQ3 & AQ6 overlay. Bond authorization.

Representing the applicant:

Burt Dorfman

Mr. Lindsay said that in light of the roadway specification he has revised the bond amount to \$961,200.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board accepts the engineer's recommended bond amount of \$961,200 on the application of Meadows of Goshen. Approved unanimously.

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

Mr. Dorfman said he would like to talk about Item #11 regarding obtaining additional Jurisdictional Determination, one of the conditions on the final approval of Meadows of Goshen. He said that all of the site improvements are done and referred the PB to a letter dated November 18, 2010 from MJS Engineering & Land Surveying, PC stating that the Army Corps of Engineers granted original Jurisdictional Determination in 2003 and that Mr. Orzel, project manager of the Army Corps, Western Permit Section, said he will let the 90 day response period expire by which the project will get a default approval for the construction activities.

Mr. Huddleston explained that the Army Corps is not interested in re-confirming wetland situations that have already been looked at and doesn't see any reason to come out to re-confirm. He said while the condition requires that the applicant get a re-confirmation on the Jurisdictional Determination, he recommends that the condition be modified because the Army Corps won't go out again in the field and doesn't see any merit to it. "If we leave it at that, the applicant is stuck," Mr. Huddleston said.

Mr. Lindsay said that a regulatory agency cannot be forced to do something it doesn't want to do and noted that the condition states that prior to the signing of the plat, the applicant shall obtain a Jurisdictional Determination from the Army Corps of Engineers. Mr. Dorfman said the applicant has that, but it expired in 2008.

The PB agreed to accept the original Jurisdictional Determination.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Bergus, the Town of Goshen Planning Board accepts the original Jurisdictional Determination supplemented with the information provided by MJS Engineering reconfirming the position of the Army Corps of Engineers. Approved unanimously.

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

North Jersey Trailer & Truck Service – 12-2-20.1 – Bond reduction.

The applicant is asking for a bond reduction.

Mr. Lindsay said that his office inspected the site and reviewed and modified the applicant's estimate. He noted that most of the work on the road is complete. In regard to the site plan improvements, Mr. Lindsay said that the applicant graded in the rear of the property but that it has suffered some erosion and the areas of the erosion need to be fixed. Basically the bond amount is for soil erosion and correcting areas where there is erosion and also planting small trees. He said he is recommending that the bond amount be reduced to \$35,664 for the remainder of the work.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Town of Goshen Planning Board accepts the engineer's recommendation that the bond amount be reduced to \$35,664 for the remaining work to be done by the applicant North Jersey Trailer & Truck Service. Approved unanimously.

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

2011 Meeting Schedule

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Town of Goshen Planning Board adopts the meeting schedule for the Town Planning Board for 2011 as follows: Jan. 6 & 20, Feb. 3 & 17, Mar 3 & 17, Apr 7 & 21, May 5 & 19, Jun 2 & 16, Jul. 7 & 21, Aug 4 & 18, Sept 1 & 15, Oct 6 & 20, Nov 3 & 17, Dec 1 & 15. Approved unanimously.

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

Persoon – 17-1-4 & 36, 127+/- acres, modification of conditions

Representing the applicant: Jerome Fine

Mr. Fine said the applicant is requesting a modification of the condition regarding the construction of an access road. He said there are several problems with building an access road and that one is the cost. He said it will also intrude on the sale of two lots in Phase 1. He said the applicant would like to utilize the two town roads that come into the project in a more efficient way, rather than putting the whole load on this farm road. It is difficult to do it the way it is now, he said.

Mr. Chafron said he and his partner, Mr. Reiger, are possible developers of the Persoon subdivision. He said the construction road is the biggest impediment to going forward. It is “big monetarily,” he said, and added that he doesn’t know of anywhere else where a construction access road has to be built, when there is a town road available for use.

Mr. Huddleston said that when the public came out for the public hearing, they didn’t want the existing roads to be used and the developer at the time suggested that a construction road be built. That was agreed to and became a condition.

Mr. Chafron said that the economics are completely different than they were when this was decided and to build this road and maintain it during this construction process “is a deal breaker to us. We can’t give the Persoons what they need.” He said that other projects in the Town are allowed to access their sites from town roads and that “considering how things have changed in the world, we are asking whether you can change this requirement.”

The PB discussed the request at length.

Mr. Bergus expressed his concern about damage caused to town roads by heavy trucks to and from the construction site.

The developer said they will build a road to Houston and out the other direction. They said they would complete the connections between the roads first and then utilize those connections. All traffic will not be coming out in one direction.

Ms. Naughton said that if the request is to be considered it will require a 239 Referral to the county. She said the PB will have to consider whether or not it wants to reaffirm its negative declaration and that if it could have a significant adverse environmental impact then SEQRA would have to be addressed. It would be the PB's discretion whether to hold another public hearing. The PB would have to consider whether it is substantially different than what was previously put forth in order to consider another public hearing.

Mr. Huddleston said that a lot of people attended the last public hearing and the PB sent them home telling them that their worries were mitigated. There would have to be some notification for them, he said.

The developer said that if the requirement isn't waived, they probably won't have anything further to do with the project and said they would like to get a sense of the view of the PB.

Mr. Huddleston polled the PB. Mr. Huddleston said that because of the Persoon situation and the economy, he would consider the deviation to the condition. Mr. Andrews agreed. Mr. Bergus and Ms. Cleaver said there would have to be assurances made to the Town to protect the town roads before and after construction. Mr. Myruski and Mr. Lupinski were against the change. Mr. Myruski said he didn't want to go against what was voted on and what the public expects to happen. "This was all done at a public hearing and the public spoke," he said.

The developer showed the PB the types of houses that would be built on Maple Ave. They are in the scenic road corridor and the code requires certain architectural requirements. The PB looked at the plans and Mr. Huddleston said the houses probably would comply.

Mr. Naughton reminded the PB that it will have to determine if there are historically significant buildings in the vicinity.

Orange & Rockland - Lead agency consideration

It was noted that Orange & Rockland wants to construct a sub-station on Cheechunk and Hartley roads and requires a special use permit from the Town Board. The Town Board has sent out a notice of their intent to be lead agency but would like the PB to take lead agency status because it's better able to coordinate the review process.

Mr. Huddleston said he believes the PB should take lead agency because it is the best qualified to do so.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board proposes that it replace the Town Board as the lead agency on the application of Orange & Rockland. Approved unanimously.

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

Ms. Cleaver said that while she agrees, she wants to impose a requirement that a member of the Town Board be at the PB meetings when the application is discussed.

Timber Trail - 2-1-22 – Lead agency consideration

Mr. Halloran said that the project is a large residential development proposed on Everett Rd. and Route 207 and that because it is a PAC, a Special Use Permit from the TB is required. The Town has declared its intent to be lead agency. Mr. Huddleston believes again that the PB is more qualified to be lead agency.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Lupinski, the Town of Goshen Planning Board proposes that it replace the Town Board as the lead agency on the application of Timber Trail. Approved unanimously.

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

Ms. Cleaver approved but again requests the presence of a Town Board member at every PB meeting that the application is discussed.

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden

