

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924
June 20, 2013

Members Present:

Reynell Andrews
Lee Bergus, Chair
Susan Cleaver
Phil Dropkin
David Gawronski
John Lupinski
Giovanni Pirraglia

Also Present:

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

The PB meeting was opened at 7:30 p.m. by Lee Bergus, newly appointed chair. Mr. Bergus welcomed new Planning Board member Phil Dropkin.

The minutes of the meeting of May 16, 2013 were approved.

Possible Extension or Abandonment of Application pursuant to Town Code

Traskus – Extension Request

Mr. Halloran said the applicant is requesting an extension of its conditional final approval. Richard Crogan, Esq., applicant representative, said the applicant is seeking an extension because there is additional testing needed for the septic systems and some soil movement to be done as dictated by the Orange County Department of Health.

Mr. Golden said the applicant has suggested two 90-day extensions.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Pirraglia, the Town of Goshen Planning Board extends the conditional final approval on the application of Traskus to November 21, 2013. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Javelin – Extension Request

Mr. Bergus read a letter dated June 20, 2013 from Lanc & Tully. The applicant's

preliminary subdivision approval expires June 20. All technical items have been addressed and the applicant has received bid proposals for the site work that needs to be completed but the cost of the road construction is prohibitive under the current market conditions. The applicant is considering starting the road construction on his own and is seeking a six-month extension of his preliminary approval.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Andrews, the Town of Goshen Planning Board approves a six month extension to December 19, 2013 on the preliminary subdivision approval for the Javelin application. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

New Horizons

Mr. Golden said that the applicant’s present six month extension expires today, but they have not appeared nor sent a letter to the PB. Mr. Golden suggested that as the PB has done in the past, it should grant a short extension until the next PB meeting and in the interim the Building Inspector should write a letter advising them that if they don’t request an extension, the PB will deem the project abandoned.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Ms. Cleaver, the Town of Goshen Planning Board approves an extension until July 18, 2013 on the application of New Horizons. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Orange County Turf/Glebocki – Special permit, site plan & lot merger 62-day waiver expires

Mr. Halloran said the applicant has not resolved the issue of legal access to the property and he believes Mr. Glebocki has no intention of going further. Mr. Golden said a decision must be made tonight and that the PB has two options, either to deny the application or to deem it abandoned. Under the code the PB must make a decision within 62 days after the close of the public hearing, he said, and the public hearing has been closed. Mr. Golden said that either way the project is at an end and that if the applicant

wants to resurrect it, he will have to make a new application and pay the fees. He said he thinks it would be appropriate to deem the project abandoned.

Mr. Halloran said that Mr. Glebocki has been in his office within the past month and has stated he has no intention of moving forward because he can't resolve the access issue. He said that the applicant's consultants are aware of the 62-day requirement and have asked for extensions in the past.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board deems the project of Orange County Turf/Glebocki abandoned. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

The PB asked the Building Inspector to draft a letter to Mr. Glebocki advising him that the PB deemed the project abandoned because he failed to again request an extension to the 62-day period. The letter will also instruct Mr. Glebocki that if he wants to proceed with the project on the same or different basis, he will need to file a new application.

Grodman – 19-1-83 35.4 +/- acres located on Celery Ave. for a temporary mobile home in the AI district.

Mr. Halloran reminded the PB that Mr. Grodman is requesting permission to use a mobile home for temporary agricultural use for an employee and that the PB attorney has written a resolution for consideration.

Mr. Golden said he believes the matter is a Type II Action and that a public hearing is not required. He said that based on the circumstances he doesn't believe that the PB is required to send a 239 Referral to the County.

Mr. Golden read each proposed Finding in the Resolution of Approval as follows:

1. "The mobile home, which shall be located to the rear of the principal residence on the same lot and shall not be on its own independently owned lot, has been located to the south of the existing residence, due to an existing ditch, which makes locating the mobile home to the rear of the principal residence unfeasible."

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Pirraglia, the Town of Goshen Planning Board accepts Finding #1 on the application of Grodman. Approved unanimously.

2. “The mobile home shall be connected to a potable water source consistent with the standards of the Orange County Department of Health.”

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Andrews, the Town of Goshen Planning Board accepts Finding # 2 on the application of Grodman. Approved unanimously.

3. “An adequate and safe sewage disposal system consistent with the standards of the Orange County Department of Health shall be provided.”

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Pirraglia, the Town of Goshen Planning Board accepts Finding # 3 on the application of Grodman. Approved unanimously.

4. “The mobile home shall be provided with a mobile home stand or foundation capable of supporting the mobile home in a stable position. The size of such stand shall be suitable for the mobile home it is to support. Such stand or foundation shall be constructed in accordance with the specifications outlined in Section 69-7 of Chapter 69 of the Town of Goshen Code.”

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Gawronski, the Town of Goshen Planning Board accepts Finding # 4 on the application of Grodman. Approved unanimously.

5. “The home stand or foundation shall be provided with anchors or tie-downs capable of withstanding winds of 100 miles per hour.”

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Pirraglia, the Town of Goshen Planning Board accepts Finding # 5 on the application of Grodman. Approved unanimously.

6. “The mobile home shall be provided with noncombustible skirting to screen the space between the mobile home and the ground; such skirting shall be installed within 90 days of occupancy and shall be of a material which shall provide a finished exterior appearance.”

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Andrews, the Town of Goshen Planning Board accepts Finding # 6 on the application of Grodman. Approved unanimously.

7. “The cost for this temporary permit shall be \$100.”

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Lupinski, the Town of Goshen Planning Board accepts Finding # 7 on the application of Grodman. Approved unanimously.

8. “The mobile home shall be removed from the Town of Goshen once the permit has expired, or is denied.”

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Pirraglia, the Town of Goshen Planning Board accepts Finding # 8 on the application of Grodman. Approved unanimously.

“The Planning Board further finds that there is a ‘special necessity by reason of employer-employee relationship’ between the owner of the farming operation and his tenant, where the Applicant desires to have the employee reside on his farm.” Town Code Section 69-5(A).

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Ms. Cleaver, the Town of Goshen Planning Board accepts the above un-numbered Finding as read on the application of Grodman. Approved unanimously.

“The Planning Board further finds, in accordance with the requirements for the Floodplain and Ponding Overlay District, that this use is permitted by right, and constitutes agricultural and commercial agricultural operations and accessory uses thereto, including fences and temporary structures.” Town Code Section 97-25(A)(2).

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Ms. Cleaver, the Town of Goshen Planning Board accepts the above un-numbered Finding as read on the application of Grodman. Approved unanimously.

Mr. Golden noted that the resolution specifically states that this is a temporary permit, valid for 120 days and that should the applicant require an extension of the temporary permit, an application must be made to the PB.

Mr. Golden read the seven specific Conditions of the Resolution as follows:

1. This application has been reviewed with the understanding that the mobile home is temporary, and shall be permitted to remain for 120 days after the issuance of the Certificate of Occupancy. Should the applicant require an extension, the applicant shall apply to the Planning Board for approval of a one-time 90-day extension of this temporary permit.
2. Prior to the signing of the plan, the applicant shall comply with all outstanding issues set forth in the November 9, 2012 Memorandum of the Town Engineer, subject to his satisfaction.

3. This approval is granted subject to the Findings stated above; specifically that the temporary mobile home be used to house an employee of the applicant’s farming operation.
4. The well for the mobile home unit shall be located two (2) feet higher than the one-hundred year flood plain, or, if the one-hundred year flood plain is unknown, two (2) feet higher than the highest flood of record.
5. Prior to the signing of the plan or the issuance of the temporary permit, the applicant shall provide proof to the Building Department, in the form of the IRS Schedule F (“Profit or Loss from Farming”), that the property is used for farming.
6. Prior to the signing of the plan or the issuance of the temporary permit, the applicant shall provide proof to the Building Department, in the form of the IRS I-9 form (“Employment Eligibility and Verification”), to demonstrate that the tenant is an employee of the Applicant.
7. If the Orange County Department of Health will not review the potable water supply and/or the sewage disposal system, the applicant shall design the potable water supply and sewage disposal system to Orange County Department of Health standards, and shall submit a certification by a New York State licensed professional engineer that the well and sewage disposal system were constructed in accordance with such standards.

Mr. Golden said the Resolution also includes the standard General Conditions.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board approves the Resolution of Conditional Approval, Temporary Mobile Home Permit for Craig Grodman. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Russo – 4-1-103 – 3+/- acres Site plan approval for in-ground pool located at 3 High Meadow Road in the RU, AQ6 and Scenic Corridor Overlay.

Representing the applicant: Applicants Mr. & Mrs. Russo

Mr. Halloran said that the PB is looking at this because of its location within the Scenic Road Corridor Overlay District.

Mr. Hoffman said the pool is 20 x 40 and kidney shaped and exceeds the 500 sq. ft. threshold.

Mr. Golden said the application is a Type II Action and should be noted as such for the record. It is within the discretion of the PB whether or not there is a public hearing, he said, and added that there is no need to refer this to the County.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Pirraglia, the Town of Goshen Planning Board waives a public hearing on the application of Russo. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Mr. Golden said the application was referred to the ERB and they had no comments for the PB.

Mr. Halloran said it is unlikely that the pool will be seen from the road.

Ms. Russo said he is planning on only a minimum amount of landscaping. The fence around the pool will be black aluminum. He said it is a salt water pool and therefore doesn't need a backwash. Mr. Hoffman said that is all consistent with the code and there is no requirement for landscaping.

Mr. Golden read the first Finding of the proposed Resolution as follows:

“The Planning Board further finds, in accordance with the requirements for the Scenic Road Corridor Overlay District, that this 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 the pool and related structures in a manner that minimizes their visibility from the road to the extent practical.”

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board adopts the Finding as read by legal counsel. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Mr. Golden read the second Finding as follows:

“The Planning Board has determined that to the extent that the elements of the site plan application are lacking those contained in Section 97-75(B), the Planning Board hereby deems that they are not necessary and are hereby waived, except as noted in the conditions below.”

PB members asked what they were waiving in the Finding. Mr. Halloran read the twenty-one items listed in Section 97-75(B). The PB decided that of the twenty-one items only the name and address of the property owner should be required on this site plan.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Andrews, the Town of Goshen Planning Board adopts the Finding as read by legal counsel. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Mr. Golden read the conditions as follows:

1. If any lighting is proposed, 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.
2. The applicant shall install black aluminum fencing surrounding the pool, a minimum of four feet in height, and otherwise in accordance with the Building Code.
3. Access to the work site shall be along the southerly driveway to avoid any impact to the subsurface sewage disposal system.
4. Prior to the issuance of a building permit, the applicant shall locate and protect the absorption field and septic tank with construction fencing. Additionally, the applicant shall hand dig all fence posts in the vicinity of the sewer between the septic tank and distribution box.
5. Prior to the signing of the plan, the applicant shall submit a revised sketch removing the signature of the surveyor from the plan, and insert the date that the applicant submits the plan.
6. All excavation spoil from the pool excavation shall be spread in and around the area of the pool in a neat, orderly and uniform manner.
7. The following site plan elements must be included on the plan prior to the issuance of a building permit: Section 97-75(B)(4) – name and address.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board approves the Resolution of Conditional Approval Minor Site Plan for Russo. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

AT&T (New Cingular Wireless PCS, LLC – 24-1-113 – Visual impact of cellular tower located off Pulaski Highway.

Representing the applicant: John Furst, Esq.

Mr. Furst said that the applicant is compiling the documentation necessary to file a formal application. A visual analysis will be a part of the documentation and will include a balloon test consisting of raising a 4 ft. diameter red balloon 150 feet (the proposed height of the tower). Photographs will then be taken from various locations in the Town. Before that is done, Mr. Furst said the applicant would like some suggestions of specific vantage points that PB members would like the applicant to use. So far, they have fourteen prospective spots and will include more if the PB suggests them.

Mr. Hoffman said there is a small residential area on Turtle Bay Rd. in the Town of Wawayanda that the applicant might study for a vantage point. Mr. Lupinski suggested picking a few more locations along Indiana Road.

Mr. Golden suggested that the applicant also talk with the Town’s Telecommunications Advisory Board to get other suggestions of vantage points.

Mr. Golden said the applicant should notify the Building Inspector when the balloon is going up.

Metro PCS – Applicant requests an extension so they can do additional work.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Pirraglia, the Town of Goshen Planning Board grants an extension on the approval of Metro PCS to December 19, 2013. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Fox Road Advertising, LLC – 18-1-69.2 15.10+/- acres site plan approval located on Durland Road and State Route 94 in the CO, RU and AQ3 District.

Representing the applicant: Steve Esposito

Mr. Esposito said he represents the principal owners Pete & Chris Kimiecik who want to expand their business and construct a building on their property. In January of 2013 they made application to the ZBA for an area variance and relief from the 150 ft. front yard setback, Mr. Esposito said.

Mr. Esposito showed the PB a conceptual plan. He said the applicants had originally intended to construct one large building but have decided on a plan to construct two smaller buildings. They will still require relief from the front yard setback from Rte.94.

Mr. Esposito asked the PB to conclude SEQRA so the applicants can get back to the ZBA to see if they can obtain relief. The applicants don't want to go further with developing a site plan until it can be determined where they can construct the buildings, he said. It was noted that the PB must complete SEQRA before the ZBA can act. Mr. Esposito asked for a conditional negative declaration from the PB.

Mr. Golden said that in order to analyze SEQRA properly, the applicants must tell the PB what is occurring on their site and what they want to do on the site. He said that the plan before the PB does not show the entire site which is considerably larger. The applicants need to identify all of the current uses on their site and those they plan on having and then the PB can analyze whether there are any significant environmental impacts, he said.

Mr. Esposito agreed that the applicants will submit a plan that shows all of the operations as well as a narrative.

Mr. Golden told the PB that when the applicants return with a revised submission and narrative the PB can then start looking at it substantively with respect to the environmental impacts with an eye toward making a determination of significance. However PB members will have to wait until they see what variances the ZBA grants before looking at the planning issues.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Lupinski, the Town of Goshen Planning Board assumes lead agency status on the application of Fox Road Advertising, LLC. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	(Mr. Pirraglia had left the meeting)	
Mr. Dropkin	Aye		

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board types the application of Fox Road Advertising, LLC as an Unlisted Action under SEQRA. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye		
Mr. Dropkin	Aye		

A site visit for PB members was scheduled. Mr. Golden cautioned PB members not to discuss anything while on the site visit. “You can ask specific questions of the applicant but don’t discuss it with others until in an open meeting context,” he said.

Tam Enterprises – Hartley Road adjacent to the O&R Substation.

The Town Board is asking the PB for input on the applicant’s request to rezone their entire parcel to Commercial. It is currently split between CO & RU.

The PB discussed the zoning and decided it makes sense to have the entire lot as CO given the location, the surrounding uses and the power line. It was noted that it isn’t necessarily good to have a lot in two zones and that the CO zone will promote the greater likelihood of use of that property.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Dropkin, the Town of Goshen Planning Board authorizes the PB attorney to write a letter to the Town Board indicating that the PB is in favor of the requested zone change to all Commercial. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye		
Mr. Dropkin	Aye		

ADJOURNMENT - The Planning Board adjourned at 10 p.m.

Lee Bergus, Chair
Notes Prepared by Susan Varden