

DRAFT - UNAPPROVED

**Town of Goshen
Planning Board
MINUTES OF THE
REGULAR MEETING
September 15, 2005**

MEMBERS PRESENT

Ralph Huddleston, Chairman
Reynell Andrews
Lee Bergus
Susan Cleaver
Mary Israelski
John Lupinski
Ray Myruski

ALSO PRESENT

John Cappello, Attorney
Richard Golden, Attorney
Neal Halloran, Bldg. Insp
Joe Henry, Engineer
Susan Roth, Planner

I. CALL TO ORDER

Chairman Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:00 pm.

II. 7:00 - 7:30 Subdivision law review.

Mr. Bergus, Ms. Cleaver & Ms. Israelski have submitted their comments via e-mail (see attached). They were reviewed as well as some additional comments from Mr. Andrews. After lengthy discussion, it was agreed that Mr. Cappello will compile this information in one document and submit it to the Town Board for next week's Public Hearing.

III. APPROVAL OF MINUTES

The minutes of the September 1, 2005 approved as submitted upon motion made by Ms. Cleaver, seconded by Mr. Bergus.

III. PUBLIC HEARINGS

Goshen Self Storage - 12-2-37 - 6.57 acres, located on 17M in an I zone with an AQ6 overlay.

Present for the applicant: Burt Dorfman, Esq.

Mr. Golden is acting as counsel to the PB for this project. Mr. Dorfman explained that they have received the necessary variances from the ZBA for front yard and impervious surface coverage. Mr. Halloran stated that the previously requested copies of metes and bounds descriptions have been received. Mr. Henry noted that these descriptions cover just the drainage system within the site, but this

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system actually extends over to lot 12-2-6.1 and therefore the description for that lot should also be included. The applicant agrees to provide this information. Mr. Golden explained that the first description dealt with the ZBA variances. These variances deal only with the front yard and impervious surface for the specific area where Goshen Storage is located. Mr. Henry's request brings up another aspect regarding drainage off the site.

Mr. Henry submitted his comment letter, which contains a significant number of technical issues. Mr. Dorfman believes some of these have been done including the drainage system. Mr. Henry explained that some of his questions are a result of Mr. Pfau's storm water report. Most of the items are minor in nature. Ms. Israelski noted that they had asked for an improved landscaping plan. This has been provided and Ms. Roth stated that the sizes are appropriate. Ms. Cleaver asked for a maintenance or management plan for the plantings. Mr. Golden explained that this can be left to enforcement or covered by bonding.

Ms. Roth suggested that a note be added to the plan stating that if landscaping items die, they shall be replaced. Ms. Israelski asked if the plantings should be done prior to the issuance of the CO or prior to the building permit. Mr. Golden stated that they need to review the location of the landscaping, if they install it before the building permit, otherwise it could be destroyed. Mr. Halloran explained that there were landscaping plans that were not completed on one of the other buildings. Mr. Andrews noted that the applicant would not get a CO if the landscaping was not done correctly. When asked if the recently constructed building was occupied, there was no reply. Mr. Golden stated that the applicant should correctly install this and the prior landscaping before the issuance of a CO. He asked Mr. Halloran if this landscaping supercedes the old landscaping plan or is it a supplement. Mr. Halloran replied that it is a supplement. The first plan needs to be done.

Mr. Halloran suggested that the applicant be required to do all the landscaping on the property up to this latest building (to the construction entrance) prior to the issuance of a building permit for this building and then finish that landscaping prior to the issuance of the CO for that building. The Board and the applicant agreed to this plan.

Ms. Israelski asked about the road dedication. Mr. Dorfman stated that they have no problem offering Canon Hill Drive up to the T-turn for dedication. Mr. Henry stated that Mr. Andryshak would like to review the road one last time. Mr. Dorfman stated that they will be back to the PB for the rest of roadway and the reconfiguration of the area regarding setbacks. Ms. Cleaver asked that the applicant avoid using bituminous sealant on the asphalt as it has serious environmental impacts. The members feel that there are a significant number of

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items to be addressed. The applicant feels they can have these addressed within the next week. There are no members of the public present to comment on this project. The Public Hearing will be held open until the October 6 meeting.

Prochaska - 22-1-61 - 17.2 acres, Minor 4 lot subdivision located on McNamara Lane in the AI zone with an AQ3 overlay. **(KR)**

Present for the applicant: Kirk Rother

Mr. Cappello is acting as counsel to the PB for this application. Mr. Halloran reported that the perc and well test results have been submitted. Mr. Rother stated that no pesticides were detected in the well tests. The well was drilled to 305' and was producing 15 gpm at 250'. Mr. Rother explained that there would be four lots, with 3 residences and one agricultural use. The residential section is slightly short on acreage and the applicant applied to the Town Board to be allowed to cluster as they wished to keep all the black dirt together in one lot. The Town Board passed a resolution to allow this clustering. Ms. Roth asked that a note be added to the map clarifying this clustering and stating that no further subdivision is allowed.

Mr. Lupinski noted that this area has always been a farming area and with new housing coming in, he feels that the current 50' buffer is not sufficient. This distance is often not enough to shield the residences from the noise and odors of neighboring farms. He noted that farmers have been sued by neighbors and the cost of the legal defense was significant. Mr. Cappello stated that this plan does meet the zoning code and there will be ag notes on the map. This project also meets the front rear and side yard setbacks. Only the bulk requirements for the one lot were not met and that is the reason for the request for clustering so they could keep all the black dirt together. Mr. Huddleston noted that this appears to be an issue to be reviewed by the Town Board and possibly require an adjustment to the code. The members discussed the possibility of including the ag notes in the deeds, so that the future owners are aware of the conditions. The applicant will be living in one of the homes. Mr. Cappello noted that they have revised this section code and have tried to create a balance.

Ms. Israelski requested that clearing limits be placed on the plan. Ms. Cleaver asked if all the existing barns will be coming down. Most of them will be, but the applicant may try to save one or two. This should be noted on the plans.

The Chairman opened the discussion to the public. Mr. Kozala, a neighboring farmer, stated that black dirt is federal protected wetland. He also noted that the ag data statement states that the area has not been farmed in 20 years, but it is currently being farmed for corn. Mr. Cappello stated that the homes will not be in

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the black dirt and the applicant is allowed to include that acreage in his calculations, but it cannot be developed. Mr. Huddleston explained that the applicant did not “annex” the black dirt area and he is aware that it can only be used as ag property. Mr. Kozala asked that aerial fertilizer and pesticide application should be added to the map notes. Mr. Myruski noted that the term “normal farming practices” is on the map.

Mr. Korycki expressed concern regarding the septic system and well locations. He noted that the neighboring farms use all the soil right up to the property line and fertilizers and pesticides are applied to these crops. Will there be a problem with groundwater and runoff? Mr. Rother noted that the wells are 50’ from the lot line as required by code. Mr. Korycki also asked about spraying and any problem that may create. Mr. Myruski noted that many farmers plant their seed crops on the “normal” soils and these require frequent pesticide applications. Ms. Israelski asked what would be an acceptable distance. Mr. Myruski will consult the Cornell extension service. This topic is also one to be addressed in the code. Mr. Halloran will bring these concerns to the TB for evaluation.

Mr. Bergus asked if the two proposed wells could be relocated. Mr. Rother will move them as far from the lot lines as he can. He feels that he can probably move them up to 75’ from the lines. They will keep the existing well. Mr. Korycki pointed out that there will be smells and insects from the cullings on the farm properties. Mrs. Prochaska noted that they are aware of these concerns as they have lived in this area for a long time and will address them as much as possible.

Mr. Arthur Moore asked about the increased traffic and runoff. Mr. Rother replied that lots 3 & 1 will use the existing driveway and lot 2 will have a new drive. He feels there may be less runoff when the existing barns come down. Mr. Moore noted that grass does not absorb as well as meadow and the drivew will be blacktopped. Will this runoff go on to the farmer’s fields? Mr. Henry noted that there should be no significant change. Ms. Cleaver asked if there are any tanks in the old buildings. Mr. Prochaska noted that there may have been a fuel oil tank on the existing property but the other buildings are empty. There were no further questions.

VOTE By Proper MOTION, made by Ms. Myruski, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby closes the Public Hearing in regard to Prochaska. Passed unanimously.

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

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VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby declares the Prochaska application will have no significant impact on the environment as all the impacts have been mitigated under NY SEQRA and hereby grants conditional preliminary approval conditioned upon the following:

- 1) Note on plans that the proposed changes in the well locations be staked out and not be moved.
- 2) Limits of clearing shown on the map
- 3) Ag notes will be filed against the property via deeds
- 4) Map note to explain that this is a "Cluster" subdivision and there will be no further subdivision.

Passed unanimously.

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

Mr. Cappello reminded the applicant that any buildings to be restored need to be shown to the PB prior to final approval.

IV. AGENDA ITEMS

Wholesale Storage - 12-1-18, 5 acres, located on Hartley Road, in a CO zone with an AQ6 overlay. Set Public Hearing Oct 20, 2005(KR)

Present for the applicant: Kirk Rother

VOTE By Proper MOTION made by Mr. Andrews, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby sets a Public Hearing for Wholesale Storage for the October 20, 2005 meeting. Passed unanimously.

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

"The Alamo" - 22-1-150.31 - .92+ acres, an addition to existing health care facility located on Pulaski Hwy in the AI zone with and AQ3 overlay.

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The applicant has received a grant to do this work and they need to begin by November. Mr. Myruski asked that the applicant careful review the entranceway as it needs to be improved.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby sets a Public Hearing for “The Alamo” for the October 6, 2005 meeting. Passed unanimously.

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

BMJB Enterprises - memo from the Town Board regarding special use permit for Impound yard.

Mr. Golden is acting as Counsel to the PB for this application. Mr. Golden explained that in reviewing the Chester Korycki issue for the Town Board, it was discovered that the impound yard being used by the Town Police did not have a permit. There is no area in the code to have an impound yard. Under §97-70B a special permit can be issued for a use that is not permitted elsewhere. The code requires that the TB refer this to the PB for their comments. The application and documentation has been submitted to the TB and they would like to act quickly on this application.

Mr. Huddleston asked if there have been enforcement issues regarding this property. Mr. Halloran replied that there had been none concerning the impound area, but there are other issues that are being addressed. Mr. Myruski stated that he feels this is the appropriate area for this type of operation. Ms. Cleaver asked if there is storage for 50 cars as is shown on the map. Mr. Huddleston asked if it is paved. It is gravel and the junkyard is permitted with cars parked in front. Mr. Halloran would have to enforce the number.

Mr. Korycki is the only operation in the area that will pickup vehicles 24/7. Ms. Cleaver asked if they receive damaged vehicles and will there be leaking fluids. This would cause a problem if they are parked on gravel. Mr. Halloran noted that with the Maaco application they required a designated area, which is designed to consider leaking fluids.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Mr. Myruski, the Planning Board hereby recommends to the TB that they grant the special use permit for the impound yard for BMJB Enterprises conditioned upon the following: 1) the number of vehicles be limited with input from Mr. Halloran and

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the Police Department and 2) an specific area designed to consider leaking fluids be designated. Mr. Golden will draft the resolution for Mr. Huddleston’s review and signature. Passed unanimously.

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

Heritage Estates - 8-1-9.22 - 256 acres locate on Old Chester Rd & Brookside Rd in the HR & RU zone with an AQ6 & AQ3 overlay with a scenic road and stream & Reservoir overlay.

Present for the applicant: Steve Esposito

Mr. Esposito explained that this project has been before the PB previously and intent to be lead agency was declared, a pos dec was issued and the DEIS is being finalized. They originally proposed three types of homes. Two types of single family homes numbering 98 were in the original plan. That number has been lowered to 87. Thee were 36 multifamily homes proposed and they have been eliminated and replaced with five single-family estate homes. They are still planning to keep the Kolk farm as an active agricultural entity and they still plan to offer the section to the Town that adjoins the Park.

In the section with the five estate homes, lots 1, 3 & 6 will have common driveways and lots 2 & 4 will have separate drives all entering on to Old Chester Road. Mr. Capello pointed out that this change means that the affordable housing area has been eliminated. Mr. Huddleston asked if Brookside Dr. would be coming through. Mr. Esposito replied that this is still possible. They will show the alternatives in the DEIS. The roadway through the area will be curved to calm traffic, it would not be straight through. In the area for the farm there will be restricted use areas. Mr. Halloran noted that the adjoining area known as the Knoll Farm has been targeted under the PDR plan. Mr. Cappello stated that this is the plan , but the transaction is not completed.

Mr. Myruski asked if the single access point is adequate. Mr. Esposito stated they would have a boulevard style entrance to accommodate emergency vehicles and they have planned a loop road through the rest of the development. At the staff meeting, the consultants felt that they should connect to Brookside. Mr. Huddleston noted that he thought that the “T” at the end of Brookside was established for snow removal. Mr. Myruski, who was on the board at that time, stated that the main intent for the design was for snow removal. Ms. Israelski

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noted that regardless of the intent, the code encourages interconnection between developments. Mr. Esposito stated that all this will be addressed in the DEIS.

JPH Project Management Limited - 13-1-84.1 - 41 acres, located on Peachtree Lane in a RU zone with an AQ6, AQ3, and scenic road corridor overlay.

Present for the applicant: Dave Higgins

Mr. Halloran noted that the Conservation Analysis has been finalized. Mr. Higgins stated that the applicant hopes to provide access through the rear to connect to the Dickerson project in order to limit the impact on Peachtree Lane. Ms. Roth asked if the members have any items to put under secondary areas in the CA. They have none, so she will remove that section.

VOTE By proper MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby accepts the Conservation Analysis as modified for the JPH project. Passed unanimously.

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

Schonfeld subdivision - 11-1-27.2 & 96 - 47.9 acres, located on 17M in the RU zone with an AQ3 & scenic road Corridor overlay.

Present for the applicant: Dave Higgins

This property is next to the Owen Murphy Inn and the driving range. Mr. Higgins explained that in reviewing the possibility of an area for a trail, they found that the driving range has an easement in the area they had hoped to use, so they will provide some access in the rear of the property. A portion of the property is in the CO district along 17M, which they hope to set aside for some sort of small commercial use. The remaining 15 lots will be residential with 26 acres of open space. There is a fairly flat area that could be used for recreation and possibly a rest area for the Heritage Trail. There is some existing screening, which can be increased. The possible trail through the property and along the proposed road was reviewed. The Town will have to work with the County regarding the possibility of a connection to the Heritage Trail.

Ms. Israelski asked if they could have the developer make these improvements. Mr. Cappello stated that possibly a reduction in the rec fees could be offered in exchange. The applicant also needs to provide some sort of analysis of the CO use

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and the road access. Mr. Cappello also noted that the TB would have to decide on whether to accept this open space or it could be kept as a restricted covenant or become attached to one of the lots.

The members agree that the concept plan has merit, however they should begin talking to the TB regarding the open space. They also need to check with the Heritage Trail to see if a connection is feasible and the applicant needs to show some idea of what the CO use would be.

Rolling Knoll - 5-2-19 - 33.966+ acres, located on Phillipsburg Rd in a RU zone with an AQ6 & stream corridor overlay.

Present for the applicant: Dave Higgins

Mr. Halloran explained that this is the remainder portion of the Tobias farm. Mr. Higgins reported that MTBE's were found in the one well with a plum that traveled toward Old Minisink. They have put in a pump and treatment area and it is being cleaned up. The plume is much smaller now. The Health Dept and the DEC will have to approve it. Ms. Israelski asked if there were any other remaining lands. No, this is the last piece.

Ms. Roth has drafted a Conservation Analysis showing some wetlands, and a significant stand of trees. Mr. Cappello noted that they should check the prior Expanded Part #3 of the EAF to be sure everything has been addressed. They should be able to finish this in time to be on the October 6 agenda.

Yankee Propane - 20-2-12 - 3.14 acres, located on Industrial Dr off Rte17A, in the CO zone with an AQ3 overlay.

No one is present for the applicant:

RTE 17M Storage - 12-1-103 - 3.75 acres, located on 17M & Musket Rd, in the I zone with an AQ3 overlay.

Present for the applicant: Michael Neely
Michael Blustein

Mr. Neely explained that they have received an indication from the ZBA that they will grant the variance for impervious surface coverage. They have added some more parking and have finalized the landscaping. They have presented a letter regarding the wetlands. Mr. Huddleston has walked the site and he feels that there is enough question regarding the wetlands to warrant further study. Ms. Cleaver has an old ACOE map that does show wetlands. Mr. Blustein noted that under the

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old zoning they could have gone forward and they still should be able to proceed. He noted that they need input from the PB to the ZBA stating that the landscaping plan is favorable so they can grant the variance regarding the impervious coverage issue. Ms. Roth noted that this is somewhat dependent on the wetlands.

Ms. Cleaver asked about the berm on Route 17M. Mr. Neely replied that they are cutting some of it out. Ms. Israelski asked about the r.o.w. on 17M. They may lose some of the plantings if the road is expanded. It does look like the plantings are very close to the r.o.w. The applicant needs to be sure they keep these plantings out of the r.o.w.

Mr. Cappello noted that the code allows the PB to permit an increase in impervious coverage if the parking lots are screened from view. The applicant needs to show that they have adequately screened the building also. Mr. Bergus asked how many people would be employed. If they go beyond 25, it will need to be a public water supply and they will need County Health Department approval. Mr. Cappello stated that if they are calling it warehousing and have office space they will need some strong definitions of the uses. They will need to clarify if they are going to have a service business with a show room.

Ms. Roth asked why they need 55 parking spaces if they are only having a maximum of 24 employees. They might want to consider banking some parking. There will also need to be some customer parking.

Mr. Halloran will convey to the ZBA that the PB finds the landscaping acceptable.

151 Greenwich Corp - 12-1-43.23, located on Route 17M, in the HC zone, with an AQ3 overlay.

Present for the applicant: Angelo Ferrante

The applicant is proposing a 3200 sq. ft. pole barn type of building with vinyl siding. This building will be for storage only behind their existing office space. They will install split rail fencing along the edge of the property.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby finds that the 151 Greenwich Corp. project will not have a significant impact on the environment under NY SEQRA and grants final site plan approval conditioned upon the following 1) The location of the split fencing to be shown on the map and 2) the lighting be downward directed night sky friendly. Passed unanimously.

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

Battiato - 18-1-13 - 8.8 acres, located on Arcadia Rd in a RU zone with an AQ3 overlay.

Present for the applicant: Michael Sandor

This is an application for a 3-lot subdivision. The Conservation Analysis has been reviewed and adopted. The applicant would like direction from the PB. They still need to review the wetlands. They plan to drill and test 2 additional wells. There will be one common road with a common driveway. There will have to be a strong maintenance agreement set up. Mr. Huddleston noted that it is nearly invisible from Arcadia Road. He also asked if they would be maintaining the tree line. If so, they should move the septic out of that tree line.

The members agree that the basic concept is acceptable.

Adjournment: The meeting adjourned at 11:30 pm upon motion made by Ms. Israelski, seconded by Ms. Cleaver.

Ralph Huddleston, Chairman

Notes Prepared by Linda P. Doolittle