

**Town of Goshen
Planning Board
MINUTES OF THE
WORK SESSION MEETING
November 3, 2005**

MEMBERS PRESENT

Reynell Andrews, Acting Chairman
Lee Bergus
Susan Cleaver
Mary Israelski
John Lupinski

ALSO PRESENT

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

ABSENT

Ralph Huddleston
Raymond Myruski

I. CALL TO ORDER

Acting Chairman Andrews called the meeting of the Town of Goshen Planning Board to order at 7:30 pm

II. MINUTES

The minutes of the October 20, 2005 meeting were approved as corrected upon motion made by Ms. Israelski, seconded by Ms. Cleaver. The October 6 minutes will be reviewed at the next meeting.

III. PUBLIC HEARING

Persoon - 17-1-4 & 36, 127 +/- acres total 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. Seeking preliminary approval for a 26 lot subdivision.

Present for the applicant: Steve Esposito
Steven Kunis

Mr. Esposito explained that the property is two tax parcels totaling approximately 127 acres. They are both located on Maple Ave, with one consisting of 66.5 acres and zoned RU, while the other is on the opposite side of Maple Ave. and consists of 60.4 acres and is in the AI zone. Both are in the AQ3 overlay district. The applicant proposes to build 25 additional single family homes - one home is pre-

existing. Twenty-one of the homes will be accessed off an interior road. Five will be on Maple Ave., with two new curb cuts.

Mr. Esposito reviewed the process up to this point. They have completed the constraints analysis, which identified the site resources in order to calculate the net developable area. They have included the wetlands, 25%+ slopes, flood plain and watercourses. This results in approximately 97.8 acres of developable lands and a base density in the AQ3 of 49 lots. This application proposes 26 units. The consultants and members have walked the site and reviewed and accepted the Conservation Analysis. This plan proposes to have the 26 homes on the East side of Maple Ave. The opposite side is not part of this plan.

Mr. Esposito stated that the interior roadway would be linked to Winners' Circle and Breezeway. The PB required that these developments bring their roads to the property line in order to provide for future connection. The SEQRA review is also part of this subdivision process and a long EAF, which included traffic analysis and a storm water pollution prevention plan has been submitted.

Ms. Israelski noted that a pedestrian easement is needed along Maple Ave. Mr. Esposito replied that there is access on lot 1 and between lots 7 & 8. Ms. Israelski stated that they need something along Maple Ave. The County owns the easement in this area. She asked if there is any way to have 5-10' on the property line if the Town cannot work out a plan with the County. Mr. Esposito noted that the existing house is only about 15-20' from the line, however the applicant will look into this suggestion.

Mr. Cappello suggested that as the Trail plan is being worked out, they may want to meet with the County at certain intervals to be sure they are aware of the Town's plans. Mr. Esposito noted that these plans still have to go to the County Planning Dept. Mr. Cappello further suggested that The County Planning Dept and the County DPW receive these plans and a note regarding the Town's request for pedestrian access along Maple Ave.

Ms. Israelski asked about the number of curb cuts along Maple Ave. Mr. Esposito noted that the existing drive would serve two lots and they plan to add 2 new cuts, making a total of 3 cuts. She also asked that the applicant remain aware of street appeal. Mr. Esposito stated that the homes are set a minimum of 100' from the property line. Mr. Lupinski asked about a pond, which appears to be in the proposed pedestrian r.o.w. Mr. Esposito replied that this area will be graded out.

Ms. Cleaver stated that she thought that they had requested an ACOE letter regarding the wetlands across the street. She thought that Mr. Huddleston had asked that this area be delineated. Mr. Esposito responded that they reviewed the entire site for constraints and reviewed the State and Federal wetlands inventory maps. Mr. Cappello noted that these maps are not always complete. Mr. Esposito feels that they completed the work based on what was available and the members walked the site and adopted the findings. Mr. Cappello noted that the developable side was delineated, but not the other side. If they plan to transfer development rights then these wetlands need to be reviewed. This should be done prior to final approval.

Mr. Andrews opened the hearing to questions from the public. Mr. Kevin Hannon, 118 Maple Ave. asked if they have planned for the impact of water runoff. He has been there for 15 years and when the first developments were built his property was flooded. He feels that this development will bring even more water on to his property. He has spent several thousand dollars to redo his drive and may have to re-work the leech fields as the water does not drain off of his property. Mr. Esposito responded that they have prepared a storm water pollution prevention plan according to DEC guidelines. They will have detention basins on the side and they are required to be sure that there is no increase in runoff. These plans have been reviewed by Mr. Henry. Mr. Hannon asked if he has any recourse if these plans do not work. Mr. Cappello stated that they can only do the best they can based on the information available.

Mr. Andrews asked Mr. Cappello if there would be any legal recourse. Mr. Cappello replied that only if someone specifically directed the water on to Mr. Hannon's property would there be a legal option. If the property is in the low spot, there is little anyone can do. Mr. Henry stated that the applicant will follow all the DEC requirements and these have become more stringent in the last few years.

Ms. Kay Myruski, a neighbor, explained that one side backs up to her property line. Will there be appropriate setbacks and buffers? How much of the natural vegetation will be removed? Mr. Esposito responded that there is a large wetlands area in that portion, which would provide approximately 550 - 660' of buffer. The limits of clearing are also noted on the plan. Ms. Myruski is concerned that future owners of the lots could come in and clear the area. Mr. Esposito stated that lots 22, 23 & 24 will have restrictive covenants because the area is part of the wetlands. They will have to remain intact.

Nicholas Vanhage, expressed concern for the impact on the pond, which adjoins his property. Mr. Esposito stated that the pond is part of the wetlands and would be part of a restrictive covenant. The wetlands buffer will also be part of this

covenant. Any grading will be outside this buffer area. He also asked about the impact on his well. Mr. Esposito stated that the town-wide water study shows a specific allowable density. This project is well below that density. The Health Department will also require that they drill and test specific wells. Ms. Israelski asked about the drainage easements proposed for the rear of lots 22, 23, and 24. Some of them will be in a cleared area and they will be excavated out. The ponds will be planted and they are several 100' from the homes and well below the road grade. They will probably turn back into wetlands over a period of time.

Mr. Henry still has more technical information to review and he also feels that the issue of wetlands on the other side of the road needs to be resolved. Were both sides of the road used when the applicant made their density calculations and how much of the other side of the road remains as usable? A lengthy discussion ensued regarding the transfer of development rights. Since there are some wetlands in this portion, any transfer would be dependent on the outcome of the wetlands delineation. The members feel that the applicant has to tell the board what they want to do with this portion. If the property is transferred to the Town, the TB will need to decide if they can use the property, which means it will have to be delineated.

Mr. Halloran noted that along Maple Ave., each lot needs to have 300' frontage. There are four possibilities the applicant can pursue: 1) redesign the plan; 2) ask the PB to waive this requirement due to the topographic elements of the property; 3) apply to the ZBA for a variance, or 4) apply to the TB under the clustering section of the code. Mr. Cappello stated that he had discussed this aspect of the zoning code with Joel Russell and it appears that the intent was to keep the number of curb cuts on Maple Ave as low as possible. The TB will probably have to revisit this section of the Zoning Code to ascertain if the intent was to regulate the number of curb cuts. The PB does have the option to waive the 300' requirement.

Mr. Esposito noted that they have studied the area for the off site and on site views and the elevations, which is why they came up with the current plan. They could change the layout and put more homes across the street as the soils are very good, but they feel this would compromise the development. They did combine driveways, so that there will be only two new drives, and therefore he feels it warrants a granting of the waiver. Ms. Israelski stated that it should be allowed to continue as planned. Mr. Cappello stated that they would have to specify in the resolution exactly the reasons for granting the waiver. Mr. Lupinski expressed concern that there will be more applications in the future with the same issues. They will be setting a precedent. The board needs to know what will be on the other side of the road.

Mr. Esposito agrees that both sides need to review a draft of the resolution. A resolution for a neg dec also needs to be drafted. This will also give the engineer time to review the latest submissions. Mr. Halloran called attention to the memo from Joint Recreation stating that they are in favor of having this land for recreational purposes. Ms. Cleaver noted that they need a letter regarding the wetlands before they can recommend that it be used for parkland. Mr. Cappello asked if the applicant would be using this in lieu of paying the rec fees.

Mr. Halloran reminded the board that they still need a 239m reply from the County. The final map was submitted on 10/31. Mr. Esposito stated that the owners are anxious to proceed. Mr. Andrews suggested that they continue the Public Hearing for 2 weeks until the next meeting and if all the information is not received it will have to be continued for 2 more weeks.

The PB directed Mr. Cappello to draft the appropriate resolutions, including that they are granting the waiver for the required 300' frontage subject to the following conditions:

- 1) avoid disturbance of the ridge
- 2) the average of the curb cuts is one for more than 300'
- 3) the applicant can have no more than one curb cut on the other side of the road.

VOTE By Proper MOTION, made by Mr. Lupinski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby continues the Public Hearing in regard to the Persoon application to the November 17 meeting. Passed unanimously.

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

IV. Items for Planning Board to act on

Letter from Thomas B. Olley regarding the request for a 90-day extension on the conditional approval for the Schuster subdivision (15-1-18.1).

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby grants the 90-day extension on the conditional approval for the Schuster subdivision. Passed unanimously

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

Matchpoint Sports – Release of bond

Mr. Halloran explained that on May 19, 2005 the applicant was granted an approval conditioned upon the posting of a bond covering the cost of work they needed to do prior to receiving a DOT permit. They are requesting that this bond be released. The applicant needs a signed map in order to receive the final DOT permit.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby authorizes Mr. Huddleston to sign the map and agrees to release the \$80,000 bond for Matchpoint Sports upon receipt of the DOT permit as all conditions of the 5/19/05 site plan approval have been satisfied and the bond amount is no longer needed. Mr. Cappello will draft the appropriate resolution. Passed unanimously.

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

V. AGENDA ITEMS

Yankee Propane - 20-2-12 - 3.14 acres, Request a variance for 97-14A minimum side yard set-back to be reduced from 50 feet to 8 feet, located on Industrial Dr off Rte 17A, in the CO zone with an AQ3 overlay.

Present for the applicant: Roger Lupino

Mr. Lupino asked that the agenda be corrected to state that they are present for a special use permit and for the approval for the additional storage tanks. They are not proceeding with the office addition at this time. He has spoken with Mr. Henry and it is decided that screening is not necessary. The elevations and parking requested by Mr. Henry in his memo dated 11/2/05 will be addressed with the office addition.

Mr. Henry explained that Mr. Cappello had suggested that the office information be included now so that a Public Hearing would not be necessary later. Mr. Lupino responded that he does not have the required information at this time. Mr. Henry suggested that the PB could waive some of the conditions in Mr. Henry's memo, however the engineers seal must be on the plans. It is an unlisted action and a neg dec is needed for the tanks and storage building.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby declares that the proposed Yankee Propane project will not have an adverse affect on the environment under NY SEQRA. Passed unanimously.

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

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby grants a conditional site plan approval to Yankee Propane to add two 30,000 gallon propane tanks and a 1200 sq. ft. storage building based on the site plan prepared by Roger Lupino last revised 10/11/05 and subject to addressing the items in Mr. Henry's memo of 11/2/05. Also subject to the understanding that SEQRA will have to be complied with and items 1-7 of the memo will have to be adhered to in order to implement any further improvements. Passed unanimously.

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

Hudson Valley Nursery - 12- 1-113 - 3.6 +/- acres, located on Rte 17M, in the HC zone with an AQ3 & AQ6 overlay districts.

Present for the applicant: Mark Press

Mr. Halloran explained that the applicant wishes to replace an existing building with a new glass greenhouse style building. It will occupy the exact same foot print. There will be no change to the site plan.

Mr. Press submitted pictures of the building he plans to erect. It will be used for retail, not for growing. This plan is presented to allow the board to review the plan and to decide if they can waive the requirements for site plan as there will be no changes to the site plan. Mr. Halloran and Mr. Henry are both satisfied with the proposal. Mr. Bergus asked if there would be any signage on the building. Mr. Press stated that he has a nice sign on the road and does not plan to put any on the building.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby grants approval for the replacement of an existing building of a non residential nature, which is less than

4,000 sq. ft. There will be no change, therefore it is a Type II action and exempt from SEQRA and the plans were previously approved. Passed unanimously.

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

Goshen Christian - 13-1-10.4 & 11.32 - 25.274+/- acres, located on Rte 17A, in the RU zone with an AQ6 and scenic road corridor overlays.

Present for the applicant: Allen Goedegebuure

Mr. Goedegebuure stated that their engineers were not present, so he would explain as best as possible what the Church plans to do. They have acquired some adjoining property from Mr. Makuen. They hope to construct a youth center, which will serve 50-70 children. They also will probably have other Church related activities in the building. The hours of operation will vary, but most likely it will not be in use when the Church is holding services. It would be a concrete building with a brick veneer on the second floor. There will be two overhead garage doors that will be visible from 17A. Ms. Roth suggested that they put in a better looking door, to lessen the visual impact.

Ms. Israelski questioned if there would be enough parking. Mr. Henry presented a memo listing technical issues that need to be addressed. Water and septic service will need to be addressed as well as the parking. The professionals should meet with him to review these technical items.

Ms. Cleaver noted that at the meeting with the DOT, this section of Route 17A was noted to be a high accident area. Mr. Goedegebuure noted that the speed limit has been lowered and signs have been erected. Ms. Cleaver asked if there are plans for the remainder of the property. He replied that they had initially intended to use this property for a buffer for the Church, but now feel they need the Youth Center and they also plan to have some ball fields in the future. Mr. Henry noted that all possibilities should be reviewed in order to prevent a "creeping" development.

Discussion was held regarding the bus entrance and whether it could be moved. Ms. Roth noted that possibly some of the drives could be closed. Ms. Cleaver agreed that it would be wise to consolidate some of these curb cuts. Mr. Goedegebuure noted that there are issues with limited sight distance. The applicants' engineers as well as Mr. Goedegebuure should arrange to come to the next staff meeting.

Glenview Hills - 20-1-28.22 & 31.1, 1.238 acres, located on rte 94, in the CO zonewith an AQ3 overlay, lot line change & subdivision.

No one is present for the applicant. Mr. Golden is acting as counsel to the PB for this and the remaining projects on the agenda.

Mr. Golden explained that this applicant obtained approval from this Board conditioned upon DOT approval. The DOT is requesting some substantial changes. Therefore it is important that the PB be aware of these changes. Mr. Henry stated that the access has had to be changed to come through Village roads and not off of Route 94. The applicant will have to work out these issues with the DOT.

Chet's Impound Yard - 22-1-49, 1.9+/- acres, locate on Pulaski Hwy, in the AI zone with an AQ3 & scenic road corridor overlay.

Present for the applicant: Alan Lipman, Attorney
Raymond Korycki

Mr. Halloran stated that two months ago, the applicant applied for and received a special use permit from the Town Board for the operation of an impound yard. The TB imposed certain conditions. The PB needs to address the landscaping conditions and the area that must be set aside for vehicles leaking fluids.

Mr. Halloran noted that there is a 6' high opaque fence on one side and large containers that provide screening on the other side. The rear drops off sharply and there is some natural vegetation. He believes the screening is adequate. It is noted that the neighboring lot is owned by the applicant. However, Mr. Golden pointed out that if this lot is sold in the future, the screening would be needed. It is noted that the impound yard itself is not visible from the road. If the PB is satisfied with the screening a condition can be added that the natural screening in the rear must remain and that the same or similar fencing to what is there currently shall also remain.

VOTE By Proper MOTION, made by Mr. Lupinski, seconded by Ms. Cleaver, the Planning Board hereby issues approval based on the previously approved site plan with the above-mentioned conditions regarding fencing and natural vegetation. Passed unanimously.

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

Mr. Lipman asked about the requirement for the area for catching fluids. He noted that usually fluids are lost at the scene of the accident. The applicant is planning to return to the TB to ask that this requirement be altered. It would be costly to construct this area and they already have a large concrete building on the site with a low point where the fluids could be collected. They feel this would be more effective and a more simple solution. They were not aware that this would be a requirement when they first went to the TB. Since the suggestion for this collection came from the PB, he asks that the PB advise the TB that this is an appropriate solution.

Mr. Golden noted that this solution may not work as it would mean the vehicles would be elsewhere than in the impound area. As the permit exists currently it only applies to the impounded vehicles in the impound area. Mr. Lipman requested that someone come out and look at the area they are considering. Mr. Golden stated that this would become an enforcement issue and there is no guarantee that these vehicles will not leak later.

Mr. Andrews stated that the vehicles in the impound area may not necessarily have been in an accident. Ms. Israelski suggested that impounded vehicles that have been involved in an accident be brought to the inside area and all others be left outside. Mr. Lipman stated that the tow truck operator is capable of deciding which vehicles would be most likely to leak. Mr. Korycki stated that they probably receive one car per week that has been in an accident.

Ms. Cleaver asked if the floor of the building has been inspected for cracks. Mr. Korycki responded that the EPA does this inspection. Mr. Lipman also stated that the owners of the facility are responsible for storage and clean up. Mr. Golden will pass on the concerns of the PB to the TB. When the applicant makes application to change the permit Mr. Golden will advise them that this Board believes there should be an area to be set aside to see if the vehicle is leaking. Mr. Halloran and Mr. Henry will go out to look at the facility if the TB requests this. Mr. Golden noted that the TB issued a neg dec under SEQRA.

BMJB Enterprises, Inc./ Korycki - 22-1-37.2, 17 acres, located on Pulaski Hwy, in the AI zone with an AQ3 overlay and scenic road corridor overlay.

Present for the applicant: Alan Lipman, Attorney
Raymond Korycki

The area across the street from the above application is used for repair of agricultural and non-agricultural equipment. Mr. Golden explained that this junkyard area had begun to spread out beyond the allowable space. The applicant has cleaned up a substantial amount of the area. The junkyard is permitted and

the Building Inspector has stated that the area is being cleaned up. During the clean up process several existing structures were discovered. These structures had never been permitted or gone through the site plan process, therefore the applicant needs to apply for site plan for these existing buildings and storage bins.

Mr. Lipman expected the engineers to be here and he has not yet seen the plan. Mr. Golden did note that the applicant is asking for permission to have what is already there. Mr. Bergus asked if the plan shows the maximum number of containers being held. The engineer should come in for a staff meeting so that they can be sure that all structures etc. are where they should be.

Adjournment: The meeting adjourned at 10:30 pm upon motion made by Ms. Israelski, seconded by Ms. Cleaver.

Reynell Andrews
Acting Chairman

Notes prepared by Linda P. Doolittle