

TOWN OF GOSHEN
ENVIRONMENTAL REVIEW BOARD
January 11, 2017

The regular meeting of the Environmental Review Board of the Town of Goshen was called to order at 6:30 p.m. on Wednesday, January 11, 2017 at Town Hall.

Present: Neal Halloran, Building Inspector
 Marty Holmes
 Lou Adamis
 Cynthia Hand
 John Lupinski

Town of Goshen Introductory Local Law No. 5 Of 2016
A Local Law Amending the Town of Goshen Comprehensive Plan

Mr. Lupinski stated section 1 was very clear. In Section 2-C the last underlined sentence, “to a reasonable extent.” This is determined to be vague.

Mr. Adamis stated he thought it should be determined on a case-by-case basis.

Mr. Holmes questioned whether this is going to apply strictly to Harriman Drive. Mr. Halloran stated it applies to Hamlet/Mixed Use of which there is only one on Harriman Drive. There are two hamlet residential areas, one around Arcadia Hills and one around Hambletonian Park.

Town of Goshen Revised Introductory Local Law No. 6 Of 2016
A Local Law amending Chapter 97 (“Zoning”) of the Code of the Town of Goshen to create a Commercial Recreation Overlay Zoning District to allow a Commercial Recreation Facility within the Town of Goshen

The Purpose of the Local Law has an expiration if a recent project does not come to fruition. Mr. Adamis stated he doesn’t believe there should be an expiration if the local law is allowed.

Under the definition of Commercial Recreation Facility Ms. Hand suggested including the interior roadways, access roads and sidewalks.

Under Commercial Recreation B, Ms. Hand stated it should reference back to Section 3 Zoning.

Under Commercial Recreation C, Ms. Hand stated that Article IX should be defined with its name Special Permits and Site Plan Review.

Under Commercial Recreation G (1) Mr. Holmes asked if Lot Transmission Lines would count towards the 200 contiguous acres necessary in order to qualify a parcel for this Local Law.

Under Commercial Recreation G (2) the last sentence needs further clarification regarding multiple ownership and its binding effect on successors. The purpose and consequences should be further clarified.

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Under Section G (3) (a) permitted uses, do pools, spas, gyms or fitness centers apply to this?

Under Section G (3) (b) permitted uses, do fireworks fall into this?

Under Section G (3) (d) restaurants, the type of restaurants should be further defined.

Under Section G (3) (e) Mr. Lupinski questioned “other lots” in the overall design. The Board had concern with the last underlined sentence allowing access roads and driveways within the setback. It was recommended that the driveways and access roads should not be allowed within the setback. With regards to grading, it might cause runoff onto other properties. This should be looked at. Mr. Holmes stated that grading is site specific and should be at least 50 feet off an adjacent property.

Under Section G (4) the Board’s recommendation is for minimum front yard, side yard and rear yard setback of 100 feet instead of 50 feet. The maximum height recommendation is less than 100 feet but greater than 50 feet.

Under Section G (7) define “transitional uses” and reference Appendix II in the code.

Under Section G (8) separate off-street parking and loading requirements into two distinct sections. The term “loading” should be defined. The term “staging” was suggested as perhaps a better term.

Under Section G (12) clearing and grading, it was suggested to reference Chapter 53 of the Zoning Code.

Under Section 97-10 Ms. Hand asked what else isn’t defined under the proposed amendment besides amusement park or circus.

Town of Goshen Introductory Local Law No. 8 of 2016
A Local Law Enacting a New Chapter of the Code of the Town of Goshen Providing for Chapter 66 Entitled “Illicit Discharges and Connections.”

Mr. Halloran explained that due to the population density in the Town of Goshen, the DEC is now requiring the town to take over monitoring of all storm water runoff. Local Law No. 8 is a model law sent down by the State of New York. The Town may not make the law any less stringent than presented, only more. All SWPPPs will now be the Town’s responsibility to review.

Ms. Hand submitted the following comments and recommendations in writing:

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Local Law 8:

§ 66-1 E –

This § speaks to all of the residential pollutants and hazards that the public is supposed to be made aware of but these items are not clearly labeled under any of the definitions of pollutants or hazardous materials? In other words the same language is not used?

§ 66-2:

BEST MANAGEMENT PRACTICES: I believe house keeping is one word.

Should you define “authorized enforcement agency”?

Individual Sewage Treatment System- ...a facility(,)

Industrial Activity: ***GP-0-12-001 is not defined anywhere***

Land Development Activity – should you include “grubbing” here? I see it was listed in the definition of construction activity above.

Municipal Separate Storm Sewer System- include this “(MS4)” after those words. In addition, there is a citation referencing CFR. It should read The Code of Federal Regulations (40 C.F.R. § 122.2; § 403.3)

Municipality: The Town of Goshen, County of Orange, State of New York

Pollutant:sand (,) and.....municipal (and/or) agricultural waste. This definition does not include residential waste, why is that? sold waste should be solid waste.

Special Conditions:

1. Water Quality Standards: as defined where?
2. 303(d) Listed Waters: what document is this a provision of?

...Under this condition (,)

Does “listed pollutant” operate under a different definition than Pollutant in this document?

3. United States Environmental Protection Agency (EPA)

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Should you define Storm water management program?

§ 66-3:

Speaks of developed and undeveloped land but it should just say premises, because that term is defined.

§ 66-6 A 1. The last word in the § should be capitalized :Pollutants

66-6(A)(3) – dye testing only requires a verbal notification; I think that should be in writing.

66-6(B)(3)- the “p” in person should be capitalized in all references to the defined term.

§ 66-7(B)- where the provision states “he or she” it should read “ he/she/it”

§ 66-8: The first line should read: A. Best Management Practices (BMPs).....

66-8A(1) & (2): These provisions are confusing because the code does not delineate between residential and commercial persons in its definitions. 66-8A(1) speaks of “prohibited materials and other wastes”; are these defined anywhere? If yes, provide a reference.

66-9 A. – Emergency Situations: the SMO can take whatever steps necessary to protect health and welfare. That is very broad, open to interpretation, and leaves the SMO and the Town vulnerable.

66-14(B) – All verbiage should have the numerical equivalents in parenthesis, i.e. five (5) years

There are two §s for Severability: § 66-5 and SECTION 3.

Town of Goshen Introductory Local Law No. 9 of 2016
A Local Law Enacting a New Chapter of the Code of the Town of Goshen Providing for Chapter 80C Entitled “Stormwater Management and Erosion and Sediment Control” and to Amend Related Chapters per this Law

It was suggested to clarify what exposed soils should be reseeded with.

Section 80C-14 D penalties, the wording reads five hundred fifty dollars but the numerals read \$500. This should be corrected. Also under this section, it was asked what constitutes a violation. This should be defined. Mr. Adamis stated the penalty is too lenient and may created a situation where someone will choose the fine rather than adhering to the standards.

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Adjournment

The meeting was adjourned at 10:10 p.m.

Respectfully submitted by Tanya McPhee