

**ENVIRONMENTAL REVIEW BOARD
MINUTES OF THE MEETING
March 9, 2005**

MEMBERS PRESENT

Phil Dropkin, Chairman
David Gawronski
Frank Gillis
Norman Stein, MD

ABSENT

Wallace Gantter

ALSO PRESENT

Susan Cleaver
Neal Halloran, Building Inspector
Kenneth Newbold, Councilman

I. CALL TO ORDER

The regular meeting of the Town of Goshen Environmental Review Board was called to order at 6:30 pm on Wednesday, March 9, 2005.

II. MINUTES

The minutes of the February 9, 2005 meeting were accepted as submitted upon motion made by Mr. Gillis, seconded by Mr. Dropkin.

III. TOPICS

ENGINEERS' COMMENTS – The engineer's comments were reviewed on the following projects:

Lands of Nop 18-1-44.2 – Mr. Henry asked for certain issues to be addressed: 1) sight distance along Scolza Terr should be shown; 2) storm water management facilities should be indicated as well as the quantity and quality of runoff and 3) applicant should consider providing gravel surface roadways rather than paved for lots 8-11 and 14-17. The ERB concurs with these requests. The concept of gravel driveways would lessen the amount of impervious surface and lower the degree of maintenance needed by the Town. They would also add to the rural "feel" of the area. The ERB agrees that the PB should begin to look at this concept on a case by case basis.

TOBIAS – Phase 2 5-2-19 5-lot subdivision on Phillipsburgh Rd. located in the RU zone, with an AQ6 overlay.

The MTBE issue at this site appears to be remediated, although the developer still needs approval from the DEC. In regard to the active phase of the project, Mr. Henry asked that the sight distances for the two driveways be reviewed again. He also asked that the length of the driveway culverts be review. The ERB concurs.

Ms. Cleaver stated that the code requires street trees be placed every 40 ft. Mr. Halloran noted that since no new roads were being created, the applicant felt that street trees were not required. The ERB feels that the applicant still should be asked to provide these trees.

OWENS ROAD ASSOCIATES - 10-1-8 & 10.22 proposed 40-lot subdivision located on 131.27 acres, on Owens Rd. in the RU zone with an AQ6, AQ3, scenic road overlay and stream overlay.

This is a 40-lot open space subdivision on two parcels totaling 131 acres. Fifty-six acres will remain open. The project complies with the Conservation Analysis. The engineer had the following comments: 1) sight distances need to be indicated along Owens Rd. 2) storm water management facilities should be indicated; 3) the proposed 25' r.o.w. between lots 31 & 33 should be increased to 40' and the two cul de sacs should be a looped road system. In regard to the increase in the r.o.w, Mr. Halloran explained that the area in the rear along the River might be given to the Town for parkland. The PB felt the need to provide buffering for the neighbors. There is also a question of the Town allowing access to the River due to its' current condition. Mr. Dropkin suggested that the area be accepted, if offered, as parkland with the plan to make it available in the future when the cleanup of the River is completed.

The members reviewed the EAF and found several discrepancies. It also appears there will be a great deal of lawn area, which will cause a large use of water. Mr. Dropkin stated that the form defines mature trees as over 100 years, which actually would allow clear-cutting as there are very few trees in the state that are that old. The applicant states that he will remove 6.3 acres of vegetation and trees, but answers "no" that he will not remove a significant amount of vegetation and trees. This needs to be clarified.

The ERB strongly suggests that the PB review the possibility of changing this to 50 years. Therefore, the developer would be obligated to review the trees and be sure the area is not clear-cut. Without the trees, there would be more lawn area, which will increase water usage. The ERB is trying to bring about water conservation. The members feel that the PB should discuss the possibility of a

tree preservation program to be used for all projects. Mr. Halloran will research the information on the amount of water usage for lawns compared to meadows and trees for the next meeting. The applicant also needs to be aware that by answering "yes" to impact on the schools he should give a more thorough explanation of the impacts. The applicant is proposing 80 off street parking spots, this seems like a great deal of asphalt. The issue of runoff should be addressed. The PB should consider requesting more gravel rather than asphalt. The effects on air and water quality also need to be addressed.

In Item 11, the applicant is asked if the development will create a demand on community services. He answers "yes", but when asked if the exiting services are adequate he also answers "yes". This needs to be explained. The applicant needs to complete a Part 3 in order to resolve some of these issues. The Board feels that if any question in Part 2 is answered "yes", then a Part 3 should be completed.

The members are very concerned that this form only deals with this development. It does not take into account the need to review the cumulative effects of other projects. The developers need to be asked to review the effects of other developments in the area. This form deals with each project in isolation. Clearly there will be impacts on police, fire, water and schools. In order to facilitate good planning, the developer needs to look at other developments within a certain radius of their project. This applicant should look at the cumulative effect of their project as well as Sunset Ridge, Tobias, Hendler and Smith Rd.

Ms. Cleaver asked if impact fees on each new unit could be considered to cover costs of fire, police, schools etc. Mr. Halloran responded that the State does not allow impact fees on anything except parklands.

The ERB recommends that the PB ask for cumulative analyses due to the unprecedented number of proposals before the Town at this time. The ERB suggests that the PB ask AKRF to see what other communities are doing regarding these types of impacts. There may be more creative ways to deal with the subject of impacts.

MAPLEWOOD VILLAGE (Salesian Village) 8-1-48, 83.9 acres located on Craigville Rd. and Coleman Rd. in a HR and RU zone with an AQ6, stream corridor, and scenic road overlay.

Ms. Cleaver asked to be recused from this discussion as she is an adjoining neighbor. It appears this property has very steep slopes and a great deal of wetlands. The project is in the Hamlet zone and 173 units are proposed. Mr. Halloran stated that they would have to show that they can provide water and

sewer. They plan to do a combined traffic study with the McDermott subdivision and Heritage Estates. They also plan to do a combined water study with Heritage.

The issue of the number of trees that will be affected because they are not over 100 years old was raised on this project. Again, the ERB asks that the definition of mature trees be changed. The applicant also stated in the EAF that they will be blasting, but there is no explanation. The applicant needs to explain this further. They also state there will be a demand for community services, but they feel that the existing services are adequate. Further explanation is needed. The ERB recommends that the PB ask for the completion of a Part 3 and possibly a DEIS

In regard to the degree of impact on the community, i.e., traffic, the ERB asks if it is possible to say that a project cannot be built until the infrastructure is completed. A lengthy discussion was held regarding the impact of all these projects on the schools. Ms. Cleaver pointed out that the old code had a provision stating that if a development would generate more than 400 children, they had to put aside 12 acres for a school. This is not in the new code. The attorney and the planner should be consulted. The ERB requests of the Planning Board or of Counsel that they consider what was in the prior code as a requirement that any Planned Unit Development containing the potential for 400+ school aged children a 12 acre site be reserved for an elementary school. We note that under the existing subdivision code 83-23G there is a provision addressing schools but it appears to be more discretionary and weaker.

Councilman Newbold was present in an ex officio capacity. He asked if there were a number of developments that fit the above criteria, how would all that land be used. You could not have several different small parcels each with its own school. Could the school sell these parcels?

When a developer puts together a PUD he needs to look at the aggregate impacts. Dr. Stein stated that it seems that we keep asking the same questions. Should the Board develop some sort of screen that these applications need to pass in order to be eligible to apply. Mr. Gawronski asked if an Architectural Review Board could be formed to review the impacts of projects on a case by case basis. It is also noted that there are no yes or no answers on the EAF. The PB should speak to AKRF about the possibility of making the EAF more adequate. Possibly the questions could be answered on a scale of 1 - 10.

HERITAGE ESTATES 8-1-9.2 & 11-1-98.6, 256 acres located on Old Chester Rd. and Brookside Dr. in the HR and RU zone with an AQ6, AQ3, scenic road, and stream overlay.

Again the ERB requests that the cumulative impacts be addressed.

HOUSTON SUBDIVISION 17-1-5.24 24-lot open space subdivision on 97 acres, located on Route 17A and Houston Rd in the Rural zone, with an AQ3, stream corridor, and 2 scenic road corridor overlays.

LONE OAK 11-1-58 & 49.2 discussion of the SEIS.

Mr. Halloran reported that they are proposing two phases, with a total build out of 299 units. The first phase will consist of 170 units all in the Goshen School District. Mr. Dropkin noted that it appears that approximately 60 acres will be lawn. The developer should provide more trees. Ms. Cleaver expressed concern about the need for a large buffer from Route 17 and the impact on the schools. The Board would like to see the potential impact of traffic for the completed project even though they do not plan to build the full project at this time. There is a question of whether the project complies with the TND requirements in the code.

The ERB requests more time for further review as they have many comments.

MATCHPOINT SPORTS - 11-1-25.22 - 10.1 acres, special use permit for a recreational business, located on Route 17 and 17M in the CO zone with an AQ-6 and scenic road overlay.

Mr. Halloran reported that this project has been down-sized. There will be no swimming pool and they need a variance for parking. The code does not allow parking in the front, however this project is between two roadways and therefore has two fronts and no rear.

The ERB requests that the PB review the following with the applicant:

- 1) Insufficient landscaping
- 2) Location of the tennis courts. They are far from the building and very close to the property line.
- 3) Lighting for the whole complex and especially the tennis courts. The outside lighting should be "no glare" and "night sky friendly."
- 4) There are stone walls on the property. The applicant should try to keep these and incorporate them into the landscaping.
- 5) Any signage should be wooden and in earth tones.

IV. SUMMARY OF RECOMMENDATIONS TO THE PLANNING AND TOWN
BOARDS.

- 1) Request all applicants to address the cumulative impacts on community services.
- 2) Ask AKRF to research what other communities are doing to lower the effect of the impact on services. Mr. Halloran will check with General Code to see if they can provide samples from other communities.
- 3) Research the possibility of establishing a tree preservation law. Possibly the DEC can help with this.
- 4) Review the EAF to see if there is some way to improve the questions to elicit more appropriate responses especially in regard to the definition of mature trees.
- 5) Review the possibility of creating an Architectural Review Board. This Board could be created to assess the visual impacts of developments on a case by case basis. They would review projects that are in the gateway to the Town, in scenic road overlay areas, where scenic views are affected and when they are adjoining existing landmarks. They would only meet when these criteria are involved.
- 6) Review the old code in regard to the section regarding school land. If a development will generate more than 400 school age children, they need to set aside 12 acres for an elementary school.

Mr. Halloran will draft a letter to the PB and TB regarding these issues.

Adjournment: The meeting adjourned at 8:30 upon motion by Mr. Gawronski, seconded by Mr. Gillis.

Philip Dropkin, Chairman

Notes Prepared by Linda P. Doolittle