

APPROVED MINUTES

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924**

November 20, 2008

Members Present:

Reynell Andrews
Lee Bergus
Susan Cleaver
Ralph Huddleston, Chair
John Lupinski

Also Present:

Neal Halloran, Building Inspector
Dennis Lindsay, Engineer
Ed Garling, Planner
Rick Golden, Esq.
Kelly Naughton, Esq.

Absent: Mary Israelski
Raymond Myruski

CALL TO ORDER

Chair Ralph Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:30 p.m. at Town Hall.

MINUTES

The minutes of the Planning Board meeting of October 16, 2008 were approved by vote of the Planning Board.

Hambletonian – 8-1-12.221 – 23.4 +/- acres, 38 lot subdivision located on Magic Circle Terrace in the HR zone with an AQ6 overlay. Extension of the Preliminary approval.

Mr. Halloran said the applicant is requesting a six month extension of the preliminary approval because they are still working out water issues with the Town Board.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Lupinski, the Town of Goshen Planning Board extends the preliminary approval granted the application of Hambletonian to June 4, 2009. Passed unanimously.

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

PUBLIC HEARING

Brancaccio – 13-1-42.3 – 12.1+ acres, two lot subdivision, located on Maple Ave. in a RU zone with an AQ6 & AQ3 overlays. Possible two lot subdivision approval.

Present for the applicant: Chris Guddemi, Lan Associates
Applicants Kathy & John Brancaccio

Mr. Guddemi said the application is for a two-lot subdivision on Maple Ave. The applicant has addressed the items mentioned at the last PB appearance and has taken soil logs and perk tests for the proposed lot and tested the existing septic system to see that it is suitable for continued use. He said they have met all of those requirements and received a letter from the DEC stating that the wetlands and stream on the property do not require a permit. The applicant has been proactive in keeping all of the proposed improvements at least 100 ft. away from the wetlands, Mr. Guddemi said, and have re-orientated the house a little to gain solar on the driveway.

Mr. Lindsay said that the AQ6 requirements will prevail on the two lots, as both are in excess of the six acre requirement. He said the County Public Works Dept. has asked that the shared driveway be upgraded for two way traffic. Mr. Guddemi plans to meet with Pat Kennedy from County Public Works to discuss the County’s requirement to change the grading. Mr. Lindsay said that there is a cemetery to the southeast of the property and that it is up to the PB to determine if they will require fencing or a visual barrier. Mr. Guddemi said there is an existing wire fence and an established tree line along that fence.

Mr. Lindsay said the PB may decide to require ESA signs to designate the wetlands. Ms. Cleaver and Mr. Bergus both said the signs are important to discourage people from dumping and to protect the wetland area if there is a change of ownership. It was decided that ESA signs will be placed on the outermost portions of the wetlands, closest to the disturbance. Mr. Lindsay said that with respect to the water supply, the plans will have to be modified to comply with the health code. Mr. Guddemi said those requirements can be met.

Mr. Huddleston opened the hearing to the public. There were no comments.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Bergus, the Town of Goshen Planning Board closes the public hearing on the application of Brancaccio. Passed unanimously.

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

Mr. Huddleston said the applicant has some revisions to make before the PB can grant approval. It was determined that there is no reason to hold another staff meeting on the application and that it can be put on the PB's agenda for December 18.

Tirelli – 17-1-90, 3.80 +/- acres, location 108 Maple Ave. in the RU zone with an AQ3 & scenic road corridor overlays. Pond – site plan approval.

Neither applicant nor applicant representative were present.

Mr. Lindsay gave a brief history of the application. He said that a field visit showed that the pond is now stabilized. The applicant presented a revised outlet design at a work session, Mr. Lindsay said. That is what is needed there because while the water flows into the pond fine, the outlet structure has washed out and is falling apart. Mr. Lindsay reviewed the outlet design in August, told the applicant it was a good design and asked them to correct one or two items. The original site plan is no longer valid, he said. Ms. Naughton said the applicant hasn't come in with an amended site plan. The last site plan was revised September, 2007, she said. Mr. Huddleston said the applicant will have to appear before the Planning Board with a revised site plan.

Owens Rd/Goshen Meadows – 10-1-10.22 – 126.40 +/- acres, 39 lot subdivision located on Owens Rd in the RU zone with an AQ6, AQ3, scenic road corridor and stream & reservoir overlay. Well testing protocol.

Harold Decker appeared at the invitation of Mr. Halloran to speak to the PB on the archaeological aspects of the site.

Mr. Decker explained he is not a professional archaeologist but is familiar with the site and has been involved in archaeology for the past 48 years. He spoke about spear points and said that five rare fluted points, dating back 12,500 years, were picked up on the site by a local collector. He said that the Dutchess Quarry cave site is the premier site in the Northeast and that there is interest in whether the two Paleolithic sites are related. He said that the site is the only unexcavated Paleolithic site in New York State and that the New York State Museum regards it as a premier site to work on.

Applicant representative:

Steve Esposito
Joel Grossbarth, Esq.
Ken Cerullo, Owner

Mr. Esposito said that the well testing plan was approved in 2006, that the applicant did the field work, finalized drainage plans, took soils tests and did a Phase 1A and 1B archaeological resource evaluation consisting of 184 shovel tests. He said that SHPO and the State Museum were contacted and that at the State Museum 12 sites were recorded in the state records, but that the applicant's site was not listed. He reminded PB

members that over 50% of the site will be preserved and undeveloped. Mr. Esposito said the report was submitted to SHPO for review and that in May, 2008 the applicant's archaeologist contacted Mr. Decker and re-visited the site. Mr. Mackey said the resource site appears to be limited in nature and suggested that we plow the area in a cornfield and the applicant has agreed and also agreed to do a supplemental evaluation, he said. "It is the opinion of our archaeologist that it is probably a limited site," he said. The site may have been an encampment or a stash area, he added. Mr. Esposito said the applicant proposes to plow the field, wait for a couple of rains, and invite Mr. Decker, Mr. Mackey and the curator of the State Museum to do a walk-around. "We will do the due diligence of what is necessary to evaluate the potential resource and then we will report back to the State with regard to what the next plan of attack will be," he said.

Mr. Esposito said he was here before the PB to get the okay to proceed with the well testing. He said it was reviewed and approved in 2006. The wells were drilled already on the lots that the County Health Department directed the applicant drill them on.

It was noted that one well is on Lot 38 and may be in the cornfield, but has already been drilled. Mr. Huddleston suggested having an archaeology consultant there to observe.

Ms. Cleaver questioned how it could be considered a complete application under the Town Code when the map doesn't show where the discharge is, nor where the wetlands and fracture traces are located.

Mr. Lindsay said that the map shows where the lots are and the coverage, not the precise location or in relation to fracture traces. Mr. Esposito said that he has submitted the hydrological assessment which addresses recharge, fracture trace, etc. Ms. Cleaver said she wants to see it on a map. Mr. Esposito agreed to sketch where the discharge locations will be on the subdivision map. Mr. Lindsay said that when the applicant submits the written hydrological report at the end, there is a procedure and format in the well testing protocols that if they follow, will provide the PB with everything they want and will be easier to review and confirm that it is all there. Ms. Cleaver suggested waiting to give approval until all of the documents are provided to review.

Mr. Huddleston told the applicant that he can start the preliminary work, canvassing the neighborhood, putting together the discharge location maps, and the well locations, and confirm that the documents have the fracture information, all for Mr. Lindsay's review.

Mr. Cerullo said, "We do want to do the right thing," and asked, "If we get our no impact letter from SHPO as far as the Town is concerned, that will be the end of the issue?" Mr. Huddleston replied that the typical process is to make the applicant comply with the State but that "if someone else pops up with legitimate

credentials and authority then we will all have to deal with it. We are the lead agency under SEQRA and we have a responsibility to address impacts.”

Ms. Cleaver asked to be notified in advance when the applicant is going to plow the field. It was stated that Mr. Halloran will be notified.

CMU Designers & Builders – 5-1-1.121 – 46.63 +/- acres, 8 lot subdivision, located on Phillipsburg Rd in the RU zone with an AQ6 & stream and reservoir overlay. Well testing protocol.

Representing the applicant: Keith Woodruff, Pietrzak & Pfau

Mr. Lindsay said that the basic plan the applicant has is okay but that he is asking for some additional items. It was determined that the applicant can do some preliminary work, but that before they start pumping water, the applicant must submit a map locating fracture traces, discharge locations and any wetlands and address Mr. Lindsay’s comments from his memo.

ADJOURNMENT

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Town of Goshen Planning Board adjourned the PB meeting at 9:05 p.m. Passed unanimously.

Ralph Huddleston, Chair
Notes prepared by Susan Varden