

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

May 7, 2009

Members Present:

Reynell Andrews
Lee Bergus
Susan Cleaver
Mary Israelski
John Lupinski
Raymond Myruski

Also Present:

Neal Halloran, Building Inspector
Ed Garling, Planner
Sean Hoffman, Engineer
Kelly Naughton, Esq.
Rick Golden, Esq.

Absent:

Ralph Huddleston

MINUTES

The PB accepted the minutes of its April 16, 2009 meeting.

New Horizons (Sunset Ridge II) 10-1-28 – 54.2 acres, 8 lot subdivision located on Hampton Rd in the RU zone with an AQ6 and Stream & Reservoir overlay. Determine significance and possibly set public hearing.

Representing the applicant:

Mike Morgante of Arden Consulting

Mr. Morgante said the applicant has received conceptual approval from the Town Board of a centralized septic system for this project. Mr. Golden read the March 23, 2009 resolution of the Town Board stating that the community sanitary waste water collection disposal system was reviewed and found satisfactory to Riddick Associates and is being forwarded to the PB for processing in the normal course. Mr. Morgante said he understands that the Town wants them to form a transportation corporation to take care of the system. The Town Board will ultimately have to approve the transportation corporation, he said. Mr. Golden said that any PB approvals will have to be conditioned upon the formation of such a district corporation.

The PB discussed the conceptual plan. The project involves eight residential lots. The proposed centralized septic system will be located off Hampton Road as it comes around the turn on the southeastern part of the property, Mr. Morgante said. It will go before the County Health Department after receiving preliminary approval.

Mr. Morgante said the Town Board requested that the applicant convey the sewage from each individual residence by gravity flow and he said that was possible by using the available topography. He said he didn't expect any odor because it will all be below ground. He said they will be completely treating the waste water discharging to subsurface absorption fields and that there is a package treatment plant located next to the septic tanks. Should the system fail, he said there will be clean water finding its way to the surface, and not raw sewage.

Mr. Hoffman said the system will be reviewed by the DEC and the Department of Health and continually updated and inspected. Mr. Morgante said the system will be monitored at a remote location 24 hours a day, 7 days a week. There will be a licensed operator running the system, under contract with the transportation corporation, he added. Mr. Hoffman said that two large septic tanks have been requested. He said that his firm can witness the perk tests if requested by the PB.

Mr. Golden told the PB that when it considers determination of significance under SEQRA, that determination will include this septic system. The PB has to be satisfied that it is not going to have a significant adverse impact on the environment so when the SEQRA process is concluded and it goes to the Town, the Town will not have to re-do SEQRA for the transportation corporation.

Ms. Israelski suggested that the overhead wires for power to the pump station be placed underground, whether the Code requires it or not.

Mr. Garling said he is concerned with the grading of lots 7 & 8 and said that because it is a shared driveway, which is not allowed under current zoning, it will require a variance. He noted that there will have to be common grading easements over some of the properties in order to build. He also said that the percentage of wetland and constrained lands on each lot needs to be shown on the map. Mr. Hoffman suggested that the applicant improve the sight distance by clearing some of the vegetation near the driveways.

Mr. Morgante said that the reason the houses are sited further back on the lots is because the Town wants the applicant to convey the sewage by gravity so he needed the elevation to accomplish that. Mr. Golden said that because of the site constraints, it may be necessary to add a condition saying that owners cannot have swimming pools in the back yards so that any purchaser would know ahead of time that it won't be allowed to build a pool in the rear yard. Mr. Morgante suggested that there is enough room in the side yards of some of the lots to allow pools.

Mr. Cleaver said she wants ESA signs around the wetlands and the streams and asked if it will be possible for the Town to periodically inspect the open space once the development is built to ensure that nothing takes place in the open space. Mr. Golden

said the PB can suggest that the Town Board include in the conservation easement that it will have the right to enter and inspect the compliance with the terms of the conservation easement.

Mr. Hoffman said he has concerns about the design of the driveways, that some of them are 12% grade, where the Code allows 10% and do not have the required -2% coming off the road. He said the PB may be willing to waive the 12% requirement, but not the -2% due to safety concerns. He suggested the applicant try to provide the -2%. Mr. Morgante said he was trying to minimize the environmental disturbance but will take a look at it.

Mr. Bergus recommended the applicant place perimeter fencing around the disposal system, suggesting a split rail fence.

The PB talked about setbacks and Mr. Golden said that in this type of open space development, the PB has the authority to set the setbacks. Pools for instance are not allowed to be located in setbacks, but the PB could allow a reduction in the rear yard setback. Mr. Golden told the applicant to suggest to the PB what setbacks they think are appropriate and it will be up to the PB to decide if it is appropriate.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board determines that the application of New Horizons (Sunset Ridge II) is a negative declaration under SEQRA. Approved unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Town of Goshen Planning Board sets a public hearing on the application of New Horizons (Sunset Ridge II) for June 18, 2009. Approved unanimously.

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

CONTINUED PUBLIC HEARING

Owens Road/Goshen Meadows 10-1-10.22 & 10-1-8 – 131.4 +/- acres, 33 lot subdivision, located on Owens Rd in the RU zone with an AQ6, AQ3, scenic road corridor, and stream & Reservoir overlay. Preliminary Subdivision Approval.

Present for the applicant: Gardiner Barone, Esq.

Robert Fink is serving as the attorney for the PB on this application.

Mr. Barone said that the applicant met with the Town consultants since the last continuation of the public hearing, and the consultants suggested that the applicant eliminate the loop road. It will reduce the amount of impervious surface, reduce the amount of road that the Town will ultimately have to plow and maintain, and will not come close to the wetlands buffer as the prior road would have. Mr. Barone said the applicant thinks it is a more desirable alternative and is asking that the PB close the public hearing and grant preliminary approval of the sketch plan that shows the culdesac as opposed to the loop road.

Mr. Bergus asked for public comment.

Greta Foley of Owens Road said that water is an issue and questioned how they could have a plan for 33 houses when 24 lots have been approved for water. Mr. Barone said they show 31 lots on the plan and ultimately have to demonstrate that they satisfy the required well testing protocol. "At this time we are being told we have to do more well testing to satisfy what the Town engineers are requiring, ultimately we will demonstrate to the satisfaction of the Town that we have enough water or if we can't show that we have enough water we will have to revise the plan," he said. Ms. Foley said that the development on Hampton Road is on the same aquifer as the proposal and yet some summers they don't have sufficient water. Mr. Barone said it is his understanding "that the Town incorporated water testing protocols designed to minimize, if not eliminate, new subdivisions that would generate residential development that could not be supported by the aquifers of the Town. We have done well testing that shows we can satisfy the prior laws of the Town."

Ms. Foley also said she is concerned that the width of the trolley line is too narrow for emergency access and said the ingress and egress is in a bad place because there is a bend in the road. The 14 ft. width was discussed.

Ms. Israelski asked about the sight distance at the juncture coming out on Owens Rd. Mr. Bergus noted that according to the site plan it is 300 ft. going northeast and 790 ft. going southwest.

Walter Rose of Owens Rd. asked about the status of the emergency access, saying he is concerned about its maintenance. Mr. Barone said that if the Town does not want to accept dedication of the emergency access then the applicant will be asked to provide another remedy such as a homeowners association to maintain the road. The applicant is responsible for making on site improvements including the cost of the emergency access, he said.

Ms. Isrealski suggested that the PB ask the applicant to improve the road to Town specifications so that the onus is on the applicant, and not the taxpayers.

Mr. Esposito said that it would be outside of their right-of-way to increase the road width, he said there are also wetlands there, and that the initial concept of the plan was to continue the road to the Strong's property to the west. "To build the road to Town specifications would be an extensive undertaking and extensive cost," he said.

Mr. Esposito suggested forming a service district to maintain the emergency access, stating it is a better solution than a homeowners association.

Mr. Rose said he is concerned with the turn radius and wonders if it will work for emergency access. Mr. Hoffman said that the PB should consider comments from emergency services to see what the turn radius is.

Mr. Esposito said the applicant can show a "bump out" area where a vehicle could pull off.

Jean Strong of Owens Rd. asked if her family will have an unrestricted right-of-way to use the trolley lane to get in and out of their 11.8 acres in the rear. Mr. Esposito said "yes" and that they will be given permanent access to it. It will be an unrestricted easement, he said, and will be a filed easement, as part of the filed map.

Mr. Esposito said that the two large open spaces will be owner-occupied by the owners of the two back lots.

Mr. Garling suggested that a number of issues need to be resolved, including the surface of the emergency roadway and how wide it is going to be. He said that the applicant is proposing a 1500 ft. road from Owens Road to the subdivision road at the proposed culdesac, and it is either going to be 14 ft. wide or 22 ft. wide within that 50 ft. right-of-way but it is not going to continue, or be improved, beyond the curve so if the wood lot of the Strong's is going to have access, someone will have to continue to build a road up that easement to some point. What has been agreed to is to take the right-of-way along the power line and bring it out to the Strong's wood lot, he said, but questioned if PASNY will allow a roadway/driveway within their right-of-way, running parallel to it. Mr. Fink said that the improvement of the right-of-way beyond where the road is going to go back into the subdivision, is not a concern of the Town, but an issue between the Strong's and whomever. The applicant doesn't have any obligation to improve it, he said. Mr. Esposito said he has spoken to PASNY and that they are entitled by right to have a road in that easement. Mr. Barone said they have the right to have a road, but are going to have a driveway. Mr. Esposito said he will get PASNY's response in writing and said that they have come to an agreement with the Strong's attorney.

Mr. Fink suggested that the applicant submit a proposed resolution of preliminary approval with conditions which will be reviewed by the consultants and the PB prior to the next meeting where a vote could take place. He suggested not closing the public hearing because the public may want to discuss the proposed conditions. Ms. Israelski suggested that the resolution include the discussion of the road. It was also suggested that the applicant get input from the emergency services. Mr. Bergus asked if the trolley line is not built to 22 ft. all the way through because of the logistics of building it, but is built to 14 ft., could it have emergency pull offs so that emergency vehicles can get through. Mr. Esposito said that it could have several of them and Mr. Bergus suggested that the applicant look at that option and show it on the map.

The PB listed the following conditions that should be included in the proposed resolution; ESA signs, PASNY, emergency access as a road alternative or a Town road, water tests to be witnessed and wetland protections from road salt.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board continues the public hearing on the application of Owens Road/Goshen Meadows to June 4, 2009. Approved unanimously.

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

ADJOURNMENT: A motion to close the meeting at 9:40 p.m. was made by Ms. Israelski and seconded by Mr. Myruski. Approved unanimously.

Lee Bergus, Acting Chair
Notes prepared by Susan Varden