

**DRAFT - UNAPPROVED**

**Town of Goshen Planning Board  
Town Hall  
41 Webster Avenue  
Goshen, NY 10924  
January 18, 2007**

**MEMBERS PRESENT**

Ralph Huddleston, Chairman  
Reynell Andrews  
Lee Bergus  
Susan Cleaver  
Mary Israelski  
John Lupinski  
Ray Myruski

**ALSO PRESENT**

Neal Halloran, Bldg. Insp.  
Joe Henry, Engineer  
Graham Trelstad, Planner  
Rick Golden, Attorney

**I. CALL TO ORDER**

Chairman Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:30 pm at Town Hall.

**MINUTES:** Upon motion made by Mr. Myruski and seconded by Mr. Andrews, the minutes of the January 4, 2007 meeting were approved with the following amendments: Page 3, last line, substitute “topography” for “typography”; Page 6, fourth line, substitute “leach” for “leech”; Page 7, fifth paragraph, second line substitute “are” for “is” and Page 7, second line, insert “, as a 10 foot drop in one of the test wells is substantial,” after “engineer to look at the well testing” and before “to see ...”.

The minutes of the December 21, 2006 will be reviewed at the next meeting.

**PUBLIC HEARINGS**

**W.G. Farms – 19-1-124.93.1, 93.2 & 95.1, 224.19 +/- acres** located on Maple and Celery Avenues, in the A1 zone with an AQ3, stream & reservoir and flood plain overlays. Proposed 2 lot subdivision and lot line consolidation.

Present for the applicant:

Wayne Gurda of W.G. Farms  
Hank Brisky of Clark, Patterson

Mr. Gurda explained the project as basically “taking a few smaller parcels and combining with a larger parcel, using a main drainage ditch (Commissioner’s ditch) as a border.” He said he wanted to separate the two pieces so that the black dirt

can be sold as an active black dirt farm and is looking for a lot line change and separation of parcels. He is currently under contract to sell the black dirt parcel, he said.

Mr. Huddleston said that attorney Rick Golden has a conflict and will not be speaking on the issue. Mr. Henry said that notes have been included on the map as requested.

Mr. Bergus said that the metes along the property bounds don't scale properly and asked if they had been checked.

Mr. Huddleston asked for comments from the public. There were none.

**VOTE BY PROPER MOTION**, made by Mr. Myruski, seconded by Mr. Lupinski that the Planning Board of the Town of Goshen, close the Public Hearing on the W.G. Farms application. Passed unanimously.

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

**VOTE BY PROPER MOTION**, made by Ms. Israelski, seconded by Ms. Cleaver that the Planning Board of the Town of Goshen hereby declares that the W.G. Farms application as proposed and corrected for modification will not cause a negative impact to the environment. Passed unanimously.

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

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Ms. Israelski, that the Planning Board of the Town of Goshen hereby declares that the W.G. Farms application is an unlisted action with no significant impact on the environment under NY SEQRA. Passed unanimously.

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

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Ms. Bergus, that the Planning Board of the Town of Goshen hereby grants conditional preliminary

and final approval on the W.G. Farms application conditioned upon confirmation of the survey and confirmation that the distances and boundaries upon the drawings are to the satisfaction of the Town engineer. Passed unanimously.

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

**Mahoney's at Goshen – 11-1-28 & 11-1-30.1 – 3.65 +/- acres**, Special Use Permit located on Rte 17M in the RU zone with an AQ6 & scenic road corridor overlays. Special use permit for restaurant and site plan approval.

Mr. Halloran told the PB that there have been issues about whether the septic system was adequate and noted a Department of Health letter stating that the system could handle up to 400 people. He called attention to a new memo from reviewing planner Ed Garling.

Mr. Huddleston commented that Mr. Garling seemed adamant that the septic system be given a hard look, because he recalls that the site has had continuous septic problems over the years and because of the extent of the current proposed expansion.

Project Architect, Michael Lisowski, spoke about the project design saying that the concept was to maintain as much of the existing building as possible with an addition onto the rear of the banquet hall. The front bar area will be re-worked to fit the Tudor style look of the building. The entrance to the banquet hall will have a covered valet and will be separate from the restaurant entrance. In the rear there will be an outdoor seating area off the banquet area. The plans are to expand the banquet hall by 3,000 to 4,000 square feet, he said, saying he didn't know the size of the parking lot being proposed.

Comments from the public:

Terry Moore, of the Village of Goshen, made comments about the applicant's personal business and asked the PB to closely scrutinize the project.

PB Attorney, Rick Golden said that the PB, by law, must keep their comments and therefore the public comments with respect to the particular uses of a proposal, and not relate it at all to the individual owners of the property or applicant.

Tom Castello, who identified himself as a non-resident, said he was speaking on behalf of twenty-two members of the United Brotherhood of Carpenters who want the PB to vote against the project.

Steven Schuetz, of 78 Washington Rd., Monroe inquired about the impact of a facility and parking lot expansion on the residents of Arcadia Hills, where he formerly lived.

John Santano of Warwick said there will be picketing when the restaurant opens.

Phil Canterino, of the Town of Goshen, said he wanted to make sure the PB looks at the impact of the weather, specifically rain, on the parking lot. Mr. Huddleston replied that a storm water management plan will be reviewed.

Ken Newbold, of the Town of Goshen, said that traditionally when there have been large crowds at the location, the overflow spills onto 17M and Arcadia Road, causing traffic jams. He asked that the PB make sure there is adequate parking and to look closely at the back part of the property where there are environmental considerations.

Comments from the professionals:

Mr. Henry said the Health Dept. has determined that the maximum number of patrons is greatly reduced from what is shown on the plans, so the plans need to be revised to indicate the maximum number of patrons that can be there at any one time (in the 400 range, rather than 700) or the applicant will need to put in a new waste water disposal system. The plan basically needs revisions, he said. "We have asked for some type of bollards around the well and we have asked them to address storm water and it hasn't been addressed to our satisfaction." The applicant needs to show where the septic system is located, he said, and advised that the Town's efforts should be coordinated with the Health Dept.

It was noted that when the applicant designs its landscaping plan, it needs to take into consideration that it is located on a designated scenic road.

Mr. Golden referred to a recent memo from Mr. Garling who stated that there are several pieces of information that have not been provided to date suggesting that the public hearing be continued until that information is received. Mr. Golden said that if the PB believes keeping a public hearing open will provide an opportunity to hear from the public on those issues that have yet to be submitted, then it would be appropriate to continue the public hearing.

Mr. Huddleston said that considering the significance of some of the issues, the septic system and the storm water drainage system, he believed the public hearing should remain open, and asked for comments from PB members.

Comments from the PB:

Mr. Bergus said his major concerns were that the well tests weren't yet completed and the lack of precise information on the construction or existing conditions of the

septic fields. Because of the history of the septic system, he said he would like to see a back-up system designed on the drawings that could be phased in, if needed.

Ms. Israelski said the present building is an eye-sore and she'd like to see the improvements the applicant has proposed, but added that she concurs with Mr. Garling's comments, and because of the capacity issues, would like to keep the public hearing open.

Mr. Andrews agreed that it should be kept open because of the number of significant factors that have to be looked at further.

Mr. Myruski said that the number of parking spaces and where water runoff is going to go are important issues.

Ms. Cleaver said she concurs that the applicant should show back up plans for sewer treatment now, instead of waiting for something to happen. She also said that because of its location on 17M, landscaping is very important.

Mr. Lupinski said he thought most of the site's landscaping was adequate but said the front is the critical area and that he was glad to see rain gardens being proposed.

Mr. Golden told the PB that it has the authority to require installation of a back-up system, based upon public health and safety concerns.

**VOTE BY PROPER MOTION**, made by Mr. Myruski, seconded by Ms. Cleaver, that the Planning Board of the Town of Goshen, continue the Public Hearing on the Mahoney's at Goshen application, in light of the information still pending, to March 15, 2007. Passed unanimously.

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

**Reiger – 9-1-8.452 – 360.9 acres, 130 units**, located on Craigville Rd., in the RU district with an AQ3 & AQ6 overlay with a scenic road corridor overlay. Public Scoping.

Present for the Applicant: Steve Esposito

Mr. Halloran said that the Town's ERB is going to review the scoping document at a special meeting January 24.

Mr. Esposito explained that the PB had given the project a positive declaration in December, requiring the preparation of a Draft Environmental Impact Statement and a Final Impact Statement. The applicant is required to prepare the draft scope, listing the items that will be addressed during the environmental process. The ERB & PB are required by law to provide the final scoping document, he said.

The applicant has identified primary resources on the site as both state and federally regulated wetlands, areas prone to flooding and areas in access of 25% slope, Mr. Esposito said. The total of all of the constrained lands are deducted from the gross acreage to determine the net area of developable land and a base density is established. Secondary resources, such as unique rock walls, trees and diverse biological conditions for habitat, were also identified, he said. The applicant has identified a 100 foot buffer around all of the wetlands and wants to keep as much of the open space contiguous as possible. In the current layout, 70% of the site remains open space. A plan will be followed that will minimize clearing to maintain the woodlands, he said.

At the request of Mr. Huddleston, Mr. Esposito agreed to extend the SEQRA deadline to Feb. 15 (to finalize comments) with plans to submit the scoping document to the applicant by Feb. 23. Mr. Huddleston asked PB members to type their comments and send them to the Building Inspector for incorporation into the document.

Comments from the public:

Keith Mills, Pleasant Ridge Run asked about the water supply and well testing. Mr. Esposito said that after obtaining a DEC permit, the applicant drilled test wells on site and did preliminary tests of those wells to make sure they looked like a viable source of water. On Oct. 26, 2006 the applicant delivered their water testing work plan to the Town and are awaiting approval to conduct the tests.

John Melville, Brookside Drive, asked about the size of the project. Mr. Huddleston answered that 130 units are being proposed, each lot is  $\frac{3}{4}$  to 1 acre and 3,000 + square footage. Mr. Esposito said the applicant is required to do an open area development with at least 50% in open space in some form or fashion. We are proposing to have the open space contiguous, he said.

Mr. Canterino asked about total acreage with Mr. Esposito saying that it was a little less than 355 acres, with 65 acres of state and federal wetlands deducted from the gross acreage to get the net buildable acreage.

Doug Bloomfield, Town of Goshen Supervisor, said that the project will involve taking water out of an AQ3 and bringing it to an AQ6, or vice versa, and that the

Town hydrogeologist will have to provide guidance and study; the Town's Bio-diversity consultant will need to look at the project and the Town's traffic study will need to be incorporated.

Edie Johnson of Craigville Road, Blooming Grove commented on the large stretch of continuous forest and asked if there were plans for other development along that road.

Chuck Farringer of Goshen, asked about the current status of the project. Mr. Huddleston answered that this was the beginning of the process, this is setting up the outline of the game plan for the study. Mr. Esposito referred to it as the concept stage.

PB member Susan Cleaver asked if the neighboring parcels, especially the farms, should be identified on the drawings. Mr. Esposito agreed. Mr. Huddleston asked for updated maps.

## **II. AGENDA ITEMS**

**Heritage Estates – 8-1-9.22 – 249.76+/- acres, 92 dwelling units** located on Old Chester Rd. & Brookside Dr. in the HR & RU zone with an AQ6, AQ3, scenic road and stream & reservoir overlays. Draft FEIS from consultants.

Mr. Trelstad distributed a draft of the FEIS, referring to it as a "work in progress". He said he hoped to have it completed by the PB's February 1<sup>st</sup> meeting and said when completed it will contain all of the PB comments and the information set out in the outline prepared by Mr. Cappello.

**Traskus (a.k.a. – Elm Hill Farms) 18-1-8.22 – 114.54 acres, 38 lot subdivision** Located on Arcadia Road in the RU zone with an AQ3 overlay. Possible determination of significance and scoping.

Present for Applicant: Steve Esposito

Mr. Golden advised the Board that with respect to determination, "the applicant has asked to be able to proceed with an Expanded Part III rather than go the EIS route. You have the Expanded Part III. This Board has in the past typically waited until the last moment to make a determination of significance rather than make it earlier on in the process. My suggestion is that you may want to make that determination of significance now, unless you think it needs to be postponed even further. If this Board is inclined to have a positive declaration on its determination of significance and go down the EIS route, you want to do this sooner rather than later and then things can be worked out with respect to what the scope ought to be, given the fact that you have a lot of information to date. It is an issue that should not be deferred

any longer to decide which way you want to go. If you think you have enough information in the Part III or if by asking for a little bit more information you will be able to make that negative declaration or whether or not you think there are still enough issues that need greater study, then you make a positive declaration and get on with the EIS process.”

Mr. Huddleston asked for Board comment.

Mr. Bergus said his biggest concern is the water and the issue of off site significance. He said that one of the representations made by the applicant at the last meeting was that the Orange County Dept. of Health would give a good hard look at the results of the tests. Mr. Bergus said he asked the Health Dept. about that and was told that they don't look at offsite impacts, only if it is a public water supply. That would fall back upon the PB to look at or the applicant's hydrogeologist who would have his license on the line as far as the integrity of the report, he said.

Ms. Israelski, Mr. Andrews, Mr. Myruski, Ms. Cleaver and Mr. Lupinski, all said water was a major concern.

Ms. Cleaver said she had a couple pages of concerns and would make a motion for a positive declaration.

Discussion of the motion:

Mr. Bergus asked how many of Ms. Cleaver's concerns are still outstanding, other than the design issues, and said he thought they could be addressed in the Part III.

Ms. Israelski said she thought that these concerns all need to be addressed and asked the attorney if all of these issues, including the issue of the need for further review of the impact on the neighboring wells, can be addressed using the Expanded Part III.

Mr. Golden said theoretically it can be done under either an Expanded Part III or EIS, but said the question is whether you feel more comfortable with it being done under an Expanded Part III or the environmental impact process.

Mr. Andrews said the water issue is so significant that the application needs a positive declaration.

Ms. Cleaver said she didn't think the issues can successfully be done under a Part III.

Mr. Lupinski said he believes most of these can be answered in an Expanded Part III but said he thinks water is the most important issue and that all off site situations, in this project or other ones, should be addressed.

Mr. Trelstad said he believed the outstanding issues can be addressed in an Expanded Part III saying “We are getting essentially the same amount of materials in the same depth as we would be getting with an EIS.”

Mr. Huddleston said that in the future he will ask the PB to consider making a decision early in the process. “And if we say to an applicant that we want them to do an Expanded Part III then we stay with that, because I believe we owe the applicant an early-on decision.”

Mr. Myruski said the applicant disagreed with him about the need for a 50 foot no disturbance buffer and a 50 foot no build buffer and said he is concerned about the working dairy farm alongside the project. Mr. Esposito said that if it was a concern of the PB, then the applicant would be willing to put a 50 foot no disturb, no build buffer along the Johnson farm property.

Mr. Trelstad said the next step is preliminary subdivision approval where any number of conditions can be put on that approval that handle many of the issues raised by Ms. Cleaver and issues of buffer areas, trees, etc.

Mr. Halloran mentioned two other concerns, the septic systems and storm water run-off, saying for the first time he heard people at a public hearing saying that they want to make sure they have their fair share of storm water.

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Myruski. Cleaver, that the Planning Board of the Town of Goshen, hereby declares a positive declaration on the Traskus (a.k.a. Elm Hill Farms) application. Motion failed.

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

Mr. Huddleston said the applicant will continue in Part III and that all of Ms. Cleaver’s comments should be combined in a draft form to be given to Mr. Halloran who will get them to the applicant by January 19.

**Normil – 27-9-1** located at the corner of Lindenwood & Gumwood Drive in Arcadia Hills in the HM zone with an AQ6 overlay.

Present for applicant:

James Dillin

Mr. Golden told the PB that there may be violations with respect to filling in wetlands on the parcel, whether or not it was done by this owner or a prior owner, and possibly some other issues, and said the Town Attorney recommends that a site inspection and conference be established between town officials and the applicant to review these issues and make a determination prior to the PB going forward with their planning process.

Mr. Huddleston said he had received notification from counsel that the PB will not proceed until this has been resolved.

Mr. Halloran said that Environmental Consultant Karen Schneller-McDonald visited the site and reported fill material and evidence that the flagging on the wetlands had been moved.

Mr. Halloran said he will set a conference with the Engineering consultant, Town Attorney and himself on January 25<sup>th</sup>. Mr. Dillin said he will meet with them.

**RTE 17M Storage – 12-1-103 -3.75 acres**, located on 17M & Musket Rd., in the I zone with an AQ3 overlay. Review site plan.

Applicant was not present.

The Planning Board adjourned to Executive Session at 9:35 p.m.

Ralph Huddleston, Chairman

Notes prepared by Susan K. Varden