

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

JANUARY 21, 2010

Members Present:

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

Also Present:

Neal Halloran, Building Inspector
Kelly Naughton, PB Attorney
Dennis Lindsay, PB Engineer
Ed Garling, PB Planner
William Canavan, Town Hydrologist
Karen Schneller-McDonald,
Town Environmental Consultant

Absent:

Ralph Huddleston

MINUTES

The minutes of the Planning Board meeting of January 7, 2010 were approved.

Zalunski – Requesting six month extension of Preliminary Approval, Phases II & III

Mr. Esposito said the applicant is seeking a 6 month extension of it's Preliminary Approval for the balance of the project, Phases II & III. The PB granted Conditional Final Approval of Phase I (Lots 1-7) at the last meeting. He said that last week the Town Board granted a nine month extension on its exemption from the new zoning code so the applicant now has until sometime in October, 2010 to obtain Conditional Final Approval.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Andrews, the Town of Goshen Planning Board extends its Preliminary Approval on the application of Zalunski for Phases II & III to October 28, 2010. Approved unanimously.

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

Javelin – Requesting six month extension of Preliminary Approval

It was noted that the applicant recently finished its water protocol and is going to the Board of Health. The applicant is seeking a six month extension.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board grants a six month extension from February 4, 2010 of its Preliminary Approval on the application of Javelin. Approved unanimously.

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

New Horizons – Requesting an extension of Preliminary Approval

There was no representative present for the applicant.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board extends the Preliminary Approval on the application of New Horizons six months from the date that it expired. Approved unanimously.

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

PUBLIC HEARING

Reiger – 9-1-8.452 – 360.9 acres, 106 units located on Craigville Rd at the end of Broadlee Road in the RU district with an AQ3 & AQ6 Overlay with a Scenic Road Corridor Overlay and Flood Plain Overlay.

Representing the applicant: Steve Esposito

Mr. Esposito introduced the project stating the public hearing is for the subdivision application and, as part of the SEQRA process, for the preparation of an Environmental Impact Statement. He told the public that a stenographer is present as the applicant is required by law to respond to the public comment in writing in a Final Environmental Impact Statement (FEIS). He said the initial submission for the Youngs Grove subdivision was made in April, 2005 as an Open Area Development under Section 97.20 of the Town's Zoning Code. Mr. Esposito showed the applicant's conservation analysis and the map delineating state and federal wetlands, slopes 25% or greater, the water courses, easements, areas prone to flooding, etc. He said that the amount of the conservation area was deducted from the gross acreage to obtain a net developable acreage. The total constrained area was 77 acres, resulting in 277 acres of developable area from a total site of 354 acres, he said, resulting in a base density of 106 lots.

The site straddles both sides of Craigville Rd. and is between Ridge Rd. and Hasbrook Rd. The Town is the lead agency and issued a positive declaration stating that the application will have an impact on the environment.

Mr. Esposito said the project has about twenty interested and involved agencies. Eight of those will have to issue approval or a permit. The applicant prepared a scoping outline to the draft Environmental Impact Statement and after a public hearing, the PB adopted the final scoping outline in March, 2007. He said that the three-volume Environmental Impact Statement has been available for public review in the Town Building Department, at the library and on line. It evaluates the potential impacts on land, on habitat and vegetation, on the visual and that it contains the applicant's evaluations of cultural and historical resources, traffic and transportation, noise during construction, community services, a fiscal analysis and alternative plans and technologies. If there are potential impacts, then mitigation has to be proposed, he said.

Mr. Esposito said there are access points from the south and two from the north. He said that the open space is 75% of the land, or 260 acres which will be preserved in a conservation easement. Of the 106 units, eleven will meet the Town's criteria for affordable housing. The development will be serviced by central water and central sewer.

Mr. Esposito said there are three on-site production wells that have been drilled and tested and that a well testing plan was submitted to the Town PB for review and has been approved. The best well is over 112,000 gallons a day, wells #2 and #3 combined are over 124,000 gallons a day, he said. The average daily demand of the development will be less than 42,000 gallons a day. An on-site waste water treatment sewer plant will be built in the center of the open space. The plant will either be operated by the Town or through a Transportation Corporation serving as a utility company. Mr. Esposito showed where the waste water treatment plant will be located on the map and where the discharge will run along the stream parallel to Craigville Rd., crossing under Hasbrook Rd and then into the Otterkill.

Ms. Cleaver opened the meeting to public comment.

Mr. Miller of Ridgeview Terrace said he was unable to access the EIS on the web because of its size. He said he is concerned with the wells, the water and hydrology and said that when the applicant did its perimeter well monitoring they picked only one site in Ridgeview Estates which comprises 40 to 50 homes. He asked if the PB is satisfied "that we will not have a problem with water as the result of 106 more homes being built on the same aquifer. I question it," he said.

Robert Knoll of Knoll Road asked about the water tower alternatives.

Mr. Esposito said there are several alternatives; a low profile tank requiring supply wells, an elevated gravity tank near Stonehedge's tank which would eliminate the need for fire pumps and connecting to Stonehedge, not for daily domestic use, but in cases of emergencies.

Mr. Knoll inquired about the 14 retention areas for storm runoff mentioned in the EIS and asked if he can assume that the storm water runoff will not be any more than it is currently and won't be coming into the tributaries at a higher rate. Mr. Esposito said they are planning a low impact design with three large main basins for the majority of the storage and treatment, plus swales and catch basins. Mr. Esposito said the applicant isn't allowed to increase the storm water discharge offsite, stating that post-construction has to be equal to, or less than, what is there today. Mr. Knoll said he is concerned about the impact to the Otterkill and the Black Meadow, stating that with this development and Heritage Estates, "you're talking about 74 gallons per minute." He asked who is keeping track of everyone going in there and a tally of all of the gpm's that are accumulating, along with all of the plans that Chester has to dump into the Black Meadow. He mentioned flooding problems during heavy rains.

Mr. Esposito said the DEC regulates surface discharges into the stream and the sub-surface discharges. Mr. Knoll asked if the DEC is actively counting the gpm's of all of these planned developments. Mr. Esposito said "yes" that they are being evaluated but that he would rather respond to his question in detail in writing.

Mr. Lindsay said that the answer to the question should be responded to in detail in the EIS, but added that the flow going into a stream is regulated by the DEC under storm water and the developer is required to retain water and maintain the existing grade runoff. It is not talked about in terms of wastewater because wastewater is usually a small segment of any flood amount. Mr. Lindsay said the project is anticipating a average day demand of 27 gallons per minute, equal to four garden hoses of flow, so it is not a heavy flow.

Ms. Israelski said that she also wants to be sure that someone is looking into all of the accumulative distributors.

Dorothy Szeffc, 35 Ridge Rd., who said she too was unsuccessful in accessing the EIS on the web site, expressed her concern with the size of the development, saying she doesn't want to see it become another Arcadia Hills or Hambletonian Park with its water problems.

Ms. Naughton said that the questions asked tonight have to be answered in a Final Environmental Impact Statement and all questions will be addressed individually in that document.

Mr. Halloran said that the public library and his office has a hard copy of the EIS and that he will help to make that available.

John Szeffc, 35 Ridge Rd. asked about the timetable of the planning process.

Ms. Naughton said that when the public hearing is closed, the public will have an additional minimum of 10 days to submit comments and questions, the applicant then prepares the FEIS and submits it to the PB for review with the public having a minimum of 10 days again to review the FEIS before the PB issues it's Findings and approves or disapproves the preliminary application. The timing depends on how long it will take the applicant to prepare the FEIS, she said.

Andrew Jakakas of 33 Ridge Road asked about the price range and appearance of the affordable houses.

Mr. Esposito said the appearance and cost of the affordable houses are based on Town law that says they have to be 80% in size of the average market product that is going to be constructed, be similar in architectural style and materials used and integrated into the project. The price is subject to the Town of Goshen Affordable Housing Code with a range from 150% of the average family income in the Town of Goshen down to 80%. He said the affordable houses in this development will cost approximately \$280,000 and that for purposes of analysis, the applicant used \$650,00 for the average market price. He said that the EIS shows models.

Mrs. Szeffc asked how many trees will be cut down for the project.

Mr. Halloran said that the Building Department has a plan showing which trees will be cut down and invited interested persons to his office to look at it. He said it is also in the EIS. Ms. Naughton said it will also be addressed in the FEIS which will be available at the Building Department.

Mr. Esposito said that the total development area is 59 acres, leaving 295 acres undeveloped. He said the applicant is obligated to plant trees every 40 feet on the proposed road.

Mr. Jakakas asked about the distance between Ridge Road and the project's road, stating that people are worried that they will see "only cookie cutter houses." Mr. Esposito said there is 800 ft. from the nearest house to the road.

The Town Consultants introduced themselves.

Town Engineer Dennis Lindsay said his office submitted a 12 page report on the applicant's EIS. He said that they encouraged the applicant to look at the opportunities for a connection to an adjacent community water supply, and said that in this case the applicant could provide a significant benefit to the Stonehedge District in terms of an auxiliary supply. He said he has asked the applicant for clarification on a few issues of water quality and has also asked where the booster station is going to be located. He said that relative to waste water, he has some questions about thermal impacts and that on the collection system, he has asked the applicant to look at alternatives to ejector pumps. He said he would like the applicant to look at the possibility of handling the storm water on each individual site as well as using seepage pits on site. He noted that some of the lots are being built close to the road because of severe slopes and the lots will end up with no back yards. He said he wants to see what can be done with those lots.

Ms. Israelski said she is concerned with the recharge and the water testing protocol. The wells that were tested, weren't many, and the applicant didn't go out to Farmingdale Road where people's wells run dry on the same aquifer, she said. The well where the draw down had an effect is towards Farmingdale Rd. but the applicant didn't test beyond the 2500 ft radius, she said.

Town Hydrologist William Canavan said that the applicant's pump test plan was approved in 2007, prior to the new code being implemented. He said there are three community supply wells that had a rated capacity prior to testing of 40-45 gallons per minute (gpm) and 78 gpm. The applicant ran step draw down tests and their hydrologist determined the three wells would be run in the following manner during the pump tests: Well #5 would be run at 78 gpm for 72 hours, then two wells were run at 40 gpm and 45 gpm for a total combined yield of 85 gallons per minute. Mr. Canavan said that the demand of the project is 38,925 gallons per day, or 27 gpm to supply the 106 homes.

Mr. Canavan said that offsite the applicant's hydrologist solicited homes in the area at a radius of 1500 and 2500 ft. During testing of Mr. Jakakas's well at 33 Ridge Rd. his water level dropped 10 to 11 ft. He had the highest draw down of the three wells that had draw downs, Mr. Canavan said. He also said that the applicant pumped nearly three times, 85 gpm, than they require, "so it is likely that the draw down will be a lot less pumping at the 27 gallons per minute that they need."

The Orange Department of Health, the DEC and the Town of Goshen all dictate the well testing requirements, Mr. Canavan said. The Town Code protects the individual so that if Mr. Jakakas's well is grossly impacted, the Town will determine how the applicant is going to make good on his water supply. Mr. Canavan called the Town's Code "very conservative." He said that the County Health Department and the DEC say that if an applicant is going to pump a community supply well they have to meet twice the average demand with the best well out of service. That protects the developer and the neighbors,

he said. The Town of Goshen requires the applicant to pump its wells at 200% of the maximum daily demand in the Town and in the case of this development that would be 86.2 gpm, he said.

Mr. Canavan said that an applicant in the Town of Goshen has to meet three pump test rainfall requirements and that the applicant's testing complied with the pre-testing rainfall requirements.

Ms. Israelski questioned whether the test would have the same results if tested in July. "We all live in the area and our wells go dry not in May or June, but in July or August." Ms. Israelski said she wants to see testing more than 2500 ft. out, more wells tested inside Ridgeview Estates and all the way out to Farmingdale Rd. and wells tested in August.

Mr. Bergus said he didn't see anything in the EIS that analyzed the 4 to 10 ft. drop off in the offsite well, that the EIS simply stated that there is mitigation available if it is a problem. He said it needs to be analyzed to be put in perspective, saying that dropping 10 ft in 100 ft. of water is different than dropping 10 ft in 500 ft. of water. He said that if analysis indicates the drop is significant, then it may necessitate testing wells further out. Mr. Canavan agreed and said he will add that comment to his letter.

Mr. Lindsay said that even though it was an earlier test, done in 2007, that for a community water supply, it appears that it was very close to, or exactly, up to the Town's current requirements.

Town Planner Ed Garling said that overall the plan is based on the new zoning prepared for the Town in 2004 that is basically a 3 to 6 acre density with the zoning requiring that 50% of the open space be set aside, and allowing the developer to build on smaller lots. He said he has no problem with the overall layout and design but has submitted an 8 - page memo of his review of the DEIS. Some of the document changes he is requesting are that the fiscal analysis for the school use numbers from the current school year, that the visual analysis show the location of the 70 foot water tower and that the scenic road location be shown correctly on the plans. He said that he believes that with the 60-70 ft. tall trees there, that in winter, 10-12 feet of the tower may be visible. He said more will need to be done to mitigate for the increased traffic on Broadlee Road, including signage and work on the road itself. He said that a small amount of the 269 acres of open space will be set aside for the water and sewer plants and that will take away from the general open space. He suggested that Lot #17 will need to be eliminated and re-located because of its proximity to the water tower.

Environmental Consultant Karen Schneller-McDonald talked about the natural resources of the site and said that detailed comments will be submitted in writing to the PB. She

described the site as having a lot of valuable natural resources and being part of a significant bio-diversity area referred to in the Southern Wallkill Bio-Diversity Plan. She said the site contains a large habitat for a variety of plants and animals and the project will have a significant impact on it but that a lot can be effectively mitigated. She said that a lot of her written comments will address how to make the mitigation as effective as possible. She described the area as representing a functioning complex system which depends on water and said that small changes in water quality can have a large impact on what makes the system function.

Ms. McDonald said she will be asking the consultants to decide whether to use the list of species that may be found on the site and assume those species are on the site and mitigate for those or to identify the species that have been found on the site. If they choose the later method, there will be a need for more extensive field surveys. She said she will be requesting a re-do of the Cricket Frog survey because DEC protocol was not followed and will request another survey of vernal pools on the site. Ms. McDonald said the project will carve up a forested area into smaller patches, and that she will request more information on where the animals are coming from and going to and how they will move through the development. She said that a lot more detail will be required in terms of mitigation plans for the project including how the road will be designed in order to mitigate its impact on the animals.

Ms. McDonald said that because most of the water on this site is connected to the Otterkill system, what happens to the water on the site will affect the water downstream and that must be protected. She noted inconsistencies in the wetlands map provided and asked that the Corps of Engineers be consulted to verify all of the wetlands on the site so that adequate buffers can be provided around the wetlands. She said she believes more can be done to keep the water on site and said it is important for the wetlands. Ms. McDonald said the management of the site after construction will be an important component of mitigation. She wants more information on how the habitat will be protected after construction and wants to see lot lines located at a certain distance from the water resources, so as not to rely on deed restrictions. Ms. McDonald offered to meet with the applicant and consultants to work through the complexities.

Mr. Miller said he wants the PB to look closely at the water and well issues. He is concerned about being in the same aquifer and the neighboring well dropping 10 feet during testing.

Richard Wallace of Ridge Road said while it is heresay, he heard that during the 1930's a well drilled for a dairy farm nearby drained the well from what is now Ridgeview Estates.

Mr. Knoll said that if there are problems with neighboring wells, they will occur down the road and asked how the well problems will be mitigated and for how long.

Mr. Szeffc asked why the developers want to develop the property now and questioned whether they can deliver, whether they will destroy the property and whether they can sell it or will walk away from it.

Mr. Miller questioned the logic of putting a \$650,000 house on a one acre property. He suggested that everyone who owns a \$650,000 house will want a swimming pool and questioned if that water usage has been considered. He said he agrees with the suggestion of a deed restriction on pools because of the large amount of water they use. He said he is also concerned about the appearance of the development.

Ms. Israelski expressed concern that all of the public hearing notices were not sent out to proper addresses. Ms. Naughton suggested that the Building Inspector confirm which properties were supposed to be notified and whether or not they were notified, and if not, to notify them. It was recommended that the public hearing be adjourned until the matter of notification is cleared.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Town of Goshen Planning Board adjourns the public hearing on the application of Reiger to February 4, 2010. Approved unanimously.

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

Ms. Cleaver said she believes that the map given for the bio-diversity study may not have been the appropriate map and if that is the case, is concerned about how it affects the study that was performed and whether something that should have been studied, may not have been. Ms. Naughton asked that the applicant clarify the discrepancy and address it in the FEIS. Ms. Cleaver suggested that at a later time, the PB needs to put something in place to prevent it from happening in the future.

ADJOURNMENT: A motion to adjourn the meeting at 9:45 p.m. was made, seconded and approved unanimously.

Susan Cleaver, Acting Chair
Notes Prepared by Susan Varden