

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

June 4, 2009

Members Present:

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

Also Present:

Neal Halloran, Building Inspector
Sean Hoffman, Engineer
Ed Garling, Planning Consultant
Rick Golden, PB Attorney
Kelly Naughton, PB Attorney

MINUTES

The Planning Board accepted the minutes of the May 21, 2009 meeting with no changes.

Continued Public Hearing

Owens Road/Goshen Meadows – 10-1-10.22 & 10-1-8 – 131.4 +/- acres, 31 lot subdivision located on Owens Rd in the RU zone with an AQ6, AQ3, scenic road corridor and stream & reservoir overlay. Preliminary Subdivision Approval.

Mr. Fink was present to represent the Planning Board on this application.

Mr. Hoffman said there have been no changes since the last meeting. He said there has been no further testing done on the water quality, there is concern with Toluene in Well #12, or quantity and that when further testing is done, it will be reviewed by the engineers.

Mr. Huddleston asked for public comment.

Greta Foley of Owens Road said she is concerned about cancerous contaminates in some of the wells, specifically citing Well #12. She said she is asking that particular wells be tested and said she has nothing against the building, but is more concerned with the health of the people who live there.

Jean Strong of Cheechunk Rd. asked who will be responsible for the upkeep of the trolley road.

Mr. Hoffman said that at the last meeting the Planning Board discussed differences between an emergency access road, between 14 ft. and 22 ft. wide, and a secondary access road. "Right now the Planning Board is looking at an emergency access road with bump outs," he said, and added that the applicant will investigate the topography and the design. Mr. Huddleston reiterated that they are still investigating the use of the trolley lane as an emergency road only.

Ms. Cleaver pointed out that at the last meeting the PB requested reviews and responses from emergency services. Mr. Esposito said there have been no responses to date. Ms. Israelski said the PB can't decide until it hears from emergency services and asked the Town Building Inspector to contact fire, ambulance and police. Mr. Halloran agreed to do so. Ms. Israelski also asked for full engineering detail of the composition of the emergency road for review by the PB.

Mr. Hoffman said the applicant will offer the emergency access road for dedication to the Town and if the Town is not interested, then a Homeowners Association will maintain it. Mr. Esposito said that the applicant will give an easement to the Strongs so they can access their wood lot in the rear. About one-half of the trolley bed will be improved for emergency access, he said, with Mr. Huddleston adding that the part that will be built will either be maintained by the Town or a Homeowners Association.

Mrs. Foley asked if the road will be built to specifications for a two-vehicle road. Mr. Huddleston said it will be built to the specifications of an emergency access road and Mr. Hoffman said the road will be approximately 14 ft. wide with some wider portions for vehicles to pass. Mr. Huddleston said there will be bump out designs where two vehicles can pass at certain points in the road, they will not be able to pass the entire length of the road, reiterating that it is an emergency road only.

Mr. Garling said that the right-of-way for the emergency driveway will have to be 50 ft. and shown on the map before preliminary approval. He said that Roads A & B are not shown on the current plans, and added that there are other minor notes that have to be corrected. He said that at Lot 31 the front yard setback from Owens Rd should be 200 ft. He said that access driveways to Lots 17 & 18 will be discussed before final approval and that they will have separate driveways because common driveways are no longer allowed. He said that the easement to the Strong's wood lot and the trolley easement must be shown on the plans.

Attorney Scott Thornton, representing the Strongs, asked about the driveway for Lot 17 crossing the Strong's easement. He was told that there are no use restrictions on the easement being given to the Strongs.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Town of Goshen Planning Board closes the public hearing on the application of Owens Road/Goshen Meadows. Approved unanimously.

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

Mr. Huddleston said that the application should be put back on the Planning Board's agenda for its July 2nd meeting.

Agenda Items

Lands of NOP – 18-1-137.2, 78.4 +/- acres, 19 lot subdivision, located on Reservoir Road and Scolza Terrace in the RU zone with an AQ3 & stream corridor overlay. Sketch plan. Discussion of road configurations.

Representing the applicant: Curt Rother

Mr. Rother said the application has been through three zoning ordinances. He said that a constraints map and site visit was done around 2004. Since then, the Phase 1 & 2 archeological work has been done, and no artifacts found, DEC wetlands have been delineated, and Corp of Engineer wetlands walked. He said he is back before the PB "to rekindle the fire." A prior plan showed a short stub of a culdesac and lots with driveways crossing the wetlands, he said. The applicant eliminated the culdesac and put in shared driveways, but now the current zoning code doesn't permit common driveways.

There was lengthy discussion about changes to the road, private roads accessing the lots and the creation of a road district. Mr. Garling showed a scenario from a work session discussion with planning professionals where the road would be able to interconnect to Northgate and continue all the way to Lower Reservoir Road.

Mr. Hoffman said that the zoning code has a provision for private roads, but not for common driveways, and said he is unsure if a private road is necessary or practical. He agreed with Mr. Huddleston that a private road will eliminate three crossings of the wetland.

Mr. Rother said the applicant wants to keep the same number of lots, 19, eight under

what the constraints analysis said is possible. The applicant also wants to keep the entire view from Reservoir Road and Scolza Terrace open, he said.

Mr. Hoffman said that if it was to be a Town road, there would have to be a culdesac. He read the code definition of a private road and a common driveway. He noted that the current application shows a 3,000 ft. long culdesac with 19 lots and said he doesn't know how the PB will handle that.

The PB talked about future connection to the neighboring Arent property and Northgate development and the previous creation of a road district.

Mr. Golden told the PB that he is still trying to track down the documents with respect to the transportation district relative to Northgate and said that at this point he doesn't know what it says. Mr. Huddleston suggested that they need to find out before going further.

A & L Acres 13-1-34.2 – 217.8 acres, 30 lot subdivision located on Houston Road in the RU zone with an AQ3 & AQ2 scenic road and 1 stream corridor overlay.

Representing the applicant: Steve Esposito

Mr. Halloran said that the application was given conditional final approval on August 21, 2008 and that by state law the applicant has to file the map or lose final approval. The applicant proposes to re-file the subdivision. Mr. Halloran said it is his opinion "that any new application is a new application and would not be grandfathered through exemption of this new zoning." He said that if it is a new application, it will have to comply with new zoning including new water protocols. However, if the applicant goes through with the final subdivision as they had it approved, it would be exempt from the new zoning.

Mr. Esposito said the applicant wants to talk to the Town Attorney and Town Board and "get their read on the exemptions."

Mr. Golden said that "the applicant has a conditional final approval and if they want to satisfy the conditions prior to August, they have a final subdivision, it will be filed. Mr. Halloran says they are coming in now to ask for a new preliminary final, even though it is identical to what they had done before, it is a new application and therefore not within the exemption to the new zoning law when the new zoning law went into effect and therefore if they are filing for a new preliminary and final approval, it would be subject to the new zoning."

Mr. Esposito said that the site is 256 acres and the first phase is 101 acres. He said that they are proposing 29 lots where they could propose 33 in the first phase and are proposing 48 lots in a total build-out where they could go up to 72 lots, stating that they are substantially below the AQ3 & AQ6 overlay requirements founded upon hydro geological analysis. He said the only place they don't comply with the new zoning is in the well testing, stating they would have to do well testing over again and would have to drill 10 wells on a site. He said the applicant doesn't want to waste a lot of money in the process of doing that and so if they are able to phase the project, then they would actually build it and avoid having to bond it, he said. The original application was for the entire project, the new application would be for phases, he said.

Mr. Golden said that the PB is bound by the Building Inspector's opinion. The applicant can appeal the Building Inspector's determination to the Zoning Board of Appeals or go to the Town Board who could pass another local law to make the exemption more specific to include them, if that was their intention, he said. The applicant is saying that they are code compliant, would just need to satisfy the new water protocol testing requirements and doesn't want to do that, he added. Or, the applicant could satisfy the conditions in the approval they already have prior to the August deadline and then would have final approval, he said.

ADJOURNMENT: A motion to close the meeting at 8:45 p.m. was made and approved unanimously.

Ralph Huddleston, Chair
Notes prepared by Susan Varden