

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

June 18, 2009

Members Present:

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

Also Present:

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

Absent: Ralph Huddleston

MINUTES

The Planning Board approved the minutes of the June 4, 2009 meeting with corrections.

Continued Public Hearing

Lone Oak – 11-1-58 & 11-1-49.2 217.4+/- acres, 132 residential unit development, located on Harriman Drive and Arcadia Rd in the HR zone with an AQ6 & stream and reservoir overlays.

Mr. Halloran introduced Planning Board Consultant Karen Schneller-McDonald of Hickory Creek Consulting, LLC

Ms. McDonald said she was present to provide the context of her comments on Lone Oak noting that she has provided written comments to the PB. She explained how she evaluates a project, taking a broader view of an area first, and gave an overview of two areas; watersheds and biodiversity and how the two go together. Ms. McDonald said that the PB needs to know how the biodiversity information fits in with the site plan and surroundings, that the watersheds are healthy and how the entire area will be disturbed including which species of plants and animals might be impacted. All of it must be looked at within a larger context, within which things are moving so that when protecting open space you can include those corridors and important habitat areas into the open space and give a dual use of that land, she said. It is important to know all of the impacts so that you can mitigate in a way that makes sense, Ms. McDonald said.

Ms. McDonald said she has identified areas in the Lone Oak project where more information is needed. She said that 300 ft. of buffer is needed around wetlands and streams for habitat and that 100 ft. is sufficient to protect water quality.

Gerald Boss who owns property on the Otterkill River, expressed concern about the cumulative effect of three projects, Heritage Estates, Reiger Homes and Loan Oak, on the environment of the Otterkill River, stating that their sewer systems will be flowing into the river.

Ms. McDonald said that cumulative impacts must be looked at, that you can't look at one site as an isolated system, but rather as it is affecting a watershed where other developments are happening and if enough buffer isn't provided as you go, and developments keep occurring in the watershed, "you can get to the point where the last guy to develop is out of luck, there are no more resource left." She said it is better to have everyone do ample protection as they go, that the watersheds and biodiversity must be protected with each project.

Mr. Boss asked if it is fair to ask developers to do a four season environmental evaluation.

Ms. McDonald said that there are ways to do that, short of an expensive and time consuming survey. She noted informational resources that can be used, including the NYS Department of Environmental Conservation's list of species of greatest conservation needs. She suggested taking the lists of all the threatened, endangered and rare species and looking at the habitat on a particular parcel of land. A good idea can be obtained of which species might be present without extensive, expensive field studies, she said.

Mr. Lindsay said that the PB has received a DEIS reviewing water supply, waste water, and storm water management and his office has given the PB an eight- page memo with comments including areas seeking clarification which will be done in the FEIS process. He said that as part of the FEIS process, comments from the public, the professionals and the PB are sought and suggested that the public voice their comments at the public hearing for inclusion in the FEIS. He said the PB will then do its review and ultimately accept the FEIS and prepare a Findings Statement. He said that the site development plans were just received by his office today and that he will be providing written comments.

Mr. Garling said that in his May 19th memo he noted that most of the development is 150 ft. away from the wetlands and environmental areas but that there are other disturbances into those wetlands; potential roads, trail bed areas and future development. He said that although it is known that there isn't adequate water at present for the full development

that was proposed at one time, eventually it may happen, he said. The water issue has been a serious problem for many years and will have to be resolved, and what will happen with the recreation area shown by the applicant will have to be determined, Mr. Garling said. He said that he too received the site plans tonight so will have to review them

Mr. Andrews asked if the other large lot at the end of Harriman Drive is a part of the project. Mr. Golden said that while the applicant doesn't believe it ought to be, the PB has determined that it is part of the subdivision because it is being utilized in connection with the infrastructure of the project.

Mr. Lupinski asked how to divide the responsibilities of the cumulative impacts to the watershed and asked where the applicant is lacking at present. Ms. McDonald said it is important to get the impervious cover under 10% and look at creating sufficient vegetative buffers along all of the wetlands and streams. Those are the two best things you can do to protect watersheds site by site, she said. She said that she would like to see more in the way of buffers in the Lone Oak project, that they should be at least 100 ft. away from wetlands and streams and the developer should manage for salt, where they put their salt-contaminated snow for instance.

Mr. Golden suggested keeping the public hearing open because the revised plans were just received and suggested discussing the revised plans at the July 16th meeting.

Mr. Myruski asked for public comment.

Gerald Boss said he resides at the edge of the flood plain of the Otterkill and is concerned about flooding as all of the developments, Lone Oak, Maplewood, Heritage Estates, Reiger Homes, will be using the Otterkill or the Black Meadow Creek as an avenue to get rid of their effluent and asked how many gallons of treated sewer water will be introduced to the Otterkill. Mr. Boss also said that the Otterkill is a mammoth recharge area going to several other lakes and suggested that the PB review page 19 relative to Purgatory Swamp and Otter Creek "as to the danger that lies if these projects are not done correctly."

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Town of Goshen Planning Board adjourns the public hearing on the application of Lone Oak to July 16, 2009. Approved unanimously. The PB said it wants the public hearing notice re-published.

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

New Horizons (Sunset Ridge II) – 10-1-28 – 54.2 acres, 8 lot subdivision located on Hampton Rd. & Phillipsburg Rd in the RU zone with an AQ6 and Stream & reservoir overlay. Preliminary subdivision approval.

Representing the applicant: Michael Morgante, Project Engineer

Mr. Morgante gave a brief overview of the project, describing it as eight individual lots served by driveways accessing Phillipsburg Rd., with two common driveways being proposed, and containing individual wells and central septic located in the bend near Hampton Road in the southwestern portion of property. He said there are two wetlands on the site.

Mr. Myruski asked for public comment.

Jeff Musumeci of 12 Hampton Rd. questioned putting a sewage treatment plant in the vicinity of Cheechunk Creek.

Mr. Morgante said that everything will be discharged into the ground with no surface discharge proposed at Cheechunk Creek.

Mr. Musumeci said that he has not had water problems but knows that people who live in the Hampton Hills Drive area have a water problem. He said he is concerned with what type of land clearing will be done, pointing out that it is a wooded area with lots of trees, brush and animal life. “What happens to all of those animals when the site is developed and how much will it be cleared,” he asked. He pointed out that the property is part of a county conservation bow hunting area and asked if there are plans for any further subdivision. He said he is concerned with more building in the area and said he bought his property because he likes being in the woods.

Mr. Morgante said that what is shown on the plan is the full build-out, explaining that the topography, the soils with respect to sewage disposal and the zoning requirements are all limiting. He said the applicant doesn’t know what type of homes will be build yet. He said the applicant did a tree survey and everything they could to limit disturbance adding that they are proposing 28 acres for open space. He said the lots range from 4.1 acres to 17.4 acres.

Mrs. Musumeci asked why the septic couldn’t be put somewhere else. Mr. Morgante said the applicant did extensive soil testing and that the ideal suitable soils were found at the

bend where they propose to locate the septic. He said it exceeds the 100 ft. buffer from the wetlands.

David Sincerbox of Hampton Hills Drive and Hampton Rd. asked where the applicant is in the planning process. Mr. Golden said that the project has been given a negative declaration by the PB, who determined there was “no significant adverse impact to the environment” from the project. He said that the environmental review period is closed down, but that “now is the time to let your comments be known.” He said that state law requires a public hearing in regard to the subdivision. “At some point in time the public hearing will be closed and after the PB closes it, they will have to make a decision fairly quickly. This is zoned residential and they have a right under the code to divide the property the way they are but all is subject to the constraints on the site and other planning issues. And that is why the public comment is appreciated,” he said.

Mr. Myruski said that some of the PB members have been at the site and are working with the PB consultants.

Mr. Sincerbox asked if a well study for people in the surrounding areas will be needed. Mr. Lindsay said the applicant will have to comply with a water testing protocol and that the Town would hope Mr. Sincerbox will volunteer his well to do a test on. He said they will identify the wells located nearby to determine what the impacts will be.

Mr. Sincerbox spoke about the traffic, undulations of the road and blind spots on Phillipsburg Road and asked if the driveways were looked at in relation to those issues. Mr. Lindsay said that all of the driveways comply with the sight distances required with the exception of one which will have to comply.

Mr. Sincerbox expressed concern about how the community septic system will work and be maintained.

Mr. Golden said the PB has to finalize that and finalize what protections are put in place so that it is responsibly taken care of and is not abandoned. He said the code deals with community septic systems and that his concerns about maintenance are valid and are shared by the Town Board. They are issues that still have to be addressed, he said, adding that this would be the first community septic system in the Town of Goshen

Mr. Lindsay said that the project probably would have been served by individual systems, but that the soils aren't conducive to individual septic. He said he has reviewed their design, and said it is not just the standard septic system, there is some treatment that takes place prior to the liquid wastes being absorbed in the ground.

Tina Esposito of 4 Hampton Hills Drive asked if the community septic system will be underground or will there be a building and called community septic systems “nightmares” and “disasters”, and said she expects something will go wrong and her neighborhood will suffer.

Mr. Morgante said it is all underground with the exception of electrical panels.

Mr. Sincerbox said the new technology is what scares everybody and that a lot of times the first isn't successful. Mr. Garling called it “a different application of an old technology” and Mr. Lindsay said it is a gravity settling system, relying on no great technology other than gravity and beyond that is an aeration system which treats some waste, then treated waste water goes through a screen and only that goes into the field for absorption into the ground. The system will have basically no water consumption, he said and there will be a service that maintains the system as part of the requirements. Mr. Lindsay said that “We have over-designed the system for the same concerns you have.” Mr. Bergus said they have been talking about putting a split rail fence along the perimeter where the pumps and equipment are to define that portion.

Mr. Golden told the concerned neighbors that the community septic system is permitted in the code and has been for the past five years, although this is the first proposal for one.

Jean Sincerbox said the map is deceiving and said she would like to see the section, block and lot numbers across the street “so we can actually see where it is located and where the driveways are going to come out on Hampton Rd. on the other side of the street.” Mrs. Sincerbox said she would also like to see where the septic system is in relation to the other properties. Mr. Morgante said that information will be provided by the end of next week and Mr. Halloran said the public can come to the Building Inspector's department to view the project in relation to all of the adjoiners.

Mr. Musumeci asked if much blasting is expected, saying he believes it has been a problem in the area. Mr. Morgante said he didn't think much will be needed and Mr. Golden said there are state and town permits required for blasting.

Mr. Golden said that if the applicant needs to amend the subdivision plan because they go out in the field and find it is not working, they have to come back to the PB for an amended subdivision approval and depending on how substantial the amendments are, the PB can approve a public hearing at that time. The applicant has to have approval to do certain things and depending on the particular circumstances, some just need approval of the Building Inspector, he added.

Mr. Sincerbox asked if there had been enough testing done so far to say that this is probably where the septic system is going to be. Mr. Lindsay said “yes”.

Karla Wise of Phillipsburg and Hampton Roads stated that right now what isn't wetland is mostly wooded, asking how stripped the land will be and how much discretion the homeowner has in clearing their lots.

Mr. Golden said the limits of disturbance are shown on the site plan. When cutting in these homes, they can only clear within these marked limits, he said. When a private owner comes in and wants to cut down the trees or clear bushes, they are allowed to do that unless the PB finds a reason this should not happen and then they would order a deed restriction be placed on the property. This is done when trying to protect view sheds, etc. but it is not done in the ordinary course of subdivisions and won't be done here unless the PB has a reason that it is important to say this will never be touched, he said. The required open space in the subdivision will be in a deed restriction, he added. Mr. Lindsay said that 50% of the green space is protected and the wetlands are protected.

Mr. Sincerbox said the reason he is concerned about where the driveways are is that Hampton Rd. had some work done 6-7 years ago which has since eroded and now doesn't drain properly and asked if someone looked at that in terms of the cuts and how it will affect the area. Mr. Lindsay said the applicant will be required to make sure their driveway doesn't inhibit the flow in the ditch by putting a culvert pipe below the driveway but they are not doing a road improvement project. The driveways are not in that corner, they are well up the road, he said.

Mr. Musumeci said that most of the homes in the area are four bedrooms, 3-4000 sq. ft. and asked if they can be kept that way. Mr. Golden said "no", that if someone wants a larger or smaller house, that is up to that person, there is nothing that says it has to be large enough to blend in with the other homes in the area. Mr. Morgante said that the lots are estate size but the size of the homes will depend on factors such as the economy and the market.

Mr. Garling said that no trees of any substance, over 12", will have to be taken down for the community septic system. He said that Hampton Road isn't bad in terms of sight distances for driveways but that clearly Phillipsburg Road is. He said he has looked at sight distances and has determined they will have adequate sight distances. He said it is one of the PB's biggest concerns and is looked at very seriously.

Mr. Morgante showed a map of the proposed open space which will contain a conservation easement so it cannot be cleared or built upon by anyone.

Mr. Golden told the public that the preliminary subdivision approval is the most important because if the applicant's final subdivision plan is in substantial agreement with the preliminary subdivision plan, and the conditions have been met, the applicant basically has a right to have it approved by the PB, unless something environmental has

come up in the interim. He said the final approval is more ad ministerial than substantive “so now is the time for everyone to weigh in.”

Ms. Cleaver asked the applicant to put up ESA signs and Mr. Morgante agreed.

Mr. Morgante said the applicant will propose setting up a transportation corporation to maintain the community septic system. Mr. Golden said that the formation of a transportation corporation to take care of the septic must have the approval of the Town Board.

Tom Pinard of 35 Hampton Rd. said he would like the public hearing to be left open.

Mr. Golden said that because there is a lot of public interest, it would be appropriate for the PB to continue the public hearing to at least one more meeting.

Mr. Lindsay said that at a future meeting the PB will have to decide how to handle the driveways, whether to have individual driveways or common driveways. Right now, he said, there is a common driveway shown for two lots. Mr. Golden said the code does not allow common driveways but it does allow the PB to waive that if a specified criteria is met. He said that the PB would have to (1) find it is not required in the interest of public health, safety and welfare (2) that it is appropriate to waive the provision of no common driveways because of inadequacy or lack of connecting facilities or in proximity to the subdivision or (3) whether requiring individual driveways is in conflict with the environmental, agricultural, scenic or historic resource protection purposes of Chapter 97 in Section 83.32 of the Code. If the applicant wants a waiver, they should be trying to convince the PB that it is appropriate, he said.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Town of Goshen Planning Board adjourns the public hearing on the application of New Horizons (Sunset Ridge II) to July 16, 2009. Approved unanimously.

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|-------------|-----|---------------|-----|
| 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 10:05 p.m. was made and approved unanimously.

Raymond Myruski, Acting Chair
Notes prepared by Susan Varden

