

APPROVED MINUTES

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

June 19, 2008

Members Present

Reynell Andrews
Lee Bergus
Ralph Huddleston, Chair
Mary Israelski
Ray Myruski

Also Present

Richard Golden, Esq.
Kelly Naughton, Esq.
Sean Hoffman, Engineer
Ed Garling, Planner
John Lupinski

Members Absent

Susan Cleaver

CALL TO ORDER

Planning Board Chair Ralph Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:30 p.m.

MINUTES

The minutes of the Planning Board meeting of June 5, 2008 were approved with modifications by a vote of the Planning Board. Motion made by Mr. Bergus, seconded by Mr. Myruski. Motion passed.

A&L Acres – 13-1-34.2 – 217.8 acres, 27 lot subdivision located on Houston Road in the RU Zone with an AQ3 & 2 scenic road and 1 stream corridor overlay. Extension on Conditional Final Subdivision Approval issued on 1-17-08.

Present for the applicant: Steve Esposito

Mr. Esposito said the extension is needed due to the Town's Moratorium.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board grants the request for an extension on the conditional final subdivision approval on the application of A&L Acres to Jan. 17, 2009. Passed unanimously.

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

Mr. Golden noted that the applicant is advised that the last PB meeting prior to January 17, 2009 is January 15, 2009.

Heritage – 8-1-9.22 – 249.76+/- acres, 69 dwelling units located on Old Chester Rd. & Brookside Dr. in the HR & RU zone with an AQ6, AQ3, scenic road and stream & reservoir overlays. Extension on Preliminary Approval.

Present for the applicant: Steve Esposito

Mr. Esposito said the application is currently before the regulatory agencies and asked for a one-year extension.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Israelski, the Town of Goshen Planning Board grants the request for a one year extension, to July 5, 2009, on the preliminary approval of the application of Heritage. Passed unanimously.

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

Mr. Golden advised the applicant that the last meeting before July 5, 2009 is July 2, 2009.

Continued Public Hearing

North Jersey Trailer & Truck – 12-2-20.1, 16.1, 12.1, 1.1, 1.2, 2, 3, 4.1, 6.1, 9.1 38.2, 37.1, 39 – 47.7 +/- acres, 15,000 sq. ft. truck trailer service building located on Calvary Court & Cannon Hill Drive, in the I zone with an AQ3 overlay. Subdivision, Special use permit and site plan approval.

Present for the applicant: Alan Singer, Esq.
Travis Ewald

Mr. Singer said that the neighbors requested removal of any trees and shrubs proposed along the driveway easement because of concerns that shade from the trees will hinder a melt of the road and that the trees will interfere with the power line. Those trees have been removed from the plan, he said, and added that he has given the PB attorney a draft of a 15 ft. wide easement “to the extent that this is actually on our property”. He said the driveway is partially on and partially off the property. It is an access and drainage easement, he said. It was noted that the access to the existing residence is protected to the best of their ability under this application.

Mr. Garling said there were no further issues. He said he had been on the site with Mr. Ewald and has agreed about what is to be done on the landscaping, saying that none of

the screening as it impacts residential areas, the Korycki and Gerzbeck properties or the church property, has been changed on the plan. He said the screening is adequate and that the drainage pipes were found in the field and have been placed on the plan.

Mr. Huddleston asked for public comment.

Mr. Korycki said he wants to be sure that the parking area will be designated for trailers only, not trucks. Mr. Golden said that a condition now reads that no storage of trucks will be permitted on the property except for the purpose of repairing and exporting trailers from the property and one truck for the purpose of transporting trailers within the property.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Bergus, the Town of Goshen Planning Board closes the public hearing on the application of North Jersey Trailer & Truck. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Israelski, the Town of Goshen Planning Board issues a negative declaration in terms of SEQRA finding that the application of New Jersey Trailer & Truck as proposed will not have a significant impact on the environment. Passed unanimously.

Mr. Golden read the following specific conditions for inclusion in the resolution:

1. No storage of trucks will be permitted on the property, except for the purposes of repairing and exporting trailers from the property and one truck for the purpose of transport and moving the trailers within the property.
2. The light levels must be limited to 0.1 foot candles at the property line so no offsite glare will result. The fixtures shall meet IDA, LEED, or Green Globes criteria for Nighttime Friendly or Dark Sky lighting.
3. The applicant shall place easements over that land outside of the street right-of-way that is part of the temporary turnaround, reverting the land to the abutting property owners upon the continuation of the road and include such as a note on the map.
4. Prior to any building permits being issued, S/B/L 12-2-37.1, 12-2-6.1 and 12-2-4.1 must be properly transferred, putting the neighboring properties in identical ownership to permit the re-subdivision.
5. The applicant shall grant the Town of Goshen an easement over the drainage ponds and facilities, as shown on the plans, subject to the satisfaction of the Town Engineer and the Town Attorney, for the purposes of drainage. The applicant must include a note on the map describing the easement to the Town for repairs

and maintenance of the drainage facilities. Prior to issuance of a building permit, the applicant must file the easement with the County Clerk as a restriction on the deed of the properties, in a form satisfactory to the Town Attorney and provide proof of such filing to the Building Inspector.

- 6. The applicant shall grant proposed Lot 5 a 45 foot drainage easement over proposed Lots 3 and 4, as shown on the plans, subject to the satisfaction of the Town Engineer, for the purposes of drainage and hot-spot water treatment. The applicant must include a note on the map describing the easement. Prior to issuance of building permit, the applicant must file the easement with the County Clerk as a restriction on the deed of the properties, in a form satisfactory to the Planning Board attorney, and provide proof of such filing to the Building Inspector.
- 7. Prior to the issuance of a building permit, the applicant must obtain a SPDES multi-spector permit from the New York State DEC for industrial activity.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen accepts the Resolution with the specific conditions recited and grants special use permit and site plan approval on the application of North Jersey Trailer & Truck. Passed unanimously.

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

Public Hearings

Maplewood (Salesian Village) 8-1-48 – 94 acres, 229 units, hamlet residential and open space subdivision in the HR & RU zone with an AQ6, scenic road and stream corridor overlay. DEIS & Subdivision.

Present for the applicant: Steve Esposito, Esposito Associates
Dave Higgins, Art Tully of Lanc & Tully

Mr. Esposito said the applicant was present for a public hearing on the subdivision, the Environmental Impact Statement (EIS), site plan approval and special use permit. He said that the draft EIS, which evaluates the potential environmental impacts of the project, has been in the making for the past three to four years. He said the applicant applicant has hired a stenographer to record the information from the public hearing and that the applicant is obligated by SEQRA to respond to the public in writing in the form of a Final Environmental Impact Statement (FEIS). He said the draft EIS is available for public review.

Mr. Esposito said the project is a Traditional Neighborhood Development (TND) and explained how the TNDs became part of the Town’s master plan and how some of the

goals are reflected in the plan. He said the Town's Comprehensive Plan, adopted in June, 2004, took two years to develop at a cost of over \$700,000.00. One of its goals was to control inefficiencies created by sprawl. Another goal was to provide a range of housing alternatives meeting the needs of a range of social economic groups. Mr. Esposito said that this project proposes a variety of housing types including 116 two-bedroom apartments, town houses, and condos that are affordable and attainable for seniors, returning college kids and small families. He said that the project accomplishes another goal of the master plan, to develop a strong economic base, by proposing 30,000 sq. ft. of mixed use space (commercial/office/retail) and a free standing commercial building that may be a small convenience store to serve this community. He said the project also protects open space and existing environmental resources by proposing that 65% of the site be placed under a conservation easement. He said the plan is a pedestrian oriented development with proposed walkways connecting to various other areas of the community. Mr. Esposito said that 68 acres of the site is in the hamlet residential district and the balance in the rural development district. He said the goal of a hamlet residential is a complete community including single family homes, town houses, apartments, workplaces, restaurants, and recreational facilities in a pedestrian oriented development. He said that is what the applicant strives for in this plan, which has been in the process of development for the past three years.

Mr. Esposito said the site consists of 96 acres, including federally regulated wetlands. The applicant is proposing 229 residential units with a mix of 30,000 sq. ft. of commercial space and a community center. Twenty-one of the 229 units will be affordable units consisting of five single family homes, four town homes, 11 condominiums and one flat unit. The goal is for a sustainable development, he said, and the prices will be in the "moderate" range, mostly two to three bedroom units on small lots, minimizing utilities, road costs and operation and maintenance costs.

Mr. Esposito said that a scoping outline was developed, reviewed and revised by the PB and presented to the public prior to its adoption. The document looked at impacts to soils, slopes, vegetation, geology, habitat, hydrogeology, traffic, sewer, water and other community services. He said that at the request of the PB a traffic analysis was done in conjunction with Heritage Estates, Maplewood and Hambletonian Park and that 12 intersections were evaluated. He said the hydrogeology was reviewed and that the development will be serviced by on-site wells and an on-site treatment plant.

David Higgins of Lanc & Tully, Civil Engineers, said the water demand of the development is projected at 65,800 gallons of water a day or 46 gallons a minute. He said that a 72-hour pump test was done on the two wells the applicant is proposing to use, with yields of 250 gallons a minute and 92 gallons per minute for a combined yield of 340 gallons per minute, exceeding the 46 gallons a minute as projected. Three options were looked at for distribution. Mr. Higgins said that an on-site gravity storage tank for 250,000 gallons, placed at the highest portion of the site, would result in an 80 ft. tall bulb tank and that because of the visual impact, other options were looked at including an

underground storage tank. He said the underground tank would have long term maintenance issues and be costly to operate. He said the NYS Department of Health said it preferred a gravity system because of the possibly of emergency power outages. He said the applicant looked at the option of putting a gravity tank offsite – removing the two existing storage tanks that are in disrepair in Hambletonian Park and constructing a 250,000 gallon storage tank identical to the one currently in Hambletonian Park to provide distribution from the well site via an 8-inch water main through the project site and the Hambletonian site. The benefit, he said, would be its reliability in emergency situations and the allowance for the Town, if the Town were to take over the tank and wells, to potentially provide a supplemental water supply to residents of Hambletonian Park. Putting the water tank at Hambletonian Park is the applicant’s preferred option, he said.

Mr. Higgins said that the applicant would prefer to pump the sanitary waste water to the Village sewer collection system, rather than have its own sewage treatment plant, but was told that the Village is not willing to accept outside users at this time to connect with the sewage collection system.

He said his firm prepared a storm water pollution prevention plan for the quantity and quality of the water. The storm water management facilities shown on the plan consist of three storm water ponds located on site with three bio- retention facilities and two subsurface concrete vault systems. An erosion sediment and control plan has also been prepared, he said.

Mr. Huddleston said that the PB deemed the draft EIS adequate for the public’s review and asked for public comment, saying that this is an information gathering process and that the PB wants to hear the public’s thoughts and concerns.

Gerald Boss, 223 Craigville Rd., said his property abuts the Otterkill, a Class C Scenic Stream. He said he will do everything in his power to stop the dumping of effluent in the river from this project and others, including those in the Village and Town of Chester. He asked what effect the project will have on the Village’s current commercial businesses.

Doris Obremski, 45 Lower Magic Circle, asked for a definition of “sustainable units”, asked how the water system will affect the water table of the surrounding area and what tests were done to find out, how the commercial part of the project will affect what is already in place in the Village and what additional traffic lights are anticipated as the result of the development?

Susan Bloom, of 10 Hillcrest Ave., a Village Trustee, said she thinks putting a through road through Hambletonian Park will be unsafe and suggests that the developer construct a road going out onto Coleman Rd. and a light at the intersection of Sarah Wells Trail and Route 207, timed differently. She said the wetlands need to be protected and preserved for wildlife. She said the PB should insist on a tree preservation plan, even if it means

reducing the number of housing units. She also said she is concerned about the commercial component and its effect on Village businesses.

Dan Matteo, 21 Knapp Terrace, said that 30,000 sq. ft. of commercial space sounds like a lot and said that if the roads in Hambletonian Park are opened as through roads, he is concerned that a lot of trucks will be using them to make deliveries in the Maplewood development.

Marcia Mattheus of 11 Lincoln Ave., a Village Trustee, said the project name is a poor choice in that “Maplewood” is the name of Village Hall. She said the drawings aren’t realistic in that they don’t show the Village in relation to the project and should show the development in relationship to surrounding areas. She said the suggested traffic mitigation, sending traffic to less impacted areas and thus creating additional severely impacted traffic areas, is not real mitigation of the traffic issue. She said that as the Village Water Commissioner looking for additional water sources, she learned that the 72 hour pump test is inadequate. Ms. Mattheus said a 30 day pump test is a more accurate assessment and often ends up with a result of one-third of the previous yields shown in a 72 hour pump test. She said a very serious issue is the boundary conditions as you start pulling from various areas. Ms. Mattheus said that the visual impact of a water tower is significant and that it is the accumulative impact on the Village of a project this size with a commercial strip and a water tower and pointed out that there are no buffers built into the plan. She questioned the real impact of the runoff from all of the buildings onto the Village and said the analysis is not adequate. Ms. Mattheus said that the original idea of building 15 houses on the site seems a more appropriate way of developing a property that is covered by so much wetlands. The responsibility of the municipality is to see that the impacts are truly mitigated, she said, and suggested that eliminating the commercial be considered as a mitigation. She said there is not a possibility of hooking up to the Village water and that it is not a question of politics, that at present the Health Department has stopped any hook-ups and extensions. “The answer is not that the Town and Village argue over where the water for the project is going to come from, but the answer is should that project be developed in that proportion and let them deal with the water and sewage issue,” she said. Ms. Mattheus also delivered written comments to the PB from Mike Edelstein of Orange Environment who could not attend the meeting.

Brad Daly, 47 Coleman Rd., said that he is concerned because his well showed a significant drop during the 72 hour water study and asked if he will be responsible for re-drilling if he runs out of water. He said he is concerned with the destruction of the wetlands and disruption of wildlife and trees. He said two years ago Coleman Road was closed in order to raise the road to eliminate the flooding problem and that even now when there are heavy rains, “it is solid water” from Craigville to Coleman roads.

Clare Leonard, 19 Brookside Drive, reminded the PB that the EIS noted a diminution of wells tested on Old Knoll Rd. during the drilling at Heritage and said she pleads not to allow that to happen again. She said that if there is noted diminution of well and pumping

in any one of the wells tested, that it should not be allowed to go through. She said a 72 hour test is not enough, that 30 days is sufficient. She said in 1995 she had a yield of 3.86 gallons per minute and now has 2.13 gallons per minute from the same well, not the result of adding to her household but the result of the development of Brookside Drive, stating she “can’t imagine the impact of 229 houses on my well.”

Howard Unger, 8 Florican Lane, made the point that if the new development is “pedestrian friendly” with its sidewalks, stop signs, speed bumps and street lights, then Hambletonian Park, where he lives, could be considered “pedestrian unfriendly” and asks about the potential safety issues of traveling through a “pedestrian unfriendly” area to that of a “pedestrian friendly” area.

Richard Rodstrom Sr. 1 Goodtime Court, said he is concerned with the increased traffic and getting to the light at Route 207. He said the developer is building right up to the road eliminating the future possibility of widening Craigville Rd. He said he worries about 229 houses feeding out to the same intersections where there are problems now. He said feeding out to Coleman Road would be better for some of the traffic.

Michael Murphy, Village Engineer of the Village of Goshen cautioned to make sure the infrastructure is there to support the high density that is being proposed. He said that the DEIS doesn’t talk about the building heights to a great extent but shows the buildings in cross sections at 50 ft. tall from the grade to the ridge line and in one case a height of 70 ft. He said that type of massive structure needs to be looked at more closely and said that Salesian Park should not be impacted by such tall structures. He said that anything over 12.4 acres of wetlands could be considered a state wetland and questioned if this has been coordinated with the DEC. If they were mapped state wetlands then 100 ft. buffers would apply and would drastically change the layout of the proposal, he said. Mr. Murphy also said that as proposed the subdivision has 6600 linear feet of disturbance right up to the wetlands and asked what additional precautions will be taken to protect the wetlands. He pointed out that the DEIS does not contain any detail on an on site treatment plant. He said after reviewing the traffic information, he found that the number of cars generated from the site doesn’t seem to be consistent and peak hours mentioned should be reviewed. He said the traffic study should show all of the road names on the maps. He said he didn’t find any proposed mitigation measures in the traffic study and said the critical intersection of Craigville Rd. and Route 207 should be investigated to see if improvements can be made there. He submitted a written letter to the PB.

John Grishom, 35 Yankee Maid Lane, said he thinks the proposal will be a detriment to the community. He asked if the developer has to find water before getting an approval and if the developer has any responsibility for the impact on the school system.

Carol Clancy of Yankee Maid Lane, pointed out that there are no interior roads to get from one to another, 229 homes, over 400 cars being added, and there are no through roads. She said she doesn’t know why it is not demanded that there be inter-connectivity

there. She said everyone should talk about the future impact on the schools, police and fire departments of this and all building projects. She suggested that the well tests be done in July and August, instead of September and October, and asks why there won't be connectivity to the Village sewer plant.

Kevin Loughren 22 Knapp Terrace, asked how the applicant came up with the idea of locating the water tower in Hambletonian Park and suggested the applicant keep the water tower in its own development. Mr. Tully said it is mandated that all options be analyzed and that the option of putting the tower in Hambletonian Park was suggested by town officials, the Building Inspector and Engineer. He said the advantages to Hambletonian is that if there is an excess water supply on this project, then additional water can be provided to Hambletonian and that if there is a problem with Hambletonian's old water storage tank, that with two tanks, it can be taken out of service while being repaired.

Mike Morris of 5 Goodtime Park, asked if it wouldn't be in everyone's best interest to share the water and sewer. Mr. Tully said one of the advantages of having this as part of the town system with Hambletonian Park is that when the user base expands, the costs are spread over more people.

Town Supervisor Douglas Bloomfeld said that on behalf of the TB, "We have never discussed, looked at or talked about the tower being in Hambletonian Park....this is the first I have heard about it tonight, to say that the Town officials have known about it is not true." Mr. Tully said that the supervisor was correct in that they had not spoken to Mr. Bloomfeld or anyone else on the Town Board about it. He said he had spoken to the Building Inspector about it and that the concept and design was a cumulative effort by the town zoning department, town planner, town engineer and the developer.

Village Mayor Robert Weinberger requested that the public hearing be kept open. He said that the Village has struggled for years to find an adequate water supply and is now on the cusp of providing it. He said four large developments from the Town are requesting annexation to the Village for the purpose of water and sewer. He said the Village will do all it can to provide adequate water and sewer to the Village, that it would be "unfair to not take care of the people who are in the immediate family first." He called the applicant's argument for water and sewer from the Village as "myopic and wrong." He said he submitted a written document which he requests be made a part of the record.

Gerald Boss asked why the developer is going forward with their application when the Town's Master Plan is now under review and a moratorium is in effect.

Christine Manza, of 7 Knapp Terrace, asked, "Are we not on the same water table as this new proposed project? There have been many times when we didn't have enough water. If we run out of water they will supply us, they said, but who is draining our water table?"

Howard Weiss, 6 Ridgewood Terrace, asked if there is a regulation about building up to a cemetery, asking if the ponds about the cemetery is it a violation of Town law?

Mr. Golden said there is a prohibition of having any structures or water facilities within 100 ft. of the cemetery property line.

Melissa Gallo, 12 Florican Lane, asked if the traffic study took into account Hambletonian Park or any other development that would surround this development and if it took into account the possible openings of Bridle Path and/or Rabbit Run. Mr. Huddleston said that three developments were considered.

Ed Connor, Murray Ave., pointed out that there are six road cuts on Craigville Rd. and no buffer. He said that the fact that these different segments are not joined in anyway does not make this a hamlet zone and said that it is unfortunate that in 2000 when the Town had an opportunity to retain the property as open space, that was not done. Now we are suffering the consequences, he said. He urged the PB to keep the public hearing open as long as possible.

Dan Champion, 43 Magic Circle, asked if there will be any stench from the on site sewage treatment facility?

Holly O'Hern, 2 Summit View Dr., asked if the applicant is considering stealth technology and suggested they think outside the box about something other than a water tower.

Richard Rodstrom Sr. suggested the development could produce up to 1,000 kids and that the development should have its own school.

David Warren of 1 Knapp Terrace, asked if there were limits to how much the Town should grow. Mr. Golden said that the issue of the build-out of a municipality, including population, is addressed indirectly by the zoning code as to what the zoning code permits. He said that the Town is now looking at the zoning code, in response to some of these issues of density, and considering modifications to it. It is the zoning code that determines the number of people allowed in a municipality, he said.

Kathleen Buckley, 14 Yankee Maid Lane, asked if alternate side parking on the streets in Hambletonian Park is being contemplated if the street is opened up to more traffic.

Brian Gallo, 12 Florican Lane, suggested building something for the kids, saying there will be 500 kids here, let's do something for them.

Mike Worth, 5 Goodtime Court, asked how the project could be approved with only one exit road, citing safety issues.

Mr. Golden said that all public hearing questions and their answers have to be contained in the final EIS. Most times, the final EIS is created by the applicant, the PB reviews the draft to see that all of the questions have been set forth accurately and to determine if they have been answered adequately and determines if other issues need to be addressed. It takes several meetings for that to occur and be finalized but eventually it will be in a Final Environmental Impact Statement (FEIS). Before the FEIS is accepted, there will be a short period of time for additional public comment.

Mr. Golden said that in addition to hearing the public on this, the PB also receives reports from its own consultants with respect to the draft EIS.

Mr. Huddleston polled the PB about keeping the public hearing open. Mr. Andrews suggested keeping the public hearing open and suggested starting at the next meeting with the consultants, the PB, and then getting further public input.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Israelski, the Planning Board of the Town of Goshen adjourns the public hearing on the application of Maplewood (Salesian Village) to July 17, 2008. Passed unanimously.

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

Hambletonian – 8-1-12.221 – 23.4 +/- acres, 38 lot subdivision located on Magic Circle Terrace in the HR zone with an AQ6 overlay. Possible Preliminary Subdivision approval.

Mr. Huddleston stated that the PB will consider the County’s input and preliminary subdivision approval of the application. He said he was told that Hambletonian Park has a representative who wants to read a prepared statement and that while this is not a public hearing, “if the Hambletonian group is in agreement that this gentleman represents Hambletonian and wants this letter read into the record, then I will allow it.” There was voiced approval and a show of hands.

Dan Matteo of 21 Knapp Terrace, read a statement of opposition, based on safety issues, to opening Bridal Path and Arthur Place as through roads and to a gated emergency access road or a construction road. The written statement asked the PB to override the County’s recommendations and to consider something like Ms. Israelski’s suggestion of turning Bridle Path and Arthur Place into multi-modal pedestrian paths for walking and bicycling.

Mr. Golden said the County’s 239 Referral Response was received by the Town on June 17. He said that if the PB decides to incorporate all of the recommendations of the County in their 239 Report, then when the PB votes, if it has a majority in favor of the

subdivision, then the preliminary subdivision approval would obtain, but that if the PB fails to include even one of the County's recommendations, then as required by state law, in order to approve the preliminary subdivision, the PB, must vote by a majority plus one of all of its members, so it would take five votes for approval.

Mr. Golden said the four recommendations of the County are full road connectivity with respect to Bridle Path, Arthur Place and Rabbit Run and sidewalks on one side of the development.

With respect to Bridle Path, the County asked the PB to open it as a completed, open through road with no restrictions. Mr. Huddleston said the PB has discussed this before and that he does not support Bridle Path as an open road, but wants it as a temporary construction access road and then as an emergency access road sealed off with a break-away gate. Mr. Bergus said he believes it should be maintained strictly for emergency access and pedestrian and temporary construction, as long as it is accepted by the DEC. Mr. Huddleston said the developer still has to obtain a NYS DEC wetlands permit for Bridle Path before it could be built.

What the PB decides doesn't mean that the Town Board might later decide, or a future PB might later decide, to do something different. It is not going to be placed in a conservation easement, it is not going to be locked up, there is always the future consideration of boards and governing bodies. This is not forever, he said. Ms. Israelski said she favors an emergency access road and pedestrian use and stands with the previous vote to require the developer to build the road so the burden is with the developer and not the taxpayers. Mr. Andrews said he favors a construction road and emergency road with a break-away gate. Mr. Myruski said he thinks the developer should build the road to town specifications for use as a construction road and emergency road but not a through road. He said there is an opportunity for the road to be built up to town specifications at no cost to the Town. Mr. Lupinski agreed that the road should be built to town specifications at the cost of the developer and that it should be used for construction and multi-modal entrance and egress for people in Hambletonian Park. Mr. Huddleston summarized that that Bridle Path will not be included as the County set forth in their recommendation.

With respect to Rabbit Run, the County asked the PB to open it as a through road. Mr. Huddleston said it should be used purely as a pedestrian walkway and should have no open access for road utilization. Ms. Israelski agreed, citing the typography, storm water issues and sight distance. Mr. Bergus, Mr. Andrews, Mr. Myruski and Mr. Lupinski agreed that it should be used as a pedestrian walkway only.

With respect to Arthur Place, the County asked the PB to open it as a through road. Mr. Huddleston said this should be only a pedestrian path access for walkers and bicyclists. Mr. Bergus, Ms. Israelski, Mr. Andrews, Mr. Myruski and Mr. Lupinski agreed citing slope problems, topography, sight distance and storm water issues.

With respect to the County's recommendation of sidewalks along one side of the development, Mr. Huddleston said that he does not support sidewalks at this time. He said the PB has asked the applicant to build the road to 30 ft. wide and that while the Code calls for sidewalks in new subdivisions where the lots are less than 15,000 square ft. , with the widening of the road, sidewalks don't have a practical use and would be sidewalks to no where. It would be appropriate if and when Hambletonian gets sidewalks, he said. The rest of the PB was polled and all were opposed to putting in sidewalks with the exception of Mr. Andrews who favored the County's recommendation. Mr. Huddleston said that with the vote of five to one, the PB opposes the County's recommendation and won't support the sidewalks.

Ms. Israelski asked the PB to consider certain conditions before approving the project. She said that the curb view of the development is too dense and doesn't resemble the existing Hambletonian Park and noted that the back yards of the current homes on Yankee Maid will have two to four homes directly behind them. She suggested that the solution to the curb appeal and view may be to reduce the density to enable wider properties that will increase conformity to the existing neighborhood and proposed, as a condition, that each pre-existing home not have more than two neighbors behind them.

Mr. Huddleston said that reducing it to two would significantly reduce the numbers, to a point which he believes to be excessive at this point in the process. He suggested looking into the option of no more than three. Mr. Bergus said he is comfortable with the numbers as they are and that before final approval the PB can make sure there is sufficient buffering and address the aesthetics of the backyards. Mr. Andrews said he thought limiting the number to three and making sure it is well buffered would protect the existing homeowners. Mr. Garling said that limiting it to three would eliminate one lot. Mr. Golden suggested that a condition could read "no more than three neighbors behind a particular residence with additional buffer to screen such rear homes to be decided as to type and place prior to final approval." The PB voted, four in favor and two opposed, to add the condition allowing no more than three neighbors behind an existing residence with Mr. Lupinski and Mr. Bergus voting in opposition.

Ms. Israelski said that the building envelopes must be made smaller as to disturb less of the ground and trees. Mr. Hoffman said that the limits of disturbance are shown on the plans and that marking the trees in the field is already a condition. No action was taken.

Ms. Israelski said the storm water plan calls for a 15 foot swale which should be flagged in the field so that fewer big trees are cut down. The PB agreed.

Ms. Israelski asked that a condition be added stating that the larger street trees, grassy areas, rain gardens and other planned installations should be planted and installed at the earliest practical stage of development. The PB agreed.

Ms. Israelski said she thinks the storm water ponds as proposed will be an eyesore and wants them to be decorative, with fountains, water gardens, and/or cascading rock gardens incorporated into the design. Mr. Hoffman said that the practical aspect of the suggestion is difficult because the ponds are on private lots and will be the responsibility of the homeowner. The PB agreed that the applicant should provide aesthetic upgrades in the design for the PB’s approval. The applicant said it is willing to provide landscaping and upgrades.

Mr. Golden said that while the PB has already waived the requirement as to sidewalks it needs to waive the street light requirements.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr.Lupinski, the Planning Board of the Town of Goshen waives the street light requirement on the subdivision application of Hambletonian. Passed unanimously in a 5 to 1 vote.

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

Mr. Golden said the proposed resolution contains the General Conditions and a series of Specific Conditions, which he read, as follows:

1. The applicant shall place a Conservation Easement over the property as indicated on the plans, enforceable by the Town, which shall be drafted to the satisfaction of the Town Attorney as to form, including ongoing maintenance standards that will be enforceable by the Town against an owner of open space land to ensure that the open space land is not used for purposes other than open space including, but not limited to, the storage or dumping of refuse, junk, or other offensive or hazardous materials.
2. Any and all conservation areas in which any construction, disturbance or re-grading occurs must be replanted, stabilized and remain forever undeveloped thereafter.
3. Any and all blasting operations shall be conducted so as to not to endanger the health, safety and welfare of persons and the safety of property, including but not limited to that of adjacent landowners. Any blasting operations shall be carried out in compliance with Chapter 58A of the Town Code. The Applicant must post a three year bond to insure against any potential damage caused by such activities.
4. Colors and materials of the exterior walls and the roofing materials shall be limited to those approved by the Planning Board prior to Final Approval. The general color scheme of the proposed homes shall be neutral colors and earth tones to blend homes into the landscape.

5. Any and all retaining walls required must be four feet or less and correspond with Appendix B of the Town of Goshen Town Code. Any retaining walls greater than four feet necessary shall be subject to review by the Planning Board.
6. Clearing limits shall be shown on grading and erosion control plan sheets and protected with field markings to permit the Building Inspector and other Town inspectors to observe and enforce such limits and to attempt to save as many trees as possible if slight adjustments to limits permit. Such limits shall encompass the silt fence along the rear of Lots 1 through 18.
7. A storm water design, in accordance with the New York State Department of Environmental Conservation (NYS DEC) "Storm water Management Design Manual" shall be provided prior to final approval. Water quality, channel protection, over bank flood and extreme storm water quantity controls shall be provided. The Applicant must submit a final Storm water Pollution Prevention Plan (SWPPP) prior to final approval, subject to the satisfaction of the Town Engineer.
8. The Applicant shall pay any and all required hook up fees to the appropriate agencies for connection to the sewer district, including but limited to the payment of sewer assessments for infrastructure.
9. The Applicant must provide a hydraulic analysis to the Town of Goshen, subject to the satisfaction of the Town Engineer, and the Orange County Department of Health prior to final approval. The distribution system shall be designed to maintain a minimum pressure of 20 psi at ground level at all points for all conditions of flow. The normal working pressure of the system shall be approximately 60 to 80 psi and not less than 35 psi. If pressure is not deemed sufficient, the Applicant shall introduce pressure into the system.
10. The Applicant must revise the Storm Drainage Report based on subdivision plan revisions, as well as comments from the Town and its consultants, and resubmitted, subject to the approval of the Town Engineer, prior to Final Approval.
11. Formal authorization is required from the owner of the Heritage Estates property for the construction and emergency access of Bridle Path. The Applicant shall post a three-year bond to be used in the event there are any unforeseen damages related to construction operations which have been determined to be the fault of the Applicant.
12. In exchange for an offer of dedication and conveyance the Town previously agreed to grant to the Riccardulli's an easement of ingress and egress across a Town owned portion of land. In the event this does not occur, the Applicant shall be required to present an alternate plan for providing the required 50 foot right-of-way or equally acceptable means of furnishing the needed right-of-way and roadway construction for a road that may be dedicated free of encumbrances to the Town.

13. The Applicant must show all proposed traffic related improvements and details on the subdivision plans prior to Final Approval.
14. The Applicant shall provide, at a minimum, two on site detention ponds to manage stormwater runoff. The construction details of these ponds shall be subject to the satisfaction of the Town Engineer.
15. To protect against fugitive emissions, no construction vehicles shall be permitted to idle while on the Project Site. Cleared areas will be watered in dry weather; and disturbed areas, except roadways, will be seeded and mulched as soon as possible to minimize the potential for airborne dirt and dust.
16. The Applicant shall construct two pedestrian pathways out of a permanent flexi-pave material subject to the Planning Board's approval. Details of these pathways shall be submitted to the Planning Board and its consultants prior to Final Approval.
17. All disposal and cleanup of debris on the Project Site shall be cleared in accordance with the Town of Goshen Town Code.
18. The final Landscape Plan and its phasing, if any, any additionally required buffering and plantings required in and around stormwater facilities, must be approved by the Planning Board, in consultation with the Town Planner prior to Final Approval, including identification of the location and specie of all new trees (including road and screening trees). Shade street trees shall be provided at intervals averaging 50 feet along the right-of-way.
19. All wetland delineations and concomitant impacts to the application, including the location of wells and other structures, are subject to all regulating authority that exists at the time of the consideration of Final Approval of its application, including but not limited to the jurisdiction of the New York State Department of Environmental Conservation. To the extent that any such new delineation or regulation impacts the proposed plan as approved herein, the Applicant must conform its application accordingly prior to Final Approval.
20. This preliminary approval is conditioned on the applicant satisfying the requirements of the Realty Subdivision Law and obtaining approval from the Orange County Health Department prior to the granting of Final Approval.
21. Limits of clearing and disturbance, and the posting of appropriate signage and fencing during construction indicating the same, must be clearly designated on the proposed final subdivision map prior to their approval, and such signage shall be posted conspicuously on the site prior to any site work or other disturbances to the site. Deed restrictions regarding the ongoing protection of clearing and disturbance limits shall be filed in such form and manner as acceptable to the Planning Board attorney.
22. Construction activities are to be limited to 8:00 a.m. through 8:00 p.m., Monday through Friday, and 9:00 a.m. through 5:00 p.m. on Saturdays in order to mitigate the significant impacts associated with the substantial construction activities of the project. No construction activities will be permitted on Sundays or holidays.

23. The Applicant shall submit two copies of all submissions to and responses from the involved agencies between the time of this Preliminary Approval to Final Approval.
24. No topsoil shall be exported from the property without the approval of the Planning Board in accordance with § 83-12(D)(4) of the Goshen Town Code.
25. Wetlands and any required buffers are to be marked on individual lots prior to Final Approval. The Applicant must use proper Environmentally Sensitive Area (“ESA”) signage where applicable.
26. The width and specifications of the emergency access shall be determined by the Town Board prior to final approval.
27. All drilled wells that will not be utilized by the Applicant must be properly abandoned, capped, and decommissioned prior to any construction.
28. The Applicant must offer the stormwater infrastructure for dedication to the Town. If the Town does not accept such dedication, an alternative system shall be proposed, subject to the approval of the Planning Board.
29. The Applicant shall revise the plan in such a manner that each pre-existing home adjacent to the project site will have a maximum of three new lots abutting its rear property line with additional buffer to be placed, the location and type of which shall be decided prior to Final Approval.
30. Prior to Final Approval, landscaping shall be agreed upon as to type and specie and shall be installed at the earliest stage practicable to control stormwater and blend the development with the existing community.
31. Prior to Final Approval, the Applicant shall redesign the stormwater ponds, subject to Planning Board approval, to be both functional and aesthetically pleasing.
32. The Applicant must comply with comments contained in the Town Engineer’s memorandum dated May 12, 2008 (83-08-052) and in the Town Planner’s memorandum dated June 12, 2008.
33. The Applicant shall grant the Town of Goshen an easement over all drainage ponds and facilities shown on the plans, subject to the satisfaction of the Town Engineer and the Town Attorney, for purposes of drainage. The Applicant must include a note on the map describing the easement to the Town for repairs and maintenance of the drainage facilities. Prior to the issuance of a building permit, the Applicant must file the easement with the County Clerk as a restriction on the deed of the properties, in a form satisfactory to the Town Attorney, and provide proof of such filing to the Building Inspector.
34. Prior to Final Approval, the Applicant must submit the specific design of the pedestrian pathways of Bridle Path, Arthur Place and Rabbit Run subject to the approval of the Planning Board.
35. The Applicant must demonstrate to the Planning Board prior to Final Approval that it has sufficient water to support the plan as proposed or readjust the plan accordingly for approval by the Planning Board.
36. Prior to any improvements to Bridle Path, the Town of Goshen or the owner of the property must obtain the necessary DEC approvals for its use.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr.Lupinski, the Planning Board of the Town of Goshen grants preliminary approval to the subdivision application of Hambletonian, subject to the conditions cited. Passed unanimously in a 6 to 0 vote.

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

ADJOURNMENT

The Planning Board of the Town of Goshen adjourned at 11:22 p.m.

Ralph Huddleston, Chair
Notes prepared by Susan K. Varden