

APPROVED MINUTES

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

September 4, 2008

Members Present:

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

Also Present:

Neal Halloran, Building Inspector
Sean Hoffman, Engineer
Ed Garling, Planner
Karen Schneller-McDonald, Consultant
Rick Golden, PB Attorney
Kelly Naughton, PB Attorney

CALL TO ORDER

Chair Ralph Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:35 p.m. at Town Hall.

MINUTES

The minutes of the Planning Board meeting of August 21, 2008 were approved with a correction by a vote of the Planning Board.

Thompson 8-1-7.22 48.2+/- acres, 2 lot small scale subdivision located on Craigville Rd in the RU zone with an AQ6, scenic road corridor and stream & reservoir overlays. Possible conditional final approval.

Present for the applicant: Mr. Youngblood

Mr. Youngblood said the applicant has received correspondence from the DEC and has submitted answers to their concerns. The DEC is currently reviewing re-submitted plans. He said the DEC was okay with the driveway being 40 ft. from the wetlands.

Mr. Garling said the applicant has met all of his requirements and that the PB can approve the plans subject to the DEC approval.

Ms. Cleaver asked if a bond could be posted on the trees the applicant planted in case they don't survive. Mr. Huddleston suggested making one of the conditions of approval that if the trees die within a year of the approval, the applicant will re-plant them. The condition would be enforced by the Building Inspector, he said.

Mr. Golden read the proposed “specific conditions” of approval for the Thompson Minor Subdivision in connection with the 48.16 acres of property located along Craigville Road as follows:

1. The Applicant must comply with the requirement in Section 97-29(G) through (J) of the Goshen Town Code, except where site features are screened from the road.
2. Wetlands and any required buffers are to be marked on individual lots prior to the signing of the plans. The Applicant must use proper Environmentally Sensitive Area (“ESA) signage where applicable on the fence and have such signage in place prior to any site disturbance.
3. The Applicant shall place a Conservation Easement over the lots as indicated in 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 storage or dumping of refuse, junk, or other offensive or hazardous materials.
4. When the bed of the absorption field is excavated, it must be inspected by the Town Engineer and/or the Town Building Inspector. Prior to the placement of any stone and/or geotextiles in connection with the sewage disposal system the Applicant shall notify and provide the necessary access to the Building Inspector and Town Engineer for the purpose of inspecting the in situ soil conditions.
5. Pursuant to Town Code Section 83-19(B), the Applicant must plant street trees. These trees should be placed outside of the DEC buffer zone and the Orange County easement. The Building Inspector is to inspect such trees one year after the date of approval and the Applicant is to re-plant said trees if the Building Inspector finds them not to be in a vibrant condition.
6. The Applicant shall use a minimum of a 15 inch pipe for roadway drainage as per the Town Engineer.
7. Prior to the signing of the plans, the Applicant must receive the DEC’s signed endorsement on the plans.
8. Any change in the use of this property by this owner or a subsequent owner must be reviewed and receive approval from the Planning Board.
9. Prior to the signing of the plans, the Applicant must submit plans correcting the sight distances listed on the plans.
10. Prior to the signing of the plans, the Applicant shall revise the plans to indicate the length of laterals and the location of all (deep) soil tests and the 50% expansion area subject to the satisfaction of the Town Engineer.
11. Prior to the signing of the plans, the Applicant must comply with the memorandum of the Town Engineer dated August 18, 2008.
12. Prior to the signing of the plans, the Applicant shall show fence in the buffer zone, as well as additional notes, as per the DEC and in compliance with the Town Code.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Bergus, the Town of Goshen Planning Board approves the Minor Subdivision of Thompson consistent with the conditions as just read. Passed unanimously.

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

Stewart’s – 12-1-8.31 – Located on Rte 17M in the HC zone with an AQ6 overlay. Site plan approval for an additional gas dispensing island.

Present for the applicant: Brandon Myers

Mr. Halloran said the ZBA granted the applicant most of the variances requested with the exception of the internally lit sign and it is not now part of the application. The ZBA is sending a letter to the TB suggesting that they modify their code to permit LED lighting on signs at least for gas stations.

Mr. Myers said the applicant originally wanted a new canopy for its two dispensers, but when the DOT required “a one way in and one way out” of the site, the applicant came up with a new location for the canopy and ended up with 3 dispensers to fit the traffic circulation pattern the DOT required. He said the traffic flow was analyzed with a tanker truck. He said that since the decision to do a new tank installation, “the whole thing with gas is completely new.” Mr. Myers said the plan is complete except for the landscaping. He said the applicant has made almost all of the changes requested by the DEC in their recent memo and asked the PB for approval tonight “and let me work with the DOT on their August 29th memo.” The DOT will not process the issuance of a permit until the PB approves the plan, he said.

Mr. Myers showed the PB the most recent landscape plan which he said he just completed. Mr. Huddleston said that the PB, through its consultant, needs to have the final say on the landscaping plan after the DOT is satisfied.

Mr. Golden read the proposed specific conditions as follows:

1. Prior to the signing of the plans by the Chairman, the Applicant must comply with the August 29, 2008 memorandum of the Town Engineer.
2. Prior to the signing of the plans, the sign detail on Page S-3 must be revised to eliminate the LED lighting as part of the sign, as this is not Code compliant and no variance was ever issued.

- 3. The Applicant must comply with all conditions in the ZBA variance.
- 4. The Applicant shall comply with the Proposed Landscaping Plan, Sheet S-4, last revised September 4, 2008, as modified by agreement with the Department of Transportation and the Town Planner.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Town of Goshen Planning Board grants conditional approval to the Stewart’s Shops Corp. Site Plan application consistent with the specific conditions as just read. Passed unanimously.

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

Reiger – 9-1-8.452 – 360.9 acres, 108 units, located on Craigville Rd in the RU district with an AQ3 and AQ6 overlay with a scenic road corridor overlay. DEIS completeness.

Present for the applicant: Mr. Esposito

Mr. Esposito said he has reviewed the comments from the consultants in terms of completeness and substance. He said the applicant is going to deal with most of the substantive comments now to get them out of the way, but clarification is needed on a few others. He said that he disagrees with Mr. Golden’s comments that a Phase 2 archaeological investigation should be included now in the DEIS. He said the Phase 1A and 1B study identified the cultural resources and potential impacts. One of the sites is across Craigville Road and the applicant is not proposing any improvements there, Mr. Esposito said, adding that the other sites that will be impacted will be impacted on the road going from the larger cluster to the smaller cluster, and if the proposed changes in the Town zoning occur, there is a likelihood that the road will be reconfigured and those resources possibly will be avoided. Mr. Huddleston said the applicant has identified the potential for impact but until a Phase 2 is completed, the level of impact has not been identified. Mr. Golden said the Phase 1 study identified areas needing further study and that he doesn’t think it is appropriate to simply put it in a FEIS because there will be little opportunity for the public to comment. He suggested that if the applicant is going to defer it, because the plan may change, then it will be an area needing a Supplemental Environmental Impact Statement (SEIS) so there can be a review and comment period. Mr. Golden said it can’t be taken out of the SEQRA process, that it must be addressed either in a DEIS or in a SEIS. Mr. Reiger said he will speak with his consultants and decide which way to address it.

Mr. Esposito said that the traffic consultant recommended that the intersections of Craigville Road with Route 207 and Route 17M with the eastern Route 17 Westbound ramps be evaluated, but added that they weren't identified in the scope to be evaluated. He said they have been evaluated within other projects and within the Town Wide Traffic Study. Mr. Golden said that since they weren't identified in the scope, whatever comments the traffic consultant or the public has can be brought up at the SEQRA comment period and the applicant can deal with them between then and final.

Mr. Esposito said that in regard to the wastewater treatment facilities, the applicant will add current treatment alternatives available, and define the process, equipment, etc.

Mr. Esposito told the PB that the applicant's evaluation of species on site took over 162 man hours by two firms recognized by the DEC and the Fish and Wildlife Service to be certified to conduct those evaluations and was done over four seasons between the years 2005 and 2008. One of the applicant's evaluators, Tom Ward, spoke to the PB about the way the study of endangered, threatened and rare species was conducted and the methodology used, following DEC and US Fish and Wildlife Service guidelines. He said they were as concise as possible and only documented the exact species found within the site boundaries, those that were physically observed on the property. He said they also made a list of anticipated species, covering certain other species that are known to occur in the area. He said they found no significant foraging, nesting or perching habitat of the Bald Eagle on the site. Consultant Steve George told the PB that the Town did not give them a specific guideline or document to go by that said they wanted a biodiversity study to address standards and issues that it thought were important. So they prepared one document, he said, and looked at the Southern Wallkill Biodiversity Plan and other plans and have referenced those plans and as much information as they could into the document.

Town environmental consultant Karen Schneller-McDonald said she provided some of that information in her memo. A biodiversity study, she said, includes much more than threatened, endangered and rare species, adding that it is more of an overall picture of what is on the site. She said she was looking for a focal species approach, an overall view of species and habitats on the site. There was a lengthy discussion of different approaches that could be taken in the study.

Mr. Huddleston asked the PB members if they think the report as it is currently in the DEIS satisfies the scope that was provided the applicant in 2007. Mr. Golden read the relevant portion of the scope: "Existing vegetative cover and wildlife species will be described and any rare or protected plant and animal life or any such plant or animal life that is proposed for listing as protected will be identified including timber rattlesnake, Indiana bat and bog turtle. These discussions will be based upon on site surveys by trained professionals. The DEC and the Fish and Wildlife Service will be contacted to identify the presence of rare, threatened, endangered or proposed listed plants and

animals in the vicinity of the project. The mapping of all significant areas of vegetation and specimen vegetation in areas of disturbance will be provided as part of a biodiversity study of the site including wetlands and streams. This analysis shall be provided to the PB for its review prior to any site disturbance. The biodiversity study prepared by the MCA shall be utilized in preparing this phase of the DEIS.”

PB members were asked if the document does a sufficient job to go out to public review. Four PB members said “yes” (Bergus, Myruski, Lupinski, Huddleston) and three responded “no” (Cleaver, Andrews, Israelski). Mr. Golden said that on the environmental issues of a biodiversity study the PB has determined it has been adequately addressed to go to the public.

Mr. Golden reminded the PB and applicant that all of the comments submitted at the public hearing or in writing will have to be addressed by the applicant in the FEIS and then it will be up to the PB if it thinks the applicant has adequately addressed all the comments in the FEIS.

Ms. Israelski said that the preservation of natural features is a part of the scoping document and that the forest has been ignored in the project introduction and executive summary. Topography mentions slopes and limits of clearance but does not mention large tree preservation, she said. The forest is one of the primary conservation concerns, Ms. Israelski said. Since central water and sewer are proposed, the applicant needs to identify significant trees on site and this does not do that at all, Ms. Israelski said. The plan is so dense in the development area, she said, that there is no evidence that the applicant has any plan to preserve significant trees 12 inches or greater between the homes. Mr. Esposito said that the applicant is preserving 72% of the site from any development. Ms. Israelski said she thinks the development plan needs to be changed to address the contiguous forest. Mr. Esposito said that at one point in the process, the applicant asked the PB if it could eliminate the section of road that is now being identified as segmenting part of the forest. “At the direction of the PB we were requested to put the road connection back in,” he said. Ms. Israelski said the PB is grateful that the applicant is trying to save the parcels on one side of the street but that the density on the other side of the street is so tight that the applicant is completely ignoring the maple and beech trees on that side. She reminded the applicant that part of the scoping document is to preserve all of the significant trees and said the applicant needs to employ low impact development techniques and come up with a different plan. She said the PB asked for an alternative in the scope that would identify low impact development techniques and she said she thinks it was ignored. Ms. Israelski said that the scenic view from Farmcross Road and Woodcrest, Pleasant Ridge Run and Arcadia Road, will become something very different from what it is now unless trees within the development area are saved and said the backyard of the homeowners on Pleasant Ridge Run will be greatly impacted because the applicant is planning to develop right up to the property line. She said that

consideration must be given to screening and buffering between the applicant's property boundary and the neighbors, specifically Pleasant Ridge Run and Broadlea. She said the DEIS doesn't show neighboring properties and that they should be shown on the development map. She said that saving the mature canopy trees is very important to the visual impact from higher points. Ms. Israelski said that showing the limits of disturbance does not meet the intent to protect the visual and the forest and said that because it is the last remaining forest, that it must be saved to the greatest extent possible and may mean putting less homes in the development area. She said that more detail needs to be provided on the waste disposal system and the pump station control building along with the mitigation measures.

Ms. Cleaver said she has repeatedly asked for a copy of the MCA map overlay with the applicant's proposed development on it, in order to show where the corridor falls.

Mr. Golden read the low impact development features noted in the scope and said the three formal alternatives requested were: no action alternative, conventional open space residential development that could be built under the current zoning without bonuses, and an alternative that demonstrates mitigation of impacts resulting from the preferred plan and preparation review of the DEIS if such alternative is necessary. He said he doesn't think the third alternative was included in the DEIS. "If this PB thinks it is necessary they can say we think it is necessary to see an alternative different from the preferred plan and incorporating mitigation measures to try to have a different plan from the preferred one in order to show what is possible," he said.

Mr. Esposito told the PB that if they look at the grading plan, every one of the lots is graded out, every one of the back yards have trees, and there are also trees in the side yard, along the driveways and along the roads. He said he will overlay the tree survey on the grading plan. "We agreed to do a 300 ft. setback from the stream that runs east to west and the stream that runs along Craigville. We are only doing a 300 ft. setback to the north and everyone agreed to that because our entrance is to the south. If you look at the layout of this project, there is over a 300 ft. setback with exception of lot #76, maybe lot #75." He said that lot lines there could be shortened. Mr. Huddleston asked him to do that and Mr. Esposito agreed.

Mr. Huddleston polled PB members on whether "a third alternative that shows additional trees left within the development area of the corridor in the cluster development" is necessary. The vote was four in favor of the applicant showing a third alternative, Ms. Israelski, Mr. Andrews, Mr. Myruski and Ms. Cleaver; two opposed, Mr. Huddleston and Mr. Lupinski; and one undecided, Mr. Bergus.

The PB members were also polled on whether or not the applicant should eliminate the road. Mr. Bergus said it is important for safety and emergency vehicle access. The PB agreed that they want the road to remain.

Mr. Huddleston said the applicant should use its current grading plan, tree plan and disturbance plan and show how they will create corridors of trees in the development area. Mr. Reiger said he will not clear cut and invited PB members to look at other projects he has built, stating he will provide a list and locations.

Mr. Golden summarized some of what was agreed upon in the meeting. He said the applicant has to decide whether to do a Phase 2 archaeological study in the DEIS or in an SEIS and provide an alternative concerning mitigation from the preferred plan specifically with respect to forested areas and as to those the applicant is going to overlay a new version showing either existing or newly formed tree corridors as an alternative plan. He said that the first part of the bio-diversity study is going to be adequate for a public review, although the applicant has been told there are deficiencies that the PB has concerns about in general. The applicant has agreed to do the vast majority of the comments we have given them except what we just discussed, he said.

It was noted that the Town Environmental Review Board believes that energy saving possibilities were not adequately discussed in the DEIS. Mr. Golden said the scope states that the applicant will summarize the proposed project and its environmental impacts in terms of the use of energy in any green design or LEED techniques used in the construction of the residences. Mr. Huddleston polled PB members. By a four to two vote, the PB determined that the applicant has complied with this part of the scope.

ADJOURNMENT

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board adjourned the PB meeting at 10:35 p.m. Passed unanimously.

Ralph Huddleston, Chair
Notes prepared by Susan K. Varden