

APPROVED MINUTES

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

September 18, 2008

Members Present:

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

Also Present:

Neal Halloran, Building Inspector
Dennis Lindsay, Engineer
Ed Garling, Planner
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 7:30 p.m. at Town Hall.

MINUTES

The minutes of the Planning Board meeting of September 4, 2008 were approved with corrections by a vote of the Planning Board.

Goshen Green (A.K.A. Timber Trail) – 2-1-22 & 2-1-20.4 – 122.8 +/- acres, 54 lot subdivision located on Rte 207 & Everett Rd., in the RU zone with an AQ6 overlay.
Conservation Analysis Approval

Present for the applicant:

Tom Olley, Project Engineer
Susan & Milton Shapiro, Owners

Mr. Olley said he was present with the applicant to establish a unit count for the project based upon the conservation analysis and the current zoning. He described the project as the development of a small environmentally and ecologically friendly community that will utilize aggressive energy saving technologies such as geothermal heating units for each unit and passive and active solar technologies. One piece of the property is situated on the southeast side of Route 207 and the larger portion lies to the northwest of Route 207, he said. The applicant would like to cluster the units to preserve 70-75% of the site as open space, which would be open to the public. On the northwest side of the property there is wetland meandering through the property leaving substantial areas of upland fields and woods. Most of the trees are small in diameter but the applicant located all of the trees 12 inches in diameter and larger in the areas that would be proposed for

construction on both sides of the road, he said. There is just one very significant stand of trees. For the most part all of the agricultural uses of the land have ceased for a number of years. The southeasterly side of Route 207 has a lot of scrub and upland brush, he said. The applicant located all of the trees, especially along the Route 207 frontage where the development is proposed. Mr. Olley said that what will make this an affordable project will be the density bonus units provided in the current code. He said the applicant understands that the Town Board is considering changes to the Town Code that may change the possibility of density bonuses.

Mr. Golden reminded the applicant that the PB is only dealing with the current code and that it needs to go through the analysis of the standards under the current code.

Mr. Huddleston asked what is the basis of the applicant's request for density bonuses? Mr. Olley said the preservation of the open space and the provision of 20% affordable housing. Mr. Huddleston stated that the applicant is basically developing everything that is not wetland or wetland buffer area. Mr. Olley replied that there are substantial areas along the east side of the property along the old railroad bed and there are upland areas that are interspersed in the wetland areas that can be used for passive recreation purposes such as boardwalks for hiking and wildlife observation.

Mr. Myruski asked what is the percentage of the acreage of the conservation easement that is buildable. Mr. Olley said it will have to be calculated and Mr. Myruski requested that it be done saying it looks to him like 100% is not buildable.

Mr. Golden read the Code as to the requirements for added bonus density, "If the applicant allows public access to protected open space and the Planning Board finds that such public access provides a significant recreational benefit to the Town, such as a trail connector or access to an important natural area."

Mr. Huddleston told the applicant to look at the new storm water codes and said the DEC is trying not to allow detention basins in the wetland buffers. Mr. Olley said the DEC looks at it as a tradeoff when it is associated with road crossings to protect wetlands from runoff from paved surfaces. Mr. Lindsay said there is a Code requirement that the developer can't have those facilities in the protected open space so it would not count toward the open space requirement. Mr. Olley told the PB that the applicant is also investigating, because of its green technologies, the use of artificial wetlands in the upland area. He said that the DEC has confirmed the wetlands on the plans, and said there are no federal wetlands on the site. Mr. Huddleston said that a federal signoff will be needed.

Mr. Olley said that a slope analysis determined that there are 2.85 acres of steep slopes on the property.

Mr. Garling said he believes the 2.85 acres of steep slopes is correct but that the areas are not specifically shown and must be. He pointed out that the upland areas outside the buffer are not connected to existing roads and so are not accessible to any substantial degree. He said the only useable upland area that can be reached off of a road is located on the other side of Route 207. He said that an important issue for the PB to discuss will be the existing farm road, partially in Hamptonburgh, that will have to be widened if used for emergency access.

Mr. Lindsay said that the fundamental issue now is the conservation easement and what land is buildable. "Whatever is preserved is going to be preserved no matter what, because it is constrained," he said. Mr. Lindsay called the constraint analysis "accurately done but misleading". The wetlands are talked about but not the wetland buffer. Mr. Olley said he didn't include the buffer in the calculation. Mr. Lindsay said that while there is calculated to be 39 acres of wetlands, there also is that linear stretch of 100 ft. buffer along the wetlands and because of the configuration, the buffer amounts to a lot of property. The Town Code says there should be a public benefit and the PB has to determine whether this is a public benefit. Right now on this side of the road, everything that is going to be developed, is being developed, he said. On the other side of Route 207, there is a sizeable wetland and buffer. Mr. Olley said the 100 ft. doesn't preclude it from being viable open space for public use in some fashion, it is a matter of how it is used.

Mr. Golden said that the PB has to determine "the land to be permanently preserved by a conservation easement, recommended conservation uses, ownership and management guidelines, preferred locations for intensive development as well as acceptable locations for less dense development, all to be incorporated into an approved sketch plan. He said the Code requires the PB to do a site visit. Mr. Huddleston agreed that a site visit is a necessary step.

Mr. Garling said that the applicant has to preserve the trees along the right hand side of the road as you travel from Hamptonburgh. He said also that along the property line for the adjacent piece of land there should be another buffer to protect it, perhaps an evergreen strip. He said that basically he has no problem with where the development area is proposed to be. Mr. Lindsay said there may be opportunities to avoid taking some of the trees out of the development area and providing a bigger buffer. Mr. Olley said that if the PB wants to see shorter setbacks in certain areas, the applicant will work with the PB. He said that next time he appears before the PB he will have a narrative that may answer some questions.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Ms. Cleaver, the Town of Goshen Planning Board declares that the application of Goshen Green (A.K.A. Timber Trail) is a Type 1 Action and declares its intent to be lead agency. Passed unanimously.

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

The PB added the following to the list of involved agencies: the State Health Dept. County Planning Dept., the Town of Hamptonburgh and the State Dept. of Agriculture.

The date and time of the PB’s site walk was set at 4:30 p.m. on September 24.

Mr. Golden said that at the PB’s next meeting, the PB should be ready to make all of the findings on the conservation analysis and approve the sketch plan in accordance with those determinations as set forth in the Code at 97-20 (B).

Rolling Knoll – 5-2-19.2 -33.966+ acres located on Phillipsburg Rd in a RU zone with an AQ6 & stream corridor overlay. Conservation Analysis Approval.

The applicant was not present. Mr. Garling said he has asked the applicant for more information.

OTHER BUSINESS

The PB decided it will not meet on January 1 and will meet only once in January, 2009 – on January 15.

ADJOURNMENT

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board adjourned the PB meeting at 8:45 p.m. Passed unanimously.

Ralph Huddleston, Chair
Notes prepared by Susan K. Varden