

APPROVED MINUTES

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York 10924
November 1, 2007**

MEMBERS PRESENT

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

ALSO PRESENT

Neal Halloran, Building Inspector
Ed Garling, Planner
Richard Golden, Attorney
Kelly Naughton, Attorney
Sean Hoffman, Engineer

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 October 18, 2007 meeting were approved upon motion made by Mr. Myruski, seconded by Ms. Cleaver. Motion passed.

Hendler – 10-1-56.2 & 56.3 – 77.06 +/- acres located on 6 ½ Station Road and Cheechunk Road, in an RU & CO zone with an AQ6 and scenic road overlay, for a Planned Adult Community with 154 units and 7-lot residential subdivision.

Present for the applicant:

Ross Winglovitz
Jayne Daly, Esq.
David Weinberg

Mr. Winglovitz said that while the County hasn't provided a 239 Review yet, the applicant had a discussion with the County's Planning Department this week regarding the FEIS. He said they wanted the PB's feedback on some of the things that the County is adamant about including.

Mr. Golden said that the 30 days will have run by the PB's next meeting and unless the County says they don't have all of the information they need, the PB will be able to make a determination on the preliminary subdivision at its next meeting.

He suggested the Building Inspector write a letter to the County to let them know the PB is scheduled to vote on the application at its November 15th meeting. Mr. Halloran asked if it was one application or two and Mr. Golden said that is certainly one application and has been from the beginning.

Mr. Winglovitz listed the County's main issues during their recent discussion as:

1. A secondary access to the project. The County is looking for interconnectivity, through roads and secondary access on all of their projects, Mr. Winglovitz said. They want the applicant to upgrade the emergency access road to become a full service drive to the rear of the project. It would exit at Cheechunk Rd. The applicant now is proposing a 20 foot wide paved access which is the same width as Cheechunk Rd. Mr. Winglovitz said there is good site distance. The County was insistent and the applicant has "agreed to comply".
2. Interconnectivity of the pathways. The site is tiered and the applicant has walkways on one side of street. The County asked the applicant to install informal walkways through the trees to provide a way for the people at the end units to get to their friends who may live at the other end units without having to walk to the main road. The applicant has agreed and are now showing a 4 foot wide wood chip path coming down the hill and connecting at each of the end units. The paths will be at the edge of the woods.
3. Rain Gardens. Mr. Winglovitz said the County insists that every project has rain gardens. The applicant can provide them in between the buildings on the downhill side and will tie to the roof leaders from the building. Mr. Winglovitz said it will be landscaped with appropriate plants and will make a nice visual break along the roadway between the units. There will be 13 rain gardens. About 50 % of the runoff from the roof area will go to the perimeter.
4. Provisions for overflow parking. The County is concerned about overflow parking during significant events, but doesn't want additional pavement. The applicant discussed two spaces that would be green, using pavers, where people could park off the street.

The PB agreed with all of the County's main points but does not want to see wood chips, dust or gravel used for the pathways. Mr. Huddleston and Ms. Israelski want to see asphalt or concrete used so that they can be cleared and maintained year-round.

Ms. Israelski said the County originally suggested connecting the dead end streets, saying she supported the idea of connecting those streets so you could travel around the perimeter. Mr. Weinberg said he didn't think there is a necessity for cars to have connectivity "as long as we have people pedestrian friendly areas and that is why we had no objections to work out a pedestrian pathway. I think that is a reasonable alternative". Ms. Israelski asked Mr. Garling to look at the plan to see if it accomplishes pedestrian interconnectivity. Mr. Bergus said he thinks the pedestrian pathway serves the need to

interconnect the whole project but said that a handrail in some of the steeper inclines of the pathway might be necessary.

Mr. Winglovitz said the paths will go around the retaining walls and between the trees. Mr. Weinberg said the development is designed as an active adult community, adding that there will be active adults who will want to use the pathways and less active adults who will use the sidewalks.

Ms. Cleaver said she has concerns about the pathway disturbing tree roots and asked the Town Engineer to see if there would be an engineering problem. Ms. Israelski said she too would like to protect the root zones of the large trees and said it has to be carefully looked at. Mr. Halloran said the County has already disturbed the root zones of some of the property's trees, in the construction of their 911 Center. Ms. Daly said they would visit the site to inspect that.

The PB reviewed the draft "Resolution of Conditional Preliminary Subdivision Approval and Associated Status of the Planned Adult Community Site Plan and Special Permit for Hendler" and made the following changes:

Pg 3: Add "5 dwelling" on the third line - referring to Bonus Density Calculation.

Mr. Huddleston said the applicant has asked for 7 dwelling units, the Building Inspector says they are entitled to 5 without bonus consideration, the language on page 4 & 5 says that 2 would be allowed for this acreage. Mr. Huddleston said the question to the PB is whether it believes the open space is worth the 2 additional units, when taking in consideration that the water testing shows they have the water for it. He took a poll of how many additional units, if any, the open space is worth. Four PB members favored no bonus units and three favored two bonus units.

Pg 4: Last paragraph applicant preserving approximately "19.59" acres, not "21.59" acres of open space, representing "22.04%", not "29.4%".

Pg 5: Change first paragraph to say "the open space is of such limited value as to not justify any bonus densities." Change third paragraph ..an "emergency" access road to "secondary" access road.

Mr Weinberg asked if the PB had any objection to making the five lots slightly bigger, using the same building envelope, since the PB was eliminating the two bonus lots. There was no objection.

Under "Specific Conditions" starting on Page 8:

#1 Add "or Town" after DEC on fourth line.

#2 Add at end of paragraph: "unless otherwise approved in the final lighting plan".

#3 Ok as is

#4 Ok

#5 Add after 15%, "24 units" and at the end of the sentence, add ", and approved as to location, prior to final approval."

#6 Ok

#7 Delete "lot or" in the final sentence.

#8 Add "and retaining walls, open space and common areas" after "all roads" in the first sentence.

#9 Add at end of paragraph "or such other ownership as the Town shall approve. In any event, prior to final approval, the design of these systems and visual mitigation of these systems must be approved by the Planning Board."

#10 Add "The PB's preferred alternative is the low profile water tower". (Vote was 6-1)

#11 Ok

#12 Add at end of the paragraph , "or other approved methods."

#13 Delete

#14 Ok

#15 Ok

#16 Ok

#17 Add at end of paragraph, "Define and plan a comprehensive irrigation and fertilization schedule plan that will continue for a 10 year period for the new plantings. This provision is necessary to the viability and survival of the planting proposed as mitigation efforts for the negative visual impact. Seasonal plantings should be done as the phases are built to provide longer time periods for growth before building placement, weather permitting".

#18 Add after materials, second line, "and placement of garbage receptacles."

#19 Add to the last sentence, "This condition includes but is not limited to addressing all issues identified in the NYS Dept. of Health 10/10/07 letter to the satisfaction of the DOH and the applicant must address all issues identified in the NYS DEC letter of 10/26/07 to the satisfaction of the NYS DEC." And add "Applicant will place ESA signs around the wetlands prior to disturbance."

#20 Change "Planning Board" to "Town Board prior to signing of the plat."

#21 Change from "8:00 pm" to "5:00 pm" on Saturday.

#22 Delete "erosion and sediment control plan must be approved by the Planning Board, and must be enforced through the construction period." and replace with "NYS storm water pollution prevention plan must be provided to the Town."

#23 Add at end of sentence, "Overall Landscape Plan, drawings 1 through 3, authored by Steve Esposito, last revised 5/21/07."

An additional condition will be added to say that the applicant will provide a built-in irrigation system for landscaping and will provide all supporting documentation for this system to the PB prior to the issuance of final approval of the PAC.

Ms. Israelski asked the town engineer to review the central sewer and water system particularly as to odor. Ms. Cleaver asked that the effluent be tested, sampling up and down stream. Mr Winglovitz said it'll be tested as it discharges before it enters the stream. There was a lengthy discussion about sampling once it discharges. Mr. Myruski said the PB should have an opportunity to visit a similar working plant before final approval.

Mr. Hoffman questioned whether emergency vehicles will be able to get in and out easily. Ms. Daly said the fire department reviewed the design and preferred it.

The idea of a breezeway between the buildings was discussed but the majority of the PB members were not in favor of it.

Ms. Israelski said she would like to see a set back and non-disturbance line of 75 feet to protect the existing tree lines in this zone. Mr.Huddleston said the Town engineer will look at what is needed. Mr. Huddleston polled the PB and all agreed that a setback of non-disturbance should be imposed so as not to touch the tree roots.

Ms. Israelski said she wants to conserve the four largest trees in the center of the property she identified as 30" and 28" Oaks, 40 ft. tall. Ms. Daly said there are only two, a 30" tree and a 28" tree and identified where the two trees are on the site plan. Mr. Weinberg suggested that the two trees would not live with the surrounding disturbance and suggested planting four 12" or 14" trees wherever the PB wants to locate them. The PB accepted the offer.

Mr. Golden said that prior to final approval, the amended landscaping plan must include four trees of a minimum 10" caliber at a location and species that will be acceptable to the PB.

Ms. Daly said the applicant is concerned that the orientation of the buildings is still subject to change because the PB hasn't taken a vote on it.

A poll of the PB members regarding the specific orientation of the proposed residential structures was taken. Four members, Mr. Bergus, Mr. Myruski, Mr. Lupinski and Mr. Huddleston, indicated they were comfortable with the orientation as it is shown. Three members, Ms. Cleaver, Ms. Israelski and Mr. Andrews said they would like to see a connecting road in the back. "The majority indicated they are comfortable with it as it is," Mr. Huddleston said.

Giunta – 13-1-50.11, 50.3 & 39.21 – 32.7 +/- acres, minor subdivision located on Gibson Rd., in the RU zone with an AQ3 & Stream and reservoir overlay.

Present for the applicant:

Steven Green, Surveyor

Mr. Green said the applicant wants to split their railroad bed parcel and add it to their parcels on the east and west side to make two lots out of three.

Mr. Golden said that in the County's response, they say the trail has to be unobstructed, and that the applicant has to "minimize any use surrounding it that is going to conflict with trail uses" saying the County's statement is unclear and he is uncertain what that allows the applicant to do with the rest of the property. Mr. Golden said that the applicant has things they are allowed to do under the Town Code, but unless the PB agrees with the County and otherwise restricts the applicant in this fashion, then the applicant would be allowed to do whatever the Code permits. "I think the County is saying they want to restrict you further than what is permitted under the Code, and that is the problem....it is not clear at all."

He told the PB that they can simply not abide by the County's statement, by a vote of majority plus one, and say it is impossible to indicate in the future what may or may not be compatible with respect to minimizing uses that would conflict with the trail use, especially since there is no trail use currently. He said he will have to research if the trail plan was adopted as a modification of the Town's comprehensive plan.

Mr. Golden said that from a legal point of view, if the applicant proves ownership of the railroad right of way and other two parcels, they have adjacent parcels in identical ownership, and are considered merged, by the provisions of the Code, because the road forms a natural subdivision. He suggested that the PB can, by resolution, approve what the Code already does by operation of law, merge the properties and remove the lot lines. The PB can then make some provision with respect to the County and save it as a trail, and put conditions on that.

Mr. Huddleston asked Mr. Golden to draw up a resolution. He said he wants to keep the integrity of the railway but doesn't believe it is necessary to have further restrictions in the area around it, as suggested by the County, beyond the Town Code.

The PB voted unanimously to over-ride the County's request.

The PB agreed to add as a condition on their resolution that there be no alterations, structures or building on the railbed and that it be kept bare.

Muhlrad – 20-1-148 – 16.3 +/- acres located on Route 17A in the CO zone with an AQ3, scenic road corridor and stream & reservoir overlays. Discuss Site Plan change.

Present for the applicant:

Steve Esposito

Mr. Esposito said the applicant wants to change the site plan by moving the three-bay loading docks currently on the south side of the building to the west side.

Ms. Cleaver questioned how the trucks are going to be able to make the turns. Mr. Garling said there is plenty of room on the gravel, but not the pavement. Mr. Golden asked if it was workable without the applicant using his adjoining parcel and told Mr. Esposito to provide the turning radius to the town engineer within the particular tax lot of 21-1-148. No parking signs on the access drive was discussed and Mr. Golden said it could be made a condition of approval.

Mr. Golden said it has to go to the County Planning Department for a 239 Referral before action can be taken.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby declares the application of Muhlrud to be a Type 2 Action for SEQRA purposes. Passed unanimously.

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

CMU Designers & Builders – 5-1-1.121 – 46.63 +/- acres, 8 lot subdivision, located on Phillipsburg Rd in the RU zone with an AQ6 & stream and reservoir overlay. Finalize Conservation findings statement.

Present for the applicant: Steve Esposito

Mr. Garling had prepared a Conservation Findings on the CMU Designers & Builders application, drafted and revised October 25, 2007. Mr. Esposito said the applicant reviewed it and has no problems with it. The PB members had no comments.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Myruski, the Town of Goshen Planning Board hereby approves the Conservation Findings document on the application of CMU Designers & Builders. Passed unanimously.

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

Items for the Planning Board to discuss:

Lone Oak – 11-1-58 & 11-1-49.2 – 217.4 +/- acres, 299 units, located on Harriman Drive & Arcadia Rd in the HR zone with an AQ6 and stream & reservoir overlays. To discuss timeline SEIS.

The Planning Board set the timing of the review of the Supplemental Environmental Impact Statement. Consultant's comments will be in by November 29. A decision on the completeness of the SEIS (whether it is adequate for public review) will be made at the PB meeting of December 6. A public hearing will be scheduled after it is deemed complete.

Dickerson – 13-1-69 – 92.90 acres, 21 lot subdivision located on Dunmore Lane, Gibson Rd. and Route 17A in the RU zone with an AQ3, AQ6 and scenic road corridor overlay. To discuss Dunmore Road

Present for the applicant:

Steve Esposito

Mr. Esposito identified Dunmore Rd. and said only one resident has access to it, while the Town maintains it from County Route 100 up just past the homeowner's driveway. He said the applicant feels he is entitled to use this existing road as a Town road. The applicant has one lot off Dunmore Rd, Lot #21, and would use Dunmore to access the lot. Mr. Esposito said that if the Town no longer wants to be burdened by the road, it could abandon the right of way and the applicant would merge it with their parcel. "We have road frontage on 17A and are trying to minimize the number of curb cuts," he said, adding that the Town Attorney suggested he get feedback from the PB first. It would be up to the Town Board if they would approve a partial abandonment of the road.

Mr. Golden said that if it is determined that a portion of a road can legally be abandoned, then it would be appraised and could be sold to the applicant for that appraised value.

After a lengthy discussion, the consensus of the PB was that a partial abandonment was a good idea if it can legally be done and would avoid another breakout onto Route 17A.

Ms. Israelski said there is an opportunity to connect the Village of Goshen with a bike path all the way to Northgate and asked that the road be made wider (28 ft) and lined so that it can be used as a bike lane. She said other applicants are doing it. Mr. Huddleston asked for the opinion of other members. Mr. Huddleston, Mr. Andrews, Ms. Cleaver, Mr. Lupinski all said they favored the idea and Mr. Huddleston said. "Then there are enough votes to approve it."

Mr. Golden said that earlier the PB had approved a two-lot subdivision for Dickerson, and it was before the TB for an easement, but because the plan has not been signed and it has been more than one year, the subdivision approval has lapsed, so they will have to come back before the PB. The applicant had to get the conservation easements approved by the Town Board before the plan was signed. Mr. Esposito said that when it comes back before the PB he is going to ask that it waive the fees.

ADJOURNMENT

The Planning Board adjourned at 11:00 pm. upon motion made by Ms. Cleaver and seconded by Mr. Myruski.

Ralph Huddleston, Chair
Notes prepared by Susan Varden