

APPROVED MINUTES

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924
December 21, 2006**

MEMBERS PRESENT

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

ALSO PRESENT

John Cappello, Attorney
Neal Halloran, Bldg. Insp.
Joe Henry, Engineer
Graham Trelstad, Planner

I. CALL TO ORDER

Chairman Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:30 pm at Town Hall.

MINUTES: Upon motion made by Ms. Israelski and seconded by Ms. Cleaver, the minutes of the December 7, 2006 meeting of the Town of Goshen Planning Board were approved with the following amendments: Page 1, Change “Acting Chairman” to “Chairman” after Mr. Huddleston’s name; Page 3, Second line change “EIS” to “FEIS”; Page 5, Fifth paragraph, Line 1 change to “how the holes passed the perc tests.”; Page 5, Last paragraph, change name “Woodall” to “Wood” and on Page 8 change name “Jane Dally” to “Jayne Daly”.

Chairman Huddleston announced there were no public hearings scheduled for this meeting.

II. ITEMS FOR PLANNING BOARD ACTION

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

Present for Applicant:

Steve Esposito

Chairman Huddleston stated that the PB was going to declare itself as Lead Agency, consider adopting a positive declaration and set a date for a public scoping session.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews that the Planning Board of the Town of Goshen, hereby declares itself Lead Agency in regard to the Reiger application. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews, that the Planning Board of the Town of Goshen, hereby declares a positive declaration on the Reiger application and sets a public hearing on January 18, 2007 with comments due after the public hearing on January 29, 2007. Passed unanimously.

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

III. AGENDA ITEMS

Hamill-Stein Estates – 11.1-34.1 – 6.6+/- acres, 4 lot subdivision, located on Rte 17M in the CO zone with an AQ3 & scenic road corridor overlays. Conservation Analysis

Present for the applicant: David Zigler, P.L.S.

Mr. Zigler stated that the property is situated on the Town line of Goshen and Chester in between Routes 17M and 17 and across from Brookside Farms. Mr. Zigler said the applicant did a Conservation Analysis which determined that there are no wetlands, steep slopes or flood plains on the site. He said the proposal for a 4-lot is a Special Permit residential. He said that because the property is in an AQ zone, the applicant used 50% as a factor to determine the number of lots and said that if the soil factor was used it would still come out to 4 lots. He described most of the existing vegetation as lawn, with some significant trees.

Mr. Trelstad questioned the applicant’s steep slope analysis, stating that south of the existing barn some slopes appear to be greater than 25%. Mr. Zigler said he is willing to re-check it with Mr. Trelstad saying that it needs to be shown in the Analysis. Mr. Henry asked the applicant to provide more information on the conservation map, including a legend.

Ms. Israelski questioned the appropriateness of single family homes in the CO zone between the two highways, saying it didn't seem like the right fit. She said she thinks the site is more appropriate for a commercial use. Mr. Henry noted that there is an existing residence there. Mr. Trelstad called it a transitional area.

Mr. Cappello stated that if the applicant demonstrates it meets the conditions set forth in Section 97.73 of the Code, it is treated as a permitted use and applicant is then entitled to a special permit. He said that before granting or denying a major project special permit the PB would make specific written findings establishing whether or not the project complies with the 12 criteria specified in Section 97.73.

Mr. Lupinski questioned where the 50% of open space is located on each of the lots. Mr. Zigler replied that there would have to be a natural buffer, that the applicant was hoping to locate the homes closer to 17M and use the larger buffer in the back of the property. Mr. Cappello told the PB to be aware that this is in an AQ3 overlay which controls density but the underlying property is in a CO. The open space requirements of the 50% are in the RU zoning district, he said. "But you still have the special permit conditions if you determine that buffering is needed from the highways to be able to require buffering if you do grant the special permit," he said.

Mr. Myruski also questioned putting housing on a commercial road and Mr. Andrews commented that "Goshen needs ratables and taking property off the tax rolls for residences is a negative impact in the long run for the Town of Goshen."

Mr. Bergus called the property favorable land for commercial development, saying the zoning is intended to facilitate commercial property ratables for the Town. He also said he'd be concerned about safety issues if there were school bus stops along the road. Mr. Huddleston said that this section of Rte 17M has some of the Town's better, newer ratables and is viewed as prime commercial.

Mr. Zigler told the PB that he will modify, and re-submit the map and will talk to the applicant about the expressed feelings of the Board.

Normil – 27.9-1 – located at the corner of Lindenwood & Gumwood Drive, in the HM zone with an AQ6 overlay. Seeking a reduction of the front setback from 40 feet to 35 feet. Setback from roadway special permit for construction in flood plain.

Present for applicant:

James Dillin

Mr. Halloran explained that this started with the ZBA and will be jointly coordinated between the ZBA and the PB. This is on one of the Town's paper roads located both in the flood plain and the wetlands in Arcadia Hills, he said, and is an approved lot sold by the County. The DEC granted the applicant permission to build in the DEC

buffer. Mr. Halloran said the County has several of these lots and he is anticipating at least one more of these applications. He said the PB has the ability to grant the applicant permission to build in a flood plain overlay. The Building Code would require the applicant to have no basement, and everything would have to be built two feet above the peak flood plain level. There is public water and sewer.

Ms. Cleaver questioned whether the applicant has to apply for a variance for being within 100 feet of the stream. She cited Section 97.26 of the Code stating no principal structure can be within 100 feet, stating the house looked like it is within that distance. She also cited Section 97.25 stating that the existing street has to be safe from flooding for access. Mr. Trelstad said he agreed the applicant would need an additional variance for the set back from the stream saying his calculations show the proposed house within 80 feet from the edge of the stream. He said he agrees there are some significant issues for this parcel and other parcels the County is planning to sell off. Mr. Cappello suggested the applicant talk with the Town's planning consultants to determine the best place on the site to locate the house in relation to the environmental concerns.

Ms. Cleaver said that the ERB talked about the concern of having any hazardous waste, like gasoline, stored on the property since it is in the flood plain and wetlands. Mr. Dillin said it would be a restriction noted on the site plan. .

Mr. Cappello suggested that the County should be informed that there are potential issues with these lots. "There will be more encroachment on the wetlands, more extension of the road as these lots are sold off by the County," he said. Mr. Huddleston asked Mr. Halloran to notify the County, in writing, of the potential issues after the first of the year.

Mr. Dillin said he would check on the revised flood plain, the setback from the stream, and the law on pre-existing non-conforming lots. Mr. Huddleston asked the applicant to return to the PB's January 18 meeting

Pellegrino – 8-1.8.11 & 8.12 – 56+/- acres, located on Knoell Rd., in the RU zone with an AQ3, AQ6, stream & reservoir and scenic road corridor overlays. Conservation analysis & 6 lot subdivision sketch plan.

Present for Applicant: James Clearwater, PLS of MJS Engineering

Mr. Clearwater said this project is on a 48 acre parcel. He said the original 56 acres were subdivided into two lots last year and the 8 acre lot subsequently sold. The Conservation Analysis was done on the total 56 acres, he said. He said the property is impacted by federal Army Corp of Engineers wetlands and a 100 year flood plain, stating the two of them affect 25.3 acres.

Mr. Huddleston asked how many of the acres are in the federal wetlands and if it was reviewed by the NYS DEC. Mr. Clearwater said 19-22 acres are in the Army Corps wetlands and that the DEC told him they were not taking any more wetlands. Mr. Huddleston strongly advised the applicant to take it up with the DEC again, to make certain and Mr. Cappello suggested the applicant get it in writing from the DEC.

Mr. Clearwater said a slope analysis showed very small areas on site that are affected, “to the point that it has no effect on the site.” Ms. Cleaver suggested that the site might be in the bog turtle habitat and Mr. Trelstad suggested that a bog turtle study should be done before getting too far along in the process.

Mr. Clearwater stated that the owner is interested in building the road in stages and asked if it would be allowable to build the road to the first houses and extended it later as lots are sold. Mr. Cappello answered that NYS Law allows an applicant to seek approval in sections, of 10% of the project, he said each phase would have to be two lots.

Mr. Trelstad said that the site walk was done on the property in April, 2006, but that PB Minutes don’t reflect that the PB has taken action on the Conservation Analysis. He said two issues were raised tonight, whether the DEC is interested in these wetlands and whether they then become regulated with a 100 foot buffer and whether this is a bog turtle habitat which requires a 300 foot buffer, saying he’d recommend that the PB not move forward on the Conservation Analysis until information is obtained on these two issues. No action was taken.

Heritage Estates – 8-1-9.22 – 249.76+/- acres, 92 dwelling units located on Old Chester Rd. & Brookside Dr. in the HR & RU zone with an AQ6, AQ3, scenic road and stream & reservoir overlays. Outline for FEIS

Present for applicant: Steve Esposito

Mr. Esposito said he was here to receive a final outline to be used to track the FEIS that the Town has taken the responsibility to prepare.

Mr. Cappello has submitted an outline for the PB to consider. Ms. Israelski said she wasn’t sure how her specific concerns were addressed in the document and asked to go over each one. She said she wanted the connectivity to neighboring lands shown and suggested renaming the heading “Trails” to include “Trails and Transportation” to show that trails are part of the transportation system. She thought specific products should be listed as a topic with respect to transportation and trails, she said that the pathways and sidewalks are improvements that should be treated no differently than road improvements and roads are always paid for by the applicant. She said town and county roads used to access the development should have improvements, especially at the turns to accommodate the new traffic and that an

assessment to make necessary improvements on existing roads, such as Old Chester and Brookside Drive, to accommodate the new development, should be made. She said the FEIS should discuss the connectivity between Town and County so there is safe means of people movement from one place to another, and that this should be addressed with Orange County Planners and their Dept. of Transportation. She said there should be a discussion of a variety of housing types, facades and styles within the same block, a discussion of elevation and of entrance designs that will be used to access the new development. She also said that the projected recreation fees to be paid by the developer should be calculated and analyzed.

Mr. Cappello said there should be a section in the FEIS addressing the County's list of comments. He told the PB that it can make recommendations on certain issues, but on a lot of them the PB cannot control, without either Town Board or County approval. He told the PB that it was gathering information from all the other boards that need to make decisions. "They will each have to make findings on their respective portion of this based upon the documentation that you gather," he said. "In your analysis you can give them a guideline of how you think it should go, but they (Town Board) have to make those ultimate decisions," he said. He said The Town does not have to comply with the County's comprehensive plan, but "it's a requirement that the Town comply with its own comprehensive plan."

Mr. Bergus talked about the impact on schools and questioned whether the PB can recommend phasing of units.

Ms. Cleaver questioned whether there would be a report from the hydrogeologist relative to ground water resources. She said she had raised questions at the last meeting and done some research since then. She distributed aerial photographs and asked PB members to take the time to read some of the materials she distributed. Mr. Cappello said he thought an hydrogeologist would prepare the section.

Mr. Cappello said his intent when putting together the outline was to lay down a format that the PB could put its thoughts into so that when the consultants write the document, it will be written in a manner that is written for the PB so that it can make its decisions. Mr. Huddleston called it the PB's document and said it will be put together with our guidance by our professionals.

Mr. Esposito said he'd like the Board to take some sort of action tonight, to adopt this outline as discussed and follow the schedule the PB set up at the December 7th meeting, stating the applicant is prepared to finalize the FEIS.

Mr. Huddleston asked Mr. Trelstad whether it was his recommendation that the outline be adopted as discussed tonight. Mr. Trelstad said he saw nothing wrong with the outline or why the PB's comments couldn't be incorporated in the outline.

Mr. Cappello said the PB could accept the outline with the revisions discussed tonight and have them written into the outline by the following week.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Lupinski, the Town of Goshen Planning Board accepts the outline as revised tonight, with final comments to be written into a hard document to be available to everyone by next Friday December 29th. Passed unanimously.

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

Orleans/Makuen – 13-1-10.1-87.05 acres, 185 units, planned adult community located on Route 17A in the RU & CO zone with an AQ6, AQ3 and scenic road corridor overlay. Public Scoping Session.

For the applicant: Steve Esposito

Mr. Esposito said the applicant was hoping that the PB would adopt a final scoping outline.

Mr. Trelstad read the ERB’s concerns for the project, per the minutes of its 12/13/06 meeting. The concerns included: habitat of native species, the view-shed, whether or not there are DEC wetlands, traffic impact, emergency access, how much recreation should be integrated into a community of this size and the accessibility of the recreation, location of the community center, lighting, garage, mail and newspaper containers, colors used for the housing, (suggesting earth tones), the need for adult housing because of all of the current proposals and hydraulically connected wetlands. Mrs. Trelstad said most of those issues are handled or will be handled in the EIS. Ms. Israelski said she had concerns about the design layout and handed a list of her concerns to Mr. Trelstad who stated that these were valid issues that are more site planning issues that will be addressed by the applicant in the project description.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, that the Town of Goshen Planning Board adopts the scope for the Orleans/Makuen project, as revised on November 30, 2006. Passed unanimously.

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

IV. OTHER ITEMS FOR PLANNING BOARD DISCUSSION

Mr. Henry said that Phase 1 of a project known as “Tobias” was completed a couple years ago but when the applicant came before the PB for Phase 2, the Board asked for tree plantings. The project was sold and the new developer was not aware of the tree plantings so the Town held up releasing the performance bond on Phase 1. He said he is now recommending that the developer put up a maintenance bond for Phase 2 for the tree plantings and that the Town release the remainder of the performance bond for Phase 1. Ms. Israelski asked about the caliber of trees planted in Phase 1 and called them “scrawny”. Mr. Henry said he thought they were up to Code but would have to check. Mr. Huddleston said the caliber should be checked to make sure they are what is set forth in the Code and said if that’s not what is there, “hold the bond.” Mr. Huddleston said Mr. Halloran should check to make sure the trees are up to Code.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Bergus, that the Town of Goshen Planning Board forward Mr. Henry’s recommendation regarding the Tobias bond to the Town Board. Passed unanimously.

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

The meeting adjourned at 9:40 p.m. upon motion made by Ms. Israelski, seconded by Mr. Bergus.

Ralph Huddleston, Chairman

Notes prepared by Susan K. Varden