

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York 10924
January 17, 2008

MEMBERS PRESENT

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

ALSO PRESENT

Neal Halloran, Building Inspector
Ed Garling, Planner
Dennis Lindsay, Engineer
Richard Golden, Attorney
Kelly Naughton, Attorney

ABSENT:

John Lupinski

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 January 3, 2008 meeting were approved with corrections upon motion made by Mr. Bergus and seconded by Ms. Israelski. Motion passed. Mr. Huddleston and Mr. Myruski abstained from voting because they were not present at the meeting.

PUBLIC HEARINGS

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. Preliminary approval.

Present for the applicant:

Steve Esposito

Mr. Huddleston opened the public hearing and asked for comments from the public. There were none.

Mr. Esposito said the site is 92 acres and contains two existing houses, stating that the proposal is for an open space development of a total of 23 lots, including the 2 existing lots. The site has 29.8 acres of Army Corp. wetlands and 2.1 acres of slopes in excess of 20%. He said that based on the density calculations the permitted number of lots was 30,

noting that the applicant is seeking less. He said the sketch plan took into consideration maintaining the rock walls, the wetlands, the hedgerows and avoided the steep slopes. There are two culdesacs, 50% of open space and less than 10% of impervious surface area, he said.

Mr. Garling said that all of the planning issues have been addressed. He said the PB will have to waive the Environmental Control Formula before approval, based on the Health Department's review of the lots, etc.

Mr. Lindsay said that the applicant has indicated they may be changing their design to four bedrooms, instead of three as shown, and that if they do, it will impact the waste water discharge and design of the septic system. He also pointed out that the applicant decided to extend Lot #23 below the conservation easement area and provide an easement across one of the lots for access to Dickerson Lane. Mr. Lindsay said his office has reviewed the storm water management system and that the applicant has made most of the changes requested, but added there will probably be more.

Mr. Golden said that because it is in the scenic road corridor overlay district, the PB has to make three findings in order to approve the plan. Those findings include that:

1. The proposed activity will not result in degradation of the scenic character, and or will be aesthically compatible with its surroundings.
2. The plan will minimize the removal of native vegetation except where such removal will be necessary to open up scenic views and panorama.
3. The plan will locate and cluster buildings and other structures in a manner that will minimize visibility from the road to the greatest extent practical.

The resolution will also be conditioned upon the applicant complying with the requirements of the Scenic Road Corridor Overlay Section 97-29, Subsections G through J dealing with landscape and architecture, he said.

Ms. Israelski asked if the bike lane had been made a part of the plan. Mr. Esposito said the applicant will go to the Town Board first to get their approval because it will require some redesigning. He said if the TB wants it done, the applicant will do it.

Mr. Garling stated that the DEC indicated they are taking another look at the wetlands in the Goshen area. He said there is a possibility that the wetlands in the Dickerson project will be designated as state wetlands. If so, it will require a 100 ft. buffer around the existing wetlands, impacting nine of the lots, and two dwellings. All of the lots will have the septic areas impacted, which could probably be adjusted, but others will have to be relocated and perc tests done, he said.

Mr. Huddleston said that even if the DEC takes the wetlands, from past experience they may not require that the applicant stay out of the 100 ft. buffer if the development has already been designed relying on the previous DEC map. Mr. Bergus said that if the DEC is willing to accept the development within the buffer, the County will have to be informed.

Mr. Golden said the latest 239 Report from the County, dated Oct. 26, 2007, said that they will make their determination after receiving certain requested information. The County recommends that conservation easements be placed on Lots 17, 18, 22 and 23 or a rational provided stating why there are conservation easements on some lots with the same wetlands and not these four. Mr. Esposito said that the County's letter had not been forwarded to the applicant but that the applicant will notify the County that they agree to placing conservation easements on the additional four lots specified. The County letter also stated that they wanted to know why the right of way for "Road A" was off the applicant's property. Mr. Esposito replied that the applicant is utilizing the Town's right-of-way. Mr. Golden said he will work with the applicant to get the information to the County and will ask for an immediate recommendation.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Myruski, the Town of Goshen Planning Board hereby closes the Public Hearing on the Dickerson application for a 23 lot subdivision. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby waives the Environmental Control Formula on the Dickerson application. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Town of Goshen Planning Board hereby declares that the Dickerson project, as proposed, will not have a negative impact on the environment. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby finds that the project does not result in degradation of the scenic character, minimizes the removal of native vegetation and locates and clusters buildings and structures in a manner that will minimize visibility from the road, all conditions of the Scenic Road Corridor Overlay District set forth in the Code. Passed unanimously.

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

Mr. Golden said he will have a resolution prepared for consideration at the next meeting.

Wallkill – 12-1-24.2 – 175.1 +/- acres, 2-lot subdivision, located on Echo Lake Rd. in the CO, I, and RU zones with an AQ3 and stream & reservoir overlays. Proposed 2-lot subdivision proposing to subdivide a portion of the property containing two wells from the remainder property. The subdivision application does not propose any development on the subdivided property at this time. Consequently, any future development of the property would be subject to further Planning Board review, including environmental reviews and further public hearings.

Present for the applicant:	R.J. Smith, Supervisor John Ward Jay Baumont, Bill Frank Esq.
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Mr. Smith said the property is a 172 acre parcel owned by the Town of Wallkill, located in the Town of Goshen. It fronts Echo Lake Road and is bound by the Wallkill River, the Town of Waywayanda on one side, the Mid-Hudson Psychiatric Center on the other side. The Town drilled a number of wells on the property and found two wells that exceed 450 gallons per minute. The Town has since found other water sources so there is no need for these now or in the future. The Town is in the process of selling this property so it decided to subdivide the parcel into a 2-lot subdivision to carve out 5 acres that has the wells on it so as to preserve that parcel for whenever it is needed, by whomever, in the future. The remaining parcel of 167.57 acres (Lot #2) will be sold. The access to the two parcels now is by Echo Lake Rd. There is an old railroad bed that bisects the property. At the eastern end is the Heritage Trail. The County expects in the future to continue the development of the Heritage Trail in the westerly direction. An access point is being worked out between the Town of Wallkill and the County along with a draft easement of the existing access, providing the access into the well site and also into the larger parcel, as a temporary construction access to the larger parcel and a permanent emergency access. The project will have access to the state highway, he said, and a business park will be engineered which will come back to the PB for site plan approval.

“We realize we will need two conditions; perfection of the easement with the County and consolidation giving it access to 17M,” he said.

Mr. Lindsay said he has read the information supplied by the applicant. The wells report to have approximately a 485 per gallon delivery, he said. “It has great potential but I won’t jump to the conclusion that it is 485 yet,” he said. He said the water quality is pretty good but there is proximity to a landfill that needs to be studied.

Mr. Golden said there is a Code prohibition from the exportation of water in the Town of Goshen to outside the Town of Goshen, except that the exportation can be allowed by Special Permit from the PB. The application would have to be modified to include a request for a special permit in addition to the subdivision request, he said. The application still needs to be sent to County Planning for a 239 Referral and SEQRA needs to be done. Mr. Golden said that access is still an issue, stating that there is a temporary construction access to the larger site, but per the specific terms of the easement as it is now, as soon as construction is complete, no one can get back on for private purposes. That is not good planning, he said, and the PB couldn’t agree to a subdivision with that lack of access. He said he understands the applicant is anticipating having access onto 17M over State property, but added that it doesn’t exist at this time, so the PB couldn’t go forward.

Mr. Smith said the Town of Wallkill is not seeking the special permit at this time. The intention is to preserve it for whomever might be interested in it in the future, and whatever approvals and permits are required will be pursued at that time, he said. Mr. Golden said the applicant would have a problem if the special permit could not be obtained at a later time.

Mr. Huddleston asked the Building Inspector to determine if the 5 acre lot could be used for something that is permitted in that zone and said that if Mr. Halloran determines it does have a use, it could be a proper subject for subdivision. He said he does not want the PB to be in a situation where it is creating a non-conforming lot.

Mr. Golden also said that the Building Inspector needs to provide a formal interpretation of the Code as to “whether or not you can have frontage of that big lot by passing through another strip of property not owned by you but owned by someone else in fee, to access a second area of your property that does have frontage. That would have to occur before a 239 Response comes back from the County, he said.

Ms. Cleaver said that the weight limitations on Echo Lake Road should be shown on the map. Mr. Garling said he will review the restrictions.

Mr. Huddleston asked if the sole purpose of breaking the lot out now is for the future sale of the water source. Mr. Smith said that the Town Board determined that if they had that much water in that location that someone in the future, the County or the Town, may need it.

Mr. Huddleston opened the public hearing.

Supervisor Doug Bloomfield said that the Town gets a lot of public comment about truck traffic on Echo Lake Road. It will be an issue, he said. The discussion up to this point by the Town Board has been to preclude big heavy trucks on it, because it is not built for it and there are a lot of residences in the area. He said that having 17M access to this property is going to be of paramount importance.

Mr. Smith said of the temporary construction easement, that the County is giving that to the property so that construction work can be done while this road is being built to 17M. "We are collaborating to improve the access for the County to its transfer station and the State Psychiatric Center. We are assembling properties together, the Town is preserving a water resource and collaborating with adjoining owners and three levels of government to not only give this property access but improve access for the County and the State to its properties." He reiterated that Echo Lake Road would be used as a temporary construction access and a permanent emergency access only.

Mr. Golden said the PB can't approve the subdivision without access. "If you can get the State to agree to give you "X" amount of frontage on 17M to your site, even if not specified as to exactly what route it takes at this time, that would give the PB information sufficient to say that the subdivision you are creating has access." Mr. Smith said the applicant is willing to have the approval conditioned upon satisfying the PB that the frontage and access are in place.

Mr. Bloomfield said he wanted to go on record as saying the Town Board is happy this is going on and wants to cooperate as well as it can. But, he said, Echo Lake Road is not built for heavy traffic and big garbage trucks are not allowed on it because of weight limits. "To think we would have big concrete trucks on it for the development of this property will be a major problem. I would encourage the development coming out on 17M where you have a major highway. Echo Lake Rd. is not built for heavy traffic. It is an issue."

"The applicant has a draft easement with the County that is not finalized," Mr. Golden said. "If they submitted a plan showing they have to go out to 17M with the access, you could condition a preliminary approval of the subdivision on finalization of that plan and the easement with the County that would satisfy the access issue and if that never came to fruition, that they will never get final subdivision approval."

Mr. Lindsay added that the PB has to have something that says that not only does the applicant have frontage but it can access the roadway, through a DOT approved curb cut.

Mr. Golden said that the applicant should talk with Mr. Halloran to determine what he needs for the 239 Referral to the County and that Mr. Halloran needs to interpret the Code to see if this is a build able lot.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby declares the application of the Town of Wallkill to be an Unlisted Action. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby declares its intent to be the lead agency on the application of the Town of Wallkill. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Bergus, the Town of Goshen Planning Board hereby closes the public hearing on the application of the Town of Wallkill. Passed 5 votes to 1.

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

A & L Acres 13-1-34.2 – 217.8 acres, 29 lot subdivision located on Houston Road in the RU Zone with an AQ3 & 2 scenic road and 1 stream corridor overlay. Possible final approval.

Present for the applicant: Steve Esposito

The PB received the 239 Response from the County and considered each of the County’s five suggestions as follows:

- 1. A secondary means of access is necessary. A logical site for second road access is the eastern corner of the parcel where Lot 11 meets Route 17A, the County’s Department of Planning suggested.** Mr. Esposito said that this was discussed

at the onset of the project and the PB agreed they wanted to limit the number of access points onto the site. Based on that history, Mr. Esposito said, the PB agreed to grant a waiver for the creation of a dead end road at the last meeting. “We do not agree with the County as to the adequate site distance to the state highway,” he said. “We don’t see the point of putting another marginal intersection 500 feet up the road to benefit only a few houses. You’re not increasing connectivity to surrounding parcels.”

Mr. Garling said that as far as getting traffic out it means that 29 homes have two points of access rather than one, and said it would be rare for more than two vehicles to be at the access point at one time, concluding that it wouldn’t achieve any kind of traffic impact.

2. Recommendation to eliminate Road A between Road B and Road C, saying it is unnecessary and elimination will reduce the impervious surface area. Mr. Lindsay said that eliminating the loop would mean that everyone would have to go up the 12-1/2 % grade of the other road. Mr. Huddleston said he thinks the loop makes it convenient for the homeowners. Each PB member was polled, all agreed to keep the road in and Ms. Cleaver added that she would like to see it as a gravel road.

3. “The applicant’s map indicates outhouse and maintained lawn encroach by 35 ft. In order to avoid future conflict concerning the preservation and maintenance of this resource, we suggest this area be donated to the Daughters of the American Revolution.” Mr. Esposito said the structure is in the conservation easement. Mr. Huddleston said that since it is in the conservation easement, it will be protected and suggested it is better off leaving it where it is. All agreed to leave it where it is.

4. Should a second access road not be constructed in the eastern corner of the parcel, Lots 11, 12 and 13 should employ a shared driveway. The PB agreed and Mr. Esposito said it is already there.

5. The design as submitted indicates 54 acres of open space and land dedicated to the Town. Any open space, which appears to include federal wetlands and buffers, scenic corridor overlay buffers and the detention pond area, should be encumbered with a conservation easement along with defined management arrangements. Mr. Esposito said that they are all in conservation easements. Ms. Cleaver asked that ESA signs be placed on the easements and Mr. Esposito agreed. He said that the 54 acres of open space will be under private ownership, but the easement will be to the Town. Mr. Golden said that the Town will have a right to enforce the conservation easement. Ms. Israelski said that the PB needs to determine how that will be maintained. Mr. Esposito said that the applicant is going to petition the Town for the formation of a drainage district, saying that the majority of the drainage facilities are in the field. He said that if the Town says no to the drainage district, then it will be the

responsibility of the homeowner. He said the majority of the drainage facilities outside of the road right-of-way are on Lot #29 and that the owner will be responsible to maintain it. He said he wouldn't propose a Homeowners Association for 29 lots.

Mr. Huddleston said that the PB has said "no" to the County's recommendations #1, #2 and #3 and agree to #4 and #5, pointing out that although the open space is not dedicated to the Town, the Town will enforce it.

Mr. Golden said that the County's suggestion of a secondary access road (#1) requires a vote, and if the PB does not agree with the County by a majority vote, then its vote on the final subdivision approval will have to be by a majority plus one or it will not pass.

The PB voted on the County's recommendation of a secondary access road.

Mr. Andrews	No	Mr. Huddleston	No
Mr. Bergus	No	Ms. Israelski	No
Ms. Cleaver	Yes	Mr. Myruski	No

Ms. Israelski asked if Mr. Esposito would consider putting red maples on both sides of the new road into the subdivision if the existing hedgerows are disturbed during road construction. Mr. Esposito agreed.

The project engineer, John Tirolli, said that he had read through Riddick's comments and is "fine" with all of them.

Mr. Lindsay said that he spoke to the applicant about his expectation of erosion problems with the steep slopes where there was going to be grass swales and said the applicant will put in cobble along the swale, which should satisfy his concerns about erosion.

It was noted that a negative declaration was issued at preliminary approval.

Mr. Golden read the conditions that will be placed on the approval:

1. The applicant must petition the Town within 60 days to accept a drainage district and must include a condition that the area be constantly mowed and charged to the district at least four times a year.
2. The driveway crossings must be piped.
3. The applicant must comply with the list of conditions set forth in Riddick & Associates memo dated Jan. 11, 2008.
4. The application needs to be in compliance with Section 97-41 of the Code.
5. The common driveway maintenance agreement must be modified to the approval of the Planning Board attorney
6. The applicant must dedicate a 30' strip along Houston Rd. for a pedestrian trail.

- 7. There must be a conservation easement on the 54 acres enforceable by the Town and subject to the approval of the Town Attorney as to the terms including Section 97-21 (E1)
- 8. The application must comply with Section 97-29 Subsections G through J of the Code relative to scenic road requirements
- 9. Placement of ESA signage on the property.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board hereby grants preliminary and conditional final approval on the application of A & L Acres, with the conditions outlined tonight. Passed unanimously.

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

Following the vote, Mr. Golden said there needs to be one other condition in the resolution. He said the PB has to first make a finding that this area has a need for park land but is not suitable for it, therefore the PB will require the payment of a recreation fee in lieu of.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Town of Goshen Planning Board hereby modifies the previous motion granting preliminary and final conditional approval to include the above finding and requirement of payment of recreation fees. Passed unanimously.

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

ADJOURNMENT: Upon motion made by Ms. Israelski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen adjourned at 9:45 p.m.

Ralph Huddleston, Chair
Notes prepared by Susan Varden