

APPROVED MINUTES

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

March 19, 2009

Members Present:

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

Also Present:

Neal Halloran, Building Inspector
Dennis Lindsay, Engineer
Ed Garling, Planner
Rick Golden, Esq.
Kelly Naughton, Esq.

Absent: Ralph Huddleston

CALL TO ORDER

Acting Chair Susan Cleaver called the regular meeting of the Town of Goshen Planning Board to order at 7:10 p.m. at Town Hall.

PUBLIC HEARING

Owens Road/Goshen Meadows – 10-1-10.22 & 10-1-8 – 131.4+/- acres, 33 lot subdivision located on Owens Rd. in the RU zone with an AQ6, AQ3, scenic road corridor and stream & reservoir overlay. Preliminary Subdivision Approval.

Representing the applicant:

Steve Esposito
Gardiner Barone, Esq.

Attorney Bob Fink represents the Town Planning Board on this application. Planning Board attorney Rick Golden recused himself and sat in the audience.

Mr. Halloran said the application was scheduled for public hearing prior to the adoption of the new zoning code, adding that the subdivision is subject to the new code. He said the applicant's plans do not comply with the new zoning code in terms of the number of lots stating there is a new definition of "constrained lands". PB consultants have not had an opportunity to look at the plans relative to compliance with the new code, he said. Mr. Gogler of the DEC has looked at the wetlands on site. Mr. Halloran said it appears that the larger wetland along the river, and a portion of wetlands in front, may be

under DEC jurisdiction. He said that apparently the wetlands on the Strong property are not DEC wetlands. Mr. Gogler will be returning to the site, he reported.

The applicant's attorney, Gardiner Barone, said the project started years earlier as a 39 lot subdivision with a negative declaration, prior to the recent enactment of the new zoning laws. He said the applicant is here "to seek preliminary approval without prejudice for the rights we claim we have under the prior zoning laws." He said that recently the applicant submitted a 34 lot layout to the town consultants. The map brought tonight takes into account the amended definition of constrained lands, he said.

Mr. Esposito told the PB that the plan they are seeing tonight is the same plan submitted several weeks ago after the adoption of the new zoning law. He said they received notification of the new definition of constrained lands this week. He said that cemeteries, easements and right-of-ways have been added to flood plains, wetlands, and slopes in excess of 25% to make up the new definition of "constrained lands". Constrained areas are identified, then deducted from the gross acreage to get a net acreage and, depending on the zoning district, establishing a base density for the development. This map shows 34 lots, with three "shaded" that will be eliminated in order to comply with the current code, reducing the density to 31 lots. The plan is the same with the exception of the elimination of the three lots he said. The entire site is 131.5 acres with 36 acres of "constrained lands" under the new definition. Mr. Esposito presented an overview of the project and the steps taken by the applicant thus far. He said that seven offsite wells were monitored during the testing of onsite wells.

Mr. Esposito said the applicant proposes one access point, from Owens Road, and said all of the lots will be accessed by an interior road. There will be 69 acres of open space, with 54% of the site remaining under a conservation easement, never to be developed. He said the applicant's goal is to keep the corridor along Owens Road undeveloped. The existing trees will remain. The majority of the open space will be in the back of the property along the Wallkill River. Each house will be single family and served by individual well and septic.

Mr. Lindsay said he agrees with the 31 lot density. He said there is an issue of water quality in that during testing one well came back positive with Toluene and it needs to be determined if this was simply a testing anomaly. He said the well testing also needs to be reviewed in terms of the new testing protocols. Mr. Lindsay said that the PB should confirm that the roadway shown on the plan can go through, because of the wetlands and needs to determine if the secondary access into the parcel is viable. The applicant has said that if it is not, they will develop the trolley line access and that is something that will have to be looked into. He said that the code states that any subdivision of more than 20 lots has to have a secondary means of access. He said there are still issues on an easement that has to be accounted for.

Mr. Esposito pointed out the various easements shown on the map including the trolley line easement that runs to the northeast to the lands of the Jonas subdivision. He said that over the trolley easement there is an easement of Foley and a 30 ft. easement of Pasny to their parcel. There is also a small piece of easement granted to Foley. He said there is also an easement to the Strong property to the west of the site and said it is an old easement that cannot be defined. He said the applicant has spoken with the Strongs about two means of access, a permanent access over the existing trolley line easement and also an easement that will run with the Strong family and be abandoned at the time they sell their land along the Wallkill River Improvement District Line. He said the applicant is in discussion with the Strongs and that nothing has been formalized.

Mr. Lindsay said the PB wants to be sure that all of the easement rights are preserved in the future or that they are forgiven by the owners. Mr. Esposito said that other than a driveway crossing a driveway which they are entitled to have, there is no other development on the easements.

Mr. Garling commented that the size of the park area proposed along the river, if a state wetland area, will be reduced from about 8-9 acres to 6 acres and thus may be limited in terms of public use. He mentioned that the NYS Power Authority has a power line easement that is a 150 feet right-of-way and a clearing easement of 50 ft. on either side running the length of the easement. He said he will have further comments next month on the location of the houses.

Ms. Cleaver opened the hearing to public comment.

Greta Foley, 115 Owens Rd., asked if each of the houses will be built on a 3 acre lot. Mr. Halloran said that they will not and that they are not required to be. Mr. Esposito spoke about the "Open Area Development" district and its requirements.

Walter Rose, 119 Owens Rd., said it seems dangerous for 30+ houses to have only one way in and out, in cases of an emergency.

Patti Stickley, 114 Owens Rd., said she thought that at the beginning of the presentation there was a comment that the state rejected the previous application years ago. It was suggested that she misunderstood, that the State would not be in the position of rejecting anything. Ms. Israelski said that the town zoning has been changed since the applicant started the application and that the applicant has had to bear with the various zoning changes that the Town has imposed, so the first plans of the applicant had to be changed.

Jean Strong of Cheechunk Rd., asked if the electric was going to be buried underground and Mr. Esposito replied that all services will be underground.

Jen Meyer, 116 Owens Rd., commented that the water survey was done in the winter when there was snow on the ground and asked if the applicant plans to re-do the well tests in the summer when it is drier, stating that another 30+ homes will have an effect on the water supply. Mr. Esposito said that the test has to be conducted within normal precipitation ranges and that is what was done. He said they have no plans to re-do the tests this summer.

Mrs. Foley asked who will maintain the trolley line. Mr. Esposito said that any site improvements will have to be offered for dedication to the Town and will then be maintained by the Town.

There were no further comments and Mr. Fink recommended that the PB continue the public hearing. Mr. Barone asked that the public hearing be closed by the PB, stating that any variations now with respect to the map will be at best moving lot lines a few feet. Mr. Fink stated that if there is going to be any new information, the public has the right to comment on it.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Myruski, the Town of Goshen Planning Board hereby continues the public hearing to April 16, 2009 on the application of Owens Road/Goshen Meadows. Approved unanimously.

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

Mr. Barone said he would like to make it clear that the public hearing is not being continued with their consent, and it is his understanding that the issues that are going to be addressed between now and the time the applicant comes back before the PB are whether to use the trolley line as a second means of access, for the PB to reconsider the open space and parkland in and around the open space as well as potentially some reconfiguration of the lot lines relative to the access. Mr. Lindsay added that the PB must also make sure the water protocols are satisfactory in terms of the new regulations.

MINUTES

The minutes of the PB meetings of February 19, 2009 and March 5, 2009 were approved with corrections.

ITEMS FOR THE PLANNING BOARD TO ACT UPON

Javelin – 11-1-7 & 4.1 – 39.63+/- acres, 9 lot subdivision, located on Butler Drive in the RU zone with an AQ6 & flood plain overlay. Request extension of subdivision preliminary approval granted on 8/21/08.

Representing the applicant: Dave Higgins

Mr. Higgins said the project was granted preliminary subdivision approval on August 21, 2008 and that the applicant is asking for a six month extension on the approval. He said they are in the process of obtaining approvals of the County Health Department.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Bergus, the Town of Goshen Planning Board hereby grants a six month extension of the PB’s preliminary subdivision approval on the application of Javelin. Approved unanimously.

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

Conob Realty – 11-1-26 – 1.8 +/- acres, located on Route 17M and Arcadia Rd. in the CO zone with an AQ3 overlay. Possibly set public hearing.

Mr. Halloran said the PB declared its intent to be lead agency on the application last month.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Town of Goshen Planning Board sets a public hearing on the application of Conob Realty for April 16, 2009. Approved unanimously.

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

CONTINUED PUBLIC HEARING

Lone Oak – 11-1-58 & 11-1-49.2 – 217.4 +/- acres, 132 residential unit development, located on Harriman Drive and Arcadia Rd. in the HR zone with an AQ6 & stream and reservoir overlays. EIS, Special Permit & Preliminary subdivision approval.

Representing the applicant: Arthur Brod, Jr., Steve Esposito, James Sweeney, Esq.

Mr. Halloran said the public hearing on this application was set prior to the new zoning code being adopted. He said that the changes in the code impact the application.

Arthur Brod, Jr., president of Planners East Inc., preparers of the application's Environmental Impact Statement, provided the history of the development and gave an overview of the EIS. He said that the existing Arcadia Hills subdivision was constructed in the late 1960-70s with 251 lots comprising Sections A & B. There were to be two other sections developed, C & D, but they were never carried out. He said that the Fini family acquired both sections in the 1980s, a 103 acre parcel as well as an adjacent tract of land of 109 acres that bridges the two sections and Harriman Drive. Mr. Brod said that Sections C & D are the subject of this application and noted that they are within the Town water and sewer districts.

Mr. Brod said that environmental interest areas are impacts on land resources, soils and geology and grading, impacts on federal and state wetlands, impacts on agricultural resources, surface water sources and ground water sources, impacts on the traffic generated, impacts on cultural resources and impacts on community facilities and services and construction impacts. These were all discussed in the DEIS with an earlier plan of 162 lots, he said. Since the parcel has been re-zoned to Hamlet Residential, the EIS today responds to the zone and the revised proposal no longer deals with all of the land. Water tests demonstrate the capability of having sufficient water supply for 132 dwelling units of the mix being proposed to be built on the 103 acre portion of the property within Sections C & D.

Being within the Town water and sewer districts, the revised project does not require the extension or creation of any new municipal districts, he said. Based on the scale of the development, its direct access to Arcadia Rd. and the ability to provide a secondary connection through Arcadia Hills subdivision to Maple Ave., the development no longer needs the construction of a through road from Arcadia Rd. to Harriman Drive, he noted.

Mr. Brod said that less than .4 of an acre of federal wetland will be impacted by the revised project. Mitigation plans provide for the creation of a new wetland and the restoration of a wetland area that was disturbed 20 years ago. The water and sanitary sewer systems are planned to be self-sufficient and while it is not their preferred alternative, it might be the practical alternative, he said.

With respect to water, the applicant has included in the EIS, an alternative that discusses the possibility of linkage of the Lone Oak TND water system with respect to supply, storage, etc. to the existing Arcadia Hills system. It will require Town Board approval. Mr. Brod referred to the Village's lack of interest in outside users tying into the Village treatment plant. "It is our opinion that it would be practical for us to not develop our own

on site treatment plant, but to work in tandem with the Village,” he said, adding they would prefer to work with the municipalities.

Mr. Brod said that other than construction and other easements that may be required to accommodate the infrastructure through the Fini lands, there are no plans in the foreseeable future for any other development by Fini of the 109 acres, reiterating that they cannot demonstrate adequate water supply for development of the 109 acres.

Mr. Esposito spoke about the concept of the Traditional Neighborhood Development. He said it is similar in scale and density to hamlets or villages in the region, and promotes social interaction, pedestrian access and connectivity to adjoining roads and resources.

Mr. Esposito said the waste water treatment plant is proposed to be constructed along the Route 17 portion of the site. The main access is off of Arcadia Road with a secondary access off of Maple Lane. The main access will be a boulevard entrance coming down to a circle connecting to the main green. There will be two central green areas, he said, stating that 56% of the entire site is open space. The applicant is also proposing a picnic pavilion, ball fields and play fields. Located in the Hamlet Residential zone, there will be a mix of residential types to meet the vast socioeconomic demands of the market, Mr. Esposito said. The four types are single family detached (65), a smaller, rear-loaded single family detached, 16 duplexes, and town houses (28) for a total of 132 units. The recreation area and road will be offered to the Town for dedication.

Mr. Garling said that the revised DEIS was just received and there wasn't time to completely review it but there are several basic planning issues that need to be decided. He spoke about future plans for a through road connecting Arcadia Road with Exit 125 of the Quickway and said that under current state plans, the existing intersection will be expanded. “The back area of the property is in the Goshen Fire District and we believe, while not proposed, here, that eventually that road should be continued through and if so, we need to make sure the plan that is before us allows that to happen,” he said. He said the PB will also want to make sure that the road doesn't go through the well head protection areas and that driveways coming out onto that road are limited.

Mr. Lindsay said that the water supply is an area of concern and that testing done during an earlier drought period showed a light supply in terms of capacity to meet maximum day demand and that even with the reduced lot count, they are at 52.5 GPM and are required to be at 66.6 GPN. He said the test results need to be analyzed further. Mr. Lindsay noted that there will be clearing and grading that will have to be done for the water and sewer lines and that may be an opportunity, without much further work, to create Harriman Drive Extension. He said that he will review the studies on the storm water and will have further comments.

Mr. Golden noted that the document is a “revised DEIS”, not a “SEIS” as the applicant has labeled it and mentioned it tonight.

Mr. Golden mentioned that in the most recent revisions the applicant has decided to chop off a piece of the application and says it is not really part of the application but that they will be putting in a substantial amount of infrastructure, amounting to about 10% of the property in the 109 acre parcel. “It should be made clear that this PB has not yet agreed that this is not part of the project. We can postpone that decision to a later date. We have not agreed at this point to lop off a portion of what has always been for many years, part of this project.”

Mr. Bergus said he concurs with the option of tying in with the Arcadia Hills water system as it would be a viable interconnection as far as providing redundancy. He said the report refers to selling individual lots not necessarily developed with housing on them, and asked if it was intentional or a mistake, pointing out that the PB is looking to build a streetscape with fixed designs but the report says there is opportunity to sell lots, without improvements to individuals who want to build their own homes. He suggested that there needs to be public parking at the pavilion area. Mr. Bergus asked how affordable housing will be distributed through the project and whether there has been any change in the build-out schedule due to the current economic conditions.

Mr. Myruski said that the water and sewer is a serious problem in that location and that it must be looked at very seriously. Mr. Myruski asked about the applicant’s plan for on-site treatment.

Mr. Esposito said they are proposing constructing an on-site waste water treatment plant because the Village Board has said they are not interested in having any outside customers. “At this time this is the only alternative available to us,” he said. Mr. Sweeney said the applicant has spent hours in negotiation with the Village to no avail. He said his position is that the land is in the Town sewer district so the Town has the responsibility to administer the town sewer district and have the option to maintain the treatment plant with the right to charge back the cost of the maintenance. It was noted that this is a legal matter for the Town Board.

Mr. Myruski asked if the land that will not be developed is going to be given to the Town for park land or open space. Mr. Sweeney said he could only give assurance that the land will not be part of this project, he could not give assurance that it will never be built on.

Ms. Cleaver said she wants to see the stream overlay district shown on the maps. Mr. Brod said that it was an oversight that it was not shown and that they will show the overlay on the off site improvement plan and will prepare the map immediately for the PB.

Ms. Cleaver asked how the 109 acre parcel cannot be considered a part of this project when all of the piping, pumps and the sewer treatment will be located on it. Mr. Sweeney called it an off site element of the plan and said it has nothing to do with developing that parcel. Mr. Brod said that the project consists of 103 acres plus 10.2 acres of the 109 acre parcel.

Ms. Cleaver asked for public comment.

Mr. Golden told the public that the Environmental Impact Statement on the project consists of two volumes and is available in the Town's Building Department, on the Town's website and at the public library. He said the purpose of the public hearing is for people to ask questions and comment on the document and also to comment on the site plan and subdivision. He said that any comments and questions will have to be answered in the applicant's Final Environmental Impact Statement. He explained that before the PB takes any action such as approving a preliminary subdivision, the environmental review process has to be completed and once finished, the PB has sixty days within which to make a determination whether or not to approve the subdivision.

Michael Murphy of 3 Cherrywood Drive asked why Arcadia Hills subdivision has to be impacted by taking traffic from the lower western half of the proposed subdivision onto Cherrywood Drive and not take the traffic out through the undeveloped area onto Harriman Drive. He said that the traffic already is increasing on Arcadia Rd., especially with the development of The Hills of Goshen, and the opening of the ramp from Whispering Hills to Route 17, stating it makes it very difficult, especially in the mornings.

Nick Gallo, Redwood Drive, asked when the applicant spoke to the Village of Goshen about using the Village sewage treatment plant. It was answered that the recent correspondence from the Village was January 24, 2008 when the Village said they had no interest. Mr. Gallo said he is concerned about the impact on the roads and questioned why high density housing is necessary. He suggested the residents of Arcadia Hills may not want the public fields built next to their homes.

Bob Tito of Cherrywood Drive, said his concerns are the traffic, the sewer treatment plants (the odor) and the water stating that they have had water problems for over 35 years. He noted the large size of the development and the impact on the schools.

Ken Newboldt, 220 Arcadia Rd. said he is concerned about water and traffic and said he hopes the PB looks at both very closely. He noted that the residents of Arcadia Hills have spent tens of thousands of dollars restructuring their wells. He said there are stop signs now on each corner and said that the influx of more traffic in the development will have a large impact.

Ellen Mary O'Brien, Wedgewood Drive, asked what school district the development is in. It was noted that it is in the Chester School District.

Tom Larkin, 5 Aspen Lane, said he doesn't think the Town is equipped to become a manager of a sewage treatment plant and asked if it will be prepared to take over the managing of the sewage treatment system.

Lyn Burger, Wedgewood Drive, said he is concerned about the impact on the schools with the increased number or school age children and is also concerned about disturbing the wetlands.

There was no further public comment and Mr. Golden stated that the public has the right to submit written comments to the Building Department and that those comments will have equal weight to the comments voiced at the hearing.

Mr. Halloran noted that the PB has received written comments from Dr. Sadarovic who owns the adjacent property.

Mr. Sweeney requested that the PB close the public hearing. Mr. Golden told the PB that it is within their discretion to continue it or close it.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Lupinski, the Town of Goshen Planning Board adjourns the public hearing on the application of Lone Oak to April 2, 2009. Approved unanimously.

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

ADJOURNMENT

The Town of Goshen Planning Board adjourned the meeting at 9:32 p.m.

Susan Cleaver, Acting Chair
Notes prepared by Susan Varden