

APPROVED

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924
February 1, 2007**

MEMBERS PRESENT

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

ALSO PRESENT

Neal Halloran, Bldg. Insp.
Joe Henry, Engineer
Graham Trelstad, Planner
Rick Golden, Attorney
Ed Garling, Planner

ABSENT:

Ray Myruski

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.

Upon motion made by Mr. Andrews and seconded by Mr. Bergus, the PB voted to go into Executive Session to discuss personnel. The PB members returned to the public meeting room and upon motion made by Ms. Cleaver and seconded by Mr. Andrews, the PB came out of Executive Session.

MINUTES: Upon motion made by Ms. Cleaver and seconded by Mr. Bergus, the minutes of the January 18, 2007 meeting were approved with the following amendment: Page 2, second from last line, substitute "Mr. Bergus" for "Ms Bergus".

The minutes of the December 21, 2006 will be reviewed at the next meeting.

II. AGENDA ITEMS

Marcinak – 14-1-6- & 7 – 2.06 +/- acres located on Storms Rd in the RU zone with an AQ3 overlay. Lot line change.

Present for the Applicant:

Mr. Marcinak, Owner

Mr. Halloran said the two lots are located on a paper road (Storms Road) in Goshen Hills and received a 280A variance from the ZBA. He explained that the applicant wants to even up the lots so they are similar size. This is not a subdivision, but a lot line change and doesn't require a public hearing, unless the PB chooses, he said.

Mr. Marcinak said there were two separate owners prior to his purchase. They are two approved lots, he said, but he'd like to change the lot lines to make "two nicer lots". He said this could be done without changing any of the engineering.

Mr. Henry said the lots were reviewed by the PB in 2006 after being referred by the ZBA. He said that the lot line change does not effect the engineering or development aspect in a negative way, in answer to a question asked by Mr. Huddleston. He said he has asked the applicant to include all well and septic systems on the plan to show they can meet the separation distance.

Comments from the professionals:

Mr. Halloran said it was a legitimate lot under the zoning code.

Mr. Golden said that in 1993 it was owned by separate parties and was under what is now the open subdivision designation, and is therefore a non-conforming lot. He said that the Town Code indicates the only thing the applicant has to comply with to construct a single family dwelling is the side yard setbacks. Mr. Golden said a public hearing doesn't apply unless the PB determines there are issues that would justify holding a public hearing.

Mr. Andrews asked if there were any wells on adjoining properties. Mr. Halloran said there is one lot on top of August Road that has a well.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Ms. Cleaver that the Planning Board of the Town of Goshen, declares that the Marcinak application is an unlisted action with no negative environmental impact associated with the application. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Lee, seconded by Mr. Andrews that the Planning Board of the Town of Goshen, approves the Marcinak application for a lot line change conditioned upon those conditions imposed by the ZBA with respect to the 280A variance. Passed unanimously.

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

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. Draft FEIS from consultants.

Present for the Applicant: Steve Esposito

Planner Graham Trelstad explained it had been his intention to bring revised copies of the draft FEIS, but that he had discovered that the final changes that Mr. Henry had sent had not been incorporated. He said the complete final document will be ready for PB review at its next meeting. Mr. Huddleston said he wanted to stick as close to the previously agreed schedule as possible, to finalize the document by 2/15 and present it to the applicant on 3/1. Mr. Trelstad agreed to e-mail, or mail, the document to all PB members for their comments before the next meeting.

Traskus (a.k.a. – Elm Hill Farms) 18-1-8.22 – 114.54 acres, 38 lot subdivision Located on Arcadia Road in the RU zone with an AQ3 overlay. Possible determination of significance and scoping.

Present for Applicant: Steve Esposito

Mr. Halloran distributed a 4-page document of comments compiled from PB members, the minutes and the consultant's memos, stating that items 1-40 are environmental issues and another 1-18 are design issues.

Mr. Trelstad said the list could be quickly reviewed to determine what issues needed some additional work. He said a lot of the information has already been provided. Mr. Huddleston said the PB needs professional help to determine if the information provided is adequate. Mr. Henry remarked that the applicant's storm water pollution prevention plan does not answer all of the questions posed.

Ms. Cleaver asked Mr. Trelstad if he was going to give the PB his opinion as to whether or not these have been addressed, and then give the PB an opportunity to comment back to him. Mr. Trelstad said he thought that would be the best way to go about it. Mr. Trelstad said a lot of information was derived from the public hearing and that if a question has been raised in the public hearing and the information is there, we will make sure the answer is provided.

Mr. Trelstad said that at the same time he is drafting a written statement relative to environmental impact, he can begin the enumeration of all of the items that may be conditions for preliminary plat approval.

Board Comments:

Mr. Golden said a question had been asked whether the PB had the right to waive street trees or shade trees that are otherwise required in subdivisions. He said the Code states that when a road is going to be dedicated there is a required improvement to put in shade trees on both sides of the road. It is within PB purview to waive the trees on the lots but not to waive the shade trees on the dedicated road. He said he thought the Town Board may be able to waive it as a condition of dedication but that the PB should comply with the requirements for roads being offered for dedication.

Mr. Bergus requested that when the testing is done in the septic fields that it be done during the wet season, March through June. Mr. Huddleston said the PB should make that a recommendation.

Mr. Henry said that if the PB requires that the testing of all lots be witnessed by the Health Department or the Town, that it should be coordinated, so that all well tests are witnessed by one or the other.

Mr. Phil Dropkin of the ERB said the application generated a fair amount of discussion at ERB meetings and that because of the typography, the number of watersheds on the property, the flow of the water and concern about the capacity of the aquifers, that it might be a good idea that in any of the analysis to be done to look at the impacts on the adjacent properties, particularly the adjacent farms and to look at the water flows, not just within the confines of the site, but at the impacts of the development on the water flows on the adjacent properties as well.

Mr. Trelstad said he will have the document to PB members by February 9th and ready for discussion at the next PB meeting.

Reiger – 9-1-8.452- 360.9 acres, 130 units, located on Craigville Rd. in the RU district with an AQ3 & AQ6 overlay with a scenic road corridor overlay. Possible final scoping document approval 2/15/07 & ERB comments due 2/1/07.

Present for the Applicant:

Steve Esposito

Ms. Israelski and Ms. Cleaver both had questions on how the applicant had arrived at the density of the project.

Mr. Esposito said “based on the gross acreage, you have 80 units; if you go through the Constraints Analysis and use the multiplier, you have up to 106 units.” The Code says that the applicant is allowed to take the lesser of the two unless they want to go through the well testing protocol, he said, adding those numbers are on the Constraints Analysis. Ms. Israelski said she wants a detail of the density laid out and Mr. Huddleston asked Mr. Esposito to show the justification for the density in the document.

Mr. Golden said there are specific standards set up in the Code as to when the PB ought to exercise its discretion as to density bonuses and it is that criteria that needs to be addressed in the scoping document.

Mr. Garling said that if all of the documents are e-mailed to him, he could compile them and have them ready for review and approval at the next meeting.

Mr. Golden asked Mr. Esposito to waive the time requirement by giving the PB until its March 1st meeting to finalize the scoping comments, with the scoping document to be received by the applicant by March 8th. Mr. Esposito agreed but added that he’d like the well testing plan that was submitted in October, reviewed and approved within the same time frame. Mr. Henry said there have been decisions made regarding the well testing protocol and that the applicant would be receiving those decisions.

Mr. Huddleston introduced Ed Garling as the new Town Planner welcomed Rick Golden as the new PB counsel.

The Planning Board adjourned at 8:55 p.m. upon motion made by Ms. Cleaver and seconded by Ms. Israelski.

Ralph Huddleston, Chairman

Notes prepared by Susan K. Varden
Approved: March 1, 2007