

APPROVED MINUTES

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924
May 3, 2007**

MEMBERS PRESENT

Reynell Andrews
Lee Bergus
Susan Cleaver
John Lupinski
Ray Myruski

ALSO PRESENT

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

ABSENT

Ralph Huddleston
Mary Israelski

CALL TO ORDER

Acting Chair Lee Bergus called the regular meeting of the Town of Goshen Planning Board to order at 7:30 pm at Town Hall.

AGENDA ITEMS

Harvest Village – 18-2-14 & 15 – 4.08 +/- acres, located on Rte 17A in the HR zone with an AQ3 overlay to be used for 2 commercial/mixed use buildings. Revised full EAF & revised site plan, Notice of Intent to Declare lead agency.

Present for the applicant:

Kurt Rother, P.E.

Mr. Rother said there had been no changes made to the concept since the last meeting, but that another level of detail had been added to the plans. He said the applicant has provided the PB with a long EAF and is asking it to declare its intent to be lead agency.

Mr. Bergus asked for comments from PB members. There were none. He asked for comments from Joe Henry who said a memo had been issued to the applicant and it can be addressed within the 30 day waiting period following the Notice of Intent.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen declares its intent to be Lead Agency on the application of Harvest Village. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Myriski	Aye
Ms. Cleaver	Aye		

Mr. Bergus advised Mr. Rother that the applicant’s Elgin system has 18 units on each lateral which is 72 feet, when the applicant can only go 60 feet according to DOH and DEC standards. He also advised Mr. Rother that since there are two buildings that are 4500 square feet, there should be a note on the plan that if in the future these buildings were to be subdivided that any subdivision that might possibly create a public water supply would then have to be done in compliance with the requirements. Mr. Garling said there could be some limits on the uses that might generate a good deal of water useage as well as limits on the number of employees. Mr. Bergus pointed out that the system isn’t designed for any kind of food service in terms of grease traps, etc. Mr. Henry said it is something that has to be discussed by the PB and listed on the plans as to what the potential uses are because it is very vague. Mr. Rother said there were no specific tenants yet and that there definitely will be partition sections to the building, and asked how the applicant could get into triggering a public water supply. He was told it was dependent on the type of tenants and number of employees.

Mr. Garling spoke about the need for a guard rail on the curb and said the substantial grade of the road will have to be looked into.

Sutherland – 4-1-30.1 - .81 +/- acres, located on Ridgeview Terrace in the RU zone with a scenic road corridor overlay. Pictures, septic plan for addition to existing structure – for use as a mother/daughter dwelling. Possibly set for public hearing.

Present for Applicant: Mr. Sutherland

Mr. Halloran said the applicant was before the PB for a special use permit and will need a public hearing if the application goes forward.

Mr. Sutherland said his plan was to add to his existing home, to have a two family dwelling to house his ailing parents. Photographs of the existing structure were circulated. Ideally he would like to have an internal connection between the two homes, he said. Mr. Halloran said that if the interconnection was made internally and there were no locked door in-between, it would be considered a one-family house and the applicant would only have to obtain a building permit. Mr. Golden told the applicant that he has a choice of making internal access between the two, and if so, it will be considered a single family, the Planning Board wouldn’t need to consider the project and the Building Inspector could simply issue a building permit. Another option, he explained, would be to not have any internal circulation,

simply an attached second structure, accessed one to the other from the outside as a two family and the PB would have to approve it.

Mr. Sutherland said his immediate concern is to move his parents in as quickly as possible. Mr. Halloran suggested that the applicant could get his building permit for a single family quickly and, still continue through the PB process for approval of the two family. Mr. Sutherland said he would continue with the PB process and ask for a public hearing for now and talk to his family in order to make a final decision.

Joe Henry said the subdivision plans approved by the Health Department indicates the maximum number of bedrooms, and if that is changed, the PB would want to know about it because the Health Department would have to give their approval. Mr. Bergus said if the applicant demonstrated that the size of the existing septic system would accommodate a larger number of bedrooms, then it would be a modification on an approval, if not, there would be additional design required to accommodate the larger number of bedrooms. Jay Samuelson of Engineering Properties said he knew the system was sufficient to handle a four bedroom.

Mr. Garling suggested that if the applicant receives approval for a two family unit, he could put a door in for his parents and, if circumstances change, later on seal that wall off.

VOTE BY PROPER MOTION, made by Ms Cleaver, seconded by Mr. Myruski, the Planning Board of the Town of Goshen sets a public hearing on the Sutherland application for May 17, 2007. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Myriski	Aye
Ms. Cleaver	Aye		

Other Business:

The PB discussed a memo from Mr. Halloran about Requirements of Section 97-41 Rural Siting Principles applying to open space development, conservation density development and new developments within the SR Overlay District and the siting of nonresidential uses that are subject to site plan or special permit approval. Mr. Halloran said the guidelines are relevant to a number of projects coming up or presently under consideration. The PB spoke specifically about one of the guidelines which states that all buildings will be sited so the roof lines are below the tree lines or crest line of the hill, the higher of the two. Mr. Halloran said “from now on we need to make sure we do this in the subdivisions before us in RU zones.”

Ms. Cleaver asked if the PB could require an applicant to put up a flag on the crest lines. Mr. Garling suggested that the cheapest, simplest way is a "line of sight" drawing. Mr. Golden suggested that the PB could also ask for balloon tests and said the PB has the right to ask for either method during the SEQR process.

Town Supervisor Doug Bloomfield said that the real intent of the Code was to not build homes above the ridge line or put them in places where they don't "stick out like a sore thumb." Mr. Golden said that only the Building Inspector can interpret the Code, not the PB, and the ZBA can hear an appeal of that interpretation.

It was noted that Heritage Estates was originally on the meeting agenda but asked to be taken off the agenda and put on in two weeks. Mr. Golden said that "when the applicant's attorney (Jim Sweeney) informed me that they didn't want it on tonight's agenda, because we are dealing with potential approvals with respect to preliminary subdivision, I said we would do that provided the applicant is waiving any applicable time frames that would result because of the delay so that they couldn't get any sort of default approval simply because they were pulled from the agenda. He agreed to that so for the record the time frames have been waived until their next appearance before the Board."

Mr. Golden said that from the filing of the FEIS, the PB has 30 days to do its SEQR findings and make a decision on the preliminary subdivision, including any conditions. He said the only way you can avoid that time frame and not have a default approval, is if the applicant agrees that they are willing to waive that time frame. He said if the applicant is before the PB on May 17th, then the PB will have to make its decision on June 1st unless the applicant again gives additional time to finalize the process. Mr. Golden reminded the PB that the FEIS was approved, with changes, by the PB at its last meeting and received the final FEIS prepared by AKRF tonight. He said the PB has the right to ask AKRF for a list of changes that they made in the document from the last meeting to this meeting. Mr. Golden cautioned the PB that whatever preliminary approval and conditions are granted, if the final subdivision is in substantial compliance with the preliminary, the applicant is entitled to an approval. He recommended that the PB have their conditions ready on May 17th so he can write a proposed resolution with the conditions attached by the June 6th meeting to review.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Israelski, the Planning Board of the Town of Goshen agreed to go into Executive Session on a personnel issue at approximately 8:35 p.m. It was stated that no public business would be conducted once the PB comes out of the Executive Session, except to close the meeting. The motion passed unanimously.