

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

NOVEMBER 19, 2009

Members Present:

Reynell Andrews
Lee Bergus
Susan Cleaver
Ralph Huddleston, Chair
Mary Israelski
John Lupinski
Raymond Myruski

Also Present:

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

MINUTES

The minutes of the Planning Board meetings of October 15, 2009 and November 5, 2009 were approved with corrections.

Hambletonian Park – Request for 6 month extension of preliminary approval.

Mr. Halloran said the applicant submitted a written request for a 6 month extension of its preliminary approval from 12-03-09. The applicant said they are still negotiating with the Town of Goshen over water.

Mr. Golden said that the project is exempt from the new zoning provided its preliminary approval is turned into a conditional final approval by Jan. 27, 2010, and if it does not, the project will be subject to the new zoning. Once the applicant has obtained conditional final approval, the applicant will have 180 days plus two 90 day extensions to satisfy all of the conditions of the final approval. Although they may be given a 6 month extension of the preliminary approval, if the applicant does not obtain its conditional final approval by the PB meeting of January 21, 2010, Mr. Golden said that then the extended preliminary approval is of no force and effect except that now the preliminary approval will be subject to the new zoning so they will have to ask for an amended preliminary approval.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Town of Goshen Planning Board grants a six month extension on the preliminary approval of Hambletonian Park. Approved unanimously.

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

Ms. Cleaver	Aye	Mr. Myruski	Aye
Mr. Huddleston	Aye		

PUBLIC HEARING

Braunius – 8-1-23.2 – 1+/- acres, modification of a site plan for an existing subdivision located at 222 Craigville Rd and Knoell Rd. in the RU zone with an AQ6 and Scenic Road Corridor Overlay.

Representing the applicant: Terence J. Dahl, Esq.

Mr. Halloran said that in 1986 the PB approved a subdivision with one of the conditions being that when the driveway was built behind the house, the driveway going out to Craigville Rd. would be abandoned. This was never done, he said.

Mr. Dahl said that if the driveway has to be re-located it would have to go through the wetland area and would require a lot of fill.

Mr. Golden stated that the County DPW reported that they have no objection to having the driveway continue with its access onto Craigville Rd., a county highway.

Mr. Huddleston asked for public comment. There was none. It was confirmed that notices had been sent.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Town of Goshen Planning Board closes the public hearing on the application of Braunius. Approved unanimously.

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

Mr. Garling said it is his opinion that the sight distance is adequate and that it should be left as it is. Following a brief discussion, the PB members indicated that there was no reason not to leave the driveway access as it is.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board grants a negative declaration in terms of SEQRA on the application of Braunius. Approved unanimously.

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

Mr. Golden read the following two Findings:

1. "The Project does not present a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, as the purpose of this application is to remove a previously approved map note, and is creating no new lots. Therefore this application does not require a payment of a parkland fee in lieu of providing such parkland."
2. "In accordance with the requirements for the Scenic Road Corridor Overlay District, this project will not result in the degradation of scenic character; will be aesthetically compatible with its surroundings; will minimize the removal of native vegetation, except where such removal may be necessary to open up scenic views and panoramas; and will locate and cluster buildings and other structures in a manner that minimizes their visibility from the road to the extent practical."

VOTE BY PROPER MOTION, made by Mr.. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board accepts the Findings as read by its attorney in regard to the application of Braunius. Approved unanimously.

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

Mr. Golden said that in the draft Resolution of Conditional Preliminary and Final Approval prepared for the Braunius project, there is only one specific condition, along with the normal general conditions. The specific condition is that "Prior to the signing of the plat, the applicant must comply with the memorandum of the Town Engineer dated November 14, 2009."

Mr. Lindsay said that Town Code states that access driveways should normally be on secondary roads, but that in this instance there are particular reasons that the PB found for allowing this connection to remain to the major road, because of the impacts that would occur if it were changed. He recommended that this reasoning be incorporated in the resolution, stating that "it is important because you will get other applications and it may not be those circumstances and generally you should look toward having connections to the secondary roads as opposed to the primary roads but in this case there are reasons for it."

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Town of Goshen Planning Board accepts the Resolution of Conditional Preliminary and Final Approval of the Minor Subdivision for Braunius. Approved unanimously.

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

Persoon – 17-1-4 & 36, 127 +/- acres, application to modify an existing 21 lot preliminary approval to add six additional lots located on Maple Avenue, Winners Circle and Breezeway Lane and Sunset Court. 66.5+/- acres in the RU Zone with an AQ3 and Scenic Road corridor overlay. 60.4+/- acres in the AI zone with a Scenic Road Corridor & Flood Plain overlays.

Representing the applicant: Jerome Fine, Engineer

Ms. Israelski recused herself from the discussion and any decision making.

Mr. Fine described the project as a residential subdivision consisting of a total of 27 residential lots. The applicant had previously obtained approval for 21 lots and now wants to obtain approval for an additional six lots. Mr. Fine said the applicant will be connecting Winners Circle and Breezeway Lane and will be offering the County a strip of land and improvements along Maple Ave. He said that soil data has been submitted to the Health Department.

Mr. Golden said the applicant is going to give a strip of land by fee to the County and because there will then be a structure within 10 ft. of the new property line, a ZBA variance will be required for that to be allowed. He suggested that the applicant will have to go before the ZBA soon if they want to get this accomplished prior to the Jan. 27th deadline for PB approval. He said there is a second legal problem in that the applicant states that it will put one house on Lot #36, most of which will not be developed, but that the plans do not show the location of the house so the PB would not be granting site plan approval for that particular lot. He said the PB can approve the subdivision and the site plan for the other lots, but can't approve a site plan for Lot #36 without the information. If the applicant wants it approved now, they will have to add the information on the plans for the site plan to be approved.

Mr. Lindsay said that the plans submitted are different than the plans of the previous approval and said that the plan set needs a “subdivision plan” showing all of the lots and how they will be configured, including Lot #36. He said the plans need to show the swales and pipes and a number of things not presently shown. He said that there are still a number of storm water issues that need to be addressed and that the applicant has not submitted the water protocols for the engineer to review. He suggested that there needs to be a mechanism to insure that the preservation of the open space is continued.

Ms. Cleaver asked Mr. Lindsay to look at the storm water pond above Lot #3 for adequate distance separations.

Mr. Garling said that an agricultural district disclosure note needs to be added to the plans and that driveway easements will have to be shown. He said that the project is in a Scenic Corridor Road District so notes must be placed on the map that indicate that the houses on Lots #1-5 and any additions to the house on Lot #2 will have to meet the criteria. Normally a 50 ft. strip along the road is required indicating the area that can't be disturbed. In addition to that, Mr. Garling said he would want to see the 500 ft. strip going back from the road (Lots #1-5).

Mr. Huddleston opened the public hearing and asked for comments.

John Monroe, of Maple Ave., said he is Mr. Persoon's neighbor, and talked about two runoffs from the top of the road on the property line between his and Mr. Persoon's property, stating that he wants to make sure that the proposed utility road doesn't block the water flow from the side of the hill so that it backs up and settles on his property. He said he “doesn't want a swamp there any worse than it is now.”

Chris Rizzi, of 28 Breezeway, asked when construction will start. Mr. Fine said that it will be sometime late in 2010 and that the applicant plans to use the existing farm road for a construction road and that they will not use Breezeway.

Russ Howarth of 11 Breezeway, asked if the tree lines between the properties will stay intact. Mr. Fine said there will be no taking down of hedgerows.

Nick Van Hage, of Maple Ave., said that one of the proposed houses is next to his house and behind the home of his neighbor, Larry Myrecks. He said that Mr. Myrecks has a shallow, 30 ft. deep, well and that he wants it on record that he is concerned about his water quality. Mr. Van Hage said he is concerned with privacy and screening and would like to see a tree screen between his house and the proposed new home. Mr. Fine said that he could consider some landscaping in that area. It was pointed out to Mr. Van Hage that the landscaping plan shows a row of trees to screen the view. Mr. Huddleston suggested changing the trees from White Pine to something deer resistant.

Mr. Howarth said he is concerned about the well in his back yard and asked where the proposed septic will be located. Mr. Huddleston said that the County Health Department will be reviewing the location and that they require setbacks putting them at an adequate distance away.

Mr. Rizzi asked about the traffic impact. Mr. Fine stated that there is a traffic study and it was noted that Winners Circle and Breezeway will be the two ways in and out of the subdivision.

Cookie Jones, of 1 Sunset Court, said her concern is about the drainage as more development occurs. Her property is on the lower end so the water usually drains her way. She said she is hoping that drainage will be addressed appropriately and better than it has been addressed in the past.

Mr. Rizzi asked what will happen to the "T" at the end of Breezeway when the road is opened to connect, questioning if a portion of the "T" will revert back to the original owner. Mr. Golden said that to answer that accurately someone would have to look at the approvals that were given for the property. He advised Mr. Rizzi to research the approvals and resolutions starting with the resolution for the Maple Hill Subdivision.

Mr. Huddleston said that there are a lot of things that need to be completed but the applicant first has to go to the ZBA to seek a variance for the structure within 10 ft. of the new property line.

Mr. Bergus said the plan should include a note stating the limits of disturbance where the lots cut into the woods.

Mr. Huddleston said that the plans as well as Mr. Lindsay's comment memo are available in the PB office for public review.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Town of Goshen Planning Board closes the public hearing on the application of Persoon. Approved in a 5-1 vote.

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

Mr. Golden asked the applicant to waive the 62 day requirement for action after the close of the public hearing because of the number of things that have yet to be done. He asked

the applicant to extend the time to Jan. 21, 2010. Mr. Fine agreed to waive the requirement until at least the Jan. 21, 2010 PB meeting.

ADJOURNMENT: A motion to adjourn the meeting at 8:40 p.m. was made, seconded and approved unanimously.

Ralph Huddleston, Chair
Notes prepared by Susan Varden