

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

FEBRUARY 16, 2012

Members Present:

Reynell Andrews
Lee Bergus
David Gawronski
Ralph Huddleston, Chair
John Lupinski
Giovanni Pirragalia

Also Present:

Neal Halloran, Building Inspector
Sean Hoffman, PB Engineer
Leslie Dotson, PB Planner
Rick Golden, Esq., PB Attorney
Kelly Naughton, Esq., PB Attorney

Absent: Susan Cleaver

Minutes – The minutes of the PB meeting of January 19, 2012 were approved.

Possible Extension or Abandonment of Applications pursuant to Town Code

New Horizon – Requesting a 6-month extension of preliminary approval.

Mr. Golden said the applicant has completed the joint soils inspection with the Department of Health and is working to obtain a well driller. They are requesting a 6-month extension of the preliminary approval.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Bergus, the Town of Goshen Planning Board extends the preliminary approval on the application of New Horizon to August 16, 2012. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Gawronski	Aye	Mr. Pirragalia	Aye

Woodcrest (aka Kaprielian) – 4-1-9 77+/- acres, small-scale subdivision located on Woodcrest Lane and Farmingdale Road, in the RU zone in the AQ-3 and Scenic Road Corridor overlay districts. Assume Lead Agency status, Type Unlisted, potentially schedule public hearing, discuss potential historical structures in vicinity.

Representing the applicant: David Egarian, Engineer

Mr. Egarian said the property is part of a larger tract of 76.37 acres. The applicant wants

to have a separate tax lot designation for 7.85 acres and then subdivide that into two lots for a minor subdivision. One lot will be 3.27 acres and the other will be 4.57 acres. The applicant plans to build two 2500 sq. ft. homes, with access off Woodcrest Lane. He said there have been successful percs for the septic systems.

Mr. Hoffman said that this would be a small scale subdivision. He said that an important issue is the water supply in the area and that while the code does not require water testing in a small scale development, the PB’s engineer is asking the applicant to put together a testing plan. “We want to see if it will impact other wells,” he said. Mr. Huddleston said that the water considerations off Farmingdale Rd. have not been alleviated at all, and that water is still a major area of concern. We’d like to see what compromise can be found,” he said. Mr. Egarian said he will have to get back to the PB on the water testing issue.

Mr. Golden said it is a relevant issue with respect to SEQRA which requires that the PB do some sort of evaluation to be sure there isn’t an adverse environmental impact. Ms. Dotson said the question may be what happens to other people’s wells.

Mr. Golden told the PB that it has to make a Determination of Significance relative to SEQRA before scheduling a public hearing on the subdivision.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Bergus, the Town of Goshen Planning Board assumes lead agency status on the application of Woodcrest. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Gawronski	Aye	Mr. Pirragalia	Aye

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Pirragalia the Town of Goshen Planning Board recognizes the application of Woodcrest as a minor subdivision. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Gawronski	Aye	Mr. Pirragalia	Aye

Mr. Golden said that the PB will have to determine if there are any historic structures in the area because it is in the Scenic Road Corridor Overlay.

Mr. Golden said that if the applicant wants to develop the lots themselves, the applicant will have to show how these homes will be consistent with the historic structures in the area and get approval of the PB, or if the applicant postpones it, it will be a condition in the resolution that no one can get a building permit until they appear before the PB to go through that review process.

Mr. Huddleston said he didn't have enough information currently to make a determination of significance or schedule a public hearing. He suggested waiting to see what the applicant presents at a future meeting.

Orchard at Towner Farm, LLC 12-1-103-3.42 +/- acres for site plan approval located on Musket Court in the I zone with an AQ3 overlay. SEQRA determination.

Representing the applicant: John Petroccione, Project Engineer
Mike Taylor, Applicant

Mr. Halloran said this is an application for a propane plant and that the applicant has been to the ZBA for a variance but that the ZBA cannot take action until SEQRA is finished. Mr. Golden said the applicant has submitted an Expanded Part III relative to transportation and public health. He said the PB should consider the documents and make a determination of significance.

Mr. Bergus and Mr. Pirragalia said they thought the applicant's response in Part III was satisfactory in that the applicant has addressed what was asked for.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Gawronski the Town of Goshen Planning Board declares a Negative Declaration in terms of SEQRA on the application of Orchard at Towner Farm, LLC. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Gawronski	Aye	Mr. Pirragalia	Aye

Mr. Golden said that the applicant will have to go to the ZBA to get their variances formalized and will return to the PB for further action. He said the public hearing was closed on January 19 so the PB must make its decision at its March 15th meeting. He said the applicant still needs to address Section 97-14 issues.

Goshen Sports Complex – 11-1-25.22 – 10.120 +/- acres, located on 17M in the CO zone. Modification to site plan for parking, addition for new indoor pool, new soccer field, three outdoor tennis courts, new volleyball court replace existing sign. SEQRA determination of significance and public hearing determination.

Mr. Hoffman said Town Hydrologist Bill Canavan thinks the PB may want to consider water testing based on the experience of the water use in the area. Mr. Hoffman said he compared this from a water use standpoint, to what would be required if it was developed as a residential lot. Three residential lots on that parcel would use

approximately 1200 gallons and at that point would require water testing, Mr. Hoffman said. “The proposed usage is 1800 gallons a day so they would be exceeding the water usage that you would be requiring if it were a residential lot. We think you should require modified water testing,” he said. He suggested testing for at least 24 hours and no more than 72 hours and terminating testing when stabilization is reached.

Mr. Golden said the applicant still needs to do the water testing in order to satisfy the conditioned negative declaration. There is also a condition to their previously approved site plan that says that if an amendment is substantial in nature, then the PB should have a public hearing so the PB must determine if this modification is substantial in nature, he said. “From our review, it does not look like the pool was in the original application, so if you believe this is a substantial enough change to the operation, then you can require a public hearing,” he said.

Following a lengthy discussion, the PB decided that the amendment is of a substantial nature so consequently a public hearing should be held. Mr. Huddleston said that at the time of the original application there was a number of people who were concerned about the wells and the water situation. Mr. Halloran said that a substantial change can be thought of as a substantial change in usage or intensity of use. The applicant’s representative said the pool will be an Olympic size competitive pool, 75 x 45 feet and that schools will use the pool for competitive training.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Pirragalia the Town of Goshen Planning Board sets a public hearing on the application of Goshen Sports Complex for March 15th. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Gawronski	Aye	Mr. Pirragalia	Aye

Reiger – 9-1-8.452 306.9 +/- acres, located on Craigville Road at the end of Broadlea Road in the RU district, in the AQ3, AQ6, Scenic Road and Flood Plain overlay districts. Presentation of new layout by the applicant.

Representing the applicant: Mr. Reiger, applicant & Steve Esposito

Mr. Huddleston said that the applicant wants to present a modified site plan that deals with a number of the biological concerns that were causing significant comment and that their new layout eliminates a portion of the project that they feel is in the biologically most significant area.

Mr. Golden said the applicant submitted a proposed Final Environmental Impact Statement responding to various concerns that were raised during the DEIS process and is now proposing the alternative as potential mitigation of several of the issues raised.

Mr. Esposito described the SEQRA process as a process of evaluating alternatives, identifying particular impacts that may arise and developing mitigation to mitigate the potential impacts identified in the process. He provided a brief history of the application.

Mr. Golden said that the applicant has submitted a proposed FEIS that the PB has to review and determine whether or not it is acceptable and once they do, some time frames begin with respect to Findings, etc. Right now it is just a proposed FEIS, he said.

Mr. Esposito said the site is a 354.5 acre site with 116 acres in the AQ3 zone and the balance in the AQ6 zone. He said that a conservation analysis determined that the property was permitted 105 units. The site has Army Corp. and DEC wetlands. The 105 unit plan was the subject of the DEIS with a proposed loop road going through the site and two points of access onto Craigville Rd. In addition, the project abuts Broadlea Rd. and the applicant planned to extend Broadlea Rd. with a small loop road. He said the project includes a proposed water tower and wells stating that there is adequate water for the project. The PB agreed to waive the maximum slope of the road from 10% to 12%, he said. The plan represented 75% of the site being preserved as open space, or 266 acres.

Mr. Esposito said the applicant submitted the DEIS which generated 434 comments, with a lot of comments pertaining to the easterly corridor and its environmental resources, fragmentation of habitat, water shed, micro-pools and migration of wildlife. Mr. Esposito said the applicant has addressed those concerns by eliminating all of the development on the easterly side of Craigville Rd., eliminating 3600 linear feet of roadway through the corridor and therefore eliminating the issue of fragmentation, reducing the potential impact to the wetland adjacent area and reducing the impervious surface. "So this plan, in addition to addressing the environmental concerns, also addresses long term maintenance concerns for the Town and provides a product that will respond more appropriately to today's world, minimizing roads, infrastructure and reducing lot sizes." He said the new layout preserves 290 acres of open space, about 85% of the site, all in response to the concerns expressed.

Mr. Esposito spoke about the possibility of requesting a waiver from the PB allowing the applicant to have more than 20 units on a cul-de-sac, or making that section of the road a boulevard with a median in between to facilitate emergency access or developing a secondary access to Craigville Rd. which would be similar to the previous plan, expensive to build and maintain and "wouldn't achieve what everyone wants to achieve."

Several members of the PB said they liked the boulevard alternative, partly because it eliminates the concern about access for emergency vehicles.

Mr. Huddleston said he likes the alternative site plan. “They just took out an entire section of housing setting in the biological arena and opened it up to no disturbance and a conservation easement,” he said.

Mr. Reiger said that the project will not start today but when the economy improves. “Whatever the market is when we build, it will be energy efficient detached homes, he said, adding that they will use a lot of green principles. He said that most of the homes will be between 2200 and 3000 sq. ft. with four bedrooms. The lots were originally approximately 125 or 145 ft. wide but with the alternative plan, the lots are between 90-110 ft. in width. The total number will remain the same, at 105 lots, he said.

Mr. Golden said the PB needs to look at the FEIS and determine if it is adequate and if not, suggest changes to make it adequate, so it can move to the Findings and complete the SEQRA process. Once the PB determines that the FEIS is adequate, there is a short time frame in which the PB has to decide to approve or disapprove it, he said.

Mr. Huddleston reminded PB members that the proposed FEIS was done based on the previous plan and not the alternative site plan. Mr. Golden said the PB has to determine if the new layout answers the concerns and comments relative to the environmental corridor.

Mr. Reiger said that some of the environmental comments are blinding in their density and complexity, “but by leaving 85% of the site undisturbed, we have to be accomplishing the goal in the big picture. I ask that you keep that in mind when reading the FEIS.” He also said that in light of the economy and the major change that has been made, “we ask you to try to expedite the process.” He said they have spent hundreds of thousands of dollars on their consultants and an excess of \$100,000 on the Town’s consultants.

Maplewood – 8-1-48 94+/- acres, 103 units, Hamlet residential and open space subdivision in the HR & RU zone, in the AQ-6, Scenic Road and Stream Corridor overlay districts. SEQRA discussion of DEIS.

Representing the applicant:

Stu Turner, Planner

Mr. Hoffman said there are three major engineering concerns; water supply and distribution, the storm water system and the site plans which he didn’t think meet the code’s definition.

Ms. Dotson said that the planning consultant has questions about the cemetery access, vegetation and wildlife.

Mr. Golden said the county has to be brought into the discussion about the cemetery access and that the applicant will have to clarify the current wishes of the county to the Planning Board. He said the PB's concern is only relative to the fact that the County is requiring access. Mr. Golden said there are larger issues that need to be addressed having to do with what was agreed to in the stipulation of settlement. He said that this plan is different in several ways from the plan that was attached to the stipulation of settlement and that must be reconciled. He said there were only two options in the stipulation relative to the water supply, either that it become part of an integrated system with Hambletonian Park or an on-site well only for the property itself. He said he believes the third option that the applicant is proposing is not permissible under the stipulation. Mr. Golden said that also in the new plan, the open space is set out in a separate area by itself with the Home Owners Association owning the lot, which he believes can't be accomplished under the code just by declaration. He said that the code stipulates that it must be dedicated to the Town or owned by a land trust or other acceptable facility and that he doubts an HOA will be an acceptable entity.

Mr. Turner said the project has been going on for some time and that the stipulation lays out what can be pursued which is a maximum of 103 units, while the applicant proposes 96. He said the applicant is confident it will move forward with connecting to the Village sewer system, and that the Village would be happy to take the water into their system and feed back to the development. He said that would be more favorable to the applicant than trying to hook into Hambletonian Park. He said they hope the PB will consider that as a possibility even though it is not addressed in the stipulation.

Mr. Turner said the applicant is proposing subdividing fee simple town houses and doesn't believe the stipulation precludes the subdivision. Mr. Turner said the applicant will talk to the County about their desire for cemetery access.

Mr. Turner said the applicant shows the open space as part of a Home Owners Association but that they are not closed to any possibility and would not object to the Town taking it.

Mr. Golden said that the way he reads the Stipulation, it is the Town's option to decide whether to go the Hambletonian route or, if there is indecision by them, going to the on-site proposal only. The only one who can change the Stipulation is the Town Board, he said. The way it is now, the applicant is required to integrate with Hambletonian, if that is what the Town wants.

Mr. Golden said that the DEIS is not ready for completion. "The subdivision issue, whether you can subdivide the PAC lots, the open space issues and the water issues have to be addressed by the Town Board," he said adding that the cemetery issue has to be addressed with the County.

Mr. Golden told the applicant's planner that he has all of the comments and that the applicant should talk to the Town Board and the County and notify the PB when it is ready for additional review.

ADJOURNMENT - The Planning Board adjourned at 9:45 p.m.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden