

Mr. Alexander stated that they have addressed Mr. Comi’s comments. Those comments dealt with the structural integrity. Mr. Chasey explained that they propose to place the panel array at the top of 163’ existing tower. They will also be adding a 12 x 20 equipment shelter within the existing compound. They have examined the tower and found it to be structurally sound. Mr. Chasey stated that some minor maintenance is needed, but overall the tower is in excellent condition.

Mr. Huddleston asked if the applicant really must go higher on the tower. Mr. Alexander feels it is justified. Mr. Myruski asked if the tower needs to be lit. Mr. Alexander replied that no aerospace changes are needed. Ms. Cleaver noted that the ERB questioned why the applicant cannot use the central portion of the tower. Mr. Alexander replied that the central area is filled. Ms. Cleaver suggested the applicant reply in writing to the ERB.

Mr. Huddleston reminded the applicant that they must show that it is really necessary to go higher on the tower. There were no comments from the public. The Public Hearing will be continued to April 6 to allow the applicant to submit further information.

IV. Items for Planning Board to act on

Meadows of Goshen 12-1-86.1, 97.8 acres 37-lot subdivision, located on Gate School House Rd. and Maple Ave in the RU zone with an AQ3 and AQ6 overlays.

The applicant has submitted a letter asking for an extension of the preliminary approval. The applicant is still waiting for action from the DOH and the DPW. Mr. Cappello recommended extension noting that other issues will have to be addressed when the applicant returns for final approval.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Mr. Lupinski, the Planning Board hereby agrees to a six-month extension of the preliminary approval for Meadows of Goshen. Passed unanimously.

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

Glenview Hills - 20-1-28.22 & 31.1, 1.238 acres, located on Rte 94, in the CO zone with an AQ3 overlay, lot line change & subdivision.

Mr. Golden is acting as counsel for the PB on this application. Mr. Halloran explained that the access to this development will be in the Town of Goshen. The road will be given in fee to the Village of Florida. A resolution has been passed and the conditions have been met. Mr. Lupinski asked if the owners of the adjoining property (the Hecker's) were satisfied. They are. Mr. Golden has reviewed the agreement and they will be given property that will access Route 94. They will have an easement on Big Oaks Dr, which will be landscaped. Mr. Golden noted that this has already been voted on and memorialized and needs the Chairman's signature on the maps. The members agree that the Chairman can sign the plans

V. **AGENDA ITEMS**

Gary Job 20-2-16 - 2.0 acres, located on Industrial Drive in the CO zone with an AQ3 overlay.

Present for the applicant: William Eustance
Gary Job

Mr. Halloran explained that this application has been before the board for a long time. The major issue is the location of the septic system. Mr. Eustance stated that they have responded to the requests made at the work session. They have included a wetlands consideration compilation and information on the NAYADIC septic system. The applicant needs a conditional approval and resolution of the septic system so they can submit to the DEC.

Mr. Henry noted that they have answered most of the questions. There are some minor items, but they would not prevent a conditional approval. The applicant also needs to supply a service contract. A 3-year service contract needs to be provided to the Building Inspector prior to the issuance of the CO. This should be noted on the plan. A detail of the force man and the operation plan for the storm water management system also need to be noted on the plans. Also, a note agreeing to maintain the absorption area free of trees needs to be added to the plan.

Ms. Cleaver noted that the ERB also asked for a maintenance access road to the septic system. Mr. Eustance asked if they really wanted a road across the wetlands. It would be easier to do any maintenance during the dry season. Mr. Bergus noted that maintenance would only be needed if there was a failure.

Mr. Cappello noted that a neg deg and conditional approval were adopted in the past. The building has been reduced in size. The PB acknowledges that they

have taken a hard look at the revisions and these revisions have resulted in an actual reduction in impact from the first review. The PB confirms that the neg dec is still valid and conditioned upon approvals from the DEC for the wetlands and the septic system site and the storm water prevention plan.

By Proper MOTION, made by Mr. Andrews, seconded by Mr. Myruski, the Planning Board hereby approves conditional final approval for the Gary Job application conditioned upon the adequate addressing of issues contained in the 3/15/06 letter from Dufresne & Henry and further conditioned upon obtaining NYS DEC wetlands approval and determination that the septic system design is adequate and payment of fees.

Discussion: Mr. Andrews asked how they could be sure that the maintenance contract for the septic system is maintained. That would be a Building Inspector responsibility. Mr. Cappello amended the motion as follows:

Since this is a special use permit, an ongoing condition would be that of keeping the service contract in effect to maintain the septic system in service and any lapse would be considered subject to prosecution under the Town Zoning Code.

By Proper MOTION, made by Mr. Andrews, seconded by Ms. Cleaver the above will be added to the original motion for conditional approval.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Mr. Myruski, the Planning Board of the Town grants conditional final approval to the Gary Job application as conditioned and amended above. Passed 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 total acres located on Maple Avenue, Winners Circle and Breezeway Lane. 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.

Present for the applicant: Steve Esposito

Mr. Kunis stated that they have met with the consultants at work session and addressed the outstanding issues. Ms. Israelski asked if the 30' drainage easement through lots 6 - 11 would be grass covered? Yes, it will be. She also asked about

the purpose of the proposed road access on the map. Mr. Kunis replied this is a drainage easement for maintenance. It will likely be a gravel surface. Ms. Israelski noted that they have asked for pedestrian access between the homes on Maple Ave and the rest of the project. Could this gravel easement road be used for this purpose and could the applicant cover it with something other than gravel so it could have other uses. Mr. Henry noted that they envisioned this as maintenance road. Mr. Kunis replied that if the engineers feel it is doable, they would do it. The draft neg dec was reviewed. Mr. Cappello noted that there is a section, which provides for open space in the area on the other side of Maple Ave. The document also notes the need for limited access points on Maple Ave. It also meets the mandates of the code related to water supply. It will be a phased development and several alternatives have been reviewed. The PB also considered the additional impacts on recreational land and considered the possibility of ball fields on the other side of Maple Ave. After review, that area was found to be mostly wetlands, so the applicant will be required to pay rec fees.

Mr. Myruski noted that the developer is using Winners Circle for construction access and they should be required to restore the road to it's original condition when the project is completed. This will be added to the document. Ms. Israelski asked for more trees in the area where Winners Circle and Breezeway will be opened. Mr. Cappella noted that these conditions will be reviewed at the time of final approval and a bond will be required to cover these types of conditions.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby establishes that the Persoon application will have no significant adverse impacts under NY SEQRA, resulting from this action that have not been appropriately mitigated by project design. The Notice of Adoption of SEQR Negative Declaration is accepted as discussed and modified. Passed by a vote of 6 ayes and 1 abstention.

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

The resolution granting preliminary subdivision approval was discussed and modified. The following conditions will be added:

- 1) prior to final approval, the applicant will submit to the Town Engineer and Highway Dept. traffic sequencing and methods to limit disturbance to Breezeway and Winners Circle and any bonds submitted will indemnify the Town from any damage to these roads during construction;

- 2) Utilization of the access road for maintenance has the potential for addition to a trail system. The applicant will provide specs for surface of the road for multi-modal use.
- 3) Additional landscaping to be added where trees are removed to the Town and PB's satisfaction.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby adopts the resolution granting preliminary subdivision approval to the Persoon subdivision with the above modifications. Passed by a vote of 6 ayes and 1 abstention.

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

Fordham University/Wood Rd. – 5-1-58 – 10.6 acres-located at 3 Wood Rd. in the RU Zone with an AQ6 overlay, for religious/charitable and education use for a proposed retreat house.

Present for the applicant: James Sweeney, Attorney
David Higgins, Lanc & Tully

Mr. Halloran stated that the Public Hearing has been closed and written comments were received until 3/13. Mr. Sweeney has reviewed the draft neg dec and resolution and has no major questions. He did note that the condition regarding the ability to remove, dead or diseased trees does not appear in the approval resolution and it should be added. He also noted that since the parking spaces add up to 7, the wording should be changed to 2 vans and 5 cars.

Ms. Israelski asked that a paragraph be added to the resolution, which would ask for mitigation of any nuisance this would cause the neighbors. She suggests that additional screening/buffering be added. Mr. Sweeney noted that he was under the impression that the PB was moving away from any additional screening. Some of the residents had expressed that they did want screening in the one open area and others have said they do not want it. Mr. Sweeney stated that they have offered to come back after the DEC has reviewed the septic system to revisit the landscaping issue. The DEC may require further tree removal and the applicant will replace any screening they can, but they would like to do this all at the same time. Mr. Higgins noted that they do not know what the DEC will require at this time. After meeting with the DEC they will have a better idea what landscaping will be needed for buffering. This offer to return to review the landscaping will be one of the conditions of approval. Mr. Sweeney also noted that they will come

back to review landscaping regardless of whether the DEC requires any changes prior to the issuance of a CO. Mr. Andrews noted that since this is such a sensitive application and these documents have just been received, the PB should take the opportunity to review these documents and wait to act on them. Mr. Huddleston polled the board on whether they wish to act on the neg dec and the approval tonight or wait.

Mr. Andrews	Wait	Ms. Israelski	Proceed now
Mr. Bergus	Proceed now	Mr. Lupinski	Wait
Ms. Cleaver	Wait	Mr. Myruski,	Proceed now
Mr. Huddleston	Proceed now		

The members agree to act on the neg dec and approval tonight by 4 – 3. Ms. Cleaver asked if there would be screening for the water tank and if there would be additional signage or lighting. Mr. Higgins replied that if a tank is needed it would likely be indoors or subsurface and there is no additional lighting proposed other than the one at the building that was requested. This will be night sky friendly. There are no signs planned. Ms. Cleaver stated that the ERB had requested that the numbers and times be memorialized for enforcement purposes. Possibly the noise ordinance could be used for enforcement issues also. The possibility of sanctions should also be noted. Mr. Myruski stated that since this is a hostile situation, we must be careful to really help the neighbors to conceal and or beautify the area.

Ms. Roth noted that the neg dec refers to a water meter. Does the PB want a water meter. This was discussed and it was agreed that a water meter should be installed. Mr. Lupinski asked Mr. Cappello if, under RLUIPA, they really must allow this and that Fordham will be off the tax rolls. Mr. Cappello responded that RLUIPA states that they cannot discriminate against the religious use and therefore, the Federal government is saying they are tax exempt. It is noted that the applicant could volunteer to make a payment in lieu of the tax.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby establishes that the Fordham University application will have no significant adverse impacts under NY SEQRA, resulting from this action that have not been appropriately mitigated by project design. The Notice of Adoption of SEQR Negative Declaration is accepted as discussed and modified. Passed unanimously. (see file)

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

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby grants approval for a special use permit for Fordham University conditioned upon the following:

- 1) Subsequent to the applicant applying to the DEC and the DOH for septic system approval, they shall return to the PB with a proposal to be determined for buffering in the area adjacent to the Oulette property.
- 2) The posting of signs regarding the agricultural use on adjoining lands, language to be determined and final design to be approved by the Building Inspector.
- 3) The applicant may work on the facility but it is not to be occupied for retreat purposes.

Passed unanimously. (see file)

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

BMJB Enterprises, Inc. - 22-1-49, 17 acres, located on Pulaski Hwy, in the AI zone with an AQ3 overlay and scenic road corridor overlay.

Mr. Halloran explained that the project is ready for a public hearing

VOTE By Proper MOTION, made by Mr. Lupinski, seconded by Mr. Andrews, the Planning Board hereby sets a Public Hearing for the BMJB application for April 6, 2006. Passed unanimously.

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

Maplewood (Salesian Village) 8-1-48 - 94 acres, Hamlet residential and open space subdivision in the HR & RU zone with an AQ6, scenic road, and stream corridor overlay,

Present for the applicant: Chris Viebrock

Mr. Golden is acting as counsel to the PB for this application and Ms. Cleaver is recused from this discussion due to a conflict of interest. The applicant has re-worked the plans and they are now closer to meeting the standards in the code for a hamlet design. Mr. Golden noted that the project will need to be given a pos

dec and the applicant needs to prepare a draft scope. Then a public scoping session can be set.

Mr. Viebrock discussed the major changes they have made to incorporate the TND concept into the plan. The changes were mostly in the central portion. They will use multi-story buildings with some condos in the rear portion. They have tried to bring this section together with the commercial area where there will be some mixed use buildings. There will be a boulevard style entrance. In order to help "calm" the traffic in this area, they have plans for parallel parking. There will be adequate parking throughout the site, as there will be auxiliary parking lots in addition to the 2 car minimum at each unit. There will be townhomes in the center toward the rear. Some rear loaded buildings will front on Criagville Rd. Some single-family detached homes will be along Coleman Rd. There is a possible connecting road from Coleman to Craigville Rds. It is being proposed as emergency access, but could become a full access road.

There will be a playground area, some smaller pocket parks and a pedestrian access to Salesian Park. They are also planning additional trails to connect with Coleman Rd and a picnic grove area. There are also some bird watching vistas around the wetlands. There will be a community center in the central portion with the mixed and commercial use area. The applicant is considering some type of retail, possibly a convenience store. The well locations are unchanged.

Mr. Huddleston agreed that this concept is closer to the intent of a Hamlet Design. Mr. Myruski asked if they have given consideration to use of the community center for emergency situations. Mr. Esposito stated that the water system would require back up generators as part of a public water supply. Ms. Israelski noted that this is a marked improvement from the previous plans.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby declares that the Maplewood application will have an impact on the environment under NY SEQRA and therefore, issues a positive declaration for this project. (see attached resolution)
Passed unanimously.

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

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen hereby receives the draft scoping document for the Maplewood application, will make additional comments and sets a Public Scoping Session for April 20, 2006. Passed unanimously.

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

Hambletonian - 8-1-12.221 - 23.4 +/- acres, 35 lot subdivision with 42 dwellings, located on Upper Magic Circle in the HR zone with an AQ6 overlay.

Present for the applicant: John Nosek

Mr. Golden is acting as counsel to the PB for this application. He explained that at the previous meeting the PB asked that the applicant was to consider the possibility of both access roads. Mr. Huddleston stated that that they had asked the applicant to show the impacts of each road in order to make a proper assessment.

John Nosek, explained that they have shown the connection of Arthur Place as a potential future road connection. He will do a road profile if the PB needs it. This needs to be submitted prior to April 6. Mr. Golden stated that the PB will need this prior to a Public Hearing. Mr. Nosek also noted that he has spoken with Ed Simms regarding the water storage tank and it appears they have adequate storage. Mr. Bergus asked if they have reviewed the pressure. Mr. Nosek stated that they will need a booster pump for some of the homes.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby sets a Public Hearing for the Hambletonian Park application for April 20, 2006. Any additional documents from the applicant need to be submitted and available to the public prior to April 6. Passed unanimously.

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

VI. Correspondence

March 3, 2006 letter from Steve Esposito & Associates regarding e-mail from Douglas Mackey concerning SEQRA review at the New York State Department of Parks, Recreation and Historic Preservation.

Adjournment: The meeting adjourned at 10:05 pm upon motion made by Ms. Israelski, seconded by Ms. Cleaver

Ralph Huddleston, Chairman

Notes prepared by Linda P. Doolittle