

**Town of Goshen
Planning Board
MINUTES OF THE MEETING
June 1, 2006**

MEMBERS PRESENT

Ralph Huddleston, Chairman
Lee Bergus
Susan Cleaver
Mary Israelski
John Lupinski
Ray Myruski

ALSO PRESENT

John Cappello, Attorney
Richard Golden, Attorney
Neal Halloran Bldg. Insp
Joe Henry, Engineer
Susan Roth, Planner

ABSENT

Reynell Andrews

I. CALL TO ORDER

Chairman Huddleston called the meeting of the Town of Goshen Planning Board to order at 7:30 pm. Mr. Myruski led the Pledge of Allegiance.

II. MINUTES

The minutes of the May 18, 2006 meeting were approved as amended upon motion made by Mr. Bergus, seconded by Ms. Cleaver.

II. AGENDA ITEMS

The Chairman asked that the order of the agenda be changed in order to facilitate matters for Attorney Golden as he is involved with one item – Gerrick Associates.

Gerrick Associates 21-1-108 131.5 acres, located on Celery Ave in the AI zone with a flood plain and stream & reservoir overlays. Non residential – 2-lot subdivision for agricultural use.

Present for the applicant. Rick Minkus

Mr. Halloran explained that last month the PB recommended to the TB that they approve a special use permit with specific conditions. At a special meeting of the TB, this use was approved. The PB can now proceed with consideration of the subdivision. Mr. Golden stated that it is important to note that the special use was granted to a portion of the current parcel. He read the conditions as stated in the resolution approved by the TB at their meeting earlier this evening. An addition was made to condition #2 “existing at the time of the granting of the special use”. See Town Board minutes of the special meeting (6/1) for the entire resolution.

Mr. Huddleston noted that the Public Hearing was opened and closed and a neg dec has been granted. Mr. Golden stated that on the portion of the property being considered there will be a building to store the fuel for the plane. Mr. Huddleston also explained that the TB made their resolution conditioned upon the applicant obtaining all necessary permits from all federal, state and local agencies. They cannot store any fuel on site without the proper containment. They will be using a 500-gallon storage tank with double walled containment. This tank will be stored inside. Ms. Roth asked that the size of the tank be made part of this approval. Mr. Bergus asked if the Fire Department needed to review this project.

It was also suggested that a note regarding the flight path of ag use planes be put on all future site plans under the ag notes section. Mr. Golden pointed out that there will be a deed restriction on the lot stating the conditions of the special use permit as this is an odd shaped lot and it should not be used for any other purpose.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby grants site plan and final subdivision approval with the foregoing amendments. Passed unanimously.

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

IV. PUBLIC HEARING

Zalunski 20-1-8 - 74.8 acres located on Pulaski Highway and Cross Roads in the RU zone with an AQ3, scenic road and stream overlays.

Present for the applicant: Steve Esposito
Amadur La Put

Mr. Halloran explained that this property is divided into three areas by the roadways, however it is all one tax parcel. It is located next to the black dirt area. Comments have been received from the County DPW. The applicant submitted proofs of mailing.

Mr. Esposito gave a brief history of the project to date. They are required to preserve 50% as open space. The Conservation Analysis has been completed as the first step of the process. The base density has been calculated and this yielded 26 units. They are asking for 19 lots in addition to the existing. They then submitted sketch plans. These plans have been worked on to preserve the resources. This portion of Pulaski Highway has been identified as a scenic road. It provides a beautiful view through the valley. There is an existing house, barn

and dance hall. Some of the homes are situated approximately 70% below the highway to preserve the view. Four homes will be on Cross Rd. with a cul de sac in the rear.

The applicant has made revisions to address the concerns of the County DPW. They have designed the storm water management to meet the DEC standards and to be sure there is 0 net increase in runoff. All the lots will have their own wells and septic systems. The soils tests have been done. Mr. Henry submitted his comment letter. Most of the items are housekeeping issues. Ms. Cleaver asked if any of the areas are actively farmed. The adjacent areas are farmed, therefore, buffers should be included. A 50' area of "no disturbance" was discussed.

The Chairman asked for public comment. Mr. Burt Dykshoorn has an active dairy farm adjacent to the pasture area. A 50' buffer will be placed in this area also. Mr. Dykshoorn also asked why he received no notice. Mr. Cappello noted that all the appropriate notices were sent out certified, but some were not picked up.

Ms. Kay Myruski noted that there are many farmer's present tonight and she questioned why no ag data statements were sent out. Mr. Cappello stated that they are required. She asked why Ms. Schmidt of the County Planning Dept. did not receive one. Mr. Halloran stated that she has received everything that his department has. He will check with Ms. Schmidt. Ms. Myruski asked how far the proposed homes are from Madura Lane. Mr. Esposito responded that they are approximately 200' from the boundary line.

Mr. Ron Madura asked about the need for the farmers in the area to discharge firearms to maintain necessary varmint control. The law states that you cannot discharge within 500' of a residence, however, he and many others need to shoot the deer that damage their crops. Mr. Lupinski noted that due to the increase in the prevalence of deer, the farmers are getting permits from the DEC. In this instance, nearly the entire Madura farm would be affected. Mr. Madura considers this an encroachment on his ability to farm his land. Mr. Cappello will check with Ag & Markets. Mr. Stanley Machnicki suggested that they might want to contact the DEC also.

Mrs. Noviski, 25-27 Cross Rd. lives at the bottom of the hill and wondered about the affect on the water table. Mr. Esposito noted that the application is subject to review and approval of the Orange County Health Department. The applicant will be required to drill and monitor test wells. Mr. Saracino asked if there would be draw down testing. Yes, there will be. He also noted that it appears that the septic system and leach fields are going toward his property. Mr. Esposito stated that Mr. Saracino's home is higher than the proposed homes.

Ms. Diane Lupinski had several questions. She asked why they are not using an existing driveway for one of the homes and questioned the siting of the homes at such a low level. She also noted that there is an existing farm path to land farmed by Mr. Madura and Mr. Dykshoorn. What will become of that farm path? Will they still have access to their fields.

Mr. Esposito responded that they have tried to preserve the scenic view of Pulaski Highway. It was a conscious decision to put these homes on a lower level out of the view shed. As to the driveways, they have tried to minimize the curb cuts and have some shared drives. The farm path is in a portion of the buffer area and will be restricted from development.

Ms. Lupinski noted that traffic travels at a high rate of speed in this area and pulling out of these driveways is dangerous. Mr. Esposito noted that they were in conformance with certain standards required by the County DPW. She also asked why the lots do not have 300' frontage. Mr. Esposito replied that they are entitled to 26 units, but are trying to develop with sensitivity to the scenic area. They are trying to address the intent of the code.

Mr. Cappello reminded the group that this is not a debate. The hearing is to gather comments and asks that they direct their comments directly to the Board. The comments will be noted and reviewed. Mr. Huddleston explained that the PB has the ability to waive the 300' requirement if they feel it is advantageous. They agreed to a waiver in order to meet the intent of the code. The PB has worked for quite some time with the applicant to conform to the code.

Ms. Myruski referred to the 50' buffer around the development. She thought that 100' is required in the AI zone. Mr. Halloran noted that this is the RU zone. Upon review of the code, it is noted that the RU zone has no required buffer and all of these lots meet the 100' setback required of the AI zone. The applicant is adding a 50' buffer of "no disturbance." Mr. Ed Dykshoorn questioned the quality of the water. In the last few years they have had an increase in the sulphur in their water, which he attributes to the increase in development. Mr. Esposito replied that mandatory testing is required and homeowners will be notified if their wells are selected to be monitored.

Mr. Dykshoorn also noted that there are fences shown in the upper area. These four houses abut a dairy farm. These people will have cows right on their fence line. Mr. Huddleston stated that there will be notes on the filed map and the buyers will be made aware. Mr. Rick Minkus mentioned that the issue of blowing dirt should also be noted. The farmers try to control the black dirt, but these

homes are down wind, which could present an issue. Mr. Cappello noted that this will be added to the ag notes.

Mrs. Noviski noted that there is a spring on the subject property that feeds a pond on her property. The new leach fields are in that area. Will this cause a problem? Mr. Esposito noted that this spring is in the federal wetlands. There will be no development in that area. Mr. Machinicki noted that there is another spring in the rear that is not identified on the map. Mr. Esposito noted that there will be no development in this area either. Mr. Bruce Slesinski stated that the drainage from Sawyers Peak still runs onto his property. Where will the water from this development go? Mr. Huddleston noted that NY State has recently implemented stronger storm water management regulations. Mr. Burt Dykshoorn asked why they could not place 2 homes along Pulaski Highway instead of the 4 set so far below the roadway. Mr. Huddleston stated that this would not be consistent with the preservation of the view corridor. This layout meets the intent of the code the best. Mrs. Noviski noted that she would see these homes and this will interrupt her scenic view.

Mr. Machinicki asked if there are plans for the existing barn and dance hall. Mr. Esposito replied that the existing barns and dance hall will be part of lot #6 and there are no plans for restoration at this time. Ms. Lupinski asked if there will be a statement in the deed regarding "no further subdivision". Mr. Cappello noted that this would be required and filed with the county. There will also be a conservation easement in the form of a restrictive covenant to restrict development. It will be enforceable by the homeowners as well as the Town.

Ms. Lupinski asked who would be responsible for maintaining the black dirt areas that are part of these lots. Mr. Huddleston replied that this would be the responsibility of the owner. Mrs. Ellen Dykshoorn asked what would be the average size of the lots. Mr. Esposito stated that there are 74 acres involved and 20 lots, which would make the average size approximately 1.5 acres. Mr. Machnicki asked if this property had been considered for the "forever wild" status. No, it was not. Mr. Burt Dykshoorn asked if the siting of the units on lot 5 & 6 should be switched so that they have a better view of their barn equipment etc. Mr. Esposito will review this with the applicant. Ms. Cleaver asked if the applicant can erect "ag sensitive signage".

Mr. Cappello asked if all parts of the EAF have been submitted. Mr. Esposito noted that parts 1 & 2 have been submitted and they are over the 30 days for response from the County. Ms. Roth noted that the applicant should add the ag issues to the Part 3 of the EAF. Mr. Cappello noted that they need to check to be sure the County received a complete application. Mr. Esposito also needs to

submit an affidavit of mailing for the next meeting and proof of mailing for the ag data statements. Mr. Halloran will check with the County on whether they received the ag data statements. The applicant has agreed to a 50' buffer around the entire area and that needs to be on the maps. Mr. Cappello will check with the State regarding the firearms issue.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby continues the Public Hearing in regard to the Zalunski application. Passed unanimously.

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

Continued Public Hearing (to be re-scheduled for July 6, 2006)

Nextel Communications - 11-1-45 - 18.1+/- acres located at 338 Harriman Drive in the RU zone with an AQ6, AQ3, and stream & reservoir overlays. **Special use permit for extension of existing cell tower. Continued public hearing**

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby continues the Public Hearing in regard to Nextel Communications to the July 6 meeting.

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

AGENDA ITEMS

JPH project management Limited - 13-1-84.1 - 41 acres, located on Peachtree Lane in a RU zone with an AQ6, AQ3, and scenic road corridor overlay.

Present for the applicant: David Higgins, L & T

Mr. Halloran stated that this project is located off Route 17A and Peachtree Lane. There will also be an access off of Gibson Rd. through the Dickerson property. There will be four homes off of Peachtree Lane and six off the Dickerson parcel. Mr. Higgins stated there would be a buffer around the entire property except for one small portion. Mr. Cappello noted that Peachtree Lane will become a town road. There are also some ACOE wetlands in the area. Ms. Roth stated that once the trees are gone you will be able to see the adjacent CO property particularly

from lot #7. Ms. Israelski asked for more screening in this area. Mr. Higgins replied that this section is shown as wooded. Ms. Cleaver asked why the drive is so close to the property line on lot # 10. They were avoiding the stone wall. Ms. Israelski stated that this should be shown on the map.

Mr. Cappello noted that when the Dickerson property is under review they need to clearly delineate where the roads are and who will build them. It also appears that this is a very long cul de sac. It is 1200' long on the Dickerson section and 600' on the JPH section. Possibly a boulevard design should be considered. Mr. Higgins noted that this would have to be worked out with the Dickerson owners and noted that this applicant had considered extending the road to the commercial section, which the PB did not want. Ms. Roth asked what would happen if the Dickerson project is never built. Mr. Higgins also noted that they could build 14 units, but are only asking for 10. He will try to come to some determination with Dickerson owners to consider the boulevard approach.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby declares intent to be lead agency on the JPH project under NY SEQRA. Passed unanimously.

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

Goshen Properties 13-1-34.1 & 39.1 - 39.7 acres, 14 lot subdivision located on Houston Road and Route 17A, located in the RU zone, with an AQ3, 2 scenic road, and stream corridor overlays.

Present for the applicant: Steve Esposito

Mr. Esposito explained that the applicant is proposing 14 lots with access from Houston Rd. The soils tests have been completed and they have submitted a sketch plan, which addresses most of the PB concerns. Ms. Cleaver noted that there is a 50' conservation easement along the farm property. Could they get 100'? Mr. Esposito replied that they cannot get this amount on Lot #11. He noted there would be no disturbance to existing vegetation.

Ms. Cleaver asked if the rail bed is privately owned. Yes, it is. Mr. Esposito stated that the rail bed is part of the lot. They could dedicate it to the Town if the TB would want it. He will discuss this with the TB. Discussion was held regarding whether this could be set up as a conservation easement or a r.o.w. Mr. Cappello stated that this could be set up as a conservation easement reserving the

right to use it. This needs to be investigated. A note needs to be added that the existing vegetation on lot #11 will remain and there will be a 50' buffer.

Mr. Lupinski asked about the driveway on lot #3. Mr. Esposito stated that they would use the interior road for access. Ms. Roth noted that they had discussed redoing some of the lot lines to assist in ownership control. Mr. Lupinski asked why lots 1,2 & 3 do not have the same setbacks. Mr. Esposito replied that they were moved for the sake of variety. He was asked if the Ag data statements were sent with the proof of mailings. Yes, they were.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby sets a Public Hearing for July 20 meeting for the Goshen Properties application. Passed unanimously.

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

Hamlet at Goshen -11- 1-46 - 272.78 acres, located on Harriman Drive & Conklintown Rd in the HM & RU zone, with and AQ6, AQ3, stream & reservoir, and scenic Rd overlay. **Conservation Analysis.**

Present for the applicant: Steve Esposito

Mr. Halloran reported that the consultants and some board members walked the site last week. A Conservation Analysis is being proposed. Mr. Huddleston noted that the site is very large and diverse. Ms. Roth asked that they leave an area of trees around the cell tower. Ms. Cleaver noted that there are a number of shagbark hickory trees, which are known as nesting places for the Indiana Bat. If endangered species are discovered on the property will it be necessary to change the conservation analysis? Ms. Roth stated that the conservation analysis is based on our knowledge at this date and further environmental review under SEQRA will deal with this eventuality. Ms. Cleaver asked if the biodiversity study was reviewed in relation to this project. This should be added to the acceptance of the conservation analysis.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby accepts the Conservation Analysis with the inclusion, that any areas determined to be sensitive or containing features sensitive under the Southern Wallkill Biodiversity Plan be included as a secondary conservation feature. Ms. Roth will revise the Conservation Analysis. Passed by a vote of 4 ayes to 0 nays and 2 abstentions.

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

**Lone Oak - 11-1-58 & 11-1-49.2 - 217.4 +/- acres, located on Harriman Drive and Arcadia Rd in the HR zone with an AQ6 & stream and reservoir overlays.
Supplemental EIS**

Present for the applicant: Steve Esposito
James Sweeney

Mr. Halloran explained that the applicant has submitted a Supplemental Environmental Impact Statement to address issues of the new zoning code. Ms. Roth and Mr. Henry have submitted comment letters.

Mr. Bergus noted the following items:

- 1) The water calculations are based on the old protocol and should be revised. They need to meet the peak demand with the largest well out of service.
- 2) The applicant proposed 16 affordable housing units, however there is no description regarding which units.
- 3) It is noted that the five manor homes have 6 units in each, but the diagrams appear to show only 4 drives and entrances.
- 4) On page 21 there is discussion of 5 homes, but only 4 are shown.
- 5) Will the alleyways be two-way and how will snow removal be handled?
- 6) One access from Harriman Dr. is shown. Is there another access? Mr. Esposito noted that the Harriman Dr. access is part of Phase 1 and if the second phase goes through then an access to Arcadia Rd. will have to be built. Mr. Cappello advised them to be sure to discuss the phasing in the document.
- 7) Under the traffic generation, it states there will be 13-17% less traffic generated, from only 5% fewer homes. This needs to be clarified.
- 8) Table #1 under resident population appears to use different numbers than other tables. Mr. Esposito noted that the bedroom count is different. The numbers need to be consistent.
- 9) Clarification of the level of service at Route 17M and South St. from full build vs. no build is needed.
- 10) These figures were projected out to 2011 and to 2015 in other instances. These figures need to be consistent.
- 11) They need to consider the location of a proposed water storage tank.

Ms. Israelski also had a list of comments

- 1) The street scapes are markedly improved however she still has a few areas of concern.
- 2) Density: The town planners should review this and specifically explain the unit count and how it was derived.
- 3) Layout: Northern most section needs to employ use of terminating views with features described in Hamlet design. The pedestrian pathways that connect all are appropriately designed.
- 4) Open space at Lone Oak and all streets and pathways should be maintained by HOA. Engineering of all streets and pathways should withstand time. She would like a review of the HOA fees to ensure proper maintenance schedules. Design and Construction should withstand time and use.
- 5) Much of the development is in the upland forested area thus disturbing 40 of the 68 acres. Can some of the large mature trees be saved and be built around thus perhaps having natural features as focal points?
- 6) How will 2400 feet of roadway be improved? Can we improve it with a pathway to neighboring hamlets and village parcels? Can there be street trees and pedestrian access?
- 7) Community facilities seem too small. An Olympic size pool should be put in for the residents. The size of the Community center must be reconsidered as this looks too small.
- 8) We need to see elevations of foundations and views from the street. Want to avoid unsightly cement structure towering the street scape. Home designs seem appropriate.

Ms. Cleaver's list of comments follows:

- 1) She asked the applicant if they have addressed highway noise. There are new abatement policies for federal highways. Mr. Esposito noted that noise and air quality were discussed in the original DEIS.
- 2) Are they considering hooking up to the Village system as one of the alternatives? They should also review having an on-site plant as an alternative.
- 3) They also will need to review the Town Code regarding discharge from an on-site plant into any tertiary streams. The Town Code states that certain testing of the receiving stream must be done. Mr. Huddleston noted that Mr. Golden was in the process of reviewing this aspect of the code, but the applicant should be aware that a WAC study is necessary. This is addressed in §79-18 in the Town Code. Mr. Cappello stated that if this option is chosen certain steps would have to be taken.

- 4) Will there be a place for the receipt of mail. Mr. Esposito responded that they could consider a central location, i.e., the clubhouse.
- 5) How will garbage pick up be handled? Pickup will be roadside and in the back alleys.
- 6) She also asked for clarification of the LOS figures at Route 17M and South St. and asked for a review of the numbers without mitigation.

The applicant has the two letters from AKRF and Stantec and will need the above comments in the form of a comment letter. Discussion followed on how to package the responses to these comments. Should it be re-packaged with the new items? Mr. Cappello noted that they need to decide exactly what needs to be addressed and what was not deemed complete before. Mr. Sweeney pointed out that there are time limits. There is also a March 17 letter from Mr. Huddleston that needs to be included.

Sunset Ridge II - 10-1-28 - ____ acres, located on Hampton Rd in the RU zone with an AQ6 and Stream & reservoir overlay.

A Conservation Analysis has been drafted by AKRF. Ms. Roth left the item open regarding tree tags. The numbers will have to be filled in.

Adjournment: The meeting adjourned at 10:55pm upon motion made by Ms. Cleaver, seconded by Ms. Israelski.

Ralph Huddleston, Chairman

Notes prepared by Linda P. Doolittle