

**Town of Goshen
Planning Board
MINUTES OF THE
REGULAR MEETING
June 15, 2006**

MEMBERS PRESENT

Ralph Huddleston, Chairman
Reynell Andrews
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

I. CALL TO ORDER

Chairman Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:30 pm at Town Hall. Ms. Cleaver led the Pledge of Allegiance.

II. APPROVAL OF MINUTES

The minutes of the June 1, 2006 meeting were accepted as modified upon motion made by Mr. Myruski, seconded by Mr. Bergus. Mr. Andrews and Ms. Cleaver abstained

III. PUBLIC HEARINGS

Zalunski 20-1-8 - 74.8 acres, 20 lot subdivision located on Pulaski Highway and Cross Roads in the RU zone with an AQ3, scenic road and stream corridor overlays. **Continued public hearing for Preliminary approval**

Present for the applicant: Chad Wade
 Amadur LaPut

Comment letters have been submitted from Stantec and AKRF with some additional comments from the attorney. Mr. Cappello recommended that these comments be given to the applicant and that the applicant respond to them in writing.

Mr. Huddleston asked if any information was obtained regarding the firearms issue. He did not receive much assistance from the DEC. Mr. Cappello has reviewed the law. He noted that even if these residences were still a farm, you still would not be able to discharge a firearm within 500' of an occupied building. This is a general issue and the County should look at this also. Mr. Myruski noted

that it is the general practice in the area for the farmer to ask permission from their neighbors to shoot the deer and it is usually granted. This practice is legally acceptable. Mr. Cappello stated that the use of firearms is a part of the farming practice and this has to be taken into account. This is an active farming area and the Board can only design to minimize the impacts to the extent that it is possible. There are some conflicts that cannot be fully resolved.

Mr. Stanley Machinicki, 26 Cross Rd. explained that he has a 100 yd rifle range on his property. It is 500' away from any residence. Any new people moving in will need to be made aware of what is occurring in the neighborhood. Mr. Dykshoorn noted that the roads from Sawyers Peak are built up to his fence. When he is ready to have his farm developed, what provisions will be made for connection. Mr. Cappello noted that there are provisions for future connection. Mr. Dykshoorn also asked about the impact on the water resources. Mr. Huddleston replied that any developer would have to meet the standards for draw down.

Mr. LaPut stated that a great deal of thought has gone in to this plan and especially the placement of the lots and roads. They truly feel that this is the best plan to meet the code and preserve the scenic view. Mr. Huddleston noted that the applicant is willing to have a 50' buffer of "no disturbance" along the property line. Storm water management structures could be allowed in a buffer. Mr. Burt Dykshoorn asked for an explanation of the 50' buffer. Mr. Huddleston stated that they have agreed on 50' where no disturbance can occur. Eventually there will be saplings and trees. The area cannot be mowed. Mr. LaPut thought the homeowner should be allowed to mow. Mr. Cappello stated that the Board needs to know what the applicant is really willing to provide. A lengthy discussion followed.

Mr. Cappello suggested different levels of disturbance: 1) no disturbance; 2) some structures; 3) septic system allowed. Ms. Roth asked if building envelopes could be established. Mr. Lupinski felt that this needs to be site specific. There will be cows coming right up to the fence. Mr. Henry asked how they will be delineating this easement area so that no one encroaches. Discreet environmental signage was suggested.

Mr. Lupinski stated that the County DPW has placed snow fence in this area, during the winter months, about 50' back from the road. This will no longer be allowed. Ms. Israelski noted that a letter was received from the County Planning Department that states they feel the Conservation Analysis is inaccurate as they have counted the wetlands in the constrained lands. Mr. Cappello stated that in the AQ3 this rule only applies when they are asking for more than they are

allowed. He further noted that it appears the wetlands are located within the 100-year flood plain and therefore the applicant only needs to deduct this once. The calculations are accurate.

The County also suggests combining driveways between lots 5 & 6. Ms. Roth asked why the driveways are so long on lot 7 & 9. Mr. LaPut responded that they are placing the homes behind the hills so they can save the scenic view. On Lot # 14 they found this to be the best placement for the septic field. Ms. Roth asks that the applicant explain these reasons to satisfy the County's questions. Mr. Henry noted that if they are providing the 50' buffer, they will have to be pulled back further from the line.

Mr. Machnicki asked if archeological and historical surveys had been done. Mr. Wade will check on this. Mr. Machnicki also inquired about another area further down Cross Rd., where he had seen some testing activity. This is not part of this property.

Mr. Burt Dykshoorn noted that he is not sure that natural vegetative buffer is appropriate. As the brush and trees grow up it may make it more difficult to dry his hay. He would rather be sure he has good neighbors than a vegetative buffer. Mr. Cappello suggested that the applicant go to the neighbors and see what they want for a buffer. They need to balance the needs of the neighbors with those of the residences.

In summary, the applicant needs to address the following comments either in the Part 3 or in writing for the record:

- 1) Address the comments noted above
- 2) the County's comments regarding setbacks and driveways
- 3) AKRF's, Stantec's comment letter; and the additional comments from the attorney
- 4) Speak to the farmers in the area regarding the buffer
- 5) Check on the existence of an archeological study
- 6) Potential connections to Mr. Dykshoorn's property.
- 7) Clarify the deductions on the constrained lands regarding the flood plain.
- 8) Address the engineer's comments regarding revisions to the plans.

The Public Hearing will be held open until the July 20 meeting.

IV. AGENDA ITEMS

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.

Present for the applicant: Chad Wade

Mr. Cappello has prepared the draft letter from Mr. Huddleston to Mr. Sweeney regarding the completeness of the Supplemental DEIS. He explained that this letter is a compilation of all the other comment letters. The PB needs to tell the applicant exactly what additional information they want in the document. Once the applicant responds to these comments the Board can use this as a guide to say if the document is complete. Then the document will be ready for public comment.

In addition to this letter, a new #4 should be added under General Comments regarding the need to coordinate this project with the Hamlet at Goshen project. This project has come in very recently, but is adjacent to this property and coordination should be considered.

Ms. Cleaver stated that she was recently on the property and it appears that some work has been done that may have created expanded wetlands. Mr. Huddleston responded that these were created from previous work on Arcadia Phase 2 and they are treated differently by the permitting agencies. However, they may need to validate the wetlands delineation. Mr. Cappello will include this in the comment letter.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Planning Board hereby deems the submission of the Supplemental SEIS for Lone Oak as incomplete for the reasons set forth in the letter dated June 13, 2005 to the applicant's attorney, Mr. Sweeney from Mr. Huddleston with the revisions recommended by the Planner and revisions to add a statement requiring delineation of the wetlands be checked to determine if it is still valid and if not, will be re-delineated. Passed unanimously.

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

Mahoney's at Goshen - 11-1-28 - sketch plan.

Present for the applicant: Jonathon Hodosh
Michael Mahoney

Mr. Halloran explained that they are planning to add 9000 sq. ft. and increase the capacity by approximately 45 seats. The question, at this time, is how much they need to increase the parking. Mr. Hodosh stated that the proposed plans are designed

mostly to improve circulation within the building. There will be two new access corridors for the banquet hall, which will not involve increase in seating. They will be replacing the "greenhouse" portion.

Mr. Mahoney stated that they really need to get the operation "up and running" as soon as possible. Mr. Huddleston noted that this is a known commodity and he would also like to see this project move as quickly as possible. Ms. Roth asked if there is appropriate fire access to the building. These corridors will improve that access and there is a fire lane in the front of the building. The applicant should check with the fire department and ambulance corps to be sure this is satisfactory. She also asked that some landscaping be added within the parking lot. Mr. Henry noted that the applicant needs to provide numbers for the proposed capacity to be sure that the wastewater disposal system is adequate. Ms. Roth asked if they are planning to land bank some of the parking.

Mr. Mahoney asked if it would be possible to approve a plan so that he can start working on and open the bar/restaurant portion. Mr. Cappello explained that this is an existing facility and is "grand fathered" however it will need a special permit as they are changing the footprint. Mr. Lupinski asked how much parking would be required for approximately 230 seats. Mr. Henry replied that 360 spaces would be required. Mr. Bergus asked if there are any real numbers available. Mr. Mahoney noted that they do not have anything definite. Most of what they are adding is to improve circulation. Mr. Cappello explained that the parking is based on the square footage of the building. The applicant could land bank some of the parking, therefore the Board could issue the special permit with the amount of parking as a condition. Under the new code they are allowed to expand an existing facility with a special permit. However, this will require a Public Hearing.

Mr. Halloran asked about the lighting plans. Mr. Hodosh stated that they would want uplighting on the building, but they would keep other lighting as unobtrusive as possible. They will need to submit a lighting plan. Their major problem is that they need to open the building for business. Mr. Cappello noted that they could do the work in the existing building, but they cannot work outside the current footprint. Mr. Halloran will work with them on whatever they need to do within the existing footprint. Mr. Huddleston noted that the Board has no problem with the expansion in concept. Mr. Bergus stated that they would need DOH approvals. Mr. Hodosh asked if they could have a conditional approval if they agree to do whatever the PB asks. Mr. Cappello stated that they are changing the site and therefore, they need to have the special permit and Public Hearing.

Mr. Cappello advised the applicant to do as much work on the plans as possible prior to the deadline for the July 20th meeting. The Board will set a Public Hearing for that date and give a conditional approval if possible. The applicant should present a

progress report at the 7/6 meeting. A question arose regarding past water issues. The system has been upgraded. The applicant will check on this.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board hereby sets a Public Hearing for the Mahoney project for July 20th. Passed unanimously.

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

Tirelli Retail Building - 12-1-58 - 1.48+/- acres, 5000 sq ft retail building located on Maple Ave in the RU zone with an AQ6 overlay.

Present for the applicant: Joseph Minuta

Mr. Halloran reported that this project is located at the intersection of Maple Ave. & 17M. The access drive is very near the intersection. Mr. Minuta stated they would be demolishing the existing small house and erecting a 5000 sq. ft. commercial building. They meet the parking requirements. There will be a 3-sided entrance sign. They will need the variances for lot coverage, lot width and buffer requirements. The code requires a 50' buffer on either side, which would only leave 20' for the building. They will provide a landscape buffer on as much of the perimeter as possible.

Mr. Halloran stated that this is in the AQ6 overlay district with CO all around. The applicant will also need to work with the DOT. They may require a right turn only out of the project. Ms. Roth noted that the lighting plan needs to be lowered. The applicant responded that they would lower the lights at night to lessen impact on the neighbors. Ms. Cleaver asked if the planters in the parking lot could be sunken to use as storm water retention. Mr. Henry noted that new regulations want them raised. He also asked that where there are retaining walls, they should consider some type of fence for safety. Ms. Roth asked how high these walls are – the one at the entrance is approximately 20-25'. These areas will be terraced as much as possible.

Mr. Halloran stated that the code asks that this have a residential look. Ms. Israelski asked what types of building materials would be used. It will be masonry with a glass front and a metal roof. They plan to have some artwork on the large wall to add some interest. Mr. Henry noted that the major issue will be traffic and the entrance location. The Board will also need a good idea of the use as this will affect the number of trips generated. Mr. Minuta replied that they need to keep their options open. Mr. Huddleston recommended that the Board evaluate this as a retail use, which would be the worse case scenario.

Sunset Ridge II - 10-1-28 - 54.2 acres, located on Hampton Rd in the RU zone with an AQ6 and Stream & reservoir overlay **Conservation Analysis**.

Present for the applicant: Michael Morgante

Mr. Halloran stated that the members have walked the site. Mr. Morgante is looking for feed back from the members. Ms. Cleaver noted that the applicant did a good job especially with the trees. She has some specific trees that she would like to see saved, and will provide the specific numbers to the applicant. She believes they are in an area that the applicant plans to save. Mr. Morgante stated that they have agreed to change the name to New Horizons.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Planning Board hereby approves the Conservation Analysis for New Horizons subject to Ms. Cleaver supplying the numbers of the trees to be saved. Passed by a vote of 5 to 0 with 2 abstentions.

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

Dickerson - 13-1-69 - 92.90 +/- acres, 21 lot subdivision located on Dunmore Lane in the RU zone with an AQ3, AQ6 and scenic road corridor overlay.

Present for the applicant: Amadur LaPut
Chad Wade

The relationship of this project to JPH and the possibility of a boulevard configuration was discussed at the last meeting. Mr. La Put stated that they were trying to save the hedgerow, which would cause a problem with this plan. They could move the road to the right, but there are steep slopes. At the staff meeting, Mr. Halloran suggested a dry hydrant. Mr. Henry also noted that the boulevard concept would require additional maintenance costs and increase runoff. Mr. Wade also noted that there is a potential to connect to the Makuen property, which is beyond the JPH project. Mr. Huddleston suggested that the applicant check with the fire department regarding the dry hydrant.

Ms. Roth asked about the possibility of connecting further to the north end of JPH. However, they would have to cross some wetlands. Mr. Cappello suggested that they consider an emergency access through this wetland area. The plans still need some revisions. Once these questions are answered and the revisions completed, the Board can set the Public Hearing at the next meeting.

Maplewood – 8-1-1.2 94.9 acres, proposed hamlet residential and open space development, located on Craigville and Coleman Roads in the HR and RU zones with an AQ6, Scenic Road, and Stream and Reservoir overlay.

Present for the applicant: Dave Higgins

Mr. Golden is acting as counsel to the Board for this project and Ms. Cleaver is recused from this discussion. Mr. Golden stated that the applicant has submitted the draft scoping document. There was a public scoping session. The last date for further comment was June 13, and the applicant waived the required time frame. The PB's responses are now ready. Ms. Roth review the minutes and the comments from Ms. Israelski, Mr. Myruski and the public comments and prepared a draft response. In addition, on Pg. 13, an item 8c will be added to discuss the possibility of a connection with the Village sewer system or an expansion of an existing district. Ms. Israelski stated that they have just received this document tonight and she would like more time for review.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby authorizes Ms. Roth to submit to the applicant the above document with the change to item 8C as discussed. Passed unanimously.

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

Mr. Henry noted that there is a tree preservation plan, but they need to know how they will be protected. Ms. Israelski noted that there are a substantial number of mature trees. She suggested that trees 16" in diameter or greater in the area of development need to be inventoried. This could be put on Pg. 10 para. 3d.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Mr. Henry the document shall contain a note stating that all trees 16" or larger shall be identified in areas designated for development. Passed unanimously.

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

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Adjournment: The meeting adjourned at 10:35 pm upon motion made by Ms. Israelski,
seconded by Mr. Myruski,

Ralph Huddleston,
Chairman

Notes prepared by Linda P. Doolittle