

**Town of Goshen
Planning Board
MINUTES OF THE
REGULAR MEETING
June 16, 2005**

MEMBERS PRESENT

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

ALSO PRESENT

Jayne Daly, Attorney
Neal Halloran, Bldg. Insp
Joe Henry, Engineer
Graham Trelstad, Planner

I. CALL TO ORDER

Chairman Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:40 pm.

II. APPROVAL OF MINUTES

The minutes of the June 2, 2005 were approved as corrected upon motion made by Mr. Myruski, seconded by Ms. Cleaver. Ms. Israelski abstained.

II. PRESENTATION OF PROPOSED CODES

Moderate income/affordable housing

Mr. Wilson, a member of the Affordable Housing Committee, gave a brief overview of the proposed law. The purpose of the law is to create housing that will bring people to Goshen that will work and volunteer in the community - to bring back our children and parents to the area. He thanked the committee and Mr. Cappello and Ms. Daly for their diligence in crafting this final document.

He explained that the committee expanded the qualifying numbers to include households with 60 – 150% of the median income for Orange County. These figures will vary with the size of the household. The current code already has some good provisions and this law will enhance those provisions. One of those provisions emphasizes that the affordable units will be spread throughout the development. There will be no more than two such units together. The units will be deed restricted. There is also protection in the code that the units will be “forever affordable”. There are provisions for minimum square footage. The units have to be 80% of the size of the market value units in the area and they have to appear to be similar. The interiors can be different, but the exteriors cannot be distinguishable.

Mr. Lupinski asked if they would be sold through a predetermined list. Yes, there will be a list of qualified buyers. An outside agency will administer the process based on certain priorities and the applicant's credit rating. Any improvements to the property will have to be approved by the Building Inspector. Ms. Cleaver asked if an addition would be allowed. Any addition would have to come through the Town Board and the Planning Board. The owner cannot expand the footprint.

Mr. Myruski asked if there is any control over number of occupants. Mr. Wilson stated that there are minimums established, but they really cannot control family size. Mr. Cappello noted that when dealing with rental units the Town has more control, once an individual owns a home they cannot exert as much control. Mr. Wilson explained that one of the questions the committee dealt with was the issue of taxes. The units will be deed restricted, so they can be assessed at a lower value. Mr. Lupinski asked if the value will be reviewed each year. Mr. Cappello responded that the value will be adjusted at resale - there is an index that will be used for this calculation.

Mr. Huddleston praised the committee for the good job they have done on this project. They have considered the rights of the homeowner, while keeping the units in the affordable category. He also thanked Mr. Cappello and Ms. Daly for their efforts in drawing up the document.

Financial Contribution in Lieu of Transferring Development Rights

Ms. Daly explained that this is already in the code, but this sets forth the procedures to implement the code. This gives a landowner the option of paying into a Town fund instead of contracting with a developer. Mr. Huddleston asked if it would create a problem for the Town if they cannot find suitable property to be protected. Ms. Daly did not think this would become an issue as they have a long list of people who wish to participate in the TDR plan.

Miscellaneous Revisions to Town of Goshen Zoning Code

This is a group of many revisions that need to be added to the code. One of the revisions deals with accessory dwellings. The code will now state the accessory dwelling will have to be connected to the same well as the main residence. Mr. Bergus pointed out that this new requirement that it draw off the same well still will not show what affect it will have offsite

The Town Board would like comments back on all of these proposed new laws from the PB in time for the Public Hearings scheduled for July 14.

stated that he did not feel the need for fencing. He does not expect to be storing much equipment outside and plans to put up a berm and trees for screening. Mr. Andrews asked what size the berm would be. Mr. Dysinger stated it would be 3-4' high and approximately 10' wide, with vegetation on top. You will not be able to see any equipment when you drive by. Mr. Trelstad asked if the Board really wants a berm. Often it calls attention to what is being hidden. It might be more useful to have a fence with some attractive plantings. Mr. Dysinger stated that he will try to keep most of the equipment inside, but some will be parked outside on occasion. He cannot agree to never having equipment outside, as that would be too restrictive.

Mr. Dysinger stated he was proposing the berm because he thought that's what the Board would want. Mr. Huddleston noted that they are looking for effective screening and possibly a berm would be appropriate in the winter. Mr. Trelstad suggested selective berming around the parking area. Mr. Myruski asked if they plan to do anything with the red barn on Pulaski Hwy. It is starting to fall down, so it will probably be removed.

Ms. Cleaver asked if they were planning on having gas tanks in the barn. If so, are there any plans for containment in case of spillage. Mr. Dysinger stated that there may be two 50 or 75 gallon tanks inside. She also asked if there would be any storage of used oil. He replied that they may keep some oil for a few days, but then they take it elsewhere for disposal. He will be resealing and painting the floor. Mr. Trelstad asked that the location for these fuel tanks be shown on the plans. Mr. Huddleston asked for secondary containment for these tanks. Ms. Daly asked if there were any plans for the use of the land. Mr. Dysinger has no specific plans. He may store some items in the rear of the property, but he plans to maintain the property that is not being used. Ms. Emmerich stated that the landscaping plan will be modified as discussed above. Ms. Israelski also asked that they effectively screen the property from Pulaski Hwy.

The Chairman asked for comments from the public. Mr. Urbanski presented pictures of the site and pictures of the Dysinger property in Warwick. Mr. Dysinger stated that he does not own any property in Warwick. He does keep some equipment in Warwick. The pictures also show large rocks and soil being stored on this property. Mr. Dysinger noted that he might have to bring some materials of this type to this property to be stored. Mr. Urbanski is concerned that it may begin to look like a junkyard in the future. He also stated that there are several junk yards in the Town and the Building Inspector should do something about them. He will meet with Mr. Halloran to show him these other sites.

Mr. Urbanski is not in favor of the berm and feels they do not work. Mr. Huddleston stated that the Board and the applicant have agreed that there will be

no berm. Mr. Urbanski asked what could be done about the pond that was filled in several years ago. This pond leaches under Big Island Rd. The members agree that this sounds like a problem to be resolved with the Highway department. Mr. Urbanski is also concerned with the cracks in the floor of the barn (the former owners stored chemicals). Mr. Dysinger has stated that he will fill the cracks and paint the floor.

Ms. Betsy McDermott, 16 Big Island Rd. asked how they plan to keep the sight of this equipment out of her front yard. Any equipment parked in the rear of the barn will be in her front view. After discussion, it is agreed that solid fencing around the edge of the parking lot on the south and west with groups of plantings will adequately screen the area. She asked what will happen to the equipment at the Warwick site. It will be brought to this site. Mr. Dysinger will try to keep most of the equipment inside, but it will not all fit in the building. There will be some tag along trailers stored outside.

Mr. Michael McDermott asked what would be the hours of operation. Mr. Dysinger stated that they usually begin around 6:30 am and end between 5-7 at night. They do not operate at this site during the day. They move the equipment out in the morning and come back at night. They do work on Sat. sometimes, but hardly ever on Sunday.

Mr. Halloran stated that this is a permitted use and the code also covers noise. A truck can be idling for no longer than 10 minutes. Ms. Daly read the definition of special use permit from the code. This use is considered acceptable in the area and is subject to conditions imposed by the PB. The PB can impose any conditions it considers necessary. Ms. Daly also noted that the PB can hold a Public Hearing and revoke a special use permit if they feel it necessary.

Ms. Ann Graham, 45 Big Island Rd., stated that she moved here years ago to live in an agricultural district, not a manufacturing district. Ms. McDermott expressed concern regarding the effect on their property values. She also asked what can be done if the proposed project does not happen as it is planned. Is there any recourse? Mr. Huddleston replied that if there is any violation, the Building Inspector is the enforcement agent and he can bring action. He stated that the Board is asking the applicant to screen the parking lot where the equipment will be parked with an opaque fence and vegetation.

Ms. Israelski questioned if this use will change the character of the neighborhood. She noted that this is an agricultural area and this appears that it will look very industrial. She feels that she needs to make a site visit. Mr. Andrew Urbanski asked where the rocks and soil will be dumped. Ms. Cleaver noted that the

applicant stated at the last meeting that there would be no storage of materials outside. Mr. Dysinger stated that he does get some rocks and topsoil from time to time. He will place it in an area where it will be screened. Mr. Huddleston asked that this area be shown on the plan.

Mr. Urbanski stated that the PB did a good job with the Panco project and Mr. Dysinger should be held to the same standards. Mr. Andrews asked the neighbors what they want to see, fencing or vegetation? Ms. McDermott stated that she would like to see that everything be inside the building.

The members would like an opportunity to visit the site and the applicant needs to show some more information on the maps regarding landscaping, screening etc., so the public hearing will be held open. The applicant should plan to be at the staff meeting on June 30 and at the next meeting on July 7.

IV. AGENDA ITEMS

Makuen - 13-1-10.1 & 10.2, - 96.07 acres located in the RU & CO zones with an AQ6 & scenic road corridor overlay, located on Route 17A, next to the Village. This is a 4 lot subdivision proceeding under the open space subdivision.

Present for the applicant: Tom DePuy

Mr. Halloran explained that the Public Hearing was closed on 2/17/05, the project was given a neg dec and preliminary approval was granted with some conditions. The appropriate notes have been added to the plans fees have been paid and the perc tests were performed. The applicant will add a note regarding the preservation of the mature trees on the SW side and maintaining the limits of disturbance.

Ms. Israelski asked if the utilities would be buried. Mr. DePuy responded that the plan is to add one home to the two existing ones. The utilities are already overhead. He will discuss the possibility with O&R and add a note to the plan. There are no plans for storm water management at this time. Ms. Israelski asked if there were plans for street trees. Mr. DePuy stated that it is already wooded in the front and they are only creating one lot.

Mr. Henry has some minor technical issues to be addressed. The DOT permit has not been received yet, but the applicant is working on it. A conservation easement needs to be prepared. After discussion, it was decided that the open space consists of four portions. Portions A,B & C will have a notation that no structures are allowed, but maintenance will be allowed. Section D will go back to natural state.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby grants conditional final subdivision approval to the Makuen project subject to the following conditions:

2.3 Provide a description of all open spaces to be provided within the hamlet and any non-residential uses considered. Describe the ownership of all utilities and roadways. Describe whether fountains can be integrated into the stormwater management system. Describe the widths and materials for streets and paths.

2.6 The Village of Florida Board of Trustees should probably be listed as the Involved Agency, not the Water and Sewer Departments. Remove the Town of Goshen Town Engineer, Town Attorney, Town Planner, and Building Inspector from list of Interested Agencies.

3.1.3 The applicant has indicated that the Erosion and Sediment Control Plan is mitigation for any impacts to soils. I tend to take the approach that such things as the ESCP and SPPP are actually part of the project and are intended to avoid impacts but should be evaluated for potential impacts of their own (e.g., if a stormwater basin is located within a wetland buffer, that is a potential impact that has to be evaluated). Mitigation is only required for significant adverse impacts. Having an ESCP and SPPP is one way of avoiding significant adverse impacts; thus, no mitigation would likely be required. Mitigation would only be required if the project would result in significant adverse impacts that can't be avoided as part of a project change or design element.

3.2.1 & 3.2.2 Stormwater analysis years should be those required by NYSDEC.

3.2.3 The SWPPP should be analyzed as part of the project, not as mitigation.

3.3.1 The scope should indicate the known presence of the endangered Indiana Bat in the Town of Goshen and should refer to the Metropolitan Conservation Alliance's biodiversity report (due to be released next week) for additional information on potential presence of other threatened or endangered species.

3.3.2 The scope should include analysis of the impact on adjoining properties (specifically agricultural uses) of deer relocation. The scope should include identification of protection measures for mature trees.

3.3.3 Mitigation measures may include measures to allow for continued use of the site by migrating wildlife.

3.4.1 The scope should specifically identify the old barn as a potential historic structure.

3.5.3 Establishment of grading and clearing limits and the landscaping plan should be described as part of the project, not as mitigation.

3.6.1 The intersection of Route 25 at Route 6 should be removed from the list of intersections and the intersections of Durland Road at Route 94, Route 17A at Houston, and Route 17A at Gibson should be added to the list. The scope should identify the Build Year for the project and the growth factor to be used for No Build traffic volumes. Trip generation rates from similar proposed development should be carefully described in the DEIS and any credits taken for accessibility to transit should be considered as they would not apply to Goshen. The reference to "Westchester County" on the top of page 14 should be corrected. The DEIS should include information about planned improvements to Route 17A at Reservoir Road in the No Build and Build analyses.

3.7.2 The DEIS should include a discussion about the loss of agricultural lands as a result of this project.

3.7.3 Description of how TND would avoid impacts otherwise associated with a conventional subdivision layout should be in Section 3.7.2, not mitigation.

3.9.1 The discussion of the Florida Union Free School District should identify any enrollment projections or capital projects planned by the District.

3.13.2 Include a discussion of the expected lifespan of wastewater (and water) infrastructure and the expected replacement costs of those lines.

3.14.1 The reference to National Fire Protection Agency (NFPA) should be corrected to refer to ISO.

4.0 The title of this section should be corrected to "Unavoidable Significant Adverse Environmental Impacts" and the word "significant" should be inserted before "adverse" in the first line of the paragraph following the title.

5.0 The "Conventional Plan" analyzed in the Alternatives section should be "Conventional single-family residential subdivision permitted by RU zoning." The Alternatives section should discuss possible integration of non-residential uses into the Hamlet. Alternative wastewater treatment (e.g., on-site wastewater treatment) should be described and any measures to avoid odors associated with on-site treatment. Potential impacts associated with

expansion of the Florida wastewater system and availability of this capacity to other sites in Goshen should be described. An alternative water supply scenario should be described.

9.8 Provide specific water and wastewater treatment design drawings/reports in the Appendix.

Comments from the Mr. Henry for inclusion in the Scoping Document are noted below:

§ 2.2: Site History: on page 2: We suggest the word “easement(s)” should be included in the second line.

§ 2.3: Description of Action: on page 3: We suggest adding at the end of the second item “including reason(s) for the proposal.

§ 2.3: Description of Action: on page 4: Suggest that they include a description of the ownership of utilities and roadway.

§ 2.6: Approvals, Reviews, and Permits: on page 5: The NYSDOH Bureau of Public Water Supply Protection should be listed as an involved agency because their review and approval for what ever potable water supply system that ultimately serves the project will be required in addition to the OCDOH’s approval.

§ 2.6: Approvals, Reviews, and Permits: on page 5: We suggest that Or. Co. 911 emergency services be listed as an interested agency.

§ 3.1.1: Existing Geology and Soil Conditions: on page 7: We suggest the fifth item indicate the evaluation will include the constraints the existing site conditions will have on onsite wastewater treatment and disposal and potential water sources for the public potable water supply system.

§ 3.2.1: Existing Geology and Soil Conditions: on page 8: The sixth item indicates the discussion will include the 2-year storm event. Unless the applicant’s consultants foresee a need for this information they should be permitted to remove the 2-year storm event from this list and elsewhere in the scoping document.

§ 3.2.2: Potential Surface Water Impacts: on page 9: We suggest that the first item after the word “wetlands” the words “flora and fauna” be included, and the word “recharge” be replace with “change in groundwater recharge by creation of impervious surfaces”.

§ 3.3: Vegetation and Wildlife: on page 10: We suggest that the address the impact migration of wetland habitat proposed mitigation measure.

§ 3.4: Historic and Archeological Resources: on page 11: Having lived in the area for the past 37+ years and driven past the project site on a regular basis at times we can say that the existing barn is a familiar landmark to the residents of the area. Therefore, we suggest that the draft scoping document indicate explicitly that this item will be discussed.

§ 3.6.1: Existing Traffic and Transportation Conditions: on page 13: First item, we suggest that the applicant's consultant obtain input from the NYSDOT regarding the intersections that will be included proposed traffic study.

§ 3.6.2: Potential impacts to Traffic and Transportation: on page 14: The word "Westchester" should be replace with "Orange".

§ 3.6.3: Proposed Mitigation Measures: on page 14: We suggest the discussion include a discussion of off-site walkway (trails).

§ 3.7.2: Potential Impacts to Land Use and Zoning : on page 15: We suggest the discussion include loss of agricultural lands.

§ 3.9.2: Potential Impacts to School District Services: on page 16: As we're aware, the zoning code requires the proposed roads to be public roads, so the reason for including the forth item should be provided. Typically school district buses don't enter onto private property.

§ 3.11.2: Potential Impacts: on page 17: We suggest a discussion regarding who will be permitted to use the amenities.

§ 3.13: Utilities - Wastewater: on page 18: We suggest that the alternative of on-site treatment and disposal, and the extension of the wastewater collection system to serve neighboring properties be included in the discussion.

§ 3.14: Utilities - Water: on page 19: We suggest that the alternative of on-site water sources and treatment, and the extension of the water collection system to serve neighboring properties be included in the discussion.

§ 4.0: Significant Adverse Unavoidable Environmental Impacts: on page 20: Examples should be listed.

These comments will be submitted to the applicant as soon as possible, so the document can be completed and sent to the involved and interested agencies. The Public Hearing for the Scoping will be held on July 7.

Lands of Giza / Buyrite - 18-1-47.1, 5.7 acres, located on 17A, in the CO zone, with an AQ3 & some scenic road overlay, special use permit for auto service and music studio.

Present for the applicant: Kirk Rother

Mr. Golden is acting as Counsel to the PB for this project. Mr. Halloran stated that the EAF was submitted on Marcy 28 and an updated site plan is now presented.

Mr. Rother explained that the applicant is proposing to construct a building of 11,000 sq. ft. Five thousand sq. ft. will be used for a dance studio and 6,000 will be used for auto maintenance. The soil tests have been completed. He is here tonight to request that a Public Hearing be set Mr. Henry has a few minor comments to be addressed.

Ms. Israelski asked that visual impact of the pond be addressed. Mr. Rother stated that there is a wet pond proposed by the entrance and a larger dry pond in another portion of the property. He proposed putting in some larger trees to hide the dry pond. Ms. Cleaver asked if there is a refuse area. There is a screened dumpster area in the rear. Mr. Rother submitted a picture of the type of building being proposed. He has been asking for a building elevation and will continue to try to get this for the Board.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby declares the application of Giza to be an unlisted action and declares their intent to be lead agency under NY SEQRA. Passed unanimously.

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 Mr. Andrews, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby sets a Public Hearing for July 21, 2005 for the Giza application. Passed unanimously.

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

Hendler, - 10-1-51.2 & 52.3 & 52.4 - 91.1 acres located on 6 1/2 Station Road and Cheechunk Road, in an RU& CO zone with an AQ6 and scenic road overlay, for a Planned Adult Community and 8-lot residential subdivision.

Present for the applicant: Jane Samuelson
Ross Winglovitz

Mr. Golden is acting as counsel to the PB for this project. The applicant has worked diligently to come up with a revised plan. They have made significant changes to the layout. They have moved the primary access road to the west, with the clubhouse and pool in that area. Ms. Samuelson stated they started with the sketch of the building and worked it into the topography. Mr. Winglovitz stated that there are steep slopes on the property, which presented a challenge. This plan actually uses the buildings as retaining walls. They also had to be mindful that they need to have the garage, master bedroom and kitchen on the first floor. He emphasized to the PB that the Board's professionals have given some good input to help them to come up with an acceptable plan.

The entrance way has been separated with one way in and one way out with significant green area in the center. The streetscape is more broken up to make the project more visually attractive. The units have been designed to have one flat unit on the lower level, with two units on the upper level. They will look like ranch houses. Mr. Henry reminded the Board that there is another portion of 7 single family units to this subdivision. They will be arranged in a cul de sac design. There are wooded buffers from Route 17. There is one area that they will need to buffer from Blue Spruce farm. They are also reviewing the possibility of berming in some areas. They will obtain input from a landscape architect.

The ERB asked about the trail through the Audubon area. Mr. Winglovitz stated that they plan to dedicate the area as open space or offer it to the Audubon Society. Mr. Golden noted that some changes will have to be made to the EAF since this layout has changed significantly.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Mr. Lupinski, the Planning Board of the Town of Goshen hereby declares this application to be a Type I Action and declares their intent to be Lead Agency in regard to the Hendler application. 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.

Present for the applicant: Jane Samuelson
Rachel Lockwood

Mr. Golden is acting as counsel to the PB for this project. The EAF has been submitted and Florida has issued a neg dec. At the last meeting it was agreed that the Town of Goshen PB needed to have their own SEQRA review. Mr. Golden stated that a Public Hearing can be set if all the necessary information is on the map. Ms. Samuelson stated that this is the same drawing as previously submitted. Ms. Lockwood stated that she has spoken with County Planning Dept. and the submission is satisfactory as long as the area in question is labeled "open space: The 239m has not been received as yet. The owners' affidavit has been submitted. The minor subdivision approval has been completed.

Ms. Israelski asked if street trees and the line of disturbance are shown on the map. A note will be added to the plan.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby declares that the Glenview Hills application is an unlisted action and declares lead agency status in regard to the portion in the Town 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		

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 the Glenview Hills application for July 7. 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 11:55 pm upon motion made by Mr. Andrews,
seconded by Mr. Lupinski.

Ralph Huddleston, Chairman

Notes prepared by Linda P. Doolittle