

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924
November 2, 2006**

MEMBERS PRESENT

Reynell Andrews , Acting 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

Ralph Huddleston,

I. CALL TO ORDER

Acting Chairman Andrews called the regular meeting of the Town of Goshen Planning Board to order at 7:30 pm at Town Hall.

II. APPROVAL OF MINUTES

The minutes of the October 19, 2006 meeting were approved as corrected upon motion made by Mr. Myruski, seconded by Ms. Cleaver. Mr. Bergus abstained.

III. Items for Planning Board to act on

Orleans / Makuen - 13-1-10.1 -87.05 acres, 185 units, planned adult community located on Route 17A in the RU & CO zones with an AQ6, AQ3 & scenic road corridor overlay. **Pos Dec & set public scoping session for December 21, 2006**

Present for the applicant: Steve Esposito

Mr. Golden is acting as Counsel for the PB for this application. Mr. Golden explained that the applicant has been before the Board numerous times for sketch plan review. The PB should now issue a determination of significance and set the time for a Public Scoping session. The suggested date is 12/21/06. The applicant has recently submitted a draft scoping document, which is clearly generic in nature. Therefore the PB should work to tailor the document to fit their specific environmental areas of concern prior to the Public Hearing.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby declares that the Orleans/Makuen plan will have a significant impact on the environment under NY SEQRA and hereby issues a Positive Declaration. Passed unanimously.

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

Mr. Golden noted that the Orange County DPW should be on the list of involved agencies. Ms. Cleaver questioned if the date could be changed as it falls during the holiday season and they may not have sufficient public comment. Mr. Golden explained that the original draft scoping was submitted on 10/30 and the PB has 60 days to issue the final unless the applicant waives the time requirement. Further discussion was held regarding the time line.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby sets the Public Scoping Session for the Orleans/Makuen project for December 21, 2006. Passed unanimously.

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

Ms. Roth suggested that they set the date for written comments at this time also as this would give the agencies a deadline. Mr. Esposito advised the Board that the applicant will waive the time frame in consideration of the holidays. Mr. Golden thanked the applicant for their understanding. He noted that with the hearing on 12/21, they would have to make the final decision at the 1/3 meeting. He suggested that they ask for an extension to 1/10, which would allow one week from the 1/3 meeting to finalize the document.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Planning Board hereby amends the above vote to have the Public Scoping Session on 12/7, with written comments due 12/14. As the applicant has agreed to an extension due to the holidays, the PB will be allowed to finalize the document by January 10, 2007 if necessary. This would allow one week from the 1/3 meeting for finalization if needed. Passed unanimously.

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

IV. PUBLIC HEARING

Traskus (a.k.a. - Elm Hill Farms) 18-1-8.22 - 114.54 acres, 38 lot subdivison located on Arcadia Road in the RU zone with an AQ3 overlay.

Present for the applicant: Steve Esposito

Mr. Golden is acting as counsel to the PB for this project.

Mr. Henry explained that they have been waiting for the Part 3. Mr. Bergus asked why the Public Hearing is being continued to 12/7. The original hearing was set to continue tonight, therefore it should be opened and comments taken because it

was advertised. The applicant needs more time, so it can be continued to the December meeting.

The Chairman asked for public comment. Mr. George Wood of Arcadia Rd., questioned the ability of the heavy ground in the area to support 38 septic systems. Mr. Andrews explained that the applicant would have to prove the ability to support the systems. Mr. Esposito then explained the AQ3 zoning and the Town wide water study. The density they are asking for is actually less than what would have been allowed by actual 3 acre zoning. They have done test pits and submitted the results. The County DOH will also have to review all the results.

Mr. Wood also asked if there would be any archeological studies. No, there will not. Mr. Esposito noted that they have been asked to preserve an area around an existing family cemetery. Mr. Wood also questioned how a farmer could make a living on this size parcel and what will happen if he cannot. Mr. Esposito stated that the area will be preserved as a restrictive covenant. It is proposed to be for farm use, but if not it will still be open space in accordance with the Town Code.

Mr. John Rodnight asked if the perc tests would be taken again. Mr. Esposito replied that they would be done throughout the year. The County DOH will determine the timing. Mr. Johnson asked if the buffer zone would be adequate as his is still an active farm. He noted that some studies say it should be as much as 250'. Mr. Esposito stated that there would be a 50' buffer around the entire perimeter and most of the homes are situated approximately 200' away. There will also be ag notes on the plans. Mr. Lupinski noted that the existing farm buildings may not be appropriately located for the future use and this should be considered when applying restrictions. If it remains open space, the PB needs to consider if it would be better to mow it or let it "go wild".

Mr. Johnson question the affect on the neighboring wells. Mr. Esposito responded that they have maximized the open space to allow for groundwater recharge and they have monitored wells and done pump tests. They have followed the Town's protocol and found that there is adequate water. Mr. Jerry Boss noted there would be an increase in traffic and asked when the recent traffic study would be available. Supervisor Bloomfield, who was in the audience, replied that it should be available mid-December. Mr. Rodnight asked about the impact on the schools. Mr. Esposito noted that the analysis has been done and submitted.

Mr. Johnson expressed concern about the future maintenance of these open spaces. Mr. Golden replied that this has been discussed and the land will be subject to restrictions included in the deed and will be binding on all future owners. Mr. Golden noted that the PB will have to consider all these factors and the purpose of this hearing is to receive public comment as to the environmental impacts. All of these comments will be considered. The Public Hearing will be continued until December 7 to allow for further studies and comments.

Ms. Cleaver noted that at the last meeting Mr. Esposito was asked to comment on the discharge into the wetlands. She asked if the PB can ask for "constructed"

wetlands to protect the existing wetlands. Mr. Golden stated that if the PB believes and has a reasonable basis that there may be degradation of the existing wetlands they may ask the developer to analyze this, but the PB has to be very specific. There is a provision in the Town code for this - Section 97-45c.

Mr. Esposito stated that they will not be discharging directly into the wetlands and the wet ponds they are creating will help to cleanse the runoff. This type of pond is preferred by the regulatory agencies. They are following state and federal codes. Mr. Henry noted that they will have to comply with all the DEC and Town standards. He suggested that the applicant demonstrate that they are actually reducing the nutrient loading.

Mr. Golden suggested that the PB may want to send this Part 3 to the DEC with a cover letter asking for comment. Mr. Bergus asked if the board is creating a precedent by asking for this additional work. Ms. Roth noted that this is usually considered to be a case by case situation and therefore would not be a precedent setting issue. Mr. Golden noted that Ms. Cleaver's questions are fairly specific to this site. However, the DEC may not respond to this as it is an unusual request. It may be more productive to wait for the Storm Water Pollution Prevention Plan submission. The PB could then ask for special review of this issue.

Ms. Cleaver then questioned the compliance with the Town code when the pump tests were conducted. Section 3.1 states they are to use data from Middletown. Mr. Esposito stated that used the data available at BOPCES as it is available on a daily basis and is only one mile away. He noted that there is no criteria that says they must use Middletown. Mr. Golden has not reviewed this section. Mr. Andrews requested that this be considered in the continuation.

Discussion was held regarding submitting the Part 3 now to the DEC or waiting for the SWPPP to be finalized and highlight these concerns for specific review. The members all agree that it could be a condition of preliminary approval that the SWPPP include a cover letter asking for highlighted review. Ms. Cleaver asked that a copy go to the Division of Wetlands at the DEC.

Mr. Golden has reviewed the cemetery issue and found that it is inappropriate for the PB to condition to protect future private entrance access. However the Town may have to maintain it in the future, so he proposes that the Town have an easement to give access for maintenance purposes if that should become necessary. Mr. Halloran noted that setbacks and house orientation also need to be reviewed. Mr. Andrews asked that these issues be reviewed in time for the December 7 meeting.

IV. AGENDA ITEMS

Reiger - 9-1-8.452 - 360.9 acres, 130 units, located on Craigville Rd in the RU district with an AQ3 & AQ6 overlay with a scenic Road corridor overlay. **Sketch plan, NOI to be lead agency.**

Present for the Applicant: Steve Esposito

Mr. Esposito explained that the applicant was in with a sketch plan over a year ago. The PB reviewed and adopted the Constraints Analysis. They have since done some ground water exploration, some testing and drilled some wells. They are proposing approximately 130 units with approximately 70% of the site being preserved as open space and a corridor, which will allow for biodiversity. There will be 2 access points off of Craigville Rd. They are proposing to re-establish a former road. There will be a central sewer system. There appears to be an adequate supply of water.

Ms. Cleaver asked that the review the possibility that they may be transferring water out of one watershed into another. She also noted that this map appears to be different from the original one regarding wetlands. Mr. Esposito stated that they were delineated by the DEC. Ms. Israelski reminded the applicant that density bonuses are at the discretion of the Board. There is no entitlement. She would like to see a plan designed without the bonuses. Mr. Cappello noted that this is a sketch and under SEQRA review this should be part of the DEIS.

Ms. Cleaver also noted that there appears to be an old cemetery in the area. Mr. Esposito replied that they are taking steps to locate this graveyard, but they feel it is on the Broadlea property. Mr. Cappello advised the applicant that a full cultural survey would be asked for. Mr. Bergus noted that it appears some of the rock walls will be lost and asked that the applicant consider re-locating the road, so this loss can be minimized. Ms. Israelski asked that they review the location and discharge of the proposed WWTP. Ms. Cleaver also asked that they consider upgrading the Conservation Analysis as she feel that they have missed some significant features.

Mr. Cappello stated that the Board now needs to declare their intent to be Lead Agency, issue a pos dec and set a Public Scoping for January.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby declares their intent to be Lead Agency on the Rieger Project. Passed unanimously.

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

Gersbeck & Korycki - 16-1-2.1 & p/o 2.2 - 133.5 +/- acres, located on Korycki Lane, in the RU and AI zone with a stream & reservoir overlay. 2 lot subdivision Possibly set public hearing for Nov 16, 2006 or December 7, 2006.

Present for the applicant: Ken Pinkham
Ron Korycki

Mr. Halloran noted that there was concern at the last meeting regarding the proximity of this property to the landfills. Mr. Pinkham used the boundaries of the property to take his measurements and found they were 1700' from the line of the Al Turi landfill and 1800' from the other landfill. Ms. Israelski emphasized that they should do VOC testing. Mr. Pinkham asked if it would be possible to obtain data from any existing monitoring wells. Mr. Henry noted that they should also

look for arsenic and phenols and the VOC testing should be a good indicator for these.

Mr. Cappello had asked for information regarding an easement for access to a road frontage. Mr. Pinkham noted that this is provided for in their deed. There is an excerpt in the deed that refers to a r.o.w. from the highway. The road has been maintained by the Korycki family over the years. Since, only the Koryckis and Gerzbecks use this road they should set a road maintenance agreement between the two families. Mr. Cappello advised the applicant to obtain a maintenance agreement and/or some statement from a title company to eliminate confusion.

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 Gersbeck/Korycki application for November 16, 2006. Passed unanimously.

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

V. Correspondence

Hamlet at Goshen - Letter dated October 23, 2006 from Zarin & Stinmetz regarding postponement of the Scoping session.

VI. Other

Mr. Halloran reminded the Board that they had asked for resumes from the environmental consultants on the staff of Stantec and AKRF. These have been submitted and will be reviewed at the next meeting. The individuals will be asked to come for interviews at 6:45pm prior to the next meeting – Nov. 16.

The PB secretary, Linda Doolittle will be retiring after the next meeting. Mr. Halloran has placed advertisements to fill the position.

Adjournment: The meeting adjourned at 9:20pm upon motion made by Ms. Israelski, seconded by Mr. Myruski,

Reynell Andrews,
Acting Chairman

Notes prepared by Linda P. Doolittle.

