

**Town of Goshen
Planning Board
MINUTES OF THE
WORK SESSION MEETING
December 1, 2005**

MEMBERS PRESENT

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

ALSO PRESENT

Michele Babcock, Attorney
Richard Golden, Attorney
Neal Halloran Bldg. Insp
Joe Henry, Engineer
Graham Trelstad, Planner

ABSENT

Raymond Myruski

I. CALL TO ORDER

Chairman Huddleston called the meeting of the Town of Goshen Planning Board to order at 7:30 pm.

II. MINUTES

The minutes of the November 17, 2005 meeting will be reviewed for the next meeting

The Chairman changed the order of the meeting to fit the attorneys schedules.

Hambletonian - 8-1-12.221 - 23.4 +/- acres, located on Upper Magic Circle in the HR zone with an AQ6 overlay. Mr. Golden is serving as counsel to the PB for this application.

Present for the applicant: Ross Winglovitz

Mr. Halloran reported that a new site plan has been presented and the Supplemental EIS is under review. Two memos, one from the Attorney for the applicant and one from Joel Russell have also been submitted.

Mr. Winglovitz stated that since last November, they have updated the documents for SEQRA with emphasis on water/sewer, traffic etc. The PB consultants are in the process of reviewing these studies. The applicant is presenting a new conceptual plan, which was developed with the Traditional Neighborhood Design in mind. They show smaller lots, rear access, and alleyways. There is also a day care center shown and a cottage setting of five smaller single family homes

around a cul de sac and one multi-family unit. The applicant is trying to provide a variety of housing types and is showing the maximum number of units that would be allowed on the site. Locations for ponds for storm water management are also shown. There is no commercial component.

Mr. Andrews asked about the size of the cottage style homes. They will be smaller single-family residences with a condo-type ownership. They will be between 1200-1500 sq. ft. in size. They will probably be cape style homes. Mr. Trelstad asked if the applicant would consider interspersing these units throughout the development. Mr. Winglovitz will check with the client.

Ms. Israelski asked what type of surface would be used on the alleys. They will be owned and maintained by the HOA. There will be 14' of graveled way and 8' paved. This will allow for 8' of travel lane with parking on the side. Mr. Bergus asked if there would be additional buffering behind Lot 1. The area is already fairly densely wooded. Ms. Israelski asked if there would be a connection to Old Chester Road. Mr. Halloran noted that the Fire Dept. has expressed a desire to see this connection. Mr. Winglovitz responded that the road is stubbed to the property line. The traffic study does discuss this possibility and they are pursuing this connection, but there will be wetlands issues on the neighboring property. It is not necessary for their project but it would be an enhancement.

Ms. Cleaver asked if Harness Estates was included in the traffic study. Mr. Esposito replied that it was not in this traffic study, but it was included in the growth study of all the projects. She noted that Sarah Wells Trail is a problematic intersection. Mr. Esposito stated that this intersection has been identified as one in need of mitigation. Ms. Israelski asked to see the landscaping plans for the storm water areas. Mr. Winglovitz responded that once the PB is comfortable with the layout, they would begin working on the landscaping.

Mr. Bergus noted that there are new water supply requirements. How will the applicant meet the existing and proposed new peak capacity of the wells? They will be required to meet peak demands rather than average demands. Mr. Winglovitz replied that he used very conservative numbers. Mr. Huddleston asked that the applicant look very hard at buffering from the existing homes. He emphasized that the existing homeowners have many concerns so the applicant should anticipate many questions. He also noted that it appears the applicant has done a great deal of work up to this point.

Mr. Golden handed out a map of Hambletonian Park and explained that the possibility of taking advantage of certain parklands was discussed at the staff meeting. There were certain areas that were donated by the original park

development - two are well sites and the other is the area for the original wastewater treatment plant. The current applicant asks if these can be acceptable as open space. Mr. Golden will formulate his recommendation for the next meeting.

The letter received from the applicants' attorney, Mr. Donnelly, was discussed. Mr. Donnelly has proposed that the applicant will waive the 62-day requirement if the PB will consider setting a Public Hearing based on this conceptual plan. The applicant would like to have all comments as soon as possible so that the detailed engineering can begin. Typically, the PB determines the completeness for public review and then modifications are made to reach a final plan. If this procedure is acceptable, the public needs to know that this is a conceptual plan. Mr. Golden also noted that this will be a subdivision Public Hearing, not a SEQRA hearing. Mr. Trelstad noted that if this project is given a pos dec then there would need to be a SEQRA Public Hearing. Mr. Lupinski noted that it should be decided soon if the PB can accept this expanded Part III rather than issue a pos dec.

Mr. Huddleston noted that they still need the comments from the consultants and the members need to finish their review of the documents the applicant has provided. The applicant will be on the December 15 agenda.

Taylor - 20-2-17 - 2.134 +/- acres, located on Industrial Drive in a CO zone with an AQ3 overlay.

No one is present for the applicant. This application is for the expansion of an existing light industrial metal building - septic design Mr. Halloran explained that when this first came in he thought it was for a warehouse, but after review he feels it is more of a light manufacturing nature and therefore, would need a special use permit. A Public Hearing will be needed. Mr. Halloran will check to see if new plans have been submitted for the consultants to review.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby sets a Public Hearing for the Taylor application for December 15, 2005. Passed unanimously.

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

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

Mr. Halloran explained that this project has been reviewed in the past and now it is necessary for the PB to issue their Notice of Intent to be Lead Agency.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Planning Board hereby issues a Notice of Intent to declare Lead Agency in regard to the Zalunski application. Passed unanimously.

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

III. PUBLIC HEARING

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. Seeking preliminary approval for a 26 lot subdivision.

Present for the applicant: Steve Esposito
Steven Kunis

This is the continuation of the Public Hearing. Mr. Esposito explained that they have received the updated wetlands delineation and he presented the mapping. The applicant is very disappointed to learn that 52.7 of the 60 acres on the west side of Maple Ave. is being considered wetlands. This will negate the plans they had of offering this parcel to the Town for a park. They are arranging for a second opinion and should have the results next week. Mr. Bergus asked how this new wetlands delineation affects the density. Mr. Trelstad noted that it would be prudent to amend the Conservation Analysis dated November 2004 to indicate this new wetlands delineation.

This is the third session of the Public Hearing. The Board still needs to make a decision regarding the 300' road frontage for the homes along Maple Ave. The code allows the PB the ability to waive the 300' requirement based on the topographical constraints. Mr. Huddleston asked for a motion to waive the 300' requirement.

By Proper MOTION made by Mr. Bergus, seconded by Mr. Andrews, the Planning Board of the Town of Goshen hereby agrees to waive the 300' frontage requirement for the homes on Maple Ave. for the Persoon application.

DISCUSSION

:Mr. Lupinski expressed concern that there will be other projects coming up that will have similar issues and he feels the Town Board should be asked to provide input into this portion of the Zoning Code. He also noted that Mr. VanHage and Mr. Meyerreichs presented a possible solution by moving the unit on Lot #5 to lot #21, which would have minimal impact. He feels this would have little visual impact. Ms. Israelski pointed out that with the new delineation on the west side, they will have homes there instead of the original park concept. Mr. Esposito noted that if they move the unit to lot 21 as suggested, they would impact the wetlands, which is one of the primary resources of the site. They would likely need a permit. Mr. Huddleston also reminded the applicant that with the changes in the NYS DEC requirements, they will also have to plan on 100' buffers.

Mr. Kunis explained that there have been no formal negotiations with the Town regarding the possibility of parkland. The Persoons volunteered to give this land to the Town. The plans were not based on this. Mr. Lupinski stated that he thought that the applicant was hoping to waive the recreation fees by this donation. Mr. Huddleston reminded everyone that no one on this Board can negotiate for this park and no one did. All of this was strictly conceptual. Mr. Esposito noted that any discussion of fees would have to be with the TB. Mr. Andrews asked if the applicant discussed any of this with the TB. No, they did not. Mr. Esposito stated that they "floated" the concept with the Attorney and with the Supervisor, but never with the entire Board. Mr. Huddleston stated that there have been no official negotiations.

Ms. Israelski asked for some mitigation of the visual impacts from Maple Ave., by having some of the garages in the rear. She is looking for street appeal. Further discussion ensued. Mr. Lupinski asked if the applicant has homes on the westerly side, is he still entitled to the five homes under discussion. Mr. Andrews asked if the sight distances would be met. Mr. Huddleston stated that the applicant would have to meet the requirements. The discussion was closed and the members were polled regarding the acceptance of the resolution waiving the 300' frontage as formulated by Ms. Babcock.

Mr. Bergus	In Favor	Ms.Cleaver	Against
Ms. Israelski	In Favor	Mr. Lupinski	Against
Mr. Andrews	In Favor	Mr. Huddleston	In Favor

**TOWN OF GOSHEN
PLANNING BOARD
RESOLUTION WAIVING
ROAD WIDTH FOR LOTS FRONTING ON
EXISTING STREETS PERSOON SUBDIVISION**

WHEREAS, an application has been made to the Town of Goshen Planning Board for subdivision approval for a proposed ± 27 lot subdivision on a 126.9 acre tract in the RU zoning district AQ-3 overlay located on Maple Avenue, southeast of Houston Road; and

WHEREAS, said parcel is designated on the Town of Goshen Tax Map as Section 17, Block 1, Lots 4 and 36; and

WHEREAS, the development is bisected by an existing County Highway (Maple Avenue) (County Highway #31); and

WHEREAS, the developer proposes to develop the lots on the south side of Maple Avenue into 26 single family dwelling units; and

WHEREAS, five (5) of these lots will have direct access onto Maple Avenue; and

WHEREAS, the total frontage of these south side parcels on Maple Avenue is ± 824 feet; and

WHEREAS, the Town of Goshen Zoning Code, Section 97-20C(2) requires that the minimum road frontage per lot on existing roads shall be 300', unless the Planning Board determines that due to topographic conditions, a lesser frontage is appropriate; and

WHEREAS, the five (5) lots proposed on Maple Avenue will contain 2 shared driveways resulting in a total of three (3) curb cuts on Maple Avenue over 824' of frontage for an average one (1) curb cut for $\pm 274'$; and

WHEREAS, any configuration to the site to reduce the number of lots fronting on Maple Avenue would result in development along a sensitive ridge line and steep slopes running across the southern property as set forth in the Conservation Analysis Findings dated November 13, 2004; and

WHEREAS, due to the topographic features of this property, the Planning Board deems it desirable to permit the applicant to apply for five (5) lots fronting on Maple Avenue;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Goshen Planning Board hereby waives the requirements of Town of Goshen Zoning Law Section 97-20C(2) to permit a maximum of five (5) lots to be developed along the south side of the proposed Persoon development on Town of Goshen tax map Section 17, Block 1, Lot 4 due to topographic features of the site to limit development along existing ridge line on the site; and

NOW, BE IT FURTHER RESOLVED, that said waiver is based upon the following conditions:

1. The applicant completing the necessary SEQR and subdivision review and meeting all other requirements of the Town of Goshen zoning codes, subdivision codes and mitigation measures implemented by the Board pursuant to its SEQR review;
2. Limiting the curb cuts onto Maple Avenue serving these five (5) lots to be developed on tax map Section 17, Block 1, Lot 4 to three (3) curb cuts;
3. Any development of the property on the north side of Maple Avenue, tax map Section 17, Block 1, Lot 36, that is for residential use shall be limited to one (1) curb cut onto Maple Avenue. NOTE: This limit shall not apply to any cuts to facilitate the use of the parcel for park and/or recreation uses.

Motion made by Mr. Bergus seconded by Mr. Andrews. Vote of 4 ayes and 2 nays whereupon the resolution was declared adopted by the Town of Goshen Planning Board.

Dated: December 1, 2005

Filed in the Town Clerk’s Office on December 5, 2005

Mr. Lupinski asked if a letter could be sent to the TB explaining this issue and asking for their input.

VOTE By Proper MOTION, made by Mr. Lupinski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen hereby authorizes Mr. Halloran to write a letter to the Town Board requesting their input regarding the 300' road frontage requirement in the code. Passed by a vote of 5 ayes and one abstention.

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

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby closes the Public Hearing in regard to the Persoon application. Passed unanimously.

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

It is agreed that a final determination is needed on the wetlands before modifying the Conservation Analysis. Ms. Babcock is directed to prepare a neg dec resolution for the December 15 meeting.

Mr. Esposito noted that this has been a lengthy process and the applicant has done the delineations at their own cost and they had asked for a neg dec and preliminary approval. They have done everything they have been asked to do and therefore, ask that the PB conclude their rulings at the next meeting.

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IV. AGENDA ITEMS

Station Office Plaza - 10-1-56.1 - 3.29 acres, located on 6&1/2 Station Road in the CO zone with an AQ6 and scenic Rd corridor overlay. Subdivision - site & grading plan

Present for the applicant: Steve Esposito

Mr. Halloran stated that this is the project directly in front of the Hendler property and they are asking for subdivision approval. Mr. Esposito explained that they plan to break two portions off from the existing farmhouse in order to phase the project. The plan to renovate the farmhouse to provide 3500 sq. ft of office space. They would like to subdivide 1.9 acres and 1.35 acres from the main parcel in order to establish two more office buildings. This procedure will help the applicant obtain financing.

Mr. Bergus asked about the façade of the building. The farmhouse will keep the existing façade. The other buildings will be one story, similar to those in Eastgate. The exterior will be drivet/stucco. He will have elevations for the Board soon. Mr. Bergus asked if they have made arrangements with the Village for water and sewer. Mr. Esposito responded that they will have individual wells and septic, but the Village will include this project when the new sewer plant is ready

Ms. Cleaver asked if the driveways and parking would be asphalt. Mr. Esposito stated that there is an existing dirt drive, which will be removed and blacktopped.

The parking will also be blacktop. Ms. Cleaver asked that a note be added regarding the type of sealant to be used in these areas. She also asked that they speak with the Audubon Society regarding the impact the project will have on the birds, especially the lighting. Ms. Israelski asked if there would be appropriate landscaping around the storm water management pond. Mr. Esposito stated that there are planting requirements, which will be met.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Mr. Lupinski, the Planning Board of the Town of Goshen hereby sets a Public Hearing for December 15 for the Station Office Plaza application. Passed unanimously.

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

A & L Acres 13-1-34.2 - 217.8 acres, 49 lot subdivision located on Houston Road in the RU Zone with an AQ3 & 2 scenic road and 1 stream corridor overlay.

Present for the applicant: Steve Esposito

Mr. Esposito explained that they are presenting an outline of their expanded Part 3 EAF for the Board's input. The applicant is performing a coordinated traffic report similar to the one done on the other side of town. It will include Goshen Properties, Fidanza and Makuen and will cover the intersections of Houston & 17A; Maple Ave & Houston, Peachtree Ln. & 17A; Pulaski Hwy. & 17A. Ms. Cleaver asked if they would please include impacts on air quality in the traffic section. Ms. Israelski also asked that they include the impact on pedestrian travel. Mr. Huddleston reminded the applicant that they need to send copies to the Fire & Police Departments for their review and comments.

Crystal Development - 21-1-89 - 5.0 acres, located at 907 Pulaski Highway in the AI zone with an AQ3 & flood plain overlay. Existing building 9000+/- Sq. Ft. - 2100 +/- to be used for office & 6900+/- to be used for warehouse space. Heavy equipment staging area.

Present for the applicant: Steve Esposito

Mr. Halloran reported that this is an application to renovate an existing building. A portion will be used for office space and the balance will be used for storage. There is an existing gravel area around the building. Mr. Esposito stated that they plan to design an access and paved apron as required. The balance of the drive would be gravel. There will be storage bins in the rear for materials and

equipment. A berm would be created in the front and improved landscaping would be added.

Mr. Huddleston asked if there would be a repair shop. No they will be maintaining their own equipment but there will be no repairs done for others. Mr. Bergus asked if the area would be fenced. Mr. Esposito responded that a portion may be in the future. Mr. Huddleston also advised the applicant to review the well location in relation to the storage area. The well is above that area. He also asked about screening from the neighbors. The property is surrounded by black dirt and industrial buildings. The applicant will screen if necessary from any residences.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Planning Board declares the Crystal Development application for special use permit is a Type I Action and declares their intent to be Lead Agency under NY SEQRA. Passed unanimously.

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

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Planning Board hereby sets a Public Hearing for the Crystal Development special use permit for January 5, 2006. Passed unanimously.

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

OC Veterinary Hospital (Shanker) - 11-1-25.1 - 4.0 acres, Located at 1761 Rte 17M in the HC zone with an AQ6 & scenic road corridor overlay.

Present for the applicant: Amador Laput - Fellenzer Engineer
Doug Sanders, Arch.
Dr. & Mrs. Shanker

Applicant has met with the consultants and has prepared the changes requested. The applicant proposes to place a 1-story building on the 4 acre parcel. The perc and deep tests have been done and are acceptable. They are providing a storm water management pond and there is a swale, which will direct runoff to the rear of the property. They have submitted the necessary plans to the DOT. The entrance will be directly across from Old Chester Rd. They do not expect the project will adversely impact noise or traffic.

Mr. Halloran noted that the original plan showed some parking in the rear, but the consultants felt this was excessive. If necessary the applicant can "bank" some parking in the rear. Dr. Shanker explained that here would be 3 veterinarians and approximately 7 employees. There will be 5 exam rooms and they expect 10-12 people waiting. They are supplying 25 parking spaces.

Mr. Sanders explained that the property could support more than one building although they do not expect to have any other buildings in the near future. Mr. Huddleston suggested that they move the proposed buffer closer to the Hacienda so that they could erect another building in the future. Mr. Bergus noted that it appeared that the ruts on the property were holding water for a long period of time and it is known that the soils in the area are problematic. He asks that the applicant perform further perc testing. Mr. Henry will work with the applicant on this. Mr. Bergus also asked about the washing system. Dr. Shanker responded that they are using a high-powered washing system, which should be more efficient than a regular system. The original calculations were based on the use of regular hoses, the applicant is advised to obtain the specific calculations for this high pressure system.

Ms. Cleaver asked about outdoor lighting. There will be a lit entrance sign, some wall mounted lights and lighting in the parking area. There will be no visible bulbs. Mr. Sanders presented some elevations of the building. It will have a traditional look with a sloped roof with gable, clapboard siding and windows with shutters. There will be 4 dormers and 2 cupolas. There will be no difference in the look between the front and rear of the building. They will use earth tone colors. Mr. Huddleston asked about the view from the Quickway. Will the roof units be visible? Mr. Sanders did not think they would be visible. The total height of the building is 28'.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby sets a Public Hearing on the special use permit for Orange County Veterinary Hospital for January 5. Passed unanimously.

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

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

Present for the applicant: Steve Esposito

This 2-lot subdivision has been before the PB for a few months. The applicant needs to cut off the lot with the existing house from the larger portion in order to sell the house. Mr. Bergus had a series of questions regarding the well and septic system. Notes regarding the slope of the pipe, the make and model, the 5 gpm pump and the minimum well depth will be added to the plan. Ms. Israelski asked about the need for street trees. Mr. Esposito replied that the existing house is already wooded and there is an attractive vista across the existing lawn area. There will be a restrictive covenant to protect this space. When they come back for the remainder of the parcel, they will look at the possibility of trees along Gibson Rd.

The application is ready for final approval conditioned upon the applicant addressing the engineer's and Mr. Bergus' comments. It will also be subject to payment of fees and recreation fees.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby grants preliminary and final approval to the Dickerson 2-lot subdivision conditioned upon the satisfaction of the engineers' and Mr. Bergus' comments, the payment of all fees and the payment of recreation fees in the amount of \$3000 for the new lot. Passed unanimously.

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

Foley - 10-1-10.21 - 10.123 +/- acres, located on Owens Rd in the RU zone with an AQ6 overlay. 2 lot subdivision

No one is present for the applicant

Adjournment: The meeting adjourned at 10:15 pm upon motion made by Ms. Israelski, seconded by Mr. Huddleston.

Ralph Huddleston, Chairman

Notes prepared by Linda P. Doolittle