

DRAFT – UNAPPROVED

**Town of Goshen
Planning Board
MINUTES OF THE
WORK SESSION MEETING
February 2, 2006**

MEMBERS PRESENT

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

ALSO PRESENT

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

ABSENT

Ralph Huddleston
Raymond Myruski

I. CALL TO ORDER

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

II. MINUTES

The minutes of the January 19, 2005 meeting were approved as corrected upon motion made by Mr. Bergus, seconded by Mr. Israelski.

III. PUBLIC HEARING

Fordham University / Wood Rd - 5-1-58 - 10.6 +/- acres - located at 3 Wood Rd, in the RU zone with an AQ6 overlay, for religious/charitable and education use for a proposed retreat house. **Special use permit & Site Plan.**

Present for the applicant: Michael Donnelly, Attorney
 Sr. Regina Devito
 Fr. Joseph Currie

Mr. Donnelly explained that the University owns a property on Wood Rd. consisting of approximately 10 acres. There is a large home on the property. It is in the RU zone, which allows religious/charitable and educational use. There are no changes proposed for the site except for the addition of a guide rail on the lower portion of the driveway. The applicant is seeking a special use permit to allow the home to be used for a retreat house.

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It was noted that there has been some misunderstanding regarding this application. Some believe that the applicant is applying for a zoning change. Mr. Donnelly stated that it is already zoned for religious use. It was zoned as such before the university purchased the property, which is why they elected to purchase it. He further explained that the PB does not decide what uses are allowed. The PB insures that proposals comply with the Town's regulations and to be sure that any impacts are mitigated. New York and Federal law require special consideration for religious use and if that use is entitled to tax exemption. However, that is not for the PB to decide, it is up to the Town Assessor. The PB cannot even consider exempt status in the review of this application.

Numerous studies have demonstrated that they comply with the requirements. The house covers a small percentage of the lot and meets all the setbacks. There is adequate parking – students will be transported to the site in vans, not personal cars. The roadway and sight distances are acceptable.

Studies have also determined that the water and septic systems are adequate. There appears to be no problem with the well capacity and the dye test of the septic system was satisfactory. They do not need DOH or DEC approvals as long as the number of retreat participants is fewer than 25 for less than 6 months. They are planning to cap that number at 20 students. The applicant believes that the tank totals 2500 gallons although they have not been able to measure the interior.

Mr. Donnelly also noted that in the past the facility had been used for West Point parties with 40-50 people present. This plan is for 20 or less for religious and silent reflection. The University believes they will contribute to the community and they will be respectful of their neighbors. It has also been mentioned that there may be a potential for broadening the program. Mr. Donnelly emphasized that there are no current plans to expand the program and if they did choose to expand, they would have to come back to the PB. He stated that while it may not be possible to please all with their plans, they hope to please most of the community.

Fr. Currie introduced Sr. Regina, who is in charge of the retreat program. Sr. Regina noted that the site is very beautiful and she feels the beauty of the surroundings will enhance the program. They have made some improvements to the house. She stated that they will be limiting the number of participants. There will be student leaders and a retreat director as well as support staff. The number will be limited to twenty. There are two categories of programs: 1) a three-part program that follows the exercises of St. Ignatius Loyola consisting of silence and prayer; 2) theme retreats, i.e., "spirituality for women", "looking at your life" etc. There will be reflection, discussion and written work. They are designed to be contemplative and to encourage the students to enjoy the

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beauty of the area and not invade any private property. The University expects to have 14 retreats per year - 7 each semester.

The Chairman asked for PB member comments. Ms. Cleaver stated that the ERB has expressed concern that the surrounding property is farmland and they advise that some sort of signage be posted to advise the students that there are animals in the area and these properties are private. Mr. Donnelly stated that this would not be a problem and the applicant will work with Mr. Halloran to establish the appropriate signage.

Ms. Israelski had the following comments:

- 1) Site Plan approval will be needed
- 2) The application should be reviewed as a large project and not a small one as presented.
- 3) What type of vans will be used? What size, etc.
- 4) The PB needs to know the actual size and type of the septic fields.

Mr. Donnelly responded that they would be using one or two 14-passenger vans. He also noted that they have been unable to locate the plans for the septic system and without them they would have to dig up the fields. Ms. Israelski is concerned that the location could be a problem for the neighbors' downhill. Mr. Bergus stated that this application falls under the category of temporary residence with the DOH and there are certain requirements regarding the water quality and quantity. He advised the applicant to speak further with the DOH regarding these criteria. Mr. Donnelly noted that usually the DOH will not review an application without preliminary approval from the PB.

Mr. Ron Kossar, 4 Wood Rd. is the attorney for the Extended Wood Rd. HOA and is speaking as a neighbor and on behalf of that organization in opposition to the project. He stated that as this is the first application under the new RU zone, the PB should review this project intensively for the adverse impact on the neighborhood. It is a matter of public vs. private use. This is a heavily wooded, quiet, strictly residential neighborhood. The homes in the area range in value from \$350,000 to the \$1.3 million paid for this parcel. Many of the homeowners pay taxes in excess of \$10,000. He emphasized that the PB needs to balance the federal law (RLUIPA) with the Town and Building codes and SEQRA. This will be a quasi-commercial use in a residential area. RLUIPA was passed to halt discrimination.

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Mr. Kossar has reviewed the documents submitted by the applicant and finds little mention concerning the SEQRA process. He stated that SEQRA mandates that the PB must apply a “hard look” to this application. SEQRA has to be balanced in a non-discriminatory manner. The PB must do their best to accommodate a religious use but they should not have to break the code. In his review of the documents that had been submitted thus far, he feels the submission is deficient for a “hard look.” They have only submitted a short form EAF and the septic test report. There is no study of relevant environmental impacts and no use density analysis study. The number of users needs to be ascertained in regard to number of beds, water & sewer usage and kitchen facilities, etc. There should be a detailed use occupancy density analysis. The applicant should also provide a traffic impact study. This is a rural wooded road with steep grades making it dangerous.

Fire & safety issues need to be studied. They are converting the building into a public use from a private residence. Is there sufficient fire suppression, water pressure and accessibility for fire apparatus. They also need to give a “hard look” to the impact on the view and vegetative screening. There is very thin vegetative screening from the neighbors and this could be quite an intrusion.

Fordham needs to be required to preserve the existing vegetative screening on the road and sheltering the house. Mr. Kossar suggested that Fordham be required to preserve the existing vegetation and screening on Wood Rd. and that sheltering the house. In regard to the water and septic, he stated that this was originally a 5-bedroom home to be used as a permanent family residence as opposed to a dormitory facility. Does the existing well and septic meet this new capacity? This is a situation of public use vs. private use and has to be looked at and defined. This could impact the users/students’ safety. He also suggests that the Building Inspector check the pool platform to see if it complies with code. Noise and light pollution also need to be reviewed as well as the change to the character of the surrounding neighborhood. The area is residential and agricultural in nature area and this project will create a transient population.

Mr. Kossar also noted that it has been mentioned that the applicant will make the facility available to other community organizations, which would possibly enlarge the use, making it more transient. This will have an adverse affect on the community and result in a certain loss of security.

Mr. Kossar pointed out that the fiscal impacts are covered under SEQRA. This property was bought for 1.3 million in July and would probably be paying approximately \$28,000 in taxes. This will result in revenue lost to the Town. The applicant should make some payment in lieu of taxes. Mr. Kossar listed the ways in which the community would be harmed by this tax loss;

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1) other residents have to make up the shortfall, 2) the neighbors may experience reassessment evaluation and 3) studies show that mixed use causes a decrease in value. This will result in approximately 50+ grievances to be filed with the assessor. Therefore, the applicant should be asked to mitigate this by making payment in lieu of taxes.

Mr. Kossar also pointed out that, based on the inspection at the Open House this past weekend, the applicant is already in violation of the zoning ordinance. He states that they knowingly operated a retreat this weekend and they have already converted the 5 bedrooms into 8. In summation, he asks that the following conditions be considered to preserve the rural character of the area:

- 1) limit the number of occupants
- 2) limit the number and length of retreats
- 3) limit the number of vehicles
- 4) limit the use to religious use of Fordham only
- 5) no change to the existing vegetative screening – it should remain forever wild
- 6) limit the applicant to “no further development”.

Mr. Kossar also noted that it is stated in their vision statement that they wish to construct a 25-30-unit dormitory. This is not in the formal application tonight, but it is in the record from their brochures. They have purchased this property without any PB comment and at their own peril. He further noted that SEQRA frowns on segmented development and the applicants’ website shows other retreat areas with as many as 30 students. This Board should look at the full build out. He also feels the PB should consider issuing a pos dec so that a “hard look” can be accomplished. He suggests that the applicant consider preparing a GEIS. At the least, a long form EAF or pos dec and GEIS should be considered. He reminded the Board that the future of this neighborhood is in their hands and respectfully requests serious study. He thanked the Board for their time and consideration.

Mrs. Sandra Kossar read a letter from a neighbor, Karen Arent, 12 Old Minisink Trail (see attached). Ms. Arent addressed the following items: 1) fiscal impacts, 2) sewage disposal; 3) water usage; 4) visual impacts; 5) impact on community character; 6) impact on community services; 7) impact on transportation and traffic; 8) need for a site plan; and 9) compliance with building codes. She requests further study under SEQRA.

Mr. Jerry Boss, concerned citizen, explained that the community has historically learned that they should question everything and trust no one, including government. He stressed that he is not against anything, but rather feels that everything should be questioned. He feels that the people of Goshen have “had

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it” with what is happening to their community. Mr. Boss reminded the applicant that the public is not here to obstruct, but to be sure that the necessary questions are answered.

Mr. Spreitzer, 6 Fairway Dr. stated that his side yard has a view of the rear of the building under discussion. He is the president of the Extended Wood Rd. HOA. He notes that the previous owners have been pleasant neighbors and it has been a quiet and good property. Therefore, he feels, that the analogy regarding the West Point games is not appropriate. The neighborhood is 100% residential and is possibly one of the most expensive in the Town.

Mr. Spreitzer referred to the Open House on Sunday at which many questions were asked. He felt it was clear that the University intends to place a dormitory for approximately 35 students on the property and there would be the potential for 60 people. This would have a serious impact on the neighborhood - it would be “devastation to the neighborhood.” Mr. Spreitzer also stated that he is a practicing Catholic and is most disappointed at the misrepresentation from his own religion. He states that he asked Fr. Currie if they planned to provide access to other groups and Fr. Currie said no. Later a brochure was received that states clearly that the University would consider requests to make the facility available to non-Fordham groups – weddings had been suggested by some. Mr. Spreitzer feels that what they are hearing from the applicant is cause for serious doubts and concerns. He questions how access and the number of people could be controlled.

In describing the land, Mr. Spreitzer noted that the house is on a crest and is visible to the road and neighbors. If other organizations come in, how many vehicles will be allowed? There is no place to park on the road. The driveway is straight in and you cannot turn around. This also raises security issues. He questions their desire to be good neighbors when they have not considered their neighbors with this project. He stated that the HOA asked the applicant to postpone this meeting so that they could have further dialog and they did not.

Mr. Frances Donoghue, 16 Wood Rd. spoke in agreement with Mr. Spreitzer. He states he went to the meeting on Sunday to obtain information. He states that it feels that this issue is becoming a “slippery slope”, which will not be able to be controlled. He asks that the PB be sure that this is a good decision.

Ms. Jennifer Rundle, 52 Minisink Trail, stated that the transient nature of the people is worrisome. Her children play in the area and these people will be walking around the neighborhood. She asks “how will I feel safe?”

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Ms. Judy Pagano, 18 Wood Rd. stated that over the past weekend, 13 people came by her yard and spoke to her children who were playing outside. She does not want strangers in her yard and feels that now her children must stay in the back yard.

There were no further comments from the public at this time. Mr. Donnelly stated that the applicant will give a more formal response in writing and asks that no further action be taken at this time. The original submission did contain higher figures, which as the result of several meetings with the Board's consultants, they have modified. The necessary limitations will be pinned down to the PB's satisfaction. The final narrative will reflect this and can be made part of the PB's resolution. He also stated that he does not believe they have ever suggested "renting out" the facility. The applicant felt that other area parishes might want to use the facility for retreats of their own and the restrictions would be the same for them as for the applicant. If it is unacceptable to the PB to offer the facility to others this will be taken out of the plan. The University felt this gesture would be a benefit to the local community.

Fr. Currie emphasized that at the Open House they stated that they did not intend to rent this as a Conference Center and they have never considered this possibility. He also noted that the concept of a wedding was never mentioned. When the former owners covered over the pool it was done for a family wedding.

Ms. Catherine Barnett, a neighbor, asked if everything stated tonight would be put in writing. Mr. Donnelly replied that this had been done in the first narrative, but they will do it again. He asked Mr. Cappello if this application could be reviewed as a major project. Mr. Cappello replied that he would look in to this.

Mr. Spreitzer stated that the point is not the term rent - the issue is that the property would be used by others. The homeowners are also concerned that the PB put restrictions on the project so that they cannot make changes in years to come.

Mr. Cappello suggested that since more information is needed and Mr. Donnelly will be submitting a written statement, the PB should adjourn the Public Hearing to be sure that all comments are received. Mr. Donnelly apologized for not submitting the long form EAF sooner, but it has been prepared and is being submitted tonight. The applicant can prepare their response within a week, and can be at the staff meeting on 2/23. Then the information can be made available to the public in time for the 3/2 meeting.

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Mr. Cappello noted that the PB now needs to determine what information they require from the applicant. The applicant needs to provide the following: 1) more information regarding the septic system and its' location in regard to the neighboring wells; 2) the future plans for the project need to be reviewed carefully; 3) DEC permits may be needed; 4) screening issues need to be addressed; 5) traffic impacts will need to be reviewed. The applicant needs to make it clear what is proposed for the existing building and what can be identified concerning their future potential development. Ms. Roth suggested that the PB look at the Part 2 of the EAF rather than the Part 3 to see what needs to be addressed. Mr. Cappello feels that since a draft Part 3 has been submitted, this should be reviewed and then see what more is needed.

Mr. Henry noted that a more comprehensive site plan would be needed. Since this will be a temporary residence, a review of the water and sewer will be required by the DOH. The DOH will also be looking at the number of rooms, fire safety etc. He suggested that the applicant should speak to the DOH as soon as possible. Mr. Donnelly expressed concern that the DOH will not review without a preliminary approval, but he will contact them again.

Ms. Israelski suggested that they consider a circular pattern to the driveway. Mr. Donnelly noted that in staff meetings, they have discussed lighting, parking areas and a guide rail for the drive. The consultants had agreed that no further amplification was needed because no changes were proposed. In regard to the vegetation, Mr. Donnelly agreed not to disturb any living vegetation, but they would need to be able to remove dead branches, shrubbery or trees. Ms. Roth reminded the applicant that a landscape plan would be needed as part of the site plan. Mr. Andrews asked Mr. Donnelly to have the Fire Chief review the access. Mr. Donnelly noted that the Chief probably does not have authority to rule on a private drive, but he will speak to him regarding the safety issue

Mr. Bergus asked that the location of the septic system needs to be more precise as it is possible that it could be too close to the neighboring wells. Also the capacity of the well is bordering the allowable threshold. He noted that there is equipment available to help locate the system more precisely. The system also needs to show that there will be adequate storage. Ms. Barnett asked if the neighboring wells could be monitored when they run a well test. Mr. Henry agreed that this could be considered.

Mr. Donnelly asked that the applicant be given some parameters. They need to know exactly what the PB's professionals want. He feels it is the jurisdiction of the DOH to request these types of items. He will speak to the DOH, but since they will probably want preliminary approval, he cannot make them actually complete a review.

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Mr. Ed Bohling, a neighbor, asked if the applicant will be allowed to continue to hold retreats without any permit. Mr. Donnelly stated that they have had students on the premises helping to set up the facility. They have not held a retreat. Mr. Cappello stated that they own the house and they should be allowed to let people come to visit. He noted that if other people on the street want to have a party the PB cannot stop them, therefore they cannot stop Fordham from using the house.

Ms. Candace Haney, 237 Scotchtown Ave., stated that she feels the University would not have spent this large amount of money without thinking they would get their way. She feels they should be paying taxes.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby adjourns the Public Hearing in regard to Fordham University Special Use Permit to the March 2, 2006 meeting. Passed unanimously.

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

IV. AGENDA ITEMS

Houston Subdivision – 17-1-5.24 97+/- acres located on Rte 17A & Houston Rd. in the RU zone with an AQ3, stream & reservoir and (2) scenic road corridor overlays. Request for a 6-month extension on the preliminary approval due to expire on Feb. 18, 2006. New expiration date would be August 18, 2006.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby grants a six-month extension to the preliminary approval for Houston Subdivision. New expiration date of August 18, 2006. Passed unanimously.

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

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. **Co-location on existing tower. Refer to Telecommunication Committee and Consultant**

Present for the applicant: Neil Alexander, Cuddy & Feder LLP

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Mr. Halloran explained that this project was referred to the consultants and the Telecommunication Committee, but there has been no response. The applicant asked if he could make a brief presentation tonight even though he is not on the agenda.

Mr. Alexander explained that they are requesting an additional 10' on the existing cell tower. They could go lower on the tower, but this would cause more gaps in coverage and therefore they would need more sites. If they can go up, it should give them greater coverage. The tower is currently 150' tall. Ms. Israelski asked if they would still need other towers in the area. Yes, they would, but not right away. She also asked if Nextel owns this tower. No, they do not. Could they go to the tower by Remeo Products? They are already on that tower. Ms. Israelski noted that it would be preferable to be on an existing tower than to erect a new one. Mr. Cappello noted that a 10' extension would be a major addition; therefore it will need a Public Hearing. The PB needs to hear Mr. Komi's recommendation. Mr. Halloran will contact him for a written response. Ms. Israelski asked if screening is needed. Mr. Halloran responded that you cannot see the ground level equipment buildings from the surrounding area.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby sets a Public Hearing for the Nextel application for the March 16, 2006 meeting. Passed unanimously.

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

V. OTHER BUSINESS

Hills of Goshen, Hills of Chester - RE: A possible connecting road between the two developments. Mr. Henry stated that they have asked for a traffic study from this developer and have still not received one that accurately reflects what is needed. Mr. Cappello noted that there are several issues besides the connecting road, but the developers would like to make a pre-application presentation. The members agreed to hear them at the March 3 meeting.

Adjournment: The meeting adjourned at 9:50 pm upon motion made by Ms. Israelski, seconded by Ms. Cleaver.

Reynell Andrews
Acting Chairman

Notes prepared by Linda P. Doolittle

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