

**Town of Goshen
Planning Board
MINUTES OF THE
WORK SESSION MEETING
May 5, 2005**

MEMBERS PRESENT

Ralph Huddleston, Chairman
Reynell Andrews
Lee Bergus
Mary Israelski
John Lupinski
Raymond Myruski

ALSO PRESENT

John Cappello, Attorney,
Neal Halloran Bldg. Insp
Joe Henry, Engineer
Graham Trelstad, Planner

ABSENT

Susan Cleaver

I. CALL TO ORDER

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

II. MINUTES

The minutes of the April 21, 2005 meeting were approved as submitted upon motion made by Mr. Andrews, seconded by Ms. Mr. Bergus.

III. PUBLIC HEARING

GOSHEN ASSOCIATES 10-1-44.2 for a minor subdivision for conservation analysis located on Old Minisink Trail and Fletcher St., in a RU zone with AQ6 overlay.

Present for the applicant: Dave Higgins
 John Shafran

Mr. Halloran stated that the ZBA has granted the necessary variance. They do not have to meet the density requirements of the AQ6 zone. Mr. Higgins explained that the applicant is here for a 2-lot open space subdivision to construct two single-family homes. The Village has agreed to provide water and sewer. The property is just less than four acres, with two acres being set aside for open space. This area will be deed restricted with a conservation easement over the rear of the parcel. Street trees are proposed along Fletcher St.

Mr. Myruski asked if there is a portion in the Village. Mr. Higgins replied that they are right on the border and none of this property is in the Village.

Mr. Trelstad stated that after a site visit, they thought that the applicant could leave a portion as lawn. He suggested that the easement could say, "no structures would be allowed". Mr. Huddleston stated that open space has never been about lawn. Lawns are not open space, as they create a need for fertilizers etc. Open space is supposed to mean "natural vegetation."

Mr. Halloran noted that the applicant would have difficulty mowing the area, as it is very wet. Mr. Higgins stated that it has clearly been mowed in the past. He also explained that there might be some wetlands in the rear of the property. However there is no evidence of wetlands in the front portion. Mr. Shafran stated that he will agree to a "no mowing" clause. Mr. Trelstad suggested that a split rail fence be used as a boundary. It may have to have a couple of breaks in it to allow access to the rear. Mr. Shafran agreed to this. Mr. Higgins noted that they have moved the buildings closer to the road. Ms. Israelski asked what type of street trees would be planted. She asked that Mr. Trelstad review the list to be sure that they are salt tolerant. The applicant needs to provide a one-year performance guarantee on these plantings. She asked that the applicant review the guidelines in §83-18 of the code for size and distance.

Mr. Trelstad presented a draft Conservation Analysis, which was discussed. Mr. Cappello asked if the application has been sent to the County and has the Ag data form been completed. Yes it has. Mr. Cappello will work with the applicant on the wording of the easement. Mr. Henry asked that the metes and bounds description be included in the easement document.

The Chairman asked for comment from the public. Ms. Nancy DePalma, 74 Fletcher St. asked if the applicant would be clearing the current vegetation on Fletcher St. and planting new trees. Yes, they will be. She is very happy about the conservation easement, however she is very concerned about the water. She has a great deal of water on her property. The water appears to come down the Fletcher St. hill through her property and into her side yard. She is concerned that when these homes are built, any fill will block the flow and it will back up even more on her property. She asked if there would be any fill done on these properties. Mr. Higgins replied that any fill would be around the house and would come from the basement excavation. Drainage will continue to go where it currently goes, which is toward the rear of the property. It will not be flowing in the direction of her property.

Mr. Huddleston asked that an area of disturbance be shown on the map, so they can enforce where the work is done. Ms. DePalma asked what recourse she has if she finds that the wetness is increasing. Mr. Trelstad advised the applicant that they do not have to fill very high around the home and they should pitch it to flow toward the rear. He asked that a note be added requesting that grading around the

homes be kept to a minimum. Mr. Higgins feels that this is too vague, an area of disturbance note will be more enforceable. He does feel confident that they can build without causing an increase in water off site. Mr. Henry asked that they show a site grading plan as well as the limits of disturbance in order to be sure that they will not cause an increase in water offsite. They need to be sure they do not create a blocked water effect.

Ms. DePalma also asked that the applicant be sensitive to the "feel of the neighborhood". Mr. Shafran stated that he is not sure what style of home he will build. It will depend on the buyers. He does not feel they should tell him what style he can build. Mr. Trelstad stated that the Town would want to see good design as this is a gateway to the community.

Mr. Halloran stated that the County has responded that this application is a matter for local determination.

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

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

The Board will vote on the Conservation Analysis at the next meeting after the modifications are made.

HEALEY 9-1-16 & 183 lot line change - for a 2-lot subdivision located in an RU zone with an AQ6 overlay.

Present for the applicant: Steve Esposito

Mr. Halloran explained that this Public Hearing was held over from the last meeting to enable the neighbors to attend. One letter has been received dated 5/5/05 in support of the request.

Mr. Esposito stated that the application is to modify the existing lot line that separates the two lots. The lots will change in size from both being approximately 5 acres each to one of 7.2 acres and one of 3.5 acres. There have been improvements made to the rear of the current house that carry over on the second lot. The applicant would like to keep these on the existing lot. He will also re-locate the fence. The septic and well for the second lot will be in the same area as originally approved as will the new house.

Mr. Huddleston asked if all the lots in the original subdivision are 5+ acres. Yes, they are. And are there any other property owners that own two lots? Mr. Esposito stated that this is the only party that owns two lots. Mr. Huddleston asked if all of the other lots have been built. Yes, they are all built or under construction. Therefore, the PB would not be setting a precedent by approving this change. Ms. Israelski asked if there are recorded deed restrictions.

Mr. Folchi submitted copies of his deed restrictions. He has spoken with the neighbors and they all have the same restrictions. The restrictions state that no parcel can be subdivided and each must be 5 acres in size. He stated that the other members of the subdivision are against this proposal and if the change is allowed they will be hiring an attorney.

Mr. Cappello responded that there is nothing in the Town records that shows that the Town put on these restrictions. If the Town had put on these restrictions they could enforce them, but since, the developer put them on, it is a private matter. Therefore, the Town has no jurisdiction to enforce these restrictions. Mr. Cappello stated that we cannot deny someone their right to use their property. Mr. Esposito noted that the applicant did speak with his attorney and he feels that it is not a subdivision and he is entitled to build on the parcel.

Mr. Walton, another neighbor, stated he is a professional engineer, living contiguous to the subject property. He raised a number of issues. He feels the certified notice was in error as it states that a parcel of 10.7 acres is involved, when it is actually only lot 4 that is affected, which is 5 acres that is being changed to 3 acres. There is no Professional Engineer stamp on the map. Also, there are no metes and bounds descriptions. Mr. Bergus emphasized that they are not creating a lot. Mr. Walton stated that the applicant is taking a large piece of land and dividing it, after it has been filed with the County. The map states that the lot will be 4+ acres. Mr. Cappello asked if there is a note on the map that states that there can be no further subdivision. No, there is not.

Mr. Walton also noted that the normal setback in the area is 290' and the proposed is only 160'. He emphasized that the perc in the area is not good and it appears that the proposed house will be on the leach field. He feels that perc problems, location of the house and the division of the property will contribute to the degradation of the neighborhood. He stated that if this is approved it will be a step backward for the neighborhood. This will only improve Mr. Healey's yard to the degradation of the neighborhood and create further drainage problems. He asks that this request not be approved. Mr. Keith Meltzer, a neighbor, is also present and opposed to the project.

Mr. Esposito stated that the new house is not located on the septic system and they can move it back if necessary. Mr. Lupinski noted that the deed restrictions have created a difficult situation, but the Board's hands are tied. The only recourse is for the neighbors to handle it privately. Mr. Huddleston agreed with this and noted that the Board has no right to enforce these restrictions. Mrs. Karen Walton requested that the Town take "no action." She stated that if it is approved, Mr. Healey will personally profit at the expense of the neighborhood. He does not have to subdivide the property. He can still sell the second lot and move his putting green onto his existing property.

Mr. Cappello further emphasized that the only thing that was approved originally was the septic system. This is not an approval of the house location. Anyone can put a house wherever they want on the lot as long as it is within the setbacks. This is a private issue. Mr. Myruski noted that it appears he is not violating any of the PB codes. There is nothing in the PB's original approval that requires 5+ acre lots. It appears this was the developer's personal requirement. Mr. Cappello stated that the applicant is not creating a new lot. The PB can look at the impacts on the septic etc. and the maps will have to be stamped and signed appropriately. He also noted that there is no opinion as to whether this is a violation of the restrictions. He advised the applicant to review the situation to see if he is not creating an unbuildable lot.

Mr. Walton asked how the PB can go back and change this when it was approved in the past. He feels they are undoing what a previous PB approved. Mr. Bergus stated that the original approval was for the septic and well locations and on certain conditions being met. Mr. Henry stated that the Board's decision tonight will not in any way affect the sanitary design that was approved by the prior decision. Mr. Huddleston stated that nothing is actually being changed. The only change is the possession line.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Mr. Israelski, the Planning Board of the Town of Goshen hereby closes the Public Hearing in regard to the Healey application for a lot line change. Passed unanimously.

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

The Board directs the attorney to prepare a written resolution after reviewing all the documents for a decision at the next meeting. Mr. Halloran is directed to be sure the maps are stamped and completed appropriately.

IV. AGENDA ITEMS

Matchpoint Sports - 11-1-25.22 for conditional approval, located on 17M in the CO zone with a AQ 6 and scenic road corridor overlay. Grading and storm water, is it possible to do site work prior to final approval perhaps with a bond

Present for the applicant: Karen Emmerich
 Bruce Roberts
 David Griggs
 Eric Savacool

Mr. Halloran stated that the applicant has met with the consultants and reviewed the wetlands. Mr. Griggs submitted a letter, which states that this is an isolated wetlands. There is also an artificial ditch. He noted that this does not necessarily have to be sent to the ACOE as they are entitled to a nationwide permit, for which they have already applied. They will be disturbing less than 1/10 of an acre. If the PB has no problem with this, they would like to withdraw the application to the ACOE. The actual area of wetlands is approximately .03 of an acre. Mr. Huddleston reviewed the maps and agreed that it is not in a flood plain so they are entitled to the nationwide permit. The wetlands do appear to be isolated. He asked Mr. Griggs to provide a letter for the file documenting his conversation with Brian Orzel, ACOE.

Mr. Cappello asked that there be a note on the map stated the amount of wetlands to be disturbed and that there are other wetlands on the site. This note should also state there is to be no further disturbance of wetlands. Mr. Savacool submitted a construction timetable, which they hope will work out with the receipt of the approval from the DEC for the C&D work. This should occur in July. They have a temporary permit from the DEC. Mr. Halloran and Mr. Henry have suggested that the applicant post a bond for this work as well as posting a bond estimate for the capping of the C&D. Mr. Henry also would like the silt fencing, seeding and erosion control included in the bond. The applicant needs to prepare a bond estimate for the re-stabilization of the entire site as well and the cost of re-capping, so that the Town is protected. Mr. Henry needs this estimate one week in advance of the next meeting. Ms. Israelski asked about the changes to the landscaping plan. Mr. Roberts stated they would update the plans.

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

Present for the applicant: Steve Esposito

Mr. Esposito stated that they have worked on the conservation analysis and have identified the wetlands and steep slopes. The wetlands have been delineated. They have reviewed the possibility of providing access to the property to the northeast - Peachtree Lane. There will be two entrances off of Gibson Road. They are hoping to keep the 17A corridor as it is with a thru road to the westerly portion of the site. They will maintain the existing hedgerows.

Mr. Trelstad has prepared a draft Conservation Analysis for review. The Board requested some modifications. The road should be continued to Peachtree lane so they could have access to the rear of that property.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby accepts the Conservation Analysis as modified. Passed unanimously.

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

Schonfeld subdivision - 11-1-27.2 & 96 - 47.9 acres, located on 17M in the RU zone with an AQ3 & scenic road Corridor overlay. Conservation Analysis

Present for the applicant: Dave Higgins

Mr. Trelstad has prepared a draft Conservation Analysis. Ms. Israelski asks that the applicant consider the view shed and a possible trailhead for the parking for the Heritage Trail. Possibly the next development over (Heritage) would be a better location, but this applicant should still review the possibility. All mature trees and hedgerows should be preserved where possible.

Mr. Higgins noted that they might have to add some screening between the homes and the Trail, but many of the homes will be below the slope and not visible. Mr. Halloran noted that the Police Chief had suggested that pedestrians be able to go along 17M with a crossing at the light at Arcadia Rd. There is a 50' easement along the tree line. Ms. Israelski noted that they could possibly access the trail from the farm road around the existing farm. Mr. Higgins stated that the farm would be split off as part of the open space, but possibly this farm could be used as a portion of the trailhead. The applicant will look into these alternatives.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Mr. Lupinski, the Planning Board of the Town of Goshen hereby accepts the Conservation Analysis as modified. Passed unanimously.

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

Traskus 18-1-8.22 114.54 acres located on Arcadia Road in the RU zone with an AQ3 overlay. The estimated lot yield is 38 units. Sketch plan.

Present for the applicant: Steve Esposito
Joe Diorno

Mr. Halloran explained that the Conservation Analysis has been done and the lead agency notice was distributed. The sketch plan has been reviewed and comments addressed. There are some isolated trees that they are trying to save. They will keep proposed dwellings off the high points. There will be 56% open space. Mr. Huddleston asked if the farm will be left as a farm and will there be a connection to the Weslowski property?

In reviewing the sketch plan, Ms. Israelski asked if the applicant could put septic in the front so that pools etc would be in the rear of the lot. Mr. Trelstad noted that the houses should be similarly located in relation to the street. However, the lots are large enough to move the homes around. Mr. Huddleston remarked that the area with the farm is approximately 55 acres, but the road divides the parcel. The applicant will need to make some consideration for equipment to cross the road. He also asked if the small (approximately 4 acres) in the rear is being considered for any type of recreation. There are some nice woods in the area and it is not appropriate for a ball field. Would the applicant consider a picnic area? It could be under the HOA and be exclusive to the neighborhood.

The applicant will consider making the following changes to the sketch plan:

- 1) Crossing on main access road to connect the two farm fields.
- 2) Provide a conceptual storm water management plan
- 3) Provide an easement line for connection to r.o.w. on Lot 29
- 4) Consider development of a private park with access along lot 11.
- 5) Consider location of house lots with respect to septic (to avoid front yard pools) to provide adequate rear yard development
- 6) Clearly identify the wetlands.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Mr. Lupinski, the Planning Board of the Town of Goshen hereby agrees that the sketch plan - with the proposed modifications is appropriate and the applicant can now move forward on this project. Passed unanimously.

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

Ms. Israelski asked Mr. Esposito if he would review the list of shade trees that the PB is working with and add the common names and his opinion as to their appropriate use.

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. Sketch plan. Mr. Golden is acting as Counsel to the Board for this project.

Present for the applicant: Jane Samuelson

Mr. Halloran reported that the Conservation Analysis was accepted at the Feb. 3, 2005 meeting and the applicant is now back with a new site plan and some changes to the wetlands.

Mr. Huddleston stated that he had been speaking with GOVAC and they asked that the applicant consider the size of access to the apartments, i.e., for stretcher access. They are concerned that this could become an important issue in the adult communities.

Ms. Samuelson reported that the consultants have reviewed the plan and have tried to incorporate the aspects of a traditional neighborhood design (TND). However, this is a very steep area, which has created some difficulties. They now have a plan for stepping the buildings up the hill. Architectural renderings were shown to explain the concept. Ms. Israelski stated that the applicant is supposed to abide by the hamlet design guidelines. The front entrances need to be on a street with parking in the rear. The plan lacks focal points and a community center. There should also be some courtyards. The hamlet design requires mixed uses. There should be more gathering places, front porches and pedestrian friendly design.

Mr. Huddleston noted that the style shown in the renderings is acceptable, but he does agree that they have not followed the hamlet guidelines. Mr. Trelstad stated that rear access would be difficult on this property. Possibly the applicant could consider terracing the site with retaining walls. He knows of a project (Balfour) that used this concept and he will get some pictures and send them to Ms. Samuelson.

Ms. Israelski noted that maybe the applicant should consider decreasing the density, to allow them to meet the criteria of the hamlet design. Mr. Trelstad stated that at the staff meeting, they had discussed the possibility of having some larger buildings near the Cheechunk Rd. area of the property. Mr. Huddleston advised the applicant that they should look at more options to enable them to stay true to the hamlet design.

Maplewood (Salesian Village) 8-1-48 - Hamlet residential and open space subdivision in the HR & RU zone with an AQ6, scenic road, and stream corridor overlay, Sketch plan. Mr. Golden is acting as Counsel to the Board for this project.

Present for the applicant: Art Tully

The Conservation Analysis has been approved and the applicant is now here with sketch plan for 210 units. Mr. Tully explained that there will be three pod areas. The single-family area will have homes similar to those along Coleman Road. They have increased the no-disturbance buffers by clustering the homes. They are also planning to provide the County with a secondary access to the Veteran's Cemetery. Mr. Henry noted that they have added some curvature to this road, which will help keep the speed down. Mr. Tully stated that the homes will be set back 100-150' from Coleman Rd.

One of the reasons for the three groupings is that wetlands make this a difficult property to work with. On the far side, there will be some single-family homes on smaller lots and a community center. There will be town homes in the rear of this section. In the central portion there will be a combination of single-family and town homes. The section of single-family will be small lots with front porches and alley access in the rear. Mr. Tully asked for the Board's opinion on having a thru road between Craigville and Coleman Rds. All agree that this might not be beneficial, but as this is the first review, this will need further study. There will also be some buildings housing multiple units, i.e., manor homes that will look like large single-family homes.

There are several ponds shown on this plan, which will be retention basins. Mr. Huddleston asked if they would be dry or wet. Mr. Tully replied that they hope to keep them wet. Mr. Huddleston suggested they be "planted wetlands". He has had success with them and the DEC seems to favor them. They are also more attractive than the dry ponds. Mr. Tully stated they would like to have pedestrian trails through the wetlands. They can do so as long as they use native material. They are hoping these trails will interconnect the communities. Mr. Huddleston agreed that, since they are federal wetlands, this might be possible.

The section along Craigville Rd. is a problem area. They have met with the County on the subject of having a pedestrian path along this road. They would have to meet County standards and maintenance would be up to the town. In order to meet the County standards they would have to move the path in several feet, which would cause more wetlands disturbance. Mr. Tully also suggested that if they make the retention basins wetlands, they can use them as mitigation for any disturbance. Mr. Henry asked if an HOA or the Town would control the bridges and paths? The applicant would like to have a path that would parallel Craigville and enable pedestrians to cross over at Oakwood Dr. so they could proceed to Craigville Park. However, they do not want children walking/bicycling directly along Craigville as it is a very busy road. Ms. Israelski stated that she would like to see the Town take over this pedestrian trail to connect Salesian Park to Craigville Park.

Ms. Israelski noted that the applicant needs to adhere to the hamlet design guidelines. She feels there are no focal points or communal feel to the design. She suggests that they should lessen the density of the plan to achieve this result. Mr. Tully replied that they have been lowering the number of units and notes that it is difficult to achieve all of the goals. Ms. Israelski emphasized that this is a scenic road corridor and it is a hamlet zone. The project needs to be shown in an attractive way. The back yards of some of the homes are facing Craigville, which is not considered acceptable. Mr. Tully suggested that they could make the rear of the homes look like fronts. Mr. Halloran suggested that they may be better off looking at each section and working on what they want for each area. Mr. Tully pointed out that the wetland ponds are considered destination points at the end of the cul de sacs. The focal points are the wetlands.

In the recreation area, Ms. Israelski would like the parking to be reconsidered. Mr. Trelstad suggested that the applicant look at the approach used for the Harvest Village project. Ms. Israelski asked if the applicant has considered including some commercial aspects as they are allowed under the hamlet design. The possibility of a "General Store" was suggested. Mr. Tully agreed that they could show this as an alternative under SEQRA.

Mr. Tully also stated that they would have sewer from the Village as an out of district user and they have two good wells that tested at 350 gpm. They actually have more water than they need and they have spoken to the Town Board about the possibility of incorporating them into the Town's infrastructure. Mr. Henry noted that there is a possibility of connecting some of the water districts into one. Mr. Huddleston suggested that Brookside could be put on a water district, and then include Hambletonian Park. Mr. Tully stated that they would like the roads

to be town roads, so the Highway Superintendent would have to be involved. Mr. Tully stated that they have joined into the Town-wide traffic study.

Town of Goshen
Planning Board/Work Session

May 5, 2005
Page-----12

Mr. Trelstad noted that these items could be discussed under SEQRA. Ms. Israelski asked if recreation needed to be considered. Mr. Trelstad responded that due to the proximity to Craigville Park, it would not be necessary. Mr. Andrews asked how many bedrooms were expected. Most would be two bedrooms and they expect that it would be similar to an adult community. Some of the homes may be lower priced.

Mr. Tully stated that they were here tonight to get the PB's reaction to the plan so far. They would like to work with the consultants at work shop and come back again. They do not want to start SEQRA yet.

Adjournment: The meeting adjourned at 11:30 pm upon motion made by Mr. Lupinski, seconded by Ms. Israelski.

Ralph Huddleston, Chairman

Notes Prepared by Linda P. Doolittle