

Town of Goshen
Planning Board
MINUTES OF THE
WORK SESSION MEETING

July 7, 2005

MEMBERS PRESENT ALSO PRESENT

Ralph Huddleston, Chairman John Cappello, Attorney,

Reynell Andrews Neal Halloran Bldg. Insp

Susan Cleaver Joe Henry, Engineer

Mary Israelski Graham Trelstad, Planner

John Lupinski Susan Roth, Planner

Raymond Myruski

ABSENT

Lee Bergus

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 June 16, 2005 meeting were approved as corrected upon motion made by Mr. Myruski, seconded by Ms. Cleaver.

III. PRESENTATION

Orange and Rockland – Underground Utilities.

Ms. Kim Campbell and Mr. Eric Fuentes discussed the position of O&R on the use of underground utilities. Mr. Huddleston explained that the Town would like to do everything possible to have utilities underground from this point on. It is agreed that it would be visually more attractive to have the utilities underground, however there is an issue of reliability.

Mr. Fuentes noted that coordination between businesses and homeowners who are being served is sometimes difficult. He noted that the service is owned by the customer and would have to be installed by independent electricians. He also stated that O&R owns the overhead lines from the street to the building. However, if they

are underground lines they are owned by the customer and must be installed by the customer. This can become costly. In a subdivision over five lots, the State requires that lines be underground. O&R is required to provide the first 100' of underground service and the developer or customer pays for the installation of the balance.

Town of Goshen July 7, 2005

Planning Board Page-----2

Ms. Israelski asked about the possibility of burying existing lines. Mr. Fuentes stated that it is feasible, but the reliability could be compromised, depending on the number of connection points needed. It is preferable to have one continuous wire. Also if you go underground you need transformers above ground. They can be quite large and they are located on property lines with easements needed. Municipalities normally keep the overhead lines and place them in the rear where they are less visible. He noted that they have talked to approximately 15 municipalities over the years concerning the possibility of changing to underground and only one has considered it. Allendale, NJ put their poles in the back, but they did have difficulty getting the businesses to cooperate. It was a costly process.

Mr. Huddleston asked how O&R proceeds with a subdivision. Mr. Fuentes responded that they place one pole in the main access road and then underground from there. For example, with Remington Ridge, O&R would put up one pole and then put all underground facilities throughout. They will give the builder 100' per lot and then the service from the transformer boxes to the homes would be owned and maintained by the homeowner. It is very expensive to take existing overhead utilities down and bury them. He also noted that you have to consider if the lines are main service lines to other areas in the service area. If a main distribution line is being considered, you could be affecting the reliability of service to 1000's of customers throughout the area.

Mr. Huddleston thanked the representatives for their informative presentation.

IV. PUBLIC HEARING

Dysinger Excavation 24-1-63.2 – for special use permit 97-13 C(3) for storage and maintenance of non-farm equipment. Located on Pulaski Highway and Big Island Road in the AI zoning with an AQ3 overlay.

Mr. Golden is acting as counsel to the PB for this application. No one is present for the applicant. Mr. Halloran explained that there are no new submissions and the Board should consider adjourning the Public Hearing to the next meeting. There are members of the public present. Mr. Golden stated that there has been verbal representation (received yesterday) that the applicant plans to withdraw his application. However, until this is received in writing, the hearing should be continued.

Mr. Huddleston apologized to the members of the public but the hearing will have to be adjourned until July 21. If the applicant chooses to continue his application, it is probable that the hearing would be kept open until the August 4 meeting in order to accommodate the public. Those interested should contact the Building

Town of Goshen July 7, 2005

Planning Board Page-----3

Department prior to the July 21 meeting to learn the status of the application. A letter will be sent to Mr. Dysinger asking him to state his intentions.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby adjourns the Public Hearing in regard to Dysinger Excavation to the July 21, 2005 meeting.

Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Ms. Huddleston Aye Mr. Myruski Aye

Glenview Hills – 20–1–28.22 & 31.1, 1.238 acres, located on rte 94, in the CO

zone with an AQ3 overlay.

Present for the applicant: Rachel Lockwood

Mr. Golden is acting as counsel to the PB for this application. Mr. Halloran reported that the County has left this project to local determination. Ms. Lockwood explained that the applicant hopes to build 93 single-family homes on property located in the Village of Florida. The entryway for the development is in the Town of Goshen. They have been working with the Village of Florida for quite some time. The original plan was for a conventional development and then changed to the current clustered concept. The development will have central water and sewer. The open space will be maintained by a HOA. They have received preliminary approval from the Village.

The lot line change they are requesting will affect one lot as they plan to give this lot frontage to the road. The existing home has a driveway on to Route 94 that will be next to the entryway. They are hoping the state approves the applicant's access and allows the driveway to remain. However, if there is a problem, this lot line change will give the existing home access to the new road and then to Route 94. The Village of Florida will be maintaining the new road. The lot will be in the Town of Goshen, but it will be owned by the Village. They have shown the limits of clearing as requested and the proposed shade trees that will be planted. They hope to keep the area as natural as possible. They have also shown street lighting as requested by the Village of Florida.

Mr. Huddleston asked who would be responsible for constructing the new driveway. Ms. Lockwood replied that the applicant would be responsible. Ms. Cleaver noted that the trees will be on Town property, but owned by the Village. Therefore, will there be some type of maintenance bond. Yes, there will be.

Town of Goshen July 7, 2005

Planning Board Page-----4

Mr. Hecker, owner of the existing house in question stated that he thought the driveway (as it currently exists) was deeded to him and therefore, it should take priority over the approval of the new road. It is unacceptable to him to have to move his driveway. Mr. Golden explained that the PB is NOT responsible for deciding this conflict. The state, the homeowner and the applicant will have to sort out this problem. He also noted that if the PB does approve this lot line change, then the applicant will have the power to provide a "workable" plan. Mr. Trelstad agreed that by approving the lot line change the PB would be providing a potential opportunity.

Mr. Samuelson, applicant, explained that they will leave the driveway as shown and submit the plan to the state. He feels the DOT will deny the permit if the driveway is not moved. Mr. Henry suggested that the PB could approve the request conditioned on the applicant obtaining the DOT permit. Mr. Golden noted that it was the PB's impression that the existing property owner was willing to accept this land and driveway change. However, it appears that the owner is not agreeable to this transfer. Therefore, the situation is too conditional. The entrance has not been approved, the lot line change has not been agreed upon. The Chairman polled the members.

Mr. Lupinski Wait

Ms. Cleaver Wait and hold the Public Hearing open

Mr. Myruski Agrees with Ms. Cleaver

Mr. Andrews Leave the Public Hearing open, be assured that the two parties agree and response is received from the DOT

Ms. Israelski Agrees with Mr. Andrews

Mr. Samuelson stated that they expect to hear from the DOT soon.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Planning Board hereby agrees to adjourn the Public Hearing to the August 4 meeting. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Ms. Huddleston Aye Mr. Myruski Aye

Prospect Hill 20-1-58 proposed subdivision special use permit in the RU & HR district with a AQ3 and scenic road overlay on Route 17A

Present for the applicant: Nick Brown

Marcia Jacobowitz

Town of Goshen July 7, 2005

Planning Board Page-----5

Mr. Golden is acting as counsel to the PB for this application. Mr. Halloran reported that the intent to declare Lead Agency was established on June 2, and the Scoping Document was reviewed on June 16. The changes requested by the Board have been incorporated in this latest submission, which has been available for the public. Ms. Israelski and Ms Cleaver have prepared further comments, which were given to the applicant tonight. In those comments, Ms. Israelski asked that the applicant seek to include the purchase of the rail bed. Since it has been disclosed that the applicant does not currently own the developable parcel, they should consider this in their negotiations with the seller of the property. Mr. Trelstad noted that many of the comments would be part of the project design. It is not necessary to address some of the items with such detail at this time. Mr. Huddleston asked that the applicant blend these issues in, but they do not have to be in as much detail as would be required by SEQRA. Ms. Cleaver asked that special attention be paid to the sewage treatment plant, especially regarding the maintenance in the future. Who will be responsible?

The ERB will be meeting next week and they will submit written comments after that meeting. Mr. Trelstad stated that they will have to extend the time period to receive written comments in order to receive the ERB's comments. Mr. Golden noted that the applicant has agreed to an extension until 8/8, so this should be sufficient.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Lupinski, the Planning Board of the Town of Goshen hereby closes the Public Scoping session, but will keep the comment period open for an additional

10 days to receive the ERB comments. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Ms. Huddleston Aye Mr. Myruski Aye

V. ITEMS FOR PLANNING BOARD ACTION (Mr. Cappello is acting as counsel to the PB for the following items)

1. Moderate income / Affordable Housing

Mr. Cappello explained that this law does not change the requirements or the zoning. The code calls for 10% of the homes in the HR to be set aside as affordable/moderate income. The Law's purpose is to clarify the procedures. The Affordable Housing Committee has worked diligently to establish guidelines to be implemented and this Local Law is the result of those efforts. The Law sets forth the guidelines to those who will live in the affordable housing, what income levels will be used, and what types of units will be set up. A point system for

Town of Goshen July 7, 2005

Planning Board Page-----6

selection has been formulated. The purpose is to keep a workforce in the Town of Goshen. Ms. Cleaver asked if they considered disabled Veterans in the point selection. Ms. Roth asked if the board can compel developers to be ADA accessible. Multi-family homes do have to meet certain ADA requirements. Mr. Cappello will bring this concern to the attention of the Town Board.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby endorses the Moderate Income/Affordable Housing Local Law as presented with the modification of inclusion of disabled Veteran's in the point selection list. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Ms. Huddleston Aye Mr. Myruski Aye

2. Financial Contribution in lieu of transferring development rights

Mr. Cappello stated that this is a similar situation. Financial contribution in lieu of transferring development rights is allowed in the code, and this law will set the procedures. This concept allows a developer who cannot find a suitable property to buy and bank the rights. This procedure would most likely be used to purchase a large contiguous piece that the Town has a plan for.

Mr. Huddleston asked if the Town can refuse to allow a specific developer to just buy the rights. Mr. Cappello noted that the Board would need to keep a close watch on this procedure to be sure that it is really transferring into real units. Mr. Trelstad pointed out that the rate needs to be reflective of market conditions. The PB suggests that the TB set specific times for review of the applicable criteria. They are recommending a minimum of twice per year. Mr. Cappello will advise the TB of these concerns.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby agrees to the adoption of the local law regarding financial contribution in lieu of transferring development rights as set forth in §97.20K(3) with the recommendation that the Town Board review the 'applicable criteria" twice per year. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Ms. Huddleston Aye Mr. Myruski Aye

Town of Goshen July 7, 2005

Planning Board Page-----7

3. Miscellaneous revisions to Town of Goshen Zoning

Mr. Cappello explained that this is a group of changes that have been compiled over the past few months. The ambiguity that came up regarding accessory apartments was addressed and the code would be changed to reflect the Town Board's intent. The new section states that the two units must share the same well, the accessory apartment shall not be counted to determine density, the septic and well must be certified to accommodate both units. Also, the accessory unit must be less than 1000 sq. ft. or 1/3 of the principle dwelling. Ms. Cleaver expressed concern regarding the possibility of additional accessory units in the Town and how it would affect the water protocols. Mr. Cappello stated that they would require a special permit so they would have to come before the PB. Mr. Huddleston noted that if it should become a common occurrence, the board can revisit the issue.

The other revisions deal with modifications to the agricultural provisions. Mr. Myruski asked if there are any provisions to protect the existing farmers if they adjoin an organic farm. Will there be problems if they use their standard chemical applications? He believes Warwick has a law to protect the existing farmers. Mr. Cappello will obtain a copy and review it. He feels that they should proceed with this revision and then review information from Ag and Markets.

VOTE By Proper MOTION, made by Mr. Lupinski, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby accepts the revisions to the zoning code as presented in the proposed local law. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Ms. Huddleston Aye Mr. Myruski Aye

VI. AGENDA ITEMS

- Mr. Trelstad introduced Ms. Roth who will be working with him on these projects. Ms. Roth has devised a summary sheet for the PB to use to help keep track of the status of the projects. She submitted sheets for four of the projects and hopes the members will find them helpful.
- **Goshen Self Storage – 12–2–37.1 – 6.57 acres**, located on 17M in an I zone with an AQ6 overlay.

Present for the applicant: Joe Pfau

Town of Goshen July 7, 2005

Planning Board Page-----8

Mr. Golden is acting as counsel to the PB for this application. Applicant is present here tonight seeking a notice of intent to declare lead agency. Ms. Cleaver asked if the planting schedule has been prepared. Mr. Pfau replied that it is part of this submission and it will be discussed at the next staff meeting. Ms. Roth requested that the applicant increase the variety of species in the plantings and they should consult with a landscape architect for a planting schedule to improve the screening. Mr. Golden noted that the ZBA has verbally granted the applicant the necessary variance. He noted that the variance grants the PB discretion to specify standards for screening, storm water management and setbacks. The applicant is waiting for the ZBA to adopt that resolution.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Mr. Lupinski, the Planning Board of the town of Goshen hereby gives notice of intent to declare lead agency in regard to the Goshen Self Storage application. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Ms. Huddleston Aye Mr. Myruski Aye

Dogherty 13-1-9 located on Police Dr. in the Ru zone with an AQ6 overlay, request for a special use permit for an accessory dwelling.

Present for the applicant: Mr. Dogherty

Mr. Yanosh

Mr. Cappello explained that this applicant became caught between changes in the zoning code. The new law, which will be in place soon, changes the requirements for accessory dwellings. This is the only application that has come in under the

old terms. This applicant has been before this board and the Zoning Board for the last several months. If the application is now held to the new law, it will be very difficult to meet the requirements. Mr. Huddleston stated that this will be a one time only situation and the PB should consider it a "grandfathered" application. The utilities will be underground and the existing dwelling is owner occupied. The members were polled on whether or not to let this application move forward. All concurred that it should proceed.

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 in regard to the Dogherty application for July 21, 2005. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Ms. Huddleston Aye Mr. Myruski Aye

Town of Goshen July 7, 2005

Entenmanns -13-1-72.2 – located on Police Drive in the CO district with an AQ6 overlay.

Present for the applicant: Kevin Quinn

Mr. Halloran explained that the applicant will be occupying the building that formerly housed Freihofer's and Stroehman's and he is proposing a 32 sq. ft. sign, which complies with all regulations. Ms. Cleaver asked if there would be any lighting. The applicant stated that if they do have it lit, it will be directed downward. It is agreed that this is a minor modification, therefore is considered to be a Type II Action under SEQRA.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby grants approval to the sign as proposed for the Entenmann's facility. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Ms. Huddleston Aye Mr. Myruski Aye

Lands of NOP – 18-1-44.2 – 77 acres located on Reservoir Road and Scolza Terrace, in the RU zone with an AQ3 & stream corridor overlay. Revised Sketch Plan.

No one is present for the applicant.

Jonas Estates – 10-1-6.222 – 122+ acres, located on Owens Road and Phillipsburg Road, with an AQ6 and stream & reservoir overlay.

Present for the applicant: John Cameron

George Vega

The applicant is here to request that the PB give notice of intent to declare lead agency. The applicant will need to provide 8 sets of plans and the EAF. They should plan to be on the agenda for the second August meeting.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby declares their intent to be lead agency in regard to the Jonas Estates application. Passed unanimously.

Town of Goshen July 7, 2005

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Ms. Huddleston Aye Mr. Myruski Aye

Goshen Properties 13-1-34.1 & 39.1 located on Houston Road and Route 17A, located in the RU zone, with an AQ3, 2 scenic road, and stream corridor overlays.

Present for the applicant: Steve Esposito

The applicant is present to review the latest sketch plan submission. At the last meeting the PB had expressed concern regarding the visibility of one of the lots. They have moved it, so lots 4,5 & 6 are now on Houston Rd. They plan to combine the three driveways in order to limit access on to Houston Rd. The front facades will face Houston. Ms. Israelski submitted a list of comments for the applicant to address. She also asked if they could consider a common drive for lots 1, 2 & 3 also.

Mr. Esposito also noted that they plan to establish a bicycle/pedestrian path 25' off the centerline of the road. After discussion it was decided to increase that to 30' from the centerline on the north side of the road. Ms. Cleaver asked if they could turn the house on lot 7 slightly in order to establish more of a community feel. Ms. Israelski is concerned that the rear and sides of the homes do not face the road. Mr. Cappello suggested that a note be placed on the site plan that homes are to face on to Houston Rd.

In regard to the issue of common drives, Mr. Esposito stated that they changed the design because they thought there would be problems with the common driveways. Mr. Henry agreed that they do pose problems. Mr. Trelstad stated that he prefers common driveways and suggested that the developer "bank" the necessary land for single driveways if the homeowners should fail to agree to the common drive concept.

Mr. Lupinski asked if they need 300' of frontage. This design does not allow for that amount of frontage. Mr. Cappello noted that it could be waived if necessary. Mr. Esposito stated that this design was established in order to preserve the hedgerow. After discussion, it was decided to combine the drives for lots 1 & 2. Lot 3 will have access off the proposed road opposite Lot 4. One wide drive would be designed for lots 5, 6 & 7 if the homeowners do not agree to the concept of a common driveway, it could be divided. The members agreed that they are in favor with the general sketch plan as now presented.

Town of Goshen July 7, 2005

Planning Board Page-----11

A & L Acres 13-1-34.2 – 39.7 acres 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. Halloran reported that the original sketch plan was presented at the June 2 meeting. This was submitted to the County and they did suggest that eight of the lots be moved. However, the applicant would rather not make this move as they wish to keep the concept of small enclaves.

Mr. Esposito is presenting the overall plan for the entire property. There are a series of fields on the uphill side and they are arranging the homes around the existing fields. They plan to have a single cul de sac, which will be situated so that it could connect with Amelia Acres in the future if necessary. The homes are screened from Route 17A, so that the Route 17A scenic corridor can be maintained. There will be a HOA to maintain the open fields.

Ms. Cleaver asked if there would be a bicycle/pedestrian trail on the main road. She also noted that these homes would be very visible at night and the applicant should consider appropriate lighting. Mr. Trelstad noted that the applicant might phase the project, but the PB needs to review the total concept. Mr. Halloran also noted that his office received an application for the next property yesterday. Mr. Cappello suggested that all of these maps be mailed to our consultants so that they can put them together in order to have as complete a picture as possible to judge the overall impacts.

The Board will plan to declare a notice of intent to be lead agency at the July 21 meeting.

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.

Present for the applicant: Steve Esposito

Mr. Esposito presented a plan for three additional single story buildings. They plan to renovate the existing farmhouse and add one building on 6 1/2 Station Rd. and two on Cheechunk Rd. These will be used for office space. Parking will be in the rear. They will have individual wells and septic. It will be a phased project. They plan to save some of the existing trees and these will be shown on the plans. Ms. Cleaver noted that the proposed senior housing adjacent to this parcel has mentioned putting in a "bird trail". Mr. Esposito has sent copies of this

Town of Goshen July 7, 2005

Planning Board Page-----12

plan to that applicant. She also noted that the Audubon Society has expressed concerns regarding the lighting etc.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by ms. Israelski, the Planning Board of the Town of Goshen hereby declares the Station Office Plaza

project to be an unlisted action and issues their notice of intent to be Lead Agency under NY SEQRA. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Ms. Huddleston Aye Mr. Myruski Aye

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 is a revised site plan, with a wooded area and wetlands in the center. Either side has been used for agricultural production. One section will have access off of Peachtree Lane. The open space area will be retained by the owner of the property. The topography is setting the location of the houses. Mr. Trelstad asked about the access for Lot 21. He also noted that it appears to be in the middle of nowhere and asked if it should be relocated. Mr. Esposito responded that access would be off of the farm road and he feels it is one of the nicer lots on the plan. A note should be placed on the plan regarding the access.

The PB will vote on a notice of intent to be Lead Agency at the July 21 meeting.

Adjournment: The meeting adjourned at 11:15 pm upon motion made by Ms. Cleaver, seconded by Ms. Israelski.

Ralph Huddleston, Chairman

