

**ENVIRONMENTAL REVIEW BOARD
MINUTES OF THE MEETING
November 8, 2006**

MEMBERS PRESENT

David Gawronski, Acting Chairman
Wallace Gantter
Carol Laskos
John Swift

ALSO PRESENT

Neal Halloran, Building Inspector
Susan Cleaver, ex officio

ABSENT

Phil Dropkin
Norman Stein, MD

I. CALL TO ORDER

The regular meeting of the Town of Goshen Environmental Review Board was called to order at 6:30 pm on Wednesday, November 8, 2006.

II. MINUTES

The minutes of the September 13 and October 11 meetings were approved as submitted upon motion made by Mr. Gawronski, seconded by Ms. Laskos.

III. APPLICANTS BEFORE THE PLANNING BOARD

Rieger 9-1-8.452 – 130 units proposed

Ms. Laskos expressed that her major concern for this project is the density. Mr. Halloran explained the various ways density is calculated. After constrained lands are removed, this project is allowed a base density of 80 units. They are proposing 130 units as they are leaving 70% of the land as open space. Members of the PB have noted that they are not convinced that this open space is of benefit to the Town and therefore the applicant will not necessarily be allowed the amount they are requesting.

Ms. Laskos also noted that the open area appears to be mostly wetlands and woods. Where will the recreational area be? Ms. Cleaver pointed out that there is a beautiful pond on the right side near the one group of homes. It could be used as a skating pond and is also very biodiverse. She suggested that the applicant put the open space where these houses are, which will create a buffer between the homes and the adjoining farm. Ms. Lasko stated that it appears that the sewage treatment plant discharges toward the pond. Also this design shows that all the lots are quite small.

Ms. Cleaver stated that one of the housing areas appears to be located in wetlands. Many of the wetlands that were on the original map are not on this latest map and many of the stone walls are not included in the Conservation Analysis. A lengthy discussion was held regarding the transfer of water from one watershed to another. The applicant is proposing central well and septic system and there are units proposed for both the AQ6 and AQ3 zones. The wells are located in the AQ6 section. According to the Schoor dePalma study this would not be allowed under any circumstances. The zoning code and TDR is based on this premise, however it is not actually stated in the code. This same issue needs to be addressed in the Heritage application. This raises the concern of what will happen when future developers come in. If this is allowed it will seriously undermine the basis of the water protocols.

Also, in this proposal the water would be removed from the one aquifer and sent out to the sewer treatment facility in the other aquifer, which then discharges toward Chester. There will also be an addition to the impervious surface. This will obviously affect the recharge ability of the area.

Mr. Swift suggested that the ERB make the recommendation that the Zoning Code be amended to close this gap. Mr. Halloran advised the members that the TB has hired an attorney, Mr. Caplicki to act as special counsel to look into possible changes to the Code. Mr. Caplicki would like to receive any input the Boards have to offer. Mr. Gawronski noted that this Board has made several recommendations over the past few months. These items are all recorded in the minutes. Mr. Caplicki will be given copies of the pertinent notes.

The members concur that the ERB recommends that the wells for AQ6 zone supply the units in the AQ6 zone and that wells in AQ3 supply the units in AQ3. Also, the public sewer system for AQ6 should be located in that zone. Sewers do recharge the aquifer, so this recharge capability should remain in the zone in which it is generated. Mr. Gawronski explained that when you recharge into an area this provides a hydraulic head, which will push down on the aquifer and give it pressure. One mitigation measure would be to make use of a holding pond to replenish the aquifer.

Mr. Gantter suggested that the applicant might look at a public water supply with individual septic systems. Mr. Halloran also reminded the board that there are several new developments coming in to this watershed, i.e., Lone Oak, Maplewood and Hamlet at Goshen

Councilman Newbold reported that the current TB is looking for any assistance to help tighten the Zoning Code and this appears to be a serious issue that should be addressed in the Code. Mr. Gawronski made the recommendation at last month's

meeting that the developers be required to run 30 day pump test instead of the 72 hour minimum.

Ms. Cleaver stated that there also some old foundations and artesian wells that are not on the map. The old atlas shows a graveyard and the applicant feels it is off-site. They are being asked to locate this on the map. Ms. Laskos asked about the use of constrained lands in open space. Mr. Halloran replied that they do not have to take out constrained lands for open space. It is up to the PB to decide if the open space being offered is beneficial to the Town. Mr. Gawronski suggested that the ERB recommend to the TB that the developers not be allowed to use constrained lands in open space for purposes of calculating density.

Ms. Laskos also noted that the EAF states there will be 153 vehicle trips per hour. This seems like a very high number. The applicant should be advised to check this figure.

Mr. Halloran advised the members that this is a significant biodiversity corridor and the public scoping will be Dec. 7. The members should closely review the information and submit any further comments soon. If it is found that there still enough environmental concerns the PB could still issue a pos dec.

Traskus (a.k.a. - Elm Hill Farms) 18-1-8.22 - 114.54 acres, 38 lot subdivison
located on Arcadia Road in the RU zone with an AQ3 overlay. (RG)
EAF part 3 - continued public Hearing 12/7/06

Ms. Cleaver noted that on lot 24, there are some very steep slopes and some wetlands. She questioned how they can put a house and septic on this lot. In reviewing the map it is noted that that the detention pond is in the farm open space area, which decreases the amount of land available to the farmer. This pond will have to be fenced. This farm area also has a graveyard and wetlands on it, which will further decrease the amount of land for farming. It is also noted that there is a pipe bringing runoff from one section to this pond as this pipe goes thru the farmland property.

Mr. Halloran noted that the Town also has to decide how to deal with conservation easements. Should they be mowed or left natural. Will the farmer be responsible for this area? The members feel that the applicant should review all the constrained lands in the farm area. The area should also be fenced. Ms. Laskos noted that that there needs to be an area between the fence and the road for the protection of any farm animals. Will the farmer be responsible for this and/or should there be a second fence put up by the developer to serve as more of a

buffer between the residences and the farm animals. She emphasized that as time goes on, with so many developments being built in farming areas the Town needs to develop a concept to buffer these two very different entities.

The members note that there are also questions regarding the storm water discharge in to the wetlands. Should the applicant be asked to construct wetlands to help in cleaning the storm water before discharging it directly into the existing wetlands. There is the also the issue of increase in temperature of the discharge. Instead of a holding pond, which would likely increase the temperature underground piping could be used. Mr. Gantther stated that the Town would just need an easement to allow for maintenance if necessary.

The members summarized the following environmental concerns for this development:

1. Construction on steep slopes, lot #24.
2. Will there be blasting?
3. Perc Tests. Should every lot be tested and witnessed by the Town Engineer prior to construction, the cost to be born by the developer.
4. The cemetery in the open space needs to be noted and a r.o.w. for the Town to maintain if necessary.
5. The sediment basin, also in the farm open space area, needs to be fenced.

Mr. Halloran advised the members that they should closely review the information and submit any further comments soon. The Public Hearing is continued to December 7. If it is found that there are still enough environmental concerns the PB could still issue a pos dec.

Heritage Estates - 8-1-9.22 - 249.76+/- acres, 92 dwelling units located on Old Chester Rd & Brookside Dr in the HR & RU zone with an AQ6, AQ3, scenic road and stream & Reservoir overlays.

Again, water will be transferred from one watershed to another, and the ERB feels this is not allowed under our code. It is also noted that there is a requirement in the code that when doing the 72-hour pump test you cannot do it if there has been more than 3.7" of rain in a 30-day period prior to the date of the test. This data is to be obtained from the station in Middletown. This developer used the information received at the local sewer treatment plant. Similarly, they used the data from BOCES for the Traskus project. The ERB feels both of these tests should be repeated. The code is clear that the Middletown data is to be used. Middletown is an approved NOAA station. If the data is accepted as presented the applicant is being allowed to circumvent the code, which could cause problems with future applications. Mr. Gantter also point ed out that there is no

guarantee of accuracy if different stations are used. Mr. Gawronski will provide a written report on this topic to back up this request. Ms. Geri Corey submitted water tests to show how her well was impacted. It appears that it is still not back to normal.

Due to the questionable results the ERB feels the pump tests should be repeated for both the Traskus and Heritage projects. Mr. Gawronski also suggested that due to the impact on the wells adjoining the Heritage project they should consider reducing the number of units. It is the Town's responsibility to protect the health and welfare of the existing residents. Does the Board have the authority to limit the number of units? A phased building plan was suggested with monitoring after one year. Possibly the applicant could be asked to limit the first phase to 1/3 of the proposed houses to see the impact.

III. Zoning Code Change

Summary of code changes that should be considered.

1. Resolve the issue of transfer of water from one watershed to another.
Establishing wells in zones different from the ones in which they will be used is clearly a problem within the code.
2. Construction on steep slopes. Should be lower from 25%.
3. Water testing – should every lot be tested and witnessed by the Town Engineer prior to construction, the cost to be born by the developer.
4. Use of data from the Middletown NOAA station as is stated in the Code until or if the code is changed.
5. Water and perc tests should be approved by the Town Engineer within 45 days. The members feel that there should also be review and approval from the PB.
6. The 30-day pump test should be considered as well as the possibility of requesting a reduction in number of units if warranted. However, specific criteria and thresholds need to be established.
7. Review of the use of constrained lands when establishing density.

Adjournment: The meeting adjourned at 9:20pm upon motion made by Mr. Gantter, seconded by Mr. Swift.

David Gawronski, Acting Chairman

Notes prepared by Linda P. Doolittle