

**ENVIRONMENTAL REVIEW BOARD
MINUTES OF THE MEETING
November 9, 2005**

MEMBERS PRESENT

Phil Dropkin – Acting Chairman
Susan Cleaver , Ex Officio
Frank Gillis

ALSO PRESENT

Neal Halloran, Building Inspector
John Cappello, Attorney

ABSENT

Wallace Gantter
David Gawronski
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 9, 2005.

II. MINUTES

The minutes of the September 14 and October 10, 2005 meeting were approved as submitted upon motion made by Mr. Dropkin, seconded by Mr. Gillis. Mr. Gillis has submitted his letter of resignation to the Town Board. He will continue to serve out the year.

III. TOPICS

Road Improvements to Upper Reservoir Road and Eminent Domain Proceedings.

Mr. Cappello is present to explain the proceedings regarding the Serdarevic property. A draft neg dec is submitted for review. He explained that the property has been in litigation for years. An action was presented in Supreme Court to claim an easement of 3 rods as this is a highway in use. The judge gave an injunction so work could be completed to maintain the roadway and this was later overturned. At this time the Town feels they can take by eminent domain.

The area of Upper Reservoir Rd. has flooded often over the years and the highway department has attempted to maintain the area. The owner of the adjacent property, Dr. Serdarevic, has placed rocks and some fencing right up to the edge of the pavement, making it impossible to do the work. She has presented a deed claiming ownership up to the center of the roadway. Mr. Cappello stated that the Town needs to know that they have the 50' r.o.w. (25' from the center line on each side) for snow plowing, brush removal etc.

Plans have been prepared by the Town Engineer and reviewed by Dr. Serdarevic's engineer. The Town plans to clean, maintain and reshape the shoulders on each side of the road for approximately 4,480 lineal feet for drainage purposes. They will also clean and remove overgrown vegetation, replace an existing culvert under the adjoining property owner's driveway, replace deteriorated and undersized drainage pipes, catch basins and remove a wire fence along the road within 5' of the pavement as necessary to complete the work.

Ms. Cleaver asked if they are adding any other paving. Mr. Cappello responded that they need to control the area for maintenance and there will be no additional paving. It may be necessary to remove one or two small trees, but none of the large ones. There is one large tree that Dr. Serdarevic thought may be disturbed and she wanted a berm placed around it. The Town agreed to this berm as long as she grants an easement to allow the Town to repair and maintain it if the owner fails to do so. She has refused to grant this easement.

Dr. Serdarevic has expressed concern that the runoff will drain into Prospect Reservoir (the Village's water supply) It does drain in that direction, but because it does not flow freely due to the lack of proper maintenance, it sits on the roadway and accumulates more pollutants. Pictures were submitted showing how the water ponds in this area and creates a safety hazard. It appears that it does ice over in the winter. A letter is submitted from the Mayor in support of the need for the Town to maintain the roadway.

Mr. Cappello noted that the older farm properties did have deeds stating the owners' control to the centerline. It is up to the Town to prove use of the road, which they have done, in order to ask for this 50' easement. He has prepared a draft neg dec, which he would like the ERB to review. The TB needs to act on it next week.

Ms. Cleaver asked if this would set a precedent for the Town taking in the future. She stated that many farmers have this type of "center line deed" and have used it to protect them from the loss of too many trees. Mr. Cappello stated that when this issue comes up the owner generally wants the Town to take over the maintenance and subsequent liability. Ms. Cleaver asked if the Town could then grant easements to a third party, i.e., gas company etc.

Mr. Gillis noted that the major issue is traffic and pedestrian safety and health. Mr. Cappello stated that the Town Board needs a letter stating that the ERB has reviewed the information and are in support of the plan. Since three members are absent tonight, a special meeting should be called. The letter needs to state that the members have read the documents and agree that there will be minimal disturbance to the land. They have reviewed the issue under SEQRA and agree

with the conclusions. They understand that the Town needs to have control of the area in order to maintain the shoulder of the road as the Town will be liable should an accident occur. It should also state they agree that an eminent domain proceeding would be the appropriate action as the unsafe and unhealthy conditions are not being cured as it currently exists.

IV. 239M responses received for these applications

Station Office Plaza 10-1-56.1 3.29 acres, located on 6 ½ station road in the CO zone with an AQ6 and scenic road corridor overlay.

The Hendler project is also in this area and there is concern regarding the impact on the Audubon Bird Sanctuary. Mr. Halloran stated that there would be comments coming from the County as this is very near the County owned property where they are planning to construct an emergency services center. There could possibly be an issue arising from Homeland Security.

Hills of Chester

Mr. Halloran reported that the applicants' traffic consultants state there will be no impact at the Arcadia Rd. intersection, so they are pursuing a thru road from this development through the Hills of Goshen. Our PB has stated that they do not want a thru road and the roadway should be used for emergency access only. Mr. Halloran feels the County may respond in favor of the thru road. In this case, a vote of the majority +1 is needed to override the County.

Korycki Impound Yard - 22-1-49, 1.9+/- acres, locate on Pulaski Hwy, in the AI zone with an AQ3 & scenic road corridor overlay.

BMJB Enterprises, Inc./ Korycki - 22-1-37.2, 17 acres, located on Pulaski Hwy, in the AI zone with an AQ3 overlay and scenic road corridor overlay.

Mr. Halloran stated that the junkyard on the opposite side of the road is also a problem. This is a pre-existing use. The cars are piled nearly 30' high and there is an issue about what is allowed to be there. They also own 15+ acres next door. They were asked to clean it up and they have done so, but there is the potential for environmental impacts on this property as it is next to a black dirt area.

Ms. Cleaver noted that on her site visit, she did see fresh oil on the ground. This property known as BMJB is being used to store roll off containers. This will be coming to the PB at the next meeting and then to the ERB.

Hambletonian Park

The expanded EAF has been submitted and is ready for the members to take home to review. This study also includes the traffic study that covers Maplewood and Heritage Estates as well as this 25-unit development. It is felt that the cumulative impact on traffic at the Craigville Rd. light will be substantial although this study does not seem to state this. Mr. Halloran also noted that the possibility of continuing a road through Arthur Place would be impractical. The Village feels it is too steep and does not agree with this option.

Mr. Dropkin asked if Hambletonian Park also has water problems. Mr. Halloran stated that the infrastructure is old and breaking down. There is also a problem with water pressure and whether the current water tank system can support these new homes.

V. OTHER

Mr. Halloran explained that the ZBA has had problems with 2 recent decisions where they granted variances based on the applicants' statement that there were no wetlands. Subsequently, wetlands have been discovered on the properties. After discussion, the members agreed that the ZBA should consider conditioning their variances subject to the owner delivering a certified report from an expert satisfactory to the Building Inspector and the ZBA that no wetlands are affected by the variance. The applicant should be advised of this in writing and that the wetlands study would be at his expense. This can be implemented on a case-by-case basis. It is also noted that the ZBA can always reverse their decision.

Ms. Cleaver stated that the recent meeting she and Mr. Halloran attended with the DOT was very productive. The DOT has stated that the Town needs to be aware that there will not likely be more than one (possibly 2) traffic light on Route 17A. They will likely add some turning lanes, but it will be very difficult to obtain any more signals. They suggested that we have developers find other access roads and not access directly onto Route 17A.

It is agreed that the Police Chief (Fire Chief and other emergency services) should start receiving plans on a regular basis for their comments.

Adjournment: The meeting adjourned at 8:30 pm upon motion made by Mr. Dropkin, seconded by Mr. Gillis.

Philip Dropkin, Acting Chairman
Notes prepared by Linda P. Doolittle