

**TOWN OF GOSHEN
ENVIRONMENTAL REVIEW BOARD
MINUTES OF MEETING
December 13, 2006**

MEMBERS PRESENT

David Gawronski, Acting Chairman
Carol Laskos
Phil Dropkin
Norman Stein, MD

ALSO PRESENT

Neal Halloran, Building Inspector
Susan Cleaver, ex officio

ABSENT

John Swift
Wallace Gantter

I. CALL TO ORDER

The regular meeting of the Town of Goshen Environmental Review Board was called to order at 6:30 p.m. on Wednesday, December 13, 2006.

II. APPLICATIONS BEFORE THE PLANNING BOARD

Traskus (a.k.a. – Elm Hill Farms) 18-1-8.22 – 114. 54 acres, 38 lot subdivision located on Arcadia Road in the RU zone with an AQ3 overlay

Mr. Johnson, a dairy farmer whose property adjoins the Traskus property, appeared before the ERB to express his concerns about the development. He said his main concern is with the development affecting his water supply. “We are concerned that we won’t have water,” he stated. Ms. Cleaver referred to the impact during pump testing on the Marvin well, an adjoining property owner. Mr. Dropkin asked if Mr. Johnson has had water problems in the past. He replied that there has never been an excess of water.

Mr. Gawronski said he too was concerned about the water, and called the Marvin well test results disturbing. Members discussed at length the way the wells were tested. They agreed that the wells needed to be retested to see if they start impacting the existing or proposed wells. Ms. Laskos questioned how many houses the land can support without impacting the neighbors, and questioned if there is a way to test to see how many wells can be supported. Mr. Dropkin added that a more sustained test is needed to provide more definitive information.

Members agreed that the fundamental issue is whether the land will support all of the wells proposed, without adversely affecting the neighboring wells.

Mr. Gawronski said that based on some physical observation we are seeing ponding in many, many locations on the property and several members have been out there and observed that there has been an effort to find perc where there might

not be. We should inform the PB that this should be analyzed further, he said. Mr. Dropkin suggested having the Town's hydrogeologist study the report and make a recommendation either to have the Town conduct its own study or tell the applicant to do it again, at their expense, with oversight from the hydrogeologist for both surface water and ground water.

It was noted that Lots 19, 20, 21 and 23 all have their septic within 100 feet of Army Corp of Engineer wetlands, which the planners said is allowed, as long as they are not DEC wetlands.

Mr. Johnson also said he was concerned about the odors from his farm, saying that he has a 5,000 ton trench silo which smells and is concerned about complaints from homeowners in the new development. He said he believes that cows and people don't mix. He said he is also concerned with the open space, saying that every developer says we are going to save you so many acres for open space, but they take the best and what's left is for open space. He said he believes there are going to be problems when 38 wells and 38 sewer systems are put in that close of an area. Mr. Johnson asked if the project could be put on hold until the traffic study is done. It was noted that 38 houses equates to about 280 trips in and out a day.

Mr. Johnson talked about problems in the dairy business, saying that experts have predicted if things don't change in a year, six out of ten dairy farmers in the Northeast will be out of business. He said he believes every dairy farm in Orange County is on limited time. He said he isn't against development and believes his farm will be developed in the future.

The development is going to be seen from quite a distance, Ms. Cleaver said, views are going to be impacted.

Members noted the environmental concerns that they believe should be addressed and made the following suggestions:

1. The wetlands need to be re-surveyed by the developer for greater certainty and clarity.
2. The PB should require more extensive water tests and re-do the tests.
3. Have the hydrogeologist review the water tests in light of the fact that there might be an impact on the neighbor's well and the well on the property itself. When new tests are done, have the Town's hydrogeologist monitor the tests and notify the PB and ERB when the tests are going to start. Notify the ERB when the hydrogeologist makes his presentation so members can be present.

4. The applicant should follow the contours of the land to get the least amount of soil disturbance.
5. Review the buffer areas for sufficiency to promote the bucolic setting and not adversely impact the existing farm.

Ms. Cleaver shared a list of twenty points she will present to the PB to consider. She stated in the written request, that in light of what she sees are new and unanswered issues, she thinks the project warrants further review under SEQRA and is asking that Part Three be expanded to include the additional information needed.

Ms. Laskos said she thinks there should be more buffer between such a dense development and a farm. Ms. Cleaver remarked that it looks like the developer is removing the trees and putting a sewer system in the buffer and losing the vegetative screening. Mr. Dropkin discussed the preference for a 100 foot buffer, “if you want to have development but also protect some of the rural and suburban feel of it then you need to have these separations as continuation of the natural growth that has gone on for eons,” he said. Mr. Johnson said he would also like to see a 100 foot buffer. Why can’t you have a 50 foot non-disturbed and a 50 foot no-build? Ms. Cleaver asked. Mr. Dropkin said it is a judgment call for the public health, welfare and safety if you want these buffers between developments to exist and to determine the size and width of them. “Animal corridors is another issue,” he said. “The bottom line is that it is an aesthetic concern that is within the jurisdiction of the Town to decide that we think this is in the public health, welfare and safety and it’s a call for the Town to make.”

“This isn’t anti-development, this is prudent development, if developer can do it and its in the public interest to do it fine, but if it isn’t, then let’s try to address it so that it can be done so it makes more sense,” Mr. Dropkin said.

Hendler – 10-1-56.2 & 56.3 & 56.4 – 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.

Mr. Halloran explained that the applicant’s plan includes the removal of every tree, with the applicant stating that it is not economically feasible to do it any other way. The application also shows a 93 foot water tower at the top of the property, 33 feet taller than the one at the county jail. The water tower will be able to be seen from many routes, Old Minisink Trail, Phillipsburg Rd., Carriage Hill Apartments among them. Mr. Halloran referred to the site as the gateway to Goshen, being seen from both directions on Route17. He explained that by law, if there are 150 units or more, water has to be supplied by gravity, if a lower number of units, it can be supplied by pumps.

It was noted that a tree inventory has not been done and members agreed that because of the high visibility of the project, they want the developer to come up with a design that has the least impact on the trees. They also want the developer to show why all of the trees are being slated for removal. They suggested that if the developer says he can't do a tree inventory, then the PB should undertake to do it at the expense of the developer. Mr. Gawronski suggested that in addition to taking an inventory of the existing trees, the PB should cross check the inventory to what is shown on the plans, suggesting that the developer may be required to double the size of the trees to be planted and keep a certain percentage of the existing significant trees.

It was suggested that balloons could be launched as tall as the tower is going to be and where some of the houses are going to be located, to see what the visual impact is from many different locations.

The ERB also wants the developer to show visualization plans, what the development is going to look like with the tree plantings they propose now and then in five year increments to show proportion.

Mr. Dropkin stated that "this is a unique parcel in Goshen because of its location, off Route 17 and because of the elevation, it can be seen from miles around. It does establish a tone and character for the Town and the Village and so it should be dealt with in a unique way."

Orleans/Makuen – 13-1-10.1 – 87.05 acres, 185 units, planned adult community located on Route 17A in the RU & CO zone with an AQ6 and scenic road corridor overlay.

This was a scoping session and the ERB summarized the following concerns for this development:

1. Habitat of native species
2. The view-shed for scoping
3. Whether or not there are DEC wetlands
4. Traffic impact
5. Emergency access
6. How much recreation should be integrated into a community of this size and the accessibility of the recreation
7. Location of the community center
8. Lighting
9. Garbage, mail and newspaper containers
10. Colors used for the housing, suggesting earth tones
11. The need for adult housing because of all of the current proposals

Ms. Cleaver distributed copies of a letter she had written to Mr. Gaugler on behalf of the ERB stating that it was concerned with three sites (Orleans/Makuen, Hamlet at Goshen and Heritage Estates) that might have hydraulically connected wetlands. These wetlands appear to be sufficiently large so as to be subject to NYS as well as ACOE jurisdiction, she stated.

Hamill – Stein Estates, four-lot subdivision on 6.53 acres in the AR3 Zone at 17M & Chester Town Line.

Mr. Halloran said that there might be wetlands there. The ERB said the plan should be reviewed by the Planning Board because they believe it should only be three lots, not a four-lot subdivision as submitted.

Jeffrey Normel, Arcadia Hills - .460 acres.

Mr. Halloran said this parcel was in the flood plain and wetlands and located on a paper road. He said the applicant purchased the parcel from the County at a tax sale and got a permit from the DEC to build in their buffer. Mr. Halloran explained that to build in a flood plain, the applicant will need to get a Special Use Permit from the Planning Board. He said the County has several more lots in Arcadia Hills like this in the flood zone and he expects more applications to come before the PB. It was agreed that this is going to set a precedent.

The members agreed to recommend that the PB review the application in terms of public welfare, health and safety, noting that the public well is in the floodway and needs to be looked at because of what could possibly be discharged into the floodway.

The next meeting for the Environmental Review Board was set for January 10, 2007.

Adjournment: The meeting adjourned at 9:30 pm.

David Gawronski, Acting Chairman

Notes prepared by Susan Varden

