

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York 10924
February 21, 2008

MEMBERS PRESENT

Reynell Andrews
Lee Bergus
Susan Cleaver
Ralph Huddleston
Mary Israelski
John Lupinski
Ray Myruski

ALSO PRESENT

Neal Halloran, Building Inspector
Ed Garling, Planner
Dennis Lindsay, Engineer
Richard Golden, Attorney
Kelly Naughton, Attorney

CALL TO ORDER

Chair Ralph Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:30 p.m. at Town Hall.

MINUTES

The minutes of the February 7, 2008 meeting were approved with corrections upon motion made by Ms. Cleaver and seconded by Mr. Bergus. Motion passed.

AGENDA ITEMS

Maplewood (Salesian Village) 8-1-48 – 94 acres, 229 units, Hamlet residential and open space subdivision in the HR & RU zone with an AQ6, scenic road and stream corridor overlay. Discuss consultants' comments & DEIS completeness.

Present for the applicant:

Steve Esposito

Mr. Halloran said the applicant is appearing to discuss the completeness of the DEIS.

Mr. Garling said that his concern in regard to completeness is the lack of a description of the project in the DEIS as it relates to its surroundings. "Visually, the open area along Craigville Road will, at a point opposite Oakwood Drive, appear like an intersection in the Village, a group of buildings. The same thing you would see when you come down Craigville Rd. at Route 207 and look across the street. That is what you are going to be looking at, which is quite different than how it looks now and that really is not described at all in the DEIS," he said.

Also the sidewalks and the whole connectivity is really not described in any great detail, he said. There is a cross walk shown to Oakwood Drive but that is not described, nor are the speed limits, or continuing the sidewalks in the future to the parks. Mr. Garling said that the surrounding land use is not really discussed, only stating that within a half mile of the site are residences and farmland. There are 159 units across the street and that relationship should be described, he said. There should also be discussion of how Hambletonian Park, Brookside and the parks will interrelate with the project. There is a 60 ft. tall residential building by the site which should be discussed. The preservation of open space is really federal wetland or inaccessible areas. The few limited pocket parks or greens are not discussed, nor is the promotion of pedestrian traffic in and around the community. Mr. Garling said that the statement “there are no anticipated impacts” must be deleted.

“I think the description and discussion of the TND itself isn’t broad enough and really isn’t discussed,” Mr. Garling continued. “My main concern is the description of the whole area and how it intends to function.” He said there should be a discussion of the number of units and how they got there. He said that the applicant has stated that first floor commercial space could be used for residences if there is little or no demand for commercial space in the area. “If they cannot be marketed commercially, how many residential units should be anticipated on the ground floors and how would that impact other aspects of the development and if they replace the units on the first floor with residential units, a supplemental might have to be prepared and we may have to go back and have the numbers re-approved,” he said.

Dennis Lindsay said that the idea of flipping residential and commercial uses must be clarified. He said he didn’t think the Code would allow it to be independently done after the PB takes its action.

Mr. Esposito said that the 30,000 sq. ft. of office retail may not be a viable venture. “We have said that all along.” The author of the TND suggested that as an alternative we could look at converting it to flex space, keeping the alternatives available so that the streetscape is still vibrant and successful. He said he proposes adding another alternative, that if the commercial space is not an economically viable alternative, that they would be converted to residential and identify the number of units that would be. There would be a note on the drawing saying that any changes will require coming back to the PB, but the thresholds will have been evaluated during SEQRA, he said.

Mr. Golden said that the area is an HR only and that there is no requirement that a commercial component be part of the mix. He said the PB wanted the applicant to look into the potential of mixing commercial, even though it is not mandated by the Code. The applicant has expressed a willingness to go ahead and study that issue. At the end of the

day, this PB and the applicant will have to come to an agreement about the commercial aspect, he said.

Mr. Lindsay asked the applicant if the 16" diameter trees had been located as part of the scope. Mr. Esposito said it is the applicant's position that in this type of development, trees are a secondary resource. "The goals of this type of residential development are providing a variety of housing types, mixed use and preservation of open space. The values that a project like this brings are the social-economic values versus trying to save trees." There still is a 50% preservation component to the TND but in the areas of development, the trees are secondary, he said.

Mr. Golden said that it is appropriate to study the impact of the project on the trees and it needs to be addressed. Mr. Esposito said that all types of vegetation has been addressed in terms of disturbance areas. He said it shows the existing acreage and proposed acreage and the percentage that will be impacted upon completion. The question is "do we count the trees," he asked. Mr. Myruski said he believes the PB should know how many 16" diameter trees are going to be destroyed. Mr. Golden said the applicant has already said that in the area of disturbance, they are going to take out all of the trees.

Mr. Golden said that for purposes of completeness, he believes there is enough there to address the issue in the scope and that the PB and public will weigh in as to whether or not they think that the way it is analyzed is the way that is appropriate or whether more study needs to be done.

Ms. Israelski said that as Mr. Garling pointed out, the description of the buildings along Craigville Rd and the entire area is very important. Mr. Esposito said that while they have a visual analysis, they can also include additional text describing it.

Mr. Huddleston commented that he knows there are a lot of issues to talk about, but that the discussion is solely about completeness at this point. Ms. Israelski said it is hard to differentiate between completeness and substantive comments and if you get too far down the line you will be accused of not saying anything.

"What you are trying to do now is to determine whether or not they were responsive to the scope that you had agreed upon, to such an extent that it is ready to go out for public comment," Mr. Golden said. "It is not whether you agree with the statements or think that more has to be done, because clearly there is more to be done, more studied, and there will be a lot of comments with respect to environmental impacts but those don't get resolved prior to completeness. The question is whether the DEIS is responsive to the scope so that now we can send it out to the public."

Ms. Cleaver asked if the stream corridor overlay district is addressed in the DEIS. Mr. Lindsay said he didn't see it mentioned in the scope. Mr. Golden urged the PB members to remember that there are a lot of things not necessarily in the scope that the PB has asked for and that the applicant is going to have to comply with as requirements of the zoning code.

Mr. Lindsay asked PB members if they were comfortable with the fact that the traffic counts were taken over two years ago. Mr. Esposito said the field counts were done in 2005, supplemented in 2006 and updated in 2007, maintaining that the 2005 report results were consistent. He said that the traffic counts included Hambletonian Park, Maplewood, Heritage, Harness Estates and the Goshen Executive Center. Ms. Cleaver asked if the accident count was based on data from 1999 to 2002. Mr. Esposito said he didn't believe that was correct but that he would look into it. Ms. Cleaver said she didn't see the deaths or accidents reported in the study. Mr. Esposito said that they were directed to do the counts during baseball season, April through June. He said that accident history was summarized but "if we have to supplement the accident data, we will do that as well, and we will do that before it goes out to the public for review."

Ms. Israelski said she believes the developer has to provide interconnectivity to the greatest extent practicable and said that connecting both sides is important, referring to Joel Russell's letter of Nov 28, 2005 stating that the pedestrian interconnectivity within the site should be restored as it was on a previous plan. Ms. Israelski said she believes she asked in the scope for improvements to Coleman Rd. and said she didn't believe it was addressed.

Mr. Esposito said that Mr. Russell's November letter was superseded by his letter of March 16, 2006, in which he said that the applicant has achieved interconnectivity to the greatest extent possible. He said that he agrees with connectively and says that the project connects to Salesian Park and Craigville Park, there is a sidewalk system along Route 207 and Main St., a pedestrian system in Salesian Park, and the project will connect to that system and go from Salesian through Maplewood, down Craigville Rd. and across Craigville Rd and connect to Hambletonia Park and if the Heritage is completed, that project will connect to the park also.

Ms. Israelski told Mr. Esposito that the applicant hasn't addressed road improvements to Coleman Rd. Mr. Esposito said the applicant is not proposing any. Ms. Israelski said the Code calls for interconnectivity and that both sides of the Hamlet must be connected and it seems that a road around the perimeter should be used, as there are wetlands in the center of the parcel. She said a road on the left side of the parcel should be wide enough to accommodate connectivity to an improved Coleman Road yet provide multimodal access for pedestrians. Mr. Esposito said that there is pedestrian connectivity and emergency access but if the PB deems that the applicant should put a through road to

Coleman Rd., then the applicant will do so. Ms. Israelski said that if a through road is constructed to Coleman, then it will require improvements to Coleman.

Mr. Golden said that the applicant's proposal does not include a through road, upon the advice of former consultants. He said it is a Code issue whether or not this plan satisfies that interconnectivity to the greatest extent possible.

Ms. Israelski asked if the scope addressed steep slopes. Mr. Esposito said "yes" that the applicant is building on steep slopes. "We are utilizing the natural terrain, so we don't have to excavate to get garage-under-parking," he said. Ms. Israelski said she'd like to see buildings nestled around the side of the steep slopes. Mr. Esposito said that this is the plan developed with the PB consultants over a three year period. Mr. Golden commented that with respect to topography, the PB asked the applicant to look into structural stability and potential impacts on drainage and blasting, but not anything saying they have to analyze anything in particular with respect to an alternative other than what their plan is.

Ms. Israelski said she didn't want to get too far into the process without telling the applicant that the plan must show in full detail the sewer disposal system, must show details on all of the pedestrian access, address in detail water falls and water features, address amenities for the public including dimensions, locations, and materials, show landscape designs for storm water management ponds, architectural designs, mitigation for the removal of all trees and plans to restore what was historically characteristic of the area.

Mr. Golden said that with respect to traffic mitigation, the applicant is supposed to show mitigation where the increase traffic has the potential to significantly affect traffic operations and safety, then the traffic study will identify potential mitigation measures to address such conditions and to include the types of improvements including traffic control and the feasibility of using roundabouts to control traffic. He said the question is whether or not the traffic information that was shown indicates that there is mitigation necessary given the impact on Coleman Rd. since the main access is going to be on Craigville Rd. He suggested that the traffic study didn't require mitigation on Coleman Road. Ms. Israelski said it is an overlapping concern, not just for traffic but with interconnectivity because you are going to connect on one side but not the other. She asked Mr. Golden when alternative siting can be addressed. He replied that during the PB's review of the site plan and subdivision, the PB can decide that it wants something different from what is proposed and that may have to be addressed in an environmental impact statement in an FEIS.

Mr. Golden said that for the record it should be stated that "previously PB member Sue Cleaver had recused herself in connection with this project, although not obligated to, because of the proximity of her then residence to the site. Since that time, she has a new residence, not in the same proximity to the site and she has decided, and

appropriately under the necessary requirements, that she wants to now participate because she doesn't have that same restriction."

Ms. Cleaver pointed out that while the applicant referenced a Table A in the Amended Traffic Study, the table was not included in the DEIS. She also said that the site plan should show the overlays, like the stream corridor overlay and should show the streams and their mean water level on the overlay. She said that was a suggestion of the Environmental Review Board.

Mr. Golden said that for the record, the ERB is not an involved agency and has no authority to approve any aspect of this project. What the ERB provides are comments to this PB and it is up to the PB if they want to adopt them and ask those same questions of the applicant, he said.

It was noted that the Town's Environmental Consultant had recently reviewed the project and has five pages of comments which were distributed at the meeting.

Mr. Golden asked the consultants to list the items that they think require additional work. Both consultants listed the items they feel are incomplete.

It was determined that the DEIS is not yet complete for the failure to address the following ten completeness items:

1. It needs to add a discussion of the Hamlet Center in accordance with Ed Garling's memo dated Feb. 21, 2008.
2. It needs to include discussion of all three intersections; the three proposed access points, two on Craigville Rd. and one on Coleman Rd.
3. It must evaluate both the commercial and/or residential issues of the commercial centerpiece concerning market demand in accordance with Mr. Lindsay's memo of Feb. 19, 2008.
4. It needs to add a discussion of the unavoidable adverse impacts of the traffic.
5. It needs to show what contacts were made and the results of those contacts with the Department of Conservation and the US Department of the Interior concerning the impacts on plants and animals.
6. It needs to more fully reference a study concerning traffic accidents.
7. It needs to add the required inclusion of bicycle racks.
8. It needs to include Table A in Section 3 under Amended Traffic Study.
9. It needs to add the necessary information concerning similar development for traffic trip generation, under the build condition.
10. It needs to correct the color on the cut and fill map legend.

Mr. Huddleston polled the members on whether they wanted to approve the DEIS conditionally upon the ten items being addressed to the satisfaction of the Town consultants or declare it incomplete because of the lack of addressing the ten items.

Five members wanted it declared incomplete and two members said it could be approved conditionally.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby declares that the DEIS of the application of Maplewood is not yet complete for the failure to address the ten items enumerated by legal counsel at the PB meeting of February 21, 2008.

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

Taylor – 20.2-17 – 2.134 +/- acres, located at 9 Industrial Drive in a CO zone with an AQ3 overlay. Expansion of existing metal building.

Present for applicant: Patrick Hutton, Engineer

Mr. Halloran said that the applicant expanded their building a few years ago and are back to the PB because they want to expand once again.

Mr. Hutton said that the previous expansion was an attachment of a warehouse to the existing metal building. This expansion is to increase the shop, part of the original building. It is a sheet metal business located on Industrial Drive. He said it will be a 4800 sq. ft. expansion. There are Army Corp wetlands on the property and DEC wetlands west of the project, he said. He has met with the DEC and received a draft okay for the project expansion. He said he has addressed most of the Town consultant's issues during a study session. He also said the project is not visible to the public from Route 17A.

Mr. Lindsay said the letter from the DEC said they had reviewed it and that it looks like it is approvable and they asked for some mitigation in terms of landscaping.

Mr. Golden said there is a drainage easement on the east side of the property in favor of this property that he would like to have a copy of to see if it has any relevance.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby declares the application of Taylor to be a Type 2 Action for purposes of SEQRA. Approved unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Town of Goshen Planning Board hereby sets a Public Hearing on the application of Taylor for March 20, 2008. Approved unanimously.

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

CMU Designers & Builders – 5-1-1.121 – 46.63+/- acres, 8 lot subdivision, located on Phillipsburg Rd in the RU zone with an AQ6 and Stream and reservoir overlay. Sketch plan review, waiver on maximum length of dead end.

Present for applicant: Steve Esposito

Mr. Esposito presented the following history: Sketch plans were presented in September showing two alternatives, at which time the PB decided to proceed with a hybrid of one of the alternatives, utilizing the proposed culdesac and straightening out the road. The plan was modified to reflect that decision. The road was shortened to 900 ft. to preserve some of the rock walls and tree lines. Prior to that, Mr. Garling presented the final conservation analysis which was adopted by the PB. Mr. Esposito returned to present the final layout and profiles for Concept C and the PB voted 4-3 for the applicant to proceed. “There was extensive discussion about the need for a waiver of the culdesac to the point that it is actually documented in your conservation analysis,” he said. The conservation analysis identified the maximum number of lots as 13. He said his records show that the applicant never received a waiver from the culdesac length and doesn’t want to go further until the waiver is received. He concluded by saying that he is present for a waiver of the culdesac length and a waiver of the soils formula.

Mr. Golden explained a four-step process to determine the waiver issue: Dead-end streets are only permitted where a continuation of a street is impractical due to topographical conditions, wetlands or water courses or where such a street is necessary in order to preserve other important natural historic, scenic or recreational resources. So, they are permitted but the PB must make one of those findings. “If you say those don’t apply, then it is prohibited. If you are going to say it applies and waive it then generally it should be 800 ft. in length,” he said. There are two waiver provisions: A waiver that is permitted as far as the 800 ft. length where at least 80% of the parcel is permanently preserved as contiguous open space by a conservation easement or a general waiver provision that requires that you can waive it in the event that any such requirements or improvements, such as what is proposed here, are necessary in the interest of the public health, safety or general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision, or in conflict with the environmental, agricultural, scenic, or historic resource protection purposes of Chapter 97 zoning.

The last step, Mr. Golden said, is that if the PB finds that a waiver is appropriate, it may require the reservation of a 35 ft. wide easement to allow for continuation of pedestrian traffic and utilities to the next property or street, he said.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Town of Goshen Planning Board waives the culdesac prohibition in Section 83.13(i) because pursuant to Section 83.32 such prohibition is inappropriate because of the inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision. Approved unanimously.

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

The PB discussed the option to require the reservation of a 35 ft. wide easement and decided not to require the easement after polling the members. Five were against and two were in favor.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby declares its intent to be the lead agency on the application of CMU Designers & Builders. Approved unanimously.

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

Mr. Garling said he will send out the Notice of Intent.

Thompson – 8-1-7.22 48.2 +/- acres, 2 lot small scale subdivision, located on Craigville Rd in the RU zone with an AQ6, scenic road corridor and stream & reservoir overlays. Sketch plan, possibly set public hearing and waiver for soils formula.

Present for the applicant: Mr. Youngblood

Mr. Lindsay said that the applicant has made all of the modifications. He said the project will require a waiver from the environmental control formula. He said such a waiver is appropriate and that the applicant did perc tests, which were witnessed and passed. He said the applicant did one perc test that didn't come out well, but they moved away and did another that came out fine. Mr. Lindsay said he recommends that a condition be placed on approval stating that when the bed is excavated, the Building Inspector and Town Engineer will inspect it.

The PB told the applicant they want street trees planted, one every 40 ft. and that the trees must be planted outside the DEC buffer zone and the county's easement. Ms. Israelski told the applicant to landscape the sides of the driveway entrance.

Mr. Halloran said the application has been sent to County Planning for its 239 Review.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby waives the soils formula in the application of Thompson. Approved unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby sets a public hearing on the application of Thompson for March 20, 2008. Approved unanimously.

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

ADJOURNMENT: Upon motion made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen adjourned at 10:10 p.m.

Ralph Huddleston, Chair
Notes prepared by Susan Varden