

APPROVED MINUTES

Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924
May 15, 2008

Members Present

Reynell Andrews
Susan Cleaver
Ralph Huddleston, Chair
Mary Israelski
John Lupinski
Ray Myruski

Also Present

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

ABSENT

Lee Bergus

CALL TO ORDER

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

MINUTES

The minutes of the Planning Board Meeting of May 1, 2008 were approved with modifications by a vote of the Planning Board.

AGENDA ITEMS

Dickerson – 13-1-69 & 37.1 – 92.90 acres, 2 lot subdivision located on Dunmore Lane, Gibson Rd. and Route 17A in the RU zone with an AQ3, AQ6 and scenic road corridor overlay. Possibly set Public Hearing.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen declares its intent to be lead agency on the Application of Dickerson. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen schedules a Public Hearing on the Application of Dickerson for June 5, 2008. Passed unanimously.

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

Mr. Lindsay instructed the applicant to address the items in the engineer’s memo prior to the public hearing.

Taylor – 20-2-17 – 2.134 +/- acres, expansion of existing metal building located at 9 Industrial Drive in a CO zone with an AQ3 overlay. Possible final approval.

Present for the applicant: Barbara Christie, MJS Engineering

Ms. Naughton said legal counsel has drafted a drainage easement which was forwarded to the applicant and a Draft Resolution was sent to the PB. Ms. Naughton read the specific conditions of the resolution as follows:

1. The light levels must be limited to 0.1 foot candles at the property line so no offsite glare will result. The fixtures shall meet IDA, LEED, or Green Globes criteria for Nighttime Friendly or Dark Sky lighting.
2. There will be no outdoor storage of materials because the potential environmental impacts of such storage were not considered by the Planning Board. If the Applicant proposes to store materials outdoors, he must return to the Planning Board to have this reviewed under the applicable criteria. This limitation must be included as a note on the plans prior to being signed by the Chairman.
3. The applicant must provide for any special fire protection needs or provisions and justify the same to the Building Inspector prior to the issuance of a building permit.
4. The applicant must get confirmation from the Fire Department that it has adequate access to the building structure prior to the issuance of a building permit.
5. Any change in the operations on this property by this owner or a subsequent owner or a different use with a higher water consumption and wastewater discharge must be reviewed by the Planning Board to ensure the system is not hydraulically overloaded. This limitation must be included as a note on the plans prior to their being signed by the Chairman.
6. All grading and excavation activity necessary to complete this project must comply with Chapter 53 of the Goshen Town Code.

7. Prior to the signing of the plans, the Applicant must confirm with the Town Engineer that the existing water quality basin is sufficient in size to provide for the water quality storm, and make any minor modifications that the Town Engineer deems acceptable to provide for water quality improvement.
8. The applicant must provide information on the proposed operation to the satisfaction of the Town Engineer confirming that the proposed operation will have minimal impact on groundwater supply and quality, if the applicant changes the method of processing.
9. Upon any transfer of the property, the applicant must include the following language, as per the New York State Department of Environmental Conservation, "This property contains State regulated wetlands and/or regulated 100 foot adjacent area. For as long as any portion of the property described in this deed is subject to regulation under Article 24 (The Freshwater Wetlands Act) of the Environmental Conservation Law (ECL) of the State of New York, there shall be no construction, grading, filling, excavating, clearing or other regulated activity as defined by Article 24 of the Environmental Conservation Law on this property within the freshwater wetland area or 100 foot adjacent area at any time without having first secured the necessary permission and permit required pursuant to the above noted Article 24 from the NYS DEC. This restriction shall bind the Grantees, their successor and assigns and shall be expressly set forth in all subsequent deeds to this property."
10. Prior to the issuance of a building permit, the applicant must obtain a DEC wetlands permit.
11. The applicant shall grant the Town of Goshen an easement along the northeastern property line as shown on the plan, subject to the satisfaction of the Town Engineer and the Town Attorney, for the purposes of drainage. The applicant must include a note on the map describing the easement to the Town for repairs and maintenance of the drainage facilities. Prior to issuance of a building permit, the applicant must file the easement with the County Clerk as a restriction on the deed of the property, in a form satisfactory to the Town Attorney, and provide proof of such filing to the Building Inspector.
12. The applicant shall improve an existing overland drainage swale at the northeast corner of the tract as shown on the approved site plan. The improvements shall provide a swale of sufficient capacity and having erosion protection (grassed or rip-rap as required by the Town Engineer) to convey storm water from the existing road drainage catch basin to the location of an existing pipe outlet. All work shall be located within the new easement along the easterly property line on this tract as shown.

Mr. Huddleston asked that the word "minor" be removed in condition #7 when it states "...make any 'minor' modifications that the Town Engineer deems acceptable..."

Ms. Naughton said the applicant will have to provide the PB with a Schedule A for the easement.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Planning Board of the Town of Goshen grants final approval to the Application of Taylor. Passed unanimously.

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

CONTINUATION OF PUBLIC HEARING

Thompson – 8-1-7.22 48.2+/- acres, proposed 2 lot small scale subdivision located on Craigville Rd in the RU zone with an AQ6, scenic road corridor, and steam & reservoir overlays. Possible final approval.

Present for applicant: Mr. Youngblood

Mr. Halloran said that this public hearing was re-published and the people re-notified. He said that the last time the applicant was before the PB, the driveway location was discussed.

Mr. Huddleston said the engineer expressed safety concerns about the driveway location and that the PB tried to move the driveway as far as possible to allow the most distance possible for a visual (safety), but that as it is pushed, it is pushed into the adjacent area of freshwater wetlands. He said the PB is waiting for DEC input.

Mr. Youngblood introduced the project to the audience, stating that it involves 40 acres on Craigville Rd. that the owner wants to subdivide into a two-lot subdivision. There is currently a single family home on the parcel. The second parcel will be for another single-family. He said the environmental concerns on the property include a flood plain, the Otterkill River and DEC freshwater wetlands. He said that soil tests have shown adequate soils. He said the applicant has moved the driveway to align it with the existing driveway (Wilson property) so there is no conflict for anyone entering and exiting from either driveway. The driveway has been moved 495 feet, and is “as safe as we can make it for anybody.” The applicant is waiting for approval from the DEC for the disturbance within the 100 ft. buffer adjacent to the wetlands.

Ms. Cleaver said she wants to see an entrance design, something natural with rocks because the parcel is in a Scenic Road Corridor and said she also wants to see a tree planting schedule. Mr. Youngblood assured her that she would.

Mr. Huddleston opened the meeting to public comment:

Jerry Boss, 223 Craigville Rd., would like to see a traffic and accident study, including the speed cars travel. He said he has lived on Craigville Rd. for a number of years and that no one goes the speed limit, which he would like to see lowered.

Mary Wyra, 101 Hasbrook Rd., lives adjacent to the property and asked how close the proposed driveway is to her land and questioned a rumor of a go-cart trail. Mr. Youngblood answered that the distance is in excess of 250 ft and said there is no intention of a commercial go-cart trail. She said she is concerned about runoff from the driveway causing more of a problem due to the wetland. Mr. Youngblood said there will be a minimal amount of additional impervious surface, that there is already an existing swale running along Craigville Rd. and that the applicant proposes to install a pipe underneath the driveway to keep the existing flow down that swale. Mr. Huddleston said the PB is asking for a 43 acre conservation easement that would “lock it up as far as being un-developable from hereon.”

There was no other public comment.

Ms. Cleaver asked for a note on the plans stating that the property remain residential, with no commercial development. Mr. Youngblood said that he will add the map note but thinks it might be redundant since the PB would have site plan or special permit approval. It was agreed that a map note will state that if there is a change in use, it will have to come back to the PB for approval.

Mr. Huddleston said that the applicant needs to get the DEC permit issued and the site plan finalized before the PB can issue an approval. He said the applicant should get the accident log from the Town Police, and that the Town engineer should look at the comprehensive traffic study. The PB could draft a letter to the Town Board requesting a speed reduction, he said.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen adjourns the public hearing on the Application of Thompson to June 5, 2008. Passed unanimously.

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

Javelin – 11-1-7 & 4.1 – 39.63 +/- acres, 9 lot subdivision, located on Butler Drive in the RU zone with an AQ6 & flood plain overlay. Subdivision Preliminary approval.

Present for the applicant: Dave Higgins & Alan Lipman, Esq.

The project is a nine lot residential subdivision located behind The Paddock off South Street in Goshen. Mr. Higgins said that Butler Drive, the road that runs through The Paddock, is privately owned and the applicant has an existing right of way over it enabling access from South Street through Butler and onto the 40 acre parcel. Nine lots are being proposed, one 25 acres and the remaining, one to two acres each. Each lot will be served by individual well and septic. He said the applicant has provided a storm water pollution prevention plan in the design for a storm water management facility and that at the PB's request is proposing a 30 foot wide access easement for pedestrian access from the proposed road to the Heritage Trail. He said the access easement is approximately midway between the first house in the proposed subdivision and The Paddock. He said an application for the connection will have to be made to the Heritage Trail Commission.

Mr. Huddleston said that at the last meeting the PB asked for an easement access for a walking connection between the proposed subdivision and the Boylan tract in case it is developed in the future.

Mr. Lindsay said the project will have to go to the County Health Department for review. He said there is a question about maintenance of the storm water basin that will have to be discussed and resolved.

Mr. Huddleston opened the meeting to public comment:

Mark Casale, Esq. representing the Paddock Association HOA, a homeowners association of 57 owners, said the HOA has two main concerns dealing with what is being built and the effect of it on the private road. He said there is no opposition to the construction in principle and that he has met with applicant's attorney, Alan Lipman, to work out the issues. He said specifically the HOA is concerned that the road is not damaged and wants it surveyed before and after so that the developer will be responsible for paying for any excess wear and tear. The HOA also wants a road maintenance agreement between the two parties to share the cost of maintaining the road in the future. There is concern with the hours of construction and the idling of vehicles. A major concern is about being overburdened if there is further development in the future. He said the HOA has asked for a possible temporary construction entrance, but that it seems unlikely, and wants to be kept informed of all public meetings.

Susan Fast, 19 Minisink Trail, a Village Board member, asked if the Town will be accepting the roads in this subdivision and suggests that the question of Town vehicles, DPW, Fire Department, emergency equipment servicing Town roads that are only accessible over a private road, be settled before the project is built.

James Biagi, of Edgewood Drive in neighboring Still Acres, said he is interested in seeing that Edgewood Drive (a private road - paved and maintained by the Village), is dedicated to the Village.

Mary Martin said she hadn't seen the plans and asked to see where the homes will be located and inquired about a retention basin.

Joan Mendez, a Paddock resident, asked about the size of the homes and questioned how many years the residents of The Paddock will be inconvenienced. Mr. Lipman said that the size of the homes will be market driven but are shown now as four bedroom, 2,400 sq. ft. homes. Mr. Huddleston said that it could take years in a bad economy but that the developer typically will build possibly two homes at a time. Ms Mendez said she is concerned about the equipment travelling up the road, which is "not large and has a big dip". Mr. Huddleston said the applicant will survey the road and will be responsible for it. He said the type of construction the developer is planning typically doesn't require a lot of large equipment.

Ms. Israelski asked if the applicant intends to repair that part of Butler Drive that comes right up to the applicant's proposed new road. Mr. Lipman said "absolutely" and Ms. Israelski said she'd like to make that part of the "record".

Mr. Myruski said the biggest problem will be when the lumber is delivered and suggested that one trip could tear up the road.

There was a lengthy discussion about ways to protect the road. Mr. Lindsay suggested getting "the facts on the table first and then deciding the best way to address the public's concerns about the road."

Stella Sanok, a Paddock resident, asked if a model home will be built. Mr. Lipman said that with today's market, the developer will probably take orders and build to suit.

Ray Leech, a Paddock resident, asked if the "turn of Butler Drive to the end of the property" still belongs to The Paddock saying that guests park on either side of the street and questioned if that portion will be theirs after the construction. Ms. Naughton said that at this time it is the Paddock's property, until the Village takes it.

Mr. Lipman said that during the time heavy equipment is going in and out to build the road, it might be inappropriate to park there. Mr. Huddleston suggested that something could be worked out with the proper communication.

Ms. Cleaver said she wants a sight view from the Heritage Trail for the tree line to demonstrate compliance with 97- 41(F). Ms. Cleaver said she believes that at least four lots could be a problem because they will protrude above the ridgeline. She questioned the buffer along the Heritage Trail, asking if the applicant proposes to do planting. Mr. Lipman said they are proposing leaving it as it is because there is a tree line there. Mr. Halloran said he will look into it. Ms. Cleaver said there should be ESA signs for the wetlands. Ms. Naughton said that and compliance with 97- 41(F) can be made a condition of approval.

Ms. Israelski said she wants to see what the cement structures are going to look like for the storm water wetland. Mr. Lindsay agreed that they are generally not attractive and said that eventually they will see detail on it. He said the shape of the basin and the plantings will help to make it look like it is in a natural terrain instead of something that was just dropped there. Mr. Lipman said the applicant is proposing to offer the easement to the Town, but that it will be up to the HOA, or some other entity, to take up the drainage maintenance responsibility and the Town will have the right, but not the obligation, to enter onto the easement area to maintain the facilities.

Mr. Myruski said he wants to ensure that the road is built to Town specifications.

Joan O’Malley, 49 Butler Drive, asked if there are plans to have an exit in another appropriate place in the future. Mr. Huddleston said “yes” that there will be an adjoining connection to the Boylan property, adjacent to the southeastern portion of the property, where there will be a T-turn to show the intention of connecting to that point if, and when, the Boylan property is ever developed. Ms. Naughton said that the connection will not be opened until there is an agreement either between the two properties and The Paddock or the Village takes over Butler Drive. Mr. Huddleston suggested it could be used as an emergency access exit.

Ms. Naughton said that there are remaining issues to be addressed before the PB can grant approval. She reminded the PB that once it closes the public hearing, there is a limited time to take action. Mr. Lipman said that the applicant will extend the time if the PB needs it.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Planning Board of the Town of Goshen closes the public hearing on the application of Javelin. Passed unanimously.

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

North Jersey Trailer & Truck – 12-2-20.1, 16.1 & 12.1 – 16.5 +/- acres, 20,250 sq. ft. truck trailer service building located on Calvary Court & Cannon Hill Drive in the I zone with an AQ3 overlay. Subdivision, special use permit and site plan approval.

Present for the applicant:

Alan Singer, Esq. & Travis Ewald

Mr. Ewald said this is a two part application; a lot line modification taking multiple small lots and an unconstructed proposed loop at the end of Canon Hill Drive and combining the multiple small lots into five larger more useful lots, doing away with a portion of the paper street and extending a straight T turnaround. He said the second part of the application is for site plan approval of proposed Lot #5 (on the southeastern side of the proposed extension of Canon Hill Dr.) for the repair of trailers. This includes a 20,250 sq. ft. building including several bays for trailers and an office. Parking will be in front for an anticipated 12 employees. He said there will be a gravel parking area in the rear for storage of banked trailers. The facility will be served by private well and septic. A storm water pollution prevention plan has been prepared. The project also includes the reclamation of a previous mining activity (Lot #4 will be graded and seeded to establish vegetation).

Ms. Cleaver discussed the concerns of the ERB, stated there needs to be an annual maintenance plan for the gravel parking area and recommended berms with trees to address the view. Mr. Lindsay suggested that berms could be done on the northern end of the property but said that the south side of the property has aggressive slopes. There was discussion about creating a berm to protect the view from the Gersbeck property. Mr. Ewald said he would look into it.

Mr. Huddleston asked the Town Engineer to look at the proposed parking lot base. He asked for public comment.

Frank Gillis of the Jesus Christ Triumphant Church said the church is concerned about the visual impact from the church property and questioned the visual analysis asking if it was done in the spring when the trees are blooming or in the winter when they are bare. He asked about digging down so that the church won't be able to see the building or trucks. Mr. Ewald said the intention is that the parking area will be excavated down from the existing grade and the building will sit where the existing grade is but along the property line will be built up with a berm of 8 ft. tall evergreens and other trees. He said the size of the berm varies. Mr. Huddleston said that a big focus for the PB will be that the berm and vegetation is high enough to give the church the visual protection. Mr. Gillis asked about the noise impact. Mr. Lindsay said they are asking that question and have not yet reviewed all of the information. It was stated that the hours of operation will be 7 am to 7 pm possibility six days a week and no Sunday work.

Patricia Gersbeck, owner of acreage adjacent to the site, asked about current plans for Lot #4. Mr. Ewald said there will be reclamation work on Lot #4 which will entail “very little” along the property line, basically “the flattening of the center area,” he said. Mr. Lindsay said there is a buffer requirement and suggested moving the swale over and leaving the tree line there. Mr. Ewald said the applicant’s intention is not to disturb the tree line on the property. Ms. Gersbeck asked about the size of the catch basin and said she doesn’t want to see drainage onto her property, which is her prime hay crop land. She was told by Mr. Ewald that there will be a residential berm at the top corner of Cannon Hill Rd. She asked how many trailers will be parked in the lot at any one time and questioned the security and lighting systems. The applicant said he expects 100 trailers on average, said that the security system is mainly for the inside of the building and re-sets in 15 minutes and doesn’t plan to put lighting where the trailers are located.

Phil Gersbeck of 8 School House Rd. asked about the location of the two retention ponds, stating his concern that they will overflow onto his property. He asked how close the operation will be to the private road. Mr. Ewald stated that it will be more than 20 ft. away.

Ron Korycki, 12 Korycki Lane, stated concerns with: the proximity of the facility’s well and septic to his own property (Mr. Ewald said it is between 500 – 600 ft.) selling the facility in the future as a repair shop, leakage into the ground water, increased traffic on 17M, the visual impact from his property, wildlife moving from the site to other agricultural property, the close proximity of garbage containers. Ms. Naughton and Mr. Huddleston stated that if the use of the property changes a special use permit will have to have PB approval.

Mr. Lindsay said the Code limits impervious coverage to 30% of the site and that there is a stone base over the proposed sand and gravel parking area so it will be considered impervious coverage. Mr. Ewald said that the building and pavement constitutes a combined total of 16% of impervious coverage, the parking by itself is 30% for a total of 46% coverage. Mr. Lindsay recommended not using a uniform grade stone because tractor trailers will have a difficult time maneuvering through it. Mr. Lindsay said he was not sure that the Code permits the PB to waive the 30% coverage limit. Mr. Halloran said that according to Section 97-14 (1)(B) if the PB finds that all of the building and parking lots are screened from view then the applicant can get up to 50% of impervious coverage.

Mr. Singer said that as practical matter the applicant is unable to go to the ZBA to seek a waiver because of time constraints, saying they have to close on the property this month or lose the contract.

Mr. Lindsay said that if the applicant can satisfy the PB with its screening and it has met the Code, the applicant can go to 50% coverage. Mr. Singer said the applicant wants to put up anything that is reasonable to screen the property from the neighbors and Ms. Naughton said they will look at it to see if it complies. Mr. Huddleston told the applicant to try to screen it year around and that may allow the increase to 50% of impervious coverage.

Mr. Lindsay said the applicant is proposing more than the maximum lot area allowed in the zoning for outdoor storage of materials (10%) but that the PB has the authority to waive that, based on adequate screening. He reminded the applicant that there is a large emphasis on screening. Ms. Cleaver asked the applicant to show the height of any berms they may propose for screening.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Lupinski, the Planning Board of the Town of Goshen adjourns the public hearing on the application of North Jersey Trailer & Truck to June 5, 2008. Passed unanimously.

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

AGENDA ITEMS

Goshen Properties 13-1-34.1 & 39.1 – 39.7 acres, 14 lot subdivisions located on Houston Road and Route 17A, located in the RU zone, with an AQ3, 2 scenic road and stream and reservoir corridor overlays. Possible final approval.

Present for the applicant: Steve Esposito

Mr. Esposito provided a history of the application.

Mr. Naughton submitted a Draft Resolution of conditional final approval and reviewed the specific conditions as follows:

1. The applicant must demonstrate full compliance with Section 97-41(F) of the Goshen Town Code.
2. The applicant must comply with the requirements in Section 97-29 (G) through (J) of the Goshen Town code, except where site features are screened from the road.
3. Within sixty (60) days of the filing of this Resolution the Applicant must file a petition with the Town Board to create a Drainage District within the Land of

Goshen Properties, L.L.C. subdivision, whereby the Town of Goshen will be responsible for repairs and maintenance of the drainage facilities on the premises, and charge the costs thereof to the homeowners in Drainage District. If a Drainage District is not created by the Town Board, the owner(s) of the lots containing drainage facilities are responsible for such facilities, and the Applicant must offer easements over such property in favor of the Town granting to the Town the right, but not the obligation, to repair and maintain the drainage facilities to the extent necessary to protect Town property or interests.

4. The Common Driveway Maintenance Agreement must be filed with the Town Attorney and revised to his satisfaction.
5. Wetlands and any required buffers are to be marked on individual lots any site improvements. The applicant must use proper Environmentally Sensitive Area (“ESA”) signage where applicable, and have such signage in place prior to any site disturbance.
6. The applicant shall place a Conservation Easement over the lots as indicated on the plans, enforceable by the Town, which shall be drafted to the satisfaction of the Town Attorney as to form, including ongoing maintenance standards that will be enforceable by the Town against an owner of open space land to ensure that the open space land is not used for purposes other than open space including, but not limited to, the storage or dumping of refuse, junk, or other offensive or hazardous materials.
7. The applicant must offer easements over the former railroad bed area of the properties in favor of the Town for the purpose of creating a public trail. The owners of the lots containing the former railroad bed are responsible for such property until such time as the Town opts to utilize its public trail easement to the fullest extent.
8. The applicant shall place easements over that land outside of the street right-of-way that is part of the temporary turnaround, reverting the land to the abutting property owner upon the continuation of the road, and include such as a note on the map.
9. The name of the street involved in this subdivision shall be subject to the approval of Orange County 911 services, and shall be sufficiently different in sound and spelling from other street names to avoid confusion.
10. The landscaping plan shows the street trees in the street right-of-way. This should be revised so the trees are on the individual lots, as per Town Code Section 83-19.
11. The applicant shall provide deed restrictions for Lots 1-6 recognizing the scenic road corridor overlay subject to the approval of the Town Attorney.

Ms. Cleaver said she did not see the buffer that was discussed so many times against the Lupinski property. She said a 100 ft. buffer with 50 ft. of non-disturbance was discussed and should be reflected on the map. Mr. Esposito said that while it was discussed, he doesn't know that the applicant agreed with it. “We currently have a road that goes up to the property line as directed by the PB, Lots 6,

7 & 10 have septic systems within 50 ft. or less of the property lines and there is nothing proposed along the right of way,” he said. Ms. Naughton said the Code provides that there should be a buffer along an agricultural use alongside a non-agricultural use and that it is left to the reasonable discretion of the PB. She said it is appropriate to take into account what agricultural activities are taking place on the property next door, which she believes in this case is a hay field. Ms. Cleaver said she was led to believe that it was acceptable to have 50 ft. of no-disturbance. Mr. Esposito said, “Absolutely not, this property owner has rights also.” Mr. Lupinski suggested a 25 ft. no disturbance, except for the road, and 25 ft. no building structures. He said this will allow for the applicant’s septic systems in there and the buffer to stay there. Mr. Esposito was in agreement, saying “with the exception of those facilities approved on the subdivision plans which includes the road and the septic system.” The PB members were polled and all unanimously agreed to a buffer of 25 feet no disturbance from the property line and 25 ft. no building structures, with exception of the road and septic. Ms. Cleaver reminded the applicant that the reason she asks for the 50 ft. and 100 ft. buffers is to preserve the farmland.

The PB reviewed the Findings noted in the Draft Resolution:

1. The Planning Board finds, in accordance with the requirements for the Scenic Road Corridor Overlay District, that this project will not result in the degradation of scenic character; will be aesthetically compatible with its surroundings; will minimize the removal of native vegetation, except where such removal may be necessary to open up scenic views and panoramas; and will locate and cluster buildings and other structures in a manner that minimizes their visibility from the road to the extent practical.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen approves the Finding on the application of Goshen Properties. Passed unanimously.

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

2. The Planning Board finds that, in accordance with the requirements for the Stream Corridor and Reservoir Watershed Overlay District, this project will not result in the degradation of scenic character; will be aesthetically compatible with its surrounding and will not result in erosion or surface water pollution from surface or subsurface runoff.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen approves the Finding on the application of Goshen Properties. Passed unanimously.

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

- 3. The Project presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but suitable parks or recreation areas of adequate size to meet this requirement cannot be properly located on the site, requiring a payment of a parkland fee to be determined by the Town Board in lieu of providing such parkland.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen approves the Finding on the application of Goshen Properties. Passed unanimously.

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

- 4. The PB waived the Environmental Control Formula as permitted by Section 97-18 (D)(3) because the applicant demonstrated, through site-specific soils testing and analysis to the satisfaction of the PB and the Town Engineer, that the lots were appropriately sized and designed to accommodate the individual septic systems proposed. Additionally, the Planning Board has chosen to waive the requirement that lots fronting on existing roads have a minimum of 300 feet of road frontage, set forth in Section 97-20 C(2) with regards to the lots fronting Lots 2, 5 & 6 as they found that due to topographic conditions a lesser frontage is appropriate.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Planning Board of the Town of Goshen grants the waiver requiring 300 feet of road frontage on the application of Goshen Properties. Passed with one “nay” vote.

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

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Lupinski, the Planning Board of the Town of Goshen waives the Environmental Control Formula on the application of Goshen Properties. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Planning Board of the Town of Goshen grants Conditional Final Approval to the application of Goshen Properties, subject to the conditions stated, including the deed restrictions for the Scenic Road Corridor and the 25 feet no build, 25 feet no disturbance buffer. Passed unanimously.

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

Hambletonian – 8-1-12.221 – 23.4 +/- acres, 38 lot subdivision located on Magic Circle Terrace in the HR zone with an AQ6 overlay. FEIS changes & possible acceptance of FEIS.

Present for the applicant: Stuart Turner, Esq.

PB members reviewed the document entitled “Draft – Hambletonian Park – Section F- Lead Agency SEQR Findings Statement”.

Ms. Israelski said she wants to see pedestrian access. Mr. Lipman said the applicant is opposed to requiring a 30 foot wide roadway to make it consistent with the other roads in Hambletonian Park and also sidewalks, which are inconsistent with Hambletonian Park.

Mr. Lindsay said he doesn’t recommend a 24 foot wide road and Ms. Naughton said that the PB polled itself at the last meeting and agreed that the roadway should be 30 ft. wide, not 24 ft. as the applicant proposed.

The PB polled on the sidewalk question. The vote was 4 to 2 against requiring sidewalks. Ms. Naughton said she will have to see if sidewalks are requiring under the zoning, if so, the PB will have to officially waive the requirement, she said.

PB members discussed the road width in the area of the Riccardulli lot and the water tank and determined that it wants to keep the 30 foot width requirement, the same width as the rest of the roads in Hambletonian Park.

Ms. Cleaver said she wants to see the open wells closed. It was determined that the applicant will have to give whoever owns the wells permission to cap them, in accordance with DEC requirements. Ms. Naughton said it will be included as a condition to preliminary approval.

Mr. Lindsay suggested that any areas going into the easements be re-planted to the satisfaction of the PB.

Ms. Israelski referred to the Bulk Area Requirements table saying that the property dimensions do not keep with the general appearance of the existing neighborhood. She said the applicant’s proposal has three houses backing into one backyard (at 27 Yankee Maid Lane) and the narrow, long lots don’t keep up with what is there already and suggested that it be clearly stated “that the dimensions proposed do not keep with the general appearance of the existing neighborhood.” (Page 15) She said the applicant should widen the lots. Ms. Naughton said the applicant is trying to follow the Code and work different elements of the existing neighborhood in as well, calling it a “difficult and delicate balance.” Ms. Israelski suggested that “keeping with the character” means color and style and Mr. Lipman suggested it means “single family residential”. Ms. Naughton suggested ending the sentence on Page 15 after Town Design Guidelines, eliminating “while keeping with the general appearance of the existing neighborhood.” Mr. Lindsay suggested adding, “The Planning Board reserves the right to review the site plan and subdivision development to integrate the hamlet residential development into the character of the existing neighborhood.” The PB agreed. Mr. Huddleston said that discussion of what constitutes neighborhood character can take place at site plan approval.

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Planning Board of the Town of Goshen adopts the Findings Statement on the application of Hambletonian.

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

Mr. Huddleston acknowledged to audience member, John Grasser, that the PB has received his comments and have given them to legal counsel to address.

ADJOURNMENT

The Planning Board of the Town of Goshen adjourned at 11:35 p.m.

Ralph Huddleston, Chair
Notes prepared by Susan K. Varden

