

APPROVED MINUTES

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, NY 10924**

August 21, 2008

Members Present:

Reynell Andrews
Lee Bergus
Susan Cleaver
Ralph Huddleston, Chair
John Lupinski
Ray Myruski

Also Present:

Neal Halloran, Building Inspector
Dennis Lindsay, Engineer
Ed Garling, Planner
Karen Schneller-McDonald, Consultant
Rick Golden, PB Attorney
Kelly Naughton, PB Attorney

Absent:

Mary Israelski

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 Planning Board meetings of July 3, 2008 and August 7, 2008 were approved by a vote of the Planning Board.

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. Possible conditional final approval.

Mr. Golden said the applicant has requested an adjournment to the PB's September 4th agenda and by way of letter dated August 19, 2008 from Mr. Youngblood, has waived the 62-day default approval deadline.

Pskowski - 12-1-118 & 45.2 15.20 & 48.40 acres on Gate Schoolhouse Rd.

Present for the applicant:

Chris Pskowski, applicant

Mr. Pskowski explained that this is a lot line change between Menner and Pskowski. He said that his surveyor will write a statement, requested by Mr. Lindsay, stating that there are no buried tanks or right-of ways. Ms. Naughton reported that the application hasn't been sent for a 239 County Referral. Mr. Garling said he will send it out Friday. Mr.

Huddleston said the PB cannot approve the lot line change without the County's response. Mr. Lindsay said he needs a map with the revisions.

Mr. Golden said the deed references Map #7689 which he needs from the applicant in order to review the deed. He said there needs to be a new easement that shows that the applicant has a legal right of ingress and egress, stating that the PB can't allow the subdivision knowing that there is an access that goes across that has no enforceability to it. He suggested that Mr. Pskowski speak to an attorney to draft and file the easement.

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

Mr. Higgins said that an issue raised at the public hearing was whether the applicant has the right-of-way over Butler Drive. He said he has provided a copy of the deed, easement and mapping of the easement, that demonstrates that the applicant has the right-of-way over Butler Dr. onto the applicant's property.

Mr. Lindsay said he reviewed the easement description and plat and it goes from the Javelin property out to South St. so they have demonstrated they have adequate access. He said that the Town of Goshen is considering zone changes that may impact the project and that the applicant is aware of this. He said it is up to the PB to state whether the setbacks provided by the applicant are appropriate to this area.

Mr. Higgins said the site includes 21.38 acres of open space, representing 53.9% of the total area of the property.

Mr. Lindsay recommended that the applicant consider the appearance of the six foot wall at the southwest corner of the site along the right-of-way, saying it should be something other than plain concrete.

Mr. Myruski said he wants a provision in the resolution whereby the private road owners are protected from damage done by the construction traffic. Ms. Cleaver recommended that ESA signs be in place at the appropriate locations on the site.

Mr. Golden told the PB that this is an application for a nine lot subdivision in an AQ6 zone. The applicant has the ability, under Section 97-27(B) to allow that to increase depending upon whether necessary proof has been demonstrated by the applicant under the water protocols, etc. But, at this time, proof has not been offered, he said. While the applicant also has the ability to potentially have some bonus density units, at this time, there is nothing before the PB that it can approve beyond six lots, he added. "Since this is a preliminary subdivision, you have to make clear that although the plans show nine lots, and although they may, prior to final approval, demonstrate they have the right, or benefit

granted by the PB to increase up to nine, at this point in time, the only thing the PB can approve is the maximum allowed under the AQ6 overlay district which is a six lot subdivision. Of the nine lots shown, only six are going to be approved in this preliminary approval and the others may be approved, depending upon the proof submitted prior to final approval,” he said.

Mr. Garling said that the subdivision as it is, would have to be a private road, because the Town wouldn’t be coming through a private road in the Village to maintain this road. In the future, he said, should it occur that the other development is built, they will have an opportunity to make this a Town road.

Mr. Golden said the PB needs to make a finding for a waiver of the Environmental Control Formula because the applicant has demonstrated through site specific soils testing and analysis to the satisfaction of the PB and Town Engineer, that the lots are appropriately sized and designed to accommodate the individual septic systems proposed.

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

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

Mr. Golden read the conditions for adopting a resolution of conditional preliminary approval to the Javelin Realty subdivision application, only as specifically set forth in the plans and limited at this time to the six lots as permitted under the Code.

The conditions are as follows:

1. The Applicant must demonstrate full compliance with Section 97-41(F) of the Goshen Town Code.
2. Wetlands and any required buffers are to be marked on individual lots prior to 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.
3. 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.
4. 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 owners upon the continuation of the road and include such as a note on the map.

5. 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.
6. Prior to Final Approval, the Applicant must submit architectural drawings to be approved by the Planning Board regarding the retaining wall along the road right-of-way and such wall must be re-located to be entirely on private property.
7. The stormwater infrastructure system, including the drainage facilities located on Lot 9, shall be owned and maintained by the Homeowners Association. Also, the Applicant must offer easements over such property in favor of the Town granting 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 at the expense of the Homeowners' Association, and/or individual property owners, but a charge added to the respective tax bills.
8. Prior to Final Approval, the plans must be revised to show footing drains and roof drains, carried in separate pipes, discharging directly to the road drainage system on high sides of roadways or to daylight on low sides.
9. Prior to Final Approval, the Applicant must revise the plans to include a design for a stormwater collection and conveyance system, including driveway crossings. Conveyance along the roadway and in swales shall be limited to a run of 300 feet before collection in a catch basin and conveyance in a piping system.
10. Prior to Final Approval, the Applicant must obtain a letter of jurisdictional determination from the Army Corps of Engineers and a Boundary Certification from the NYS Department of Environmental Conservation.
11. Prior to Final Approval, the Applicant must apply to the County for a connection to the Heritage Trail.
12. The Applicant must mark the clear limits, buffer limits, etc., as shown on the plans, in the field prior to construction to ensure the objectives of open space conservation are met, including any and all ESA signage.
13. The Applicant shall record a declaration, in a form satisfactory to the Planning Board Attorney, imposing upon the Homeowner's Association the responsibility for (a) the maintenance of the road, shown on the subdivision map as Parcel "A"; (b) the expense to maintain the drainage facilities of the property, including those located within Lot 9; and (c) maintaining a separate policy of liability insurance upon the aforementioned road, until such time, if ever, as the Town of Goshen accepts the offer of dedication for such parcel, and upon the drainage facilities.
14. Prior to Final Approval, the Applicant must comply with all outstanding issues set forth in the memorandum of the Town Engineer dated August 18, 2008.
15. Prior to Final Approval, bicycle paths for both sides of the project road shall be added.
16. Prior to Final Approval, the Applicant shall submit to the Village of Goshen an offer of dedication of that portion of Edgewood Road that is on the subject

property, pursuant to letter from the applicant’s attorney, dated August 20, 2008, in which they agree they will make such offer of dedication a condition of approval.

- 17. Prior to Final Approval, the Applicant must provide proof of protection of the private road access from damage from construction traffic.
- 18. Construction hours will be from 8 a.m. to 8 p.m. Monday through Friday and 9 a.m. to 5 p.m. on Saturday with no construction activities on Sundays or holidays.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Myruski, the Town of Goshen Planning Board adopts the resolution of Conditional Preliminary Approval on the major subdivision application of Javelin Realty. Passed unanimously.

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

Following the adoption of the resolution and conditions, Mr. Lipman told the PB that he realized that the resolution on Javelin contains a condition about bicycle paths and said he doesn’t think it makes any sense to have a bike path on a dead end road and in any event, not on both sides of the road.

After further discussion the PB decided, in a four to one vote, to modify the resolution to state that a six foot bike path is required on one side of the road only. Two of the four PB members, Mr. Huddleston and Mr. Lupinski were in favor of eliminating any bike path requirement.

Crystal Development – 21-1-89 – 5.0 acres, located at 907 Pulaski Highway in the AI zone with an AQ3 & flood plain overlay. Existing building 9000+/- sq. ft. – 2100 +/- to be used for office & 6900 +/- to be used for warehouse space. Site plan & special use permit.

Present for the applicant: Steve Esposito

Mr. Halloran said that the PB saw the application two years ago but that the applicant never completed the process and has now come back with a modified plan.

Mr. Esposito said the applicant is proposing to use the existing 2,700 feet of warehouse for their own storage of equipment and materials and proposes to build 12,800 sq. ft. of office space, using 50% of it and leasing the other 50%. The applicant is in the telecommunications construction business, he said.

Mr. Esposito said two alternatives were reviewed at a workshop with planning consultants and that he was now asking for the PB’s opinion. Alternative #1 includes parking on the sides of the proposed building and two means of access. Alternative #2

has one access, with parking in the front of the proposed building and graded access to the building in the rear.

Mr. Huddleston said he would like the PB to stick with the Town's code recommendation that there be no parking in front of buildings. He said he also prefers the two means of access because of a future possibility that the site may be split into two businesses. Mr. Myruski said that parking in the front of a building in that area is not a problem. Mr. Garling said he was concerned with the safety of the second entrance after doing a review of the site, stating that you start to lose sight distance if you put in a second entrance when you come up over the hill. The area would have to be cleared of all shrubbery, he said. He said there won't be a lot of traffic in front of this building and that the cars could be screened.

Mr. Lindsay said the PB wants to have a functional site, whichever alternative is chosen and that a functional site will be demonstrated by showing truck turning radius that will have to meet the requirements.

Mr. Huddleston polled the PB members. Four members said they wanted to see Alternative #1 utilized and the remaining two members, Mr. Myruski and Ms. Cleaver, said they wanted whatever is most economical and feasible.

Reiger – 9-1-8.452 – 360.9 acres, 108 units, located on Craigville Rd in the RU district with an AQ3 and AQ6 overlay with a scenic road corridor overlay. DEIS completeness.

Present for the applicant: Mr. Esposito

Mr. Lindsay referred to his memo dated August 18, 2008 in which he had five pages of comments. He discussed what he considered the substantive comments; zoning and bonus densities, wastewater facilities and the central water system and the potential connection to Stonehedge. "The applicant's preferred plan includes 21 bonus density units related to the proposed open space. The TB is currently considering zoning modifications which may eliminate bonus densities and limit maximum density of any parcel which could reduce the permitted number of units on this application and affect the design and layout. So far, they have achieved a pretty good opportunity to save certain wetlands and land to the north of Craigville Rd. If the zoning changes things, we think there is still a good opportunity to preserve certain properties," he said.

Mr. Lindsay said there should be more information in the DEIS about the waste water treatment plant such as noise, visual impact, access, sizing calculations and factual data with environmental impacts and mitigations noted.

Mr. Lindsay said the DEIS describes in general the proposed central water system consisting of three wells, a pump station, a distribution system and a water storage tank

but that it should also include technical reports and analysis following the engineering report outline in the Recommended Standards for Water Works Facilities. He said the applicant proposes a 93 ft. water tank at the top and at the lower elevation a pressurized tank and pumps. He said there is an opportunity for a lower profile tank up at the top, a gravity system and small separate pipe line system to feed those few homes up there, and said he would like to see a hybrid of the two systems explored as well as the applicant consider connecting to Stonehedge which only has one well. He said that the close proximity of the site provides the opportunity to construct a hydraulic connection between the two water districts which have the potential to reduce the frequency and severity of future water shortages. He said that connection of smaller districts is generally favorable and recommends the applicant provide an analysis with enough detail to determine the feasibility of the connection.

Mr. Garling said that a lot of mitigation measures discussed in the DEIS are not mitigation measures but is just the applicant following code. The water tower is a major concern and the applicant must show the water tower in the visual analysis, he said.

Environmental Consultant Karen Schneller-McDonald of Hickory Creek Consulting, referred to several issues raised in her seven page memo on the DEIS dated August 14th. She said that the biodiversity study called for in the scoping document was not in the body of the DEIS. The scoping document calls for the use of the MCA's Biodiversity Plan as a reference for this study and this has not been done, she added. There is also a lot of species information lacking in the DEIS. Ms. McDonald said that Purgatory Swamp is mentioned as having a very high biodiversity value but the DEIS doesn't provide information about the proximity of the project site to the swamp, and hydrological and habitat connections between the swamp and the project site. There are four projects that are in the vicinity of the swamp and it is time to look at the accumulative impact on that system, she said. Additionally, Indiana bat trees need to be located on the map, she said, and more information is needed on the vernal pools. She pointed out that information from the NYS Natural Heritage Program is dated 2005 and needs to be updated. Ms. McDonald said that a big concern is that the DEIS provides a lot of engineering information on water sheds, wetlands and streams, but no ecological systems information. It is an issue of ecology and is critical, she said.

Contributing drainage areas for wetlands has not been described and their relationship to the watersheds needs to be explained in the DEIS, Ms. McDonald said. Impervious surface information for each watershed should be adjusted according to the boundary changes. It is an accumulative impact issue that needs to be addressed, she said. The information on wetland and stream functions was incomplete and indirect impacts on wetlands have not all been described as listed in the scoping document and once all indirect impacts have been identified, mitigation should be described, she said.

Ms. McDonald said that there is a lot of information about pumping in the DEIS to show that there is enough water on site to support human use but that there is another element

that hasn't been looked at and that is the water budget with regard to the natural water systems already on the site and adjacent to it. That information needs to be added, she said. Water that is pumped out of the site will eventually have an effect on surface waters, wetlands and streams and should be addressed, she said.

Ms. Cleaver said she wants the applicant to show accumulated impacts on temperature in the storm water ponds, sewage treatment plants and the discharges.

Mr. Golden said the applicant has five memos from PB consultants, including his own dated August 12th, and written comments from PB member Mary Israelski, that the applicant has not reviewed in detail, stating that based upon that, the PB can say the DEIS is not ready for public review. Mr. Huddleston polled the PB members who all stated that the DEIS was not ready for public review. Both the PB and Mr. Esposito agreed to place the application on the agenda for the next meeting.

Mr. Golden said that Ms. Israelski had four comments which he believes are substantive issues, not completeness issues. He said he will provide them to the applicant and that they include recommending alternative plans with less density, urging that small building envelopes and low impact development be strictly enforced, asking about the obligation to provide a public benefit to the community and seeking the County's advise on how to achieve road improvements.

Town Comprehensive Plan & Zoning Code Changes - Comments

Mr. Golden told the PB that there will be a public hearing on the environmental impacts of the Town's Comprehensive Plan and Zoning Code changes and, after SEQRA is complete, another public hearing on the Zoning Code itself. He said the TB is asking the PB for comments on the environmental review now. It was noted that Mr. Bergus and Ms. Israelski has submitted written comments.

Ms. Cleaver said that the Orange County Veterans Cemetery should be on the list in the back of the book, that the MCA Biodiversity Map and Study should be included as part of the document and suggested that if there are going to be hamlet areas, that the applicant should purchase development rights from somewhere else instead of just being given high density development rights.

Mr. Andrews said he is not in favor of allowing commercial development along Harriman Drive and Mr. Huddleston agreed that it is suitable for residential, but not a practical use for commercial. He said it would be isolating a commercial piece in the middle of heavy residential areas. Mr. Garling said that with the new proposal for an interchange at the Arden Hill facilities, Harriman Drive would become an overpass if the State builds a road as proposed and with that would be a traffic generator, possibly getting some commercial development there since it is close to the highway.

Mr. Golden said that under the proposal, residential uses are permitted in the CO zone other than residential care facilities or Planned Adult Communities by special permit from the Town Board and new multi family which is subject to site plan review by the PB. Mr. Garling said he thinks the intent is to allow individual single family homes to be expanded rather than allow a development or subdivision of single family homes. Mr. Golden said the TB is trying to address the affordable housing constitutional burden they have. New York courts define affordable housing as multi-family, he said. Mr. Andrews said he doesn't think it is appropriate to have single family residences in the CO zone.

ADJOURNMENT

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board adjourned the PB meeting at 10:01 p.m. Passed unanimously.

Ralph Huddleston, Chair
Notes prepared by Susan K. Varden