

APPROVED MINUTES

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York 10924
September 6, 2007**

MEMBERS PRESENT

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

ALSO PRESENT

Ed Garling, Planner
Joe Henry, Engineer
Sean Hoffman, Engineer
Rick Golden, Attorney
Kelly Naughton, Attorney
Neal Halloran, Building Inspector

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 August 16, 2007 meeting were approved with modifications upon motion made by Mr. Myruski, seconded by Ms. Israelski. Motion passed. Mr. Bergus and Mr. Huddleston were not present at the August meeting and abstained.

Kerr & Wendland 12-1-2 – 72.6 +/- acres, 2 lot subdivision and special use permit for light industrial building located on Hartley Rd. in a CO zone with an AQ6 and stream & reservoir overlay. Site plan modification.

Present for the Applicant: Mr. Wendland

Mr. Wendland said there have been modifications made to the site plan including changes to the parking. He said he would like to make the parking lot a “dustless surface” instead of a paved lot and would like to reverse the parking spaces, having them face the road rather than face the building. The lot would be the same size and location, he said.

Mr Garling said he was at the site and reported that it not being built the way it was designed. There were changes in lighting, in the number of doors and the parking wasn't graded out like it was shown on the plan, he said.

Mr. Henry visited the site too and showed photos to the PB. He said the dustless surface area is much larger than what is shown on the plan and said there are two additional overhead doors.

Mr. Henry had several suggestions. He said the applicant has created a small embankment and he suggests they install some type of barrier in the parking lot. He noted that the dumpster bed hasn't been put in. He referred to the serial lights shown on the plan, saying that the ones installed are of the wrong type and suggested the applicant submit catalog cuts or a site lighting plan, if the Building Inspector thinks it is necessary. He said there should be filter fabric underneath the dustless surface, saying that crushed shale is being used now and that it will not hold up.

Mr. Huddleston asked the applicant to seed the area in the back of the building to protect the wetlands. He said he wants to see all of these changes on the plans and asked the consultants to re-visit the site. All agreed.

Mr. Golden said this should be considered as a site plan amendment to the prior approval. He said it is a minor site plan amendment and that holding a public hearing is discretionary on the part of the PB. The PB determined that a public hearing was not necessary. Mr. Golden said that if the PB believes that the changes proposed have no more impact environmentally than the prior one, then the PB can reaffirm its prior negative declaration with respect to SEQRA. He said the Building Inspector will have to determine if it will require a 239 Referral. Mr. Huddleston said that whether SEQRA issues have been addressed depends on what the PB sees in relation to the modifications to the lights and the stabilization to the back of the property.

Mr. Wendland said a revised plan will be submitted and said he noted that specifics need to be provided on the lights, filter fabric, a barrier at the slight grade entrance to the parking lot and seeding of the back portion of the lot.

Amelia Acres – 13-1-78 – 96.3+/- acres, 17 lot subdivision, located on Rt. 17A & Lower Reservoir Rd. in the RU zone with an AQ3, scenic road corridor and stream and reservoir overlays. Sketch Plan

Present for the applicant:

Steve Esposito

Mr. Esposito told the PB that a Constraints Analysis and sketch plan showing 16 lots was presented over a year ago. In the current sketch plan, the lots have been rearranged and an additional lot included.

He said the lower area is the existing farm area which is designated Lot #1 Farm Lot and is 21.4 acres. He said the applicant proposes to preserve the balance of the upper part of the field, now labeled Lot #17 Farm Lot and is 35 acres. There will be a through road. He said the Constraints Analysis had a base density of 43 acres, or 30 some lots.

The existing farm road is there and the applicant wants to keep it with Lot #1. The existing road will be used to access Lots #15 & #17. The owner of the parcel wants to continue to lease the farm, and if in the future they cannot lease it, they will sell the lower half and the owner will probably retain Lot #17, Mr. Esposito said.

Mr. Esposito said the wetlands have been delineated and plans submitted to the Corp of Engineers. He said he is waiting to hear from them.

Mr. Bergus suggested using the existing service road for construction instead of coming into the existing neighborhood. He said it could later be used for emergency access.

Mr Garling suggested that the driveway from 17A should be paved the first 20 feet.

Mr. Esposito said in the future the applicant will connect 17A with Amelia Acres and continue up the hill to the Arent place.

Ms. Israelski said she would like to see some building envelopes and the applicant take careful notice not to remove trees. She asked about pedestrian pathways at least on the road. Mr. Esposito replied that the applicant is keeping the road as a narrow country road, at 22 feet. Mr. Huddleston said if there is going to be pedestrian access it will have to be widened. PB members had a lengthy discussion about the road. Mr. Garling said he sees a number of solutions including a 20 ft. wide road with 4 stripes off to the side or a 24 ft. road with a stripe along one side. Ms. Cleaver suggested that the Town had adopted trail specifications.

PB members concurred that one way or another there should be some multi-modal access along the road that could in the future connect Northgate to this development. Mr. Huddleston said that the PB will let the applicant know what they want the access to do.

Mr. Cleaver reminded the applicant that all tests for septic are to be witnessed by the Town Engineer and asked that the big trees be flagged and noted on the map.

Mr. Esposito said that with the exception of Lot #13, all of the lots are in the fields.

Hausner – 13-1-47 – 9.6 +/- acres, located on Gibson Rd. in the RU zone with an AQ3 overlay. Special use permit for a dog kennel.

Present for the applicant:

Anthony Meluso

Mr. Halloran said the lot is on Gibson Rd. opposite BOCES, and alongside the proposed Dickerson subdivision.

Mr. Golden said this is before the PB as a special permit. It is being considered a business kennel although that is not necessarily the primary goal of the applicant. There is the possibility that dogs may be sold and some have been sold in the past. In order to avoid having a prohibition of selling any dogs, it has to come before the PB as a business kennel, Mr. Golden said. A business kennel is permitted in an RU District, he said.

Mr. Meluso said the applicant, Ms. Hausner, raises Malamutes for show. The kennel to house her ten dogs will be a 1-1/2 story pole barn, 24 foot wide, with 15 ft. dog runs on either side. There will be 10 kennels on one side, six on the other. The property is 9.65 acres. There is a pond on the lower half of the property. The property is screened and well secluded. There will be a well and septic connection from the main house.

Ms. Cleaver said she is concerned about the noise, stating it is a quality of life issue and thinks it would be wise to look at it because in the future houses may be built nearby. She said there should be some mitigation. She suggested planting two types of trees, back to back, saying if they are close together, they will buffer the noise. Ms. Israelski said she was also concerned about the noise.

Mr. Meluso said there was 320 feet of trees and the kennel will be in a hole, saying he doesn't think others will be bothered by noise. He said there is a planning standard addressing noise and that the application exceeds the standard.

Mr. Golden said that the Code requirements talk about various setbacks and there is SEQRA environmental impacts which include noise. He suggested that the PB could require, by deed restriction, a buffer around the area to ensure that it is not clear cut. He said that the Code requires that the kennel runway or exercise pen shall not be located within 150 ft. of any lot line. The plan shows an exercise pen within 150 ft. There was a lengthy discussion on where to move the exercise pen with the PB giving the applicant several suggestions on how to stay within the Code.

Mr. Halloran said he thinks there are 500 ft. between the kennel and the nearest home in the Dickerson subdivision.

Ms. Israelski suggested that the pen be turned perpendicular so the owner can still see the dogs from her house, but it would be away from the lot lines and would benefit future neighboring property owners. PB members agreed that a 40 ft. buffer on two sides and a 20 ft. buffer on one side would be a reasonable "no disturb" buffer. Mr. Meluso said he will take the PB's comments under advisement and revise the plan.

Mr. Golden suggested that the PB could also require the applicant for the Dickerson subdivision to include a deed notification informing the owners that there is a kennel next door.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby sets the Public Hearing on the Hausner application for October 4, 2007. Passed unanimously.

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

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby types the action as unlisted under SEQRA. Passed unanimously.

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

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. DEIS discussion

Present for the applicant: Steve Esposito

Ms. Cleaver recused herself from the discussion.

Graham Trelstad, of AKRF, said his comments on the DEIS were not complete because he was on vacation but that he will have them prior to the next PB meeting. The PB received the document on August 2 and has 45 days to respond, he said. It was determined that if it is put on the agenda for September 20, it will be within the spirit of the law. Mr. Golden said that the PB has his comments and the applicant could take them into account and revise the DEIS accordingly.

Sean Hoffman of Riddick Associates, said the consultants comments have been presented in a written memo dated 8-30-07. He said that with respect to completeness of the DEIS, the firm believes that certain items were not adequately addressed, or left out.

He listed the items that the scope required, but that could not be found in the DEIS or were not adequately addressed as:

1. Adequacy of the Executive Summary
2. Adequacy of the view shed analysis
3. Requirements for adequately identifying disturbance limit and trees greater than 16” in diameter.
4. Confirmation that expanded discussion on combining Maplewood and the Hambletonian water district is needed.

Mr. Huddleston said he thinks the Executive Summary is okay as it is, but that he agrees with the consultant that infrastructure, utilities, and the waste treatment plant are areas that haven't been adequately addressed.

Ms. Israelski said she wants to see more depth on traffic, water systems, engineering details for pedestrian walkways, road interconnections and community facilities. Mr. Esposito said that there are details on the plans themselves.

Mr. Golden said that the PB had asked the applicants to have extensive discussion with AKRF and Joel Russell to try to make sure it is consistent with the traditional neighborhood design and said he believes the plans have passed the test in that it is consistent with the traditional neighborhood design.

Mr. Golden said the DEIS is incomplete in its current state. It was decided that the PB will review Mr. Trelstad's comments before the next meeting and that AKRF will get its comments to the PB and the applicant by the following Thursday. The PB will review Mr. Trelstad's comments at its Sept. 20th meeting.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Bergus, the Town of Goshen Planning Board hereby declares that the DEIS on the Maplewood application is incomplete under SEQRA. Passed unanimously.

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

Heritage Estates – 8-1-9.22 – 249.76 +/- acres, 92 dwelling units located on Old Chester Rd & Brookside Dr in the HR & RU zone with an AQ6, AQ3 scenic road and stream & reservoir overlays. Alternate plans.

Present for the applicant:

Steve Esposito

Mr. Halloran said that at this time the applicant is not current with its escrows. Mr. Golden said that under the Code, when an applicant is behind in their escrows, the Building Inspector or the PB can make a determination to say that further review of the application is suspended until such time as they bring their escrows up to date.

The applicant has asked to set a meeting with the Town Supervisor and the Building Inspector.

Mr. Esposito said that on behalf of the applicant, he would like to protest the decision. “We met in good faith with Neil, we spent over \$230,000 in review fees and have done everything this Board has asked. We are not going any place, we are here to complete one condition of the preliminary approval that you granted to this application. We got the fax today that we were in arrears. It is a shame that this applicant is being treated like this.”

Mr. Halloran said there were other problems in that at least two PB members have said they haven't received the plans.

There was no discussion of the application.

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.

Present for the applicant:

William Youngblood

Mr. Youngblood said the applicant has a 48 acre lot he is proposing to subdivide into two lots, five acres around the existing dwelling and barn and the balance of 43 acres for the new proposed lot. He said the applicant wants the extra lot so a family member can live next door. He said the new lot would have access out to Craigville Road. He said one side of the property abuts the Otterkill River. There are DEC wetlands in the back of the property and a flood plain that will require a 100 foot buffer. He said some site distance studies have been done. There are currently two curb cuts. All bulk requirements are met and no variances will be required.

Mr. Huddleston asked, “Knowing what you do about the property, is there a possibility that after this subdivision, we can get a conservation easement so there will be no further development?” Mr. Youngblood said he didn't think his client would object.

Mr. Youngblood asked how the PB would want to delineate the conservation easement. Mr. Golden said the applicant should note on the plan where he believes it is appropriate and then the PB will react.

Mr. Garling said the existing house is back 50 feet from the road and the proposed house is back 52 feet. On Craigville Road, he said, “we would like to see most of the houses back 75 to 100 feet.” Mr. Youngblood said he could move the house back 25 ft. so it would be 75 ft. from the road.

Ms. Cleaver reminded the applicant that the septic tests have to be witnessed by the Town engineer.

Mr. Garling told the applicant to discuss the issue of the site distance from the driveway with the County DPW, saying it is a “serious issue”.

Mr. Bergus noted that the site distance columns need to be corrected, along with the perk data table and said the EAF isn’t complete

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Lupinski, the Town of Goshen Planning Board hereby types the Thompson application as an Unlisted Action under SEQRA. Passed 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. Cleaver, seconded by Mr. Myruski, the Town of Goshen Planning Board hereby declares its intent to be the lead agency on the application of Thompson. Passed 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 & stream and reservoir overlay. Conservation analysis.

Present for the applicant: Steve Esposito

Mr. Garling said that when the site was walked, “we thought the wetlands could be more extensive so we are asking that the wetlands be delineated as a requirement of the

conservation analysis before the detail plans are submitted.” At the same time, the state and federal wetland delineations should be shown on the map, he said.

The PB and Mr. Golden had a lengthy discussion about primary and secondary conservation areas and what should be constrained by a conservation easement.

Mr. Golden said that it is important for the Findings to be very clear as to what is anticipated to be burdened by a conservation easement, and said he didn't get that from the Findings or the map. Mr. Golden that it is a planning tool to identify what areas, ultimately in the Findings, you can have primary and secondary areas noted, but ultimately Findings should be what areas are going to be burdened by a conservation easement so you know to stay away from those, with respect to your plan what areas you are going to have more intensive development and with respect to the secondary areas that are not going to be part of the conservation easement, you will also take those in consideration in putting together your sketch plan and ultimately your preliminary plan. The ultimate goal of your Conservation Analysis is to identify, whether primary or secondary, what areas you are anticipating putting a conservation easement on. And the Code says that the sketch plan shall show that at least 50% of the total acreage will be preserved by a conservation easement based on those findings.

Mr. Garling said that conservation easements depend upon what the intended use is and that there are a lot of things you can do with conservation easements that are going to be site specific.

Mr. Huddleston said the PB likes the Conservation Analysis and that the applicant should come back with a sketch plan. The PB will adopt the Conservation Findings after seeing the sketch plan, he said.

Hendler – 10-1-56.2 & 56.3 – 77.06 +/- 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 with 154 units and 7-lot residential subdivision.

Present for the applicant:

Jayne Daly, Esq.
Ross Winglovitz

Reviewing the Findings Statement.

Ms. Israelski asked if the Findings had been revised since the Aug. 16th meeting. Mr. Winglovitz said they had not been revised by the applicant. Ms. Israelski said that what was discussed and decided upon by the PB at the 8/16/07 meeting should be included in the Findings document. Mr. Trelstad said he will include them in the draft.

Mr. Huddleston said another meeting is needed to get those 8/16/07 modifications in the document and reviewed. Ms. Cleaver said she also has comments which she will e-mail to the PB members and consultants. Mr. Halloran will pass them on to the applicants.

Ms. Israelski asked what can be done to mitigate the water tower. She said that partially mitigating the lower half with vegetation isn't going to do anything about the view, saying, "it is going to be a tremendous negative visual impact."

Mr. Trelstad said the Findings Statement identifies it as a "significant adverse unmitigated impact".

Ms. Daly said the applicant had proposed a tall tower for safety reasons because the Town Engineer said the Town would not recommend a short tank pump which requires an electric back-up. "We came up with a system we thought your Town would accept, a tall tower with a gravity feed," she said.

Mr. Golden said the PB has the power to say what it prefers in the planning process, but it also cannot dictate to the Town. "If this PB wants a short tower, it can say this is our preference, but if the Town doesn't accept it, then the PB can say this is how we think best the tall tower should be," he said

Mr. Henry said that he did not make the statement that the Town Board would not accept it, but gave his professional opinion that he wouldn't recommend it.

The Findings Statement should indicate that the PB has been advised by the Town Engineer that his recommendation to the Town Board would be that the taller tower is a better alternative than the lower tower, Mr. Golden said.

Mr. Huddleston said he doubted that anyone on the PB wants a tall tower sticking out.

Mr. Golden said, "Out of the two alternatives, the tall tower versus the lower tower with a pumping system, the PB would prefer the pumping system and the lower profile. However being advised by the Town Engineer that his recommendation to the Town Board would be the opposite recommendation, the PB has also reviewed that alternate and given the best view that it can of that alternate and the ultimate decision is going to be made by the Town Board."

Ms. Daly asked for clarification of the visual impact assessment issue. The minutes of the August 16, 2007 meeting were read pertinent to the visual impact. The minutes stated that the majority of those present said the project could have a significant negative visual

impact. Mr. Trelstad said he can add more specific language about the visual impact being not only post tower but post development.

Mr. Huddleston asked the applicant how tall a short tower would be. Mr. Winglovitz said a tank can be designed that is lower than tree level.

Mr. Huddleston said, "Our statement of justification is that a complete mitigation of the short tower is possible and therefore preferred by this Board because of the visual impact. The tall tower is a significant visual negative impact and is impossible to mitigate from a visual point of view, so we prefer the short tower. It is our understanding that the technology and backup technology is available to adequately overcome any safety considerations."

Ms. Israelski said the PB also agreed at its August 16th meeting that there is no entitlement to 154 units, and that it should be added to the PB Findings.

Ms. Daly said that if you look at the tree survey, most of the large trees are along the back stone wall and that over 80% of those are saved. Mr. Trelstad said he will look at that and decide what he believes and change it accordingly.

Mr. Trelstad asked the PB if the visibility of the building is a visual impact. The PB said "yes", that it was. Mr. Trelstad asked if the landscaping plan, "does not", "does partially" or "does fully" mitigate the visibility of those buildings. The PB's answer was that it "partially mitigates" the visibility of the buildings.

Ms. Israelski told the applicant's representatives that the way to mitigate the visual impact is to reduce the density and allow for some of the mature trees to stay on the various sides.

Mr. Golden suggested that the PB focus on finalizing the Board's Findings on Sept. 20 and consider approval on October 4th. He said that on Sept. 20th he will provide the PB with a draft preliminary resolution of approval with the conditions that have been discussed.

ADJOURNMENT

The Planning Board adjourned at 11:05 p.m.

Ralph Huddleston, Chair
Notes prepared by Susan Varden

