

APPROVED MINUTES

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York 10924
September 20, 2007**

MEMBERS PRESENT

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

ALSO PRESENT

Ed Garling, Planner
Joe Henry, Town Engineer
Dennis Lindsay, Engineer
Rick Golden, Attorney
Kelly Naughton, Attorney
Neal Halloran, Building Inspector

ABSENT: Ralph Huddleston

CALL TO ORDER

Acting Chair Lee Bergus 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 September 6, 2007 meeting were approved with modifications upon motion made by Mr. Andrews, seconded by Ms. Cleaver. Motion passed.

Howells – 20-2-18 – 2.8 +/- acres, proposed 2,800 sq. ft. commercial building on Industrial Drive in the CO zone with an AQ3, scenic road corridor & stream and reservoir overlays. Possibly set public hearing.

Mr. Halloran said the staff believes the application is ready to move forward.

VOTE BY PROPER MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby sets the Public Hearing on the Howells' application for October 18, 2007. Passed unanimously.

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

Remington Ridge – Possible Bond Reduction

Mr. Halloran said that STANTEC is recommending the reduction of two bond amounts, one with an original bond amount of \$790,000.00 reduced to \$268,000.00 and another which was originally \$480,000.00 reduced to \$160,000.00. Ms. Israelski and Ms. Cleaver questioned whether the reduced amounts were sufficient. Discussion followed.

Mr. Golden said the Town Engineer is stating what he believes to be an appropriate bond reduction and saying that it is sufficient to protect the Town if anything goes wrong.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Lupinski, the Town of Goshen Planning Board hereby approves the reduction of bonds for Remington Ridge as recommended by STANTEC. Passed unanimously.

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

PUBLIC HEARING

Hambletonian– 8-1-12.221 – 23.4 +/- acres, 38 lot subdivision located on Magic Circle Terrace in the HR zone with an AQ6 overlay. DEIS & Preliminary Subdivision Approval.

Present for the applicant: Stuart Turner, of Stuart Turner Associates
Alan Lipman, Esq.

Mr. Golden said that the public hearing was properly noticed in the newspaper but not appropriately noticed with respect to mailings, owing to no fault of the developer or applicant but a miscommunication between Mr. Golden’s office and the Town office. He recommended that although this is not a validly called public hearing with respect to notice, that because people have come based upon the advertisement, anyone who wishes to speak should be allowed, since they may not be available on the next public hearing date. Mr. Golden said it will be posted again for a public hearing and proper notice will go out.

Mr. Turner said his office is responsible for preparing the EIS being reviewed and that other consultants have come to hear the comments.

Mr. Turner described the site as a 20+ acre site that has access to Craigville Rd. and is the last piece of Hambletonian Park, which is presently occupied by 163 homes. It is zoned hamlet residential providing for 8,000 sq. ft. minimum lots. The applicant’s proposal is for 38 lots, with four “affordable” homes, all four-bedroom. The lots range from 11,500 sq. ft to 47,000 square feet, with most being between 14,000 and 22,000 sq.

ft., he said. The new homes will have access on Upper Magic Circle and access to Craigville Rd. through Yankee Lane. Provision will be made for an emergency access, or “stub road” to connect to Bridle Path. The homes will be served by the Hambletonian Park water and sewer district. He said there has been some discussion about mitigating the potential shortage of water with the expansion of one of the wells. Storm water will be handled on site by two drainage basins along Magic Circle, he said. It will be designed to have no impact off site. The site is designed as a cluster in accordance with the Town Code and there will be conservation easements along the entire rear portions of virtually all of the lots.

Mr. Turner said the traffic study was done as part of a cumulative impact analysis for the immediate area and included three other developments. It concluded that this project alone does not create a need for improvements. He said the plan is consistent with the Town’s current zoning and master plan and has less than two units per acre. Mr. Turner said the EIS was submitted in June and accepted in July and the next step is to hear public comments, and then prepare an FEIS to respond to all of the comments.

Mr. Bergus asked if the subdivision would be a phased project. Mr. Turner said he believes it is the applicant’s intent to do it in one phase.

Mr. Lindsay said he filed a report with the PB on DEIS completeness in August. He gave some highlights of an 11-page memo on the DEIS and site plan.

1. Zoning – There are concerns with the application of 50% open space as zoned. The applicant has applied some other way of looking at the zone and saying there are lands preserved simply because they are wetlands and so have allowed certain density for this property. That will need to be addressed and confirmed that it is in fact in accordance with the zoning. On protected areas, he said the PB will determine whether it meets the intent in terms of open space.
2. Drainage – While there is a drainage plan, there will also need to be a full storm water prevention plan in the future. The applicant will be providing storage in two detention ponds, but there are issues with the adjacent properties and there will need to be assurances they are not impacted.
3. Sanitary waste water - Under dry weather conditions the applicant is showing they meet the requirements, but there is a wet weather problem there and it might need to be mitigated.
4. Water supply – We have made recommendations regarding the pipe lines they have and where the water tank is. We recommended they provide a hydraulic analysis in regard to fire flows and take a further look to the connectivity between different water systems.

Ed Garling said he had a five page report and stated some of his concerns.

1. The need for realignment of the front lines between Lots 8 & 9 so a permanent walkway can be created along Magic Circle Terrace and Yankee Maid Lane. It could also be used to connect with the school buses, he said.
2. A pedestrian path along Lots 24, 25 & 26 to Arthur Place should be provided.
3. He said he doesn't consider the County's suggestion of making a road through there a good idea, but would like to see a good pedestrian connection into the Village.
4. There are concerns about the size of the homes and questions whether the developer would build a 5,000 sq. ft. house when the largest house in Hambletonian Park is 3500 sq. ft.
5. There are concerns with the elevation of some of the houses.
6. This will be the first development in the Town that will have sidewalks in it and says where they are built and how they will be maintained needs to be discussed with the Town Board.
7. The lot that protrudes into the right of way will have to be changed.
8. The building set back lines from outside the conservation easement are a concern.
9. There is a need for a major drainage swale along the backs of the homes on Yankee Maid down to the detention facilities and that may help some of the existing houses there whose basements have had drainage problems.

Mr. Bergus asked if there are any comments from the consultants about water quantity, and whether the well supply adequately meets the proposed housing and existing housing needs. Mr. Lindsay replied that "Right now it does not, they have a proven capacity of 47 gpm and a need for 61 gpm. They have said in the report they will either have one of the wells restored or build another well."

Mr. Bergus asked for comments from the public. He said the PB may not be able to answer the questions at this time, but they will be looked into, addressed and considered.

Richard Rodstrom Sr. of 1 Goodtime Ct., Hambletonian Park, asked if the additional development will change the tax rate of the existing homes. He said that Magic Circle is a steep hill and dangerous and suggested a stop sign be put there. He also said that there are already delays exiting onto Craigville and that the additional homes will add more traffic.

Phil Greeley, traffic engineer with John Collins Engineers, said the travel study determined that particular intersection will be stop-signed-controlled in the future. Mr. Greeley said the study looked at this project and other projects in the planning stages and that each intersection along Craigville Road was analyzed for delaying exiting. He said the change in the delays at this intersection were an average increase of less than 5 seconds per vehicle and determined that there was no need for signalization at the intersection.

Mr. Rodstrom questioned the adequacy of the water tower asking what will happen when there is another drought and 38 additional homes will be using the water. Mr. Bergus said that the adequacy of the water tower was evaluated in terms of volume and was found to be sufficient for the additional 38 homes, but said it is the supply of water being evaluated, at this point, as being deficient. He said when you have a drought condition you need the supply more than the storage.

Dan Matteo of 21 Knapp Terrace, asked who will incur the cost if their wells have to be drilled down deeper. Mr. Bergus said that the additional cost, if that is found to be the solution to the problem, will be borne by the developer, not the existing homeowners.

John Grasso of 35 Yankee Maid Lane, asked what will happen when the wells have to be drilled five years from now because there isn't enough water and who will pay for the sidewalk maintenance. Mr. Garling said the sidewalks will be the responsibility of the residents who have the sidewalks, the present homeowners would not have responsibility. He said there is no proposal to extend the sidewalks to the present homes and that it would be a Town Board decision.

Mr. Bergus said the developer's obligation is to bring the water supply up to current standards, in doing so, "we have actually provided additional water to the existing homeowners in Hambletonian that wasn't required when the subdivision was built in terms of the quantity of water to be made available. The developer is responsible to make sure that all of the homes meet the current standards. Once that is done, if the wells in that district were to be diminished down the road because the water table changes, the cost would be on the entire district served by the water and would be borne by all of the homeowners in the district.

Carol Quinn of 6 Florican Lane, asked how large the homes will be and if they will look like they are part of Hambletonian Park. The applicant's representative said it will be market driven.

Elizabeth Gallon of 12 Florican Lane, asked how the construction equipment will be brought in to build the homes. Mr. Halloran said that the right of way to Bridle Path has been given to the Village so it may be used as a construction road. He said the plan is that no equipment will have to come over Hambletonian Park roads.

Mr. Matteo asked where he will find information on the adequacy of the water tank and asked if there will be any upgrading to the water tank. Mr. Lindsay said a detailed study can be found in the indices of the DEIS and said there has been some upgrading proposed to the distribution system and the supply system.

Sheila Kenan of 39 Lower Magic Circle, questioned whether Bridle Path would be the best way to bring in the heavy equipment because a lot of children walk that way to school.

Dan Matteo said that most of the people in the community would prefer the equipment come on Yankee Maid Lane and leave Bridle Path alone. They fear it will be made a permanent road.

There being no further public comment, Mr. Golden suggested that the PB adjourn the public hearing and re-notice it to a specific date.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board hereby adjourns the Public Hearing on Hambletonian Park and re-notices it to October 4, 2007. Passed unanimously.

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

Dickerson – 13-1-69 – 92.90 acres, 21 lot subdivision located on Dunmore Lane, Gibson Rd. and Route 17A in the RU zone with an AQ3, AQ6 and scenic road corridor overlay. Preliminary Subdivision Approval.

Present for the Applicant: Steve Esposito

Mr. Esposito said the site is known as Dickerson Farm located on Dunmore Lane, Gibson Rd and Route 17A and is two parcels, the farm parcel and the existing residence for a total of 92 acres. He said a constraints analysis identified two acres of steep slopes in excess of 25% and 29 acres of federally regulated wetlands. There are no flood plains. He said they had established a base density of 31 residential units, but are proposing 21 new homes and 2 existing homes, for an average density of 4 acres per unit. Two culdesacs are proposed, both off Gibson Rd. one accessing Dunmore Lane and terminating in the middle of the site and the other coming off Gibson Road through the site to exit at the property line. He said there is another applicant with a proposal to the north of the Dickerson subdivision, and that possibility the two roads will access each other for connectivity. He said the potential impacts of construction were identified, a storm water pollution prevention plan completed and an endangered species evaluation. He said each lot will be served by individual wells and septic. The next step is a review by the County Health Department. The applicant is proposing to preserve 53% of the site in open space, a little less than 50 acres, he said.

It was stated that the issue of the length of the culdesac had not been resolved. One of the proposed culdesacs is 900 feet long. Mr. Golden said that to waive the Code's 800 foot limitation, the PB would have to use the general waiver provisions under Section 83-32 of the Code with respect to health, safety and welfare. Mr. Golden said that each time the PB exercises a waiver, they are setting a precedent for another application with similar circumstances. PB members had a lengthy discussion between themselves and with Mr. Esposito.

Mr. Esposito said if the applicant can't extend the culdesac beyond 800 ft., then they would lose the connection to the adjoiner property to the north, but that the applicant can shorten the road and will not lose any lots, saying "We can implement our plan with a 800 ft. road or a 900 ft. road." He said they would simply move Lots 2 & 7 a little bit.

Kathryn Grillo of 100 Route 17A & Gibson Rd, suggested that a 900 ft road would be safer for school bus turnarounds. Mr. Esposito replied that the current radius will accommodate the buses.

PB members took an informal vote and all but one member supported to keep the road as a 800 ft. roadway.

Mr. Bergus opened the public hearing.

Kathryn Grillo said that all of the homes are on wells and that the last time there was construction her water changed colors and ruined her laundry. She asked if something would be done to reimburse her if it occurs again.

Mr. Esposito said he thinks they have done a good job minimizing any impacts to surface water. He said the development's density is much less than what the report found could be sustained on this site. That they are within the requirements of the zoning code and state health code and that with regard to runoff, the water will drain away from the neighboring houses.

Carol Vetrole of 2 Cara Court, lives across the street from the property and asks if this is the final plan or if there will be further building. She said she is concerned about the traffic. Mr. Esposito told her that 50% of the site will be preserved in open space and that there will be no further development of the site.

Ms. Cleaver said that one side of the development borders property that may contain a large dog kennel, an application currently before the PB, and asked Mr. Esposito for a buffer or restrictive covenant to go with the Dickerson lots. Mr. Esposito agreed to "a

100 feet buffer with a restrictive covenant providing that within that restrictive covenant they can construct their tile fields and detention pond.”

VOTE BY PROPER MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Town of Goshen Planning Board hereby closes the Public Hearing on the Dickerson application. Passed unanimously.

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

It was noted that the SEQRA process has not been completed.

Hendler – 10-1-56.2 & 56.3 – 77.06 +/- acres located on 6 ½ 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.

Mr. Bergus announced that the Hendler application has been taken off the agenda at the applicant’s consultants request. Mr. Halloran said the PB did receive the revised copy of the SEQRA Findings from AKRF.

Elias Muhlrاد appeared to request to talk to the PB about modifications to his site plan. The application was not on the agenda. Mr. Myruski said that before the meeting four applicants were told they could not be on the agenda because the PB had a full agenda. He said he thought it would be unfair to those applicants to allow Mr. Muhlrاد to be ahead of them. Mr. Bergus told Mr. Muhlrاد that the modifications could possibly require a public hearing.

Mr. Golden said that as a matter of policy, and according to Code, the Town will, in the future, take the responsibility of notifying by mail those required to be notified of a public hearing and the notification in the newspaper.

ADJOURNMENT

The Planning Board adjourned at 9:55 p.m.

Lee Bergus, Acting Chair
Notes prepared by Susan Varden

