

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York 10924
November 15, 2007

MEMBERS PRESENT

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

ALSO PRESENT

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

ABSENT

Ralph Huddleston

CALL TO ORDER

Acting Chair Mary Israelski 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 November 1, 2007 meeting were approved with modifications, upon motion made by Mr. Bergus and seconded by Ms. Cleaver. Passed unanimously.

PUBLIC HEARING

Gilmore – 12-1-51 - .321 +/- acres, located at 2657 Rte 17M in the CO zone with an AQ6 overlay. Special use permit and site plan approval for 1482 sq. ft. office building.

Present for the applicant: Patrick Hutton, MJS Engineering

Mr. Hutton said the site is 1400 sq. ft with an existing brick building. The applicant intends to remove the building and construct a new one using the same footprint. It will be served by individual well and septic.

Ms. Israelski asked for comment from the public. There was none.
She asked for comment from the consultants.

Mr. Lindsay said the applicant needs to show a note on the plan relating to the aerobic system and also the materials to be used for the signage

It was noted that the Department of Health requested an aerobic system as mitigation for the fact that the distance between the well and septic field is 150 feet, not the more general requirement of 200 feet.

The PB discussed the parking and specifically the one space in the front of the building. There is banked parking in the rear. Mr. Halloran said the space in the front is consistent with the neighborhood. Mr. Lindsay said the requirement is three spaces per 1,000 square feet so five would be required. Mr. Hutton said the applicant could remove the front parking space and still meet the requirement. Mr. Golden said the Code requires that there is parking only in the back of the building, unless the requirement creates an unnecessary economic hardship or discourages property owners from improving their property. The PB asked the applicant to remove the parking spot from the front of the building agreeing that if the applicant feels it creates a hardship in the future he can come back to the PB.

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

Mr. Lindsay said that the applicant lists building coverage as 40% and said it may be more. The applicant agreed to provide Mr. Lindsay with the appropriate information for him to review.

Mr. Golden said the building is under 4,000 sq. ft. so should be recognized as a Type 2 Action and that no further steps need to be taken under SEQRA.

The PB discussed the new structure and lighting. Ms. Cleaver told the applicant that whatever lighting is used, the PB doesn't want the light bulbs to show, a request it has made of other developers.

The applicant will return with a completed application.

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:

David Weinberg & Ross Winglovitz

Acting Chair Mary Israelski announced that a recess would be taken for an attorney/client meeting so the PB could receive legal advice from its attorney.

When the PB returned, Mr. Golden said the PB has before it recommendations from the County Planning Dept., dated Nov. 16, 2007, with respect to the 239 Referral on the Hendler project.. He suggested that the PB discuss the County recommendations as to whether they should be included in the final resolution.

The PB discussed the County's seven recommendations:

(1) Stormwater - the County recommends larger rain collection areas, especially along the streets, with less emphasis on grass areas and more on designing water collection areas landscaped with native plants. Mr. Lindsay said he thinks collection in one larger area will create problems and from a practical standpoint, doesn't see how it would work. How are you going to convey water through the curbs and sidewalks, he asked. He said he believes what the PB had suggested will accomplish a similar effect. Mr. Winglovitz said he doesn't think that rain gardens are an acceptable method of treatment for this development and would suggest no rain gardens. He said the County didn't like the ones he proposed to them. It was decided that Mr. Winglovitz should show Mr. Lindsay what was proposed to the County so that he could review it for the PB. Ms. Israelski said that while the PB is rejecting the County's proposal of a large rain collection area on the advice of its Engineer, the PB wants to see what the applicant proposed to the County with respect to rain gardens.

(2) Access - A second road has been proposed. The PB discussed this at their last meeting and has no problem with the request, but want to see details on the access road.

(3) Sidewalks - The County recommends that sidewalks be placed on both sides of the street just west of the clubhouse. It also recommends ADA approved stone dust paths constructed between the units mid-street, and it recommends that the applicant contribute road signage, street crosswalks and markings and lighting on a path from the applicant's property through the Audubon's property to connect with the Orange County Heritage Trail. The PB discussed at length the County's recommendation of sidewalks on both sides of the street, west of the club house. The PB disagreed with the County, saying there should be a sidewalk on just one side of the street where the County suggested two, but it was also the consensus of the PB that certain sections should contain sidewalks on both sides of the street and they highlighted the sections on the map. Mr. Weinberg and Mr. Winglovitz were in agreement. Regarding the recommended stone dust path between the units, Mr. Winglovitz said if the rain gardens remain where the PB and the applicant agreed to put them, then stone dust paths between the units would be impossible to do. Mr. Lindsay said that paths between the buildings won't work because of the 32% slope,

stating that paths along the back is the most user friendly. The PB decided they want the path on the outer border where it is presently shown and where there is a 10-12% slope. Ms. Cleaver asked that a Flexi-Pave product or similar material be used. Regarding the County's request for other improvements to the trail system, Mr. Weinberg said it is the applicant's intention to donate property (on the corner across the street) to the Audubon Society and as part of that donation they agreed they would put the trail where the cross walk is proposed, to go through the Audubon Society and hook up to the existing trail system. However, he said, all the applicant is doing is donating the property. Mr. Golden said that according to their written comments, the County is anticipating that in addition to donating the land, the applicant will also donate funds to improve the trail down to the County's trail system and are saying they want this or they want a sidewalk along 6-1/2 Station Rd. Mr. Golden said the applicant's intention is to donate a strip of land to the Audubon Society that is outside of this application and is also proposing a path to the Audubon property, which is on the project site. Mr. Weinberg said the intention is to keep the trail to the Audubon property as natural as it can be. Mr. Golden suggested that prior to final approval, the applicant set forth their plan as to how they plan to build that trail, what it is being built for and how it will connect to the Audubon piece that they are donating. Mr. Golden said the PB doesn't have the ability to require the applicant to make such offsite improvements as requested by the County, on property that is not part of the project.

(4) Parking - The County recommends the use of permeable materials, such as Grasscrete, for the overflow parking area provided for the clubhouse. The PB agreed.

(5) Transportation – The County suggested a small HOA operated retail center that would offer residents amenities such as basic groceries, newspapers, coffee, etc. part time beautician or café on the site to reduce traffic trips offsite. Mr. Garling suggested that there will not be enough people to support retail, although something very small, operated by the HOA may work. Mr. Myruski said the residents will need a place to get coffee and a newspaper and perhaps a beautician. Mr. Weinberg suggested that within the clubhouse, coffee and newspapers will be able to be obtained, which will help to reduce some of the transportation concerns of the County. The PB agreed it was a good idea.

(6) Design - The County recommends modifying the design to allow space for an improved overall plan to make room for the relocation of building one, and establishing a wider buffer between the wetlands and development. They question the need for a 28 foot median. Mr. Winglovitz said he told the County that the boulevard, with its significantly landscaped area, was a main design feature of the site, the focal point of the project and very important to the PB. The PB agreed that they want the boulevard to remain as it is on the plan.

(7) Wetland & Wastewater - The County states they condition their approval on issuance of the DEC's mandatory permits. The PB agreed.

Mr. Golden said it is clear that the PB will need a super majority vote on its final determination of the preliminary subdivision approval, because it has not agreed to all of the County's modifications. He said he will provide the PB with a third revised resolution incorporating what has been done at this meeting and the applicant will have submitted modified plans which will be incorporated in the resolution also. At the next meeting the PB will discuss whether there are further changes, and can vote on the resolution.

The PB then reviewed Jayne Daly's letter dated Nov. 9, 2007 with revisions to Draft #2 (11-5-07) of the proposed Resolution of Conditional Preliminary Subdivision Approval with the following results.

1. Accepted.
2. Mr. Golden will look into the language.
3. Mr. Golden objects to Ms. Daly's recommendation to drop the language stating the applicant still has to comply with Sections 97-29 and 97-41 of the Code. "These are zoning conditions," Mr. Golden said, "and the PB doesn't have the ability to vary from the zoning requirements. While the PB approved of the location and orientation, whether those buildings comply with the Zoning Code is a zoning condition." Mr. Weinberg asked if there wasn't a Finding that the project was in compliance with the zoning. Mr. Golden said he didn't think there was ever a Finding of compliance with Section 97-41 and said he doesn't think it was ever analyzed specifically. He said it would be done prior to Findings. Mr. Bergus said the PB hasn't seen the elevations at all points and Mr. Golden said that even if the Findings were to say a statement like that, the PB does not have the ability to vary any zoning conditions.
4. Mr. Golden pointed out that the PB hasn't seen where the affordable units are located and said that prior to the next PB meeting, members should look at where the affordable units are being located. He said the proposed new language can work, if the PB reviews the location of the affordable units.
5. Accepted.
6. The PB discussed the bonding for trees. Mr. Lindsay said that along the peripheral areas there should be an investigation, before construction, as to what trees should be protected. Mr. Golden suggested that the applicant amend their landscaping plan to show the trees to be planted and also identifying the existing trees that need to be protected even though the applicant didn't plant them. He said that if the landscaping plan is amended in that way, then the PB can say with respect to posting bond, "to make certain that the landscaping plan is fully implemented and that any trees or shrubs planted pursuant to that plan or otherwise existing trees

identified in the plan will be replaced.” He said some of the trees are on adjacent property, so the applicant will only be able to protect them to the extent that they can.

7. Accepted.

8. Accepted.

9. Mr. Lindsay will add the requested language based on density.

10. Accepted.

Mr. Golden said he believes “the time frame to require a decision by the PB has not run yet, but that to be safe, the applicant is waiving the 62 day requirement for purposes of approval tonight and it is being extended until the PB’s next meeting.” Mr. Weinberg agreed.

OTHER BUSINESS

Mr. Halloran reminded the PB that a completeness determination on the SEIS for Lone Oak has to be made at the PB’s December 6th meeting.

ADJOURNMENT: Upon motion made by Ms. Cleaver and seconded by Mr. Myruski, the meeting was adjourned at 10 p.m.

Mary Israelski, Acting Chair
Notes prepared by Susan Varden