

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

July 16, 2009

Members Present:

Reynell Andrews
Lee Bergus
Ralph Huddleston, Chair
John Lupinski
Raymond Myruski

Also Present:

Neal Halloran, Building Inspector
Dennis Lindsay, Engineer
Leslie Dotson, Planning Consultant
Kelly Naughton, PB Attorney

Absent: Susan Cleaver, Mary Israelski

Battiato – 18-1-13 – 8.8 acres, 3-lot subdivision located on Arcadia Rd in a RU zone with an AQ3 overlay. Discuss with Planning Board possible waivers.

Representing the applicant:

Mr. Battiato

Mr. Halloran said that when the applicant began the process of obtaining approval for a three lot subdivision, he was under the impression that private roads could be gravel. The Town's position, Mr. Halloran said, is that the private road should be paved.

Mr. Battiato said he is present to plead his case to the PB. He said he started the project in 2003 and waited for the master plan to be completed. It was agreed that he could get three lots on the property and at the time a gravel surface was sufficient for the private road. He had the engineering and water testing done and thought he was set but now he is uncertain what the specs are for a private road and said it seems that the specs for private roads are up to what the specs for a Town road would be. He said he cannot afford to put in a black-topped road to meet Town specifications and said he thinks it will cost more than what the property is worth in today's market.

Mr. Lindsay said the Town is in an unusual situation with its Code in terms of road specifications because there is little mention of private roads. There were specifications written for private roads in 2005 but they were never adopted. Mr. Lindsay said he would like to talk to the PB and Town Board about adopting specifications for private roads so the Town can address these issues. He said he is not recommending gravel roads

because when they are plowed, they become a maintenance headache. He said he believes the Town should generally have paved surfaces.

There was a discussion of private roads and common driveways. The Code permits private roads but not common drives, Mr. Lindsay said.

Mr. Lindsay said that the Town doesn't have specifications that he can relay to the applicant and the PB, but said that his recommendation would be a narrower width private road (narrower than 30 ft.) but paved.

Mr. Battiato said that the road goes in at 350 - 400 ft. to the first house then opens up and splits into three different driveways. The full distance from the road to the border of the last lot is 600 ft., he said.

Mr. Huddleston asked Mr. Lindsay to compare the price of asphalt and oil & chip and Ms. Naughton to investigate what the PB is allowed to do. He said he would like to grant relief to the applicant but that it can't be done inappropriately and then have it deemed invalid.

CONTINUATION OF PUBLIC HEARINGS

New Horizons (Sunset Ridge II) 10-1-28 – 54.2 acres, 8 lot subdivision located on Hampton Rd & Phillipsburg Rd in the RU zone with an AQ6 and stream & reservoir overlay. Preliminary subdivision approval.

Representing the applicant: Michael Morgante, Project Engineer

Mr. Halloran said that updated plans were submitted to the Building Inspector's office showing neighboring parcels and where they line up to the property. He said the big question is whether a shared driveway will be allowed and if so, where it will be located. He noted that the neighbors have concerns about the common septic system.

Project Engineer Michael Morgante stated that the application is for an open space development of eight lots from 4.1 acres to 17.45 acres, with each lot served by an individual well. A community septic system is being proposed to serve all eight homes. The sewage is collected in a central location in the middle of the property and is conveyed to the lower portion of the property near the bend by Hampton Road. At that point, it goes into an advanced waste water treatment unit which will treat the sewage to a 95% clarity for further conveyance into the sub-surface absorption fields located in the area of Hampton Road. A transportation corporation is being proposed for the maintenance of the community septic system, he said.

Mr. Morgante said that the map showing the adjacent properties was made available for viewing at the Building Inspector's office.

Mr. Huddleston asked for public comment.

David Sincerbox of 1 Hampton Hills Drive, asked where a comparable septic system has been done and said concerns have been expressed about the viability of a transportation corporation. He questioned what will happen in the future when the homeowners don't want to pay for the system any longer. He said that another concern is that the bend on Hampton Rd. is repaired every spring and fall, due to runoff from this property. He asked if anything can be done to make sure the runoff from the property doesn't cause further erosion problems. He said that the biggest concern of the neighbors is with the common septic system and said they are all concerned about odors.

Tom Cunard of 35 Hampton Rd. said he wants to confirm that the drawings clearly state that upset conditions will be reported not only to the company that is going to monitor the sewage system, but also to the Town. He said he thinks that will be important in the long term.

Mr. Lindsay said that there is a process to automatically call the company for upsets, but doesn't think the process includes notifying the Town. Mr. Huddleston noted that any spillage, back-up or release, will not only be reported to the company but also to the State.

Mr. Cunard said he is concerned about the lack of checks and balances and thinks it is important that it also gets reported to the Town and that it needs to be very clear what steps are to be taken when reporting upsets. Mr. Huddleston agreed that a condition could be put on the approval stipulating that the company e-mail the Town when there are upsets. Mr. Lindsay suggested that if it is made a condition, that it is clear that it would be an advisory to the Town, so that the Town is informed, but doesn't assume any liability or responsibility.

It was noted that both Mr. Lindsay and Mr. Bergus are familiar with the community septic systems and said that a number of them have been used for a couple years around Greenwood Lake.

It was stated that the current plans show a common driveway for two lots, which is not allowed under the Code, although the PB is allowed to waive the restriction under specific criteria. The applicant is requesting a waiver.

Ms. Naughton listed the three criteria for waiving this section of the zoning code. The PB will have to (1) find it is not requisite in the interest of the public health, safety, general welfare (2) it is inappropriate because of inadequacy or lack of connecting

facilities adjacent or in proximity to the subdivision or (3) it is in conflict with environmental, agricultural, scenic or historic resource protection purposes of Chapter 97 of Section 83.32 of the zoning code.

Mr. Morgante said he is requesting the waiver because there is very steep topography along most of the frontage of lot #8 and that it will be difficult, if not impossible, to find a location where he could provide an entrance along the frontage of lot #8 for the driveway. Due to topographical constraints it was more practical to propose an entrance nearby on lot #7's driveway, Mr. Morgante said.

Leslie Dotson of Garling Associates said she has seen it, that it is "very steep and if you were going to grade it to a normal driveway you would rip up half of the slope." She said it is an attractive, shaded area coming into the Town there, and that she would hate to see all of the disturbance it would take to put in the driveway. In her opinion, "this is a unique situation."

Mr. Morgante said that 90% of the frontage along lot #8 is inaccessible and called it "very unique." He said he believes the applicant meets the first and third requirements for the waiver.

Mr. Huddleston said that if a waiver is given for a dual driveway, it has to be "a unique situation, because it is something we are trying to avoid." He said that this is definitely a steep slope and said they have also been trying to avoid impacts on steep slopes. A discussion followed in which the PB members said they believe the applicant meets the third requirement for the waiver.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Lupinski, the Town of Goshen Planning Board grants a waiver for the combined driveway on the application of New Horizons. Approved unanimously.

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

Mr. Halloran mentioned that the shared driveway is right on the buffer of the road and suggested it could be moved 100 ft. away from the road to preserve the buffer. Mr. Morgante agreed.

It was noted that the transportation corporation has to be approved by the Town of Goshen and will come under state law and its requirements.

Mr. Lindsay said that a storm water pollution prevention plan will have to be done to meet the specifications and approval of the State of New York and to show how runoff is handled. In addition, there are state requirements for regular inspections during construction and afterwards, he said.

Mr. Morgante said that the entire septic system is buried underground and there should be no odors.

Mr. Lindsay said he will look at the runoff from the roadway, but said the applicant is required not to add to the flow that comes off the site, they are not required to improve it. He said that if there is a condition right now that is causing erosion and it is not involved with the proposed development, then they should go to the highway department.

Tina Esposito of 4 Hampton Hills Drive asked how the escrow money for the maintenance of the community septic system will be handled, stating her concern with the possibility of the system failing in the future, being abandoned, and then impacting the value of her home and the neighborhood. She said she wants the PB to look 40 years into the future and questioned if there has been enough research on this type of septic system.

Ms. Naughton said that under State law there are certain bonds and guarantees that have to be provided. She also said that if the transportation corporation discontinues or abandons, then the stock of that corporation is held in escrow by the Town. The Town can take over the system and operate it as a transportation corporation, or it can be included in a town sewage district, and the cost would be accessed on the eight properties. If the cost is not paid, then it can be levied on the same properties.

Ms. Naughton told the PB that she will summarize the conditions that were discussed and will prepare a draft resolution of preliminary subdivision approval for the next meeting.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Myruski, the Town of Goshen Planning Board closes the public hearing on the application of New Horizons. Approved unanimously.

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

Mr. Lindsay mentioned that the state DEC has identified a number of things that the applicant needs to complete, for example, the fresh water wetlands have to be recertified. That will have to be done before taking final action, he said.

Mr. Morgante said he showed the walking horse trail on the site plan and that the developer will try to maintain it so it can be used by the owners of the eight lots.

Lone Oak – 11-1-58 & 11-1-49.2 – 217.4 +/- acres, 132 residential unit development located on Harriman Drive and Arcadia Rd in the HR zone with an AQ6 & stream and reservoir overlays.

Representing the applicant: Steve Esposito, James Sweeney

Mr. Huddleston asked for public comment.

Gerald Boss of POB 294 Goshen, asked if the developers are going to do a four season environmental study as to the types of animals and other living things that may reside on the property to see if any are endangered.

Olivia Serdarevic said she is concerned about the adequacy of the water and said she thinks they are far from knowing if there is enough water for even a portion of the development. She said that water testing hasn't been done for more than 10 years on the site. Well #1 showed more than 40 ft. of water level interference with the quarry wells across Route 17, she said, and said she questions whether Well #1 could even be considered for use as a back-up well. None of the wells, during a non-drought condition, recovered completely within 3 days so she said she questions, because there was only a 15 gallons per minute in Well #1 and 37 gallons per minutes in Well# 3, whether they should be discounted 15% because of the bad recovery. She said that she understands that because the testing was done 10 years ago, all of the water testing will have to be re-done. Ms. Serdarevic asked if there are any Department of Health requirements regarding whether multiple wells can have the same protection areas, distances between public water supplies. Ms. Serdarevic said her second concern is in regard to Harriman Drive, stating that it is "critical" to have an extension of Harriman Drive into the development in terms of fire and emergency services and that fact that a lot of the homeowners will need efficient access to Route 17.

Mr. Huddleston asked for comment from the professionals.

Mr. Lindsay referred to a memo he had given to the PB and the applicant and stated that while the applicant submitted "a comprehensive set of plans," there are some gaps. He said the constraints analysis has to be done and shown on the plans. He mentioned that the open space preservation in this zone is 30%, and that there are different restrictions on it. He said there are a number of utility structures in the open space areas and he said he isn't sure they are permitted. He questioned the types of units and said that the multi family dwelling units shown on the plans have to comply with the zoning code and suggested the applicant take a look at that. He said that there is the question about the

interconnection with Harriman Drive for emergency services, speed of response and traffic circulation and that there are planning and legal issues about the connection. Nevertheless, he said he recommends the connection. Mr. Lindsay said there are a number of alleys behind the homes and questions how they will be managed in terms of handling drainage and snow plowing. He said that there is some on-street parking shown on the plan, and that it is not permitted in the code. Additionally, information on the sizing of the storm water basins is needed, he said, and said that if there is going to be phasing, it should be shown on the plans. Mr. Lindsay said that there is a lot of grading on the site and some stone walls are up to 20 ft. high. He said the walls should include architectural elements to make them attractive.

Ms. Dotson referred to Garling Associates' July 10th memo. She said that the applicant's DEIS minimizes the amount of cut and fill, but that there is a tremendous amount of grading and disturbance. She said that the zoning seems more suitable to a flatter site.

Mr. Huddleston noted that environmental consultant Karen McDonald commented on the application at the last meeting.

Mr. Halloran said that some grading and infrastructure has shown up on the Town's property. Mr. Esposito said the applicant will talk with the Town about it.

VOTE BY PROPER MOTION, made by Mr. Myruski, seconded by Mr. Andrews, the Town of Goshen Planning Board closes the public hearing on the application of Lone Oak. Approved unanimously.

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

Mr. Sweeney said that the applicant will address all of the comments in the FEIS.

ADJOURNMENT: A motion to adjourn the meeting at 9:20 p.m. was made, seconded and approved unanimously.

Ralph Huddleston, Chair
Notes prepared by Susan Varden

