

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

NOVEMBER 4, 2010

Members Present:

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

Also Present:

Neal Halloran, Building Inspector
Sean Hoffman, PB Engineer
Ed Garling, PB Planner
Rick Golden, Esq. PB Attorney
Kelly Naughton, PB Attorney

Absent: Raymond Myruski

Battiato – 18-1-13 – 8.8 acres, located on Arcadia Rd in a RU zone with an AQ3 overlay. Extension of subdivision review.

Applicant representative Michael Sandor said his client has waived the 62 day time frame within which the PB had to decide on whether to grant preliminary approval of the application. Mr. Sandor said the applicant is awaiting a decision on the well testing. The PB acknowledged receipt of a letter dated 10/28/10 from the applicant granting the waiver.

Heritage Custom Homes – 18-1-127.21 – 59.6 +/- acres, 5 lot subdivision located on Clark Rd. in the RU zone with an AQ3 overlay.

Michael Sandor, representing the applicant, said that his client Heritage Custom Homes waives the 62 day time frame within which the PB was to make a decision on the application. Mr. Sandor said the applicant made a field visit to the site to locate the cemetery, per the PB's request, and will now locate it on its boundary survey. Mr. Huddleston acknowledged the waiver.

Meadows of Goshen – 12-1-86.1 – 97.8 acres – 34 lot subdivision, located on Gate School House Road & Maple Ave. in the RU zone with an AQ3 & AQ6 overlay. Waive road specifications.

Mr. Golden reminded the PB that at last month's meeting the applicant's request to waive the road specifications was discussed. He said the Town engineer is of the opinion that it would be reasonable to waive the specifications under these circumstances. The applicant was not present last time and the PB wanted an opportunity to hear from the applicant, Mr. Golden said.

Michael Sandor, representing Meadows of Goshen, said the applicant is asking for a substitution of the specification that calls for run-a-bank gravel below the blacktop. At both Gate School House Road and Ruth Court the run-a-bank gravel is in at a full depth of 12” to 15”, he said. The applicant wants to place a material referred to as NYS Department of Transportation Item #4 on the culdesac. Mr. Sandor said Item #4 is a “superior material.” He said the applicant wants to put 6” of Item #4 on the hammerhead portion of the roadway, and that once it is graded and smoothed, blacktop can be placed on top. He said that the applicant is proposing to top the 12” to 15” of run-a-bank gravel on Ruth Court with 2” of Item #4. The black top stays the same, he said.

Mr. Hoffman said that he agrees that on the sub-base course 6” of Item #4 will provide an adequate road for this type of application. He said this is a culdesac and heavy traffic is not anticipated.

Ms. Cleaver said she will feel more comfortable if “our engineer confirms that the base is what it is suppose to be.”

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Lupinski, the Town of Goshen Planning Board waives the specific specifications and substitutes in its place Item #4 for the run-a-bank gravel as described by the Town Engineer and to the satisfaction of the Town Engineer upon inspection. Approved unanimously.

Hambletonian – 8-1-12.221 – 23.4 +/- acres, 38 lot subdivision located on Magic Circle Terrace in the HR zone with an AQ6 overlay. Request for another six month extension.

Mr. Newman was present to ask for another six month extension, stating that there is still a conflict with the Town over water and liability. He said he has had three prior extensions.

Mr. Golden said there are no limits on the number of extensions that can be granted, unless the PB believes that the circumstances do not warrant an extension.

Mr. Newman was told by Mr. Huddleston not to expect too many extensions unless something moves forward.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board grants a six month extension on the application of Hambletonian to May 19, 2011. Approved unanimously.

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

PUBLIC HEARING

Cimino – 11-1-48.221 – 13.2 acres, 2 lot subdivision located on Duck Farm Road and Old Chester Road in the RU zone with an AQ6, stream & reservoir, and scenic road corridor overlays.

Representing the applicant:

James Ramos, Engineer

Mr. Ramos said the applicant is proposing a 2-lot subdivision on the south side of Duck Farm Rd and Old Chester Rd.. The homes will be served by individual wells and septic. He said one lot is 10.2 acres, with the other 2+ acres. The applicant is planning at this time to build a house on the 2+ acre lot, and only plans to develop one lot at a time.

Mr. Hoffman said he has submitted an engineer's report. Regarding the water testing, he said that although the application is exempt from water testing, the applicant has done testing in an effort to look ahead to when they may subdivide the parent parcel. Town Hydrologist Bill Canavan has commented on the impacts to offsite wells, Mr. Hoffman said, especially the Corey well. However, the well testing was at "your typical conservative rate and the one well here will probably not impact the Corey well very much." Referring to septic testing, Mr. Hoffman said that this application will not go to the Health Department, but the engineer thinks the current configuration of the wells and septic system satisfies health department requirements.

Mr. Garling said that the front yard setback is at 30 ft. and that he'd like a 50 ft. line for the scenic easement and that it should be noted as such on the plans. He said he'd also like a note on the plans that the houses require architectural review. Additionally, he is asking for a note on the plans stating that Lot #1 will not be built on at this time and a note stating that the nearby area is in an agricultural district. Mr. Garling asked the PB if it wants a 20 ft. easement along the front and rear yard so that trees cannot be cut, because of its proximity to the Heritage Trail.

Mr. Golden talked about the scenic road provisions and said that if there is a new structure in the vicinity of an historic structure, then it should be compatible. He said the PB should do a site visit to make a finding that there are or are not historic or architecturally significant buildings in the vicinity. If there are not, then the applicant does not have to do an architectural review, he said. Mr. Golden said that the PB's discussion of what is going to be considered "historical" is going to have some precedential value for its future decision making. He suggested that the Building Inspector interpret the meaning of "historic structure in the vicinity."

Mr. Golden said there should also be a note on the plans stating that the location of this house was simply to demonstrate that it is a buildable lot and that the location of the

house is not something being approved by the PB. When the applicant wants to place a house on Lot #1, he will have to come to the PB for site plan approval, he said.

Mr. Cimino said that his intention is to ultimately end up with four lots.

Ms. Cleaver said that she would like a note on the plans that states that before a second house is built, the Corey well will be tested for impacts. Mr. Golden said that “the PB is getting ahead of itself” and that this application is for the first lot.

Mr. Hoffman said that the water testing that was done was for a full build-out. Mr. Cimino said that the testing was done for 80 hours and that “they pumped 8.5 gallons per minute, with the Corey well going down a couple of feet and recovering in a couple of hours. Mr. Ramos said, “We are going to have 350% of the projected water demand at a full build-out, according to this test, so we are well above the 250% that the Town asks for.”

Mr. Huddleston opened the hearing to public comment.

Neighbor Alan Jorgensen asked for clarification of the well testing results. Mr. Hoffman said that the test report by LBG in July 19, 2010 stated that they started at a rate of 5.8 gallons a minute, had a generator failure, then changed the power source and had an increase in the pumping rate to 8.6 gallons a minute, and the next day went back down to 5.8 gallons a minute. Mr. Hoffman said he is comfortable with the test that was done.

There were no other comments.

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

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

Mr. Golden said his office will draft a resolution of approval and reminded the PB that it must make a finding as to whether there is an historical structure in the area.

Ms. Cleaver said she would like the resolution to include a 20 ft. easement so there will be no tree removal allowed near the Heritage Trail.

MISCELLANEOUS

Ms. Cleaver stated that she attended a seminar where an endangered species taking permit was discussed. She said she would like the PB to ask the DEC if Heritage needs a taking permit for the bog turtle. Mr. Hoffman said he will inform the DEC that no one has found a bog turtle on the site but the applicant has made the assumption that they are present and thus are treating it as though they have been found. It will be up to the DEC to notify the applicant if a taking permit is required.

Maplewood – 8-1-45 – 94+/- acres, 103 units, residential and open space subdivision in the RU zone with an AQ6, scenic road and stream corridor overlay. Discussion of scoping document.

Representing the applicant:

Kristen O'Donnell

PB member Susan Cleaver recused herself. Dave Gawronski was present to serve as a PB alternate for Ms. Cleaver on the consideration of the Maplewood application.

Mr. Golden told the PB that at its last meeting Mr. Lupinski asked about the various lists that the Town's environmental consultant had referred to and that the applicant was asked to incorporate in the EIS to discuss the impacts to habitats and species that were on these lists. He said he investigated the lists and showed the PB two of the lists referred to, stating they were sizeable and contained many, many pages. The way the scope stands now the applicant will have to study the impact of the species on those lists, he said. Mr. Golden then read a November 3, 2010 memorandum to the PB from Ms. O'Donnell regarding the lists and the request of the Town's environmental consultant. The memo stated that the NYS DEC Comprehensive Wildlife Strategy for New York covers 20 counties and 7.5 million acres, including portions of Orange County, and that the species lists are not broken down to discuss those which are specific to Orange County, but rather the entire Lower Hudson Valley and Long Island. She questioned the reasonableness of the request.

Mr. Golden said the purpose of SEQRA is to advise the applicant of the potential significant adverse impacts, not every impact.

Ms. O'Donnell spoke about what the applicant thinks should be done. She said the lines are blurred between what potentially exists in the region and what actually exists on the property. She said she is concerned that when the public reads the document and sees something it will raise a red flag and questions will arise about species that may not exist in the Town of Goshen or Orange County. She said the applicant would like to narrow the study as much as possible to things that are "very likely to be on the site."

Mr. Huddleston said he believes the lists are excessive. He said he has done natural inventories for the past 30 years and would be more comfortable if an expert, like a botanist who is familiar with the endangered botanical plants in this specific area do a walk and look for species of special concern and have the same type of inspection done by a wildlife biologist who is familiar with the area and who will be looking for the unusual. He said he would like to see that level of expert added into the review and have them spend a few days in the field.

Other PB members concurred that a qualified expert is needed. Mr. Lupinski said that it is important not to overlook any rare or endangered species that has a probability of existing in the area.

Mr. Huddleston said that 78% of all species that exist in New York does exist in the Hudson Valley.

Mr. Golden said that if the PB requires the applicant to update their original EIS and supplement it with the requisite experts in both botany and biology, that when the experts prepare their reports and people look at the reports, if someone has some information that there was an endangered species there that wasn't covered, then the applicant will have to do so in the FEIS.

Mr. Golden said he will work that into the final scope. Other issues were discussed by the PB from a November 1st memo from Mr. Golden's office. Mr. Bergus gave Mr. Golden a few additional comments. Mr. Golden said that the PB could adopt the draft scope discussed, including Mr. Bergus comments and the environmental discussion, to be the final scope which he will then finalize, post on the website and distribute to interested agencies.

VOTE BY PROPER MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board adopts the draft scope as presented to be the final scope which will be finalized in text by the PB attorney. Approved unanimously.

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

ADJOURNMENT: A motion to adjourn the meeting at 9:10 p.m. was made, seconded and approved unanimously.

Ralph Huddleston, Chair
Notes Prepared by Susan Varden