

# APPROVED MINUTES

Town of Goshen Planning Board  
Town Hall  
41 Webster Avenue  
Goshen, NY 109  
July 19, 2007

## MEMBERS PRESENT

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

## ALSO PRESENT

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

## ABSENT

Ray Myruski

## 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. He asked for a few minutes of silence in memory of former Town Supervisor, Frank Romano, who passed away this week.

## MINUTES

Upon motion made by Ms. Cleaver, seconded by Mr. Bergus, the Minutes of the May 31, 2007 Special Meeting were approved with amendments. Upon motion made by Ms. Cleaver, seconded by Mr. Bergus, the Minutes of the July 5, 2007 Meeting were approved with amendments.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Ms. Israelski, the Town of Goshen Planning Board accepts the Resolution on the Performance Bond for the Houston Subdivision. Approved unanimously.

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



**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Mr. Lupinski, the Town of Goshen Planning Board accepts the DEIS for Hambletonian from Stuart Turner & Associates as complete and adequate for distribution to the public and to initiate the public review process. Approved unanimously.

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

The DEIS will be available to the Town early next week, Mr. Turner said. It will be posted on the Town's website, in the Town Hall and in the public library.

Mr. Golden suggested not setting the public hearing tonight. The public hearing should be further on when the PB starts receiving the responses from the other involved agencies, he said. The public hearings for both SEQRA and the subdivision shall occur at the same time, he added.

Mr. Huddleston told the applicant that the PB will automatically schedule the public hearing, saying the applicant doesn't have to return to request one.

**Spensieri – 12-1-57.2 – 10.5 +/- acres**, located on Route 17M in the CO zone with an AQ6 overlay. Sketch plan – two lot subdivision & special use for multiple retail.

The Applicant didn't appear.

Ms. Cleaver asked the consultants if there is a way plantings can fit on the site. Mr. Lindsay said the site is packed, that there is little room and there is an issue of grade, providing little opportunity to provide landscaping along the front.

Mr. Garling said that it doesn't look like the plan will work, even if variances are given by the ZBA. Drainage is one issue, he said, and there is no septic location shown, getting trucks and cars in and around is a question. The plan has two drive-thrus and four retail uses and retail isn't permitted, he said, although there is a rezoning proposal that might allow those uses. The applicant would have to wait on the retail or change it to office and come up with a plan that works before being sent to the ZBA, he said.

Mr. Lindsay said there is a 30 foot cut into the hillside, one side needs a retaining wall, one side has slopes one-on-one that aren't going to work, there is a two-on-one slope in the rear. There is a problem with circulation patterns and the visual impact. They have a car wash and two drive thrus and nowhere does it show where the septic is going to go.

Mr. Halloran said there is a concern with how much water they would need and said he has asked for a water budget.

Mr. Huddleston called it a “nightmare” from a traffic and water point of view and said the cuts and slopes make no sense without showing how it will be handled. He said he didn’t like the concept.

Mr. Lindsay commented that the applicant will have to do storm water management when clearing more than one acre, an erosion control plan, and a sub-surface septic system.

It was agreed to advise the applicant that because of all of the engineering and planning concerns, the PB believes the applicant has to substantially alter their plan before it will give serious consideration to sending it to the ZBA.

Mr. Lupinski asked if there was anything in the planner’s mind that could be put there. Mr. Lindsay said that right from the beginning it is a difficult site but there may be an opportunity to do something as it goes down in scale.

**Howell – 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. Site Plan

Present for the applicant:

Michael McGovern, Architect  
Mr. Howell, Owner

Mr. McGovern said that the applicant, Mr. Howell, wants to develop the property into a commercial landscaping business. It is located at #3 Industrial Drive on a 2.8 acre site. It meets all of the bulk regulations and requirements, setbacks and lot coverage, he said. Mr. Howell is seeking PB site plan approval for a special use permit. The proposed 2800 sq. ft. building will be a single-story garage/storage building for Mr. Howell’s business. There will be four commercial truck bays, one of which the applicant would lease. The building is anticipated to be a pre-engineered steel frame or pole barn construction with pitched roofs. He said currently the ridge is at 24 feet, showing slightly less roof pitch than is required, but that the applicant will amend that. The building will be in the rear southwest corner of the site, some 16 feet below Industrial Drive. Six parking spaces along the west side of building will be provided. The first one-third of the drive will be macadam with gravel on the remainder. There will be landscaping, with Norway spruces, along Industrial Drive. The septic field will be west of the parking area. He said the current plan shows some storage trailers on the site but they will be removed. He said that knowing they are on the edge of the scenic road corridor overlay, they can do more

screening at the PB's direction. He said the applicant anticipates the water demand to be very low, less than 100 gallons of water, and that they will provide the calculation. And being in the stream corridor district, they will prepare a storm water report. He said he'd like to handle that with seepage pits, instead of a retention pond. He said they anticipate some erosion control issues but expects there will be very little impervious surface.

Mr. Huddleston suggested that Mr. McGovern talk with Mr. Gaugler of Region 3 of the DEC to see if the DEC is considering adding the wetlands on the site to the state wetland system. Mr. McGovern had said he thought they were federal wetlands.

There was discussion of outside storage on the site. Mr. McGovern said the applicant would have some short term storage of bagged mulch, a low volume of carry-over from one job to the next. He said there would be no bulk materials stored. The PB said it wanted the storage area screened and fenced, that the storage area needs to be shown on the plan and representation made as to what will be stored. A fenced in dumpster area also needs to be shown on the plans.

Mr. McGovern said there were favorable results from a deep pit perc test done in the center of the proposed septic field and two percs on the north corners as close to the wetlands as possible. The perc was 11 to 15 minutes with no mottling noted until a depth of 7 feet. There was no ground water encountered and no rock ledge, he said and added that based on these perc results they are going to have a conventional system. Mr. Huddleston and Ms. Cleaver questioned the results and Mr. McGovern said he will file reports and a log for the PB and will do another deep pit test that can be witnessed by the Town Engineer.

Mr. Halloran pointed out that the building will require a variance and Mr. McGovern said he is going to change the size so it won't require seeking a variance.

There was a discussion of the lighting, resulting in Mr. McGovern saying the outdoor lights will be mounted on the wall and will have a front shield and the lights in the back can be put on a motion detector.

Mr. Howell said he will need very little parking because the vehicles will load up and leave and be taken home at night. The PB said the parking needs to be shown on the map to show that the applicant can meet the requirements.

Ms. Cleaver wanted to know if the wetlands could be flagged so they are not damaged during construction. Mr. Lindsay said they are already flagged but the applicant could make sure there is some fence inside the flags to protect them. He suggested it be made a condition before the start of construction.



wetlands and ground water and about the sewer treatment plant and the proposed discharge to the small stream.

Mr. Winglovitz said a lot of their comments were addressed in the FEIS. Mr. Halloran replied that the ERB is saying they weren't addressed adequately. Mr. Winglovitz answered that the Town's consultants have said all were addressed adequately. "We are preserving 60% plus in open space and we do the best we can and landscape to mitigate," he said. Mr. Huddleston said the applicant has told them why they couldn't save the large trees; because of the contour of the site and the fact that most were dead.

Ms. Cleaver asked the PB to wait to accept the FEIS until the next meeting, saying she wants to talk to the people at Stantec and look further into the wells and the fracture-traces. Mr. Bergus asked what if the design for the treatment incorporated the ability to add treatment for MTBE, if it shows up. He said the only thing the County rejects wells for is E-coli contamination, anything else can be removed. Mr. Bergus said the testing will come into play when the water system is approved. He also said that any contaminant can be tested for, if requested, that it is a matter of knowing what you want to ask for. Mr. Huddleston said the PB can set those conditions in the approval process.

Mr. Golden said that Stantec and AKRF believe the FEIS is ready to be accepted but the PB is waiting to hear from their environmental consultant, Hickory Creek. Mr. Halloran said Hickory Creek hasn't had time to review the applicant's comments which came in on Friday and that he would expect Hickory Creek's comments back by the next staff meeting.

Ms. Israelski asked at what point the PB decides the appropriateness of density. Mr. Golden said it can come into play with respect to the FEIS and with respect to Code requirements. "If you are talking from an environmental point of view of a visual impact then that should be addressed in the FEIS," he said. "The applicant believes they have fully complied with the visual impacts and mitigated them in the FEIS, it is up to the PB to determine if they are willing to accept the FEIS." There may be some density issues outside of the environmental visual impacts that may be addressed under the Code, he said.

Ms. Israelski said she thinks the environment is being impacted visually because of the density and that while the applicant feels they have addressed it via new landscaping, "there is nothing that can replace the old vegetation that is 40 feet tall."

Mr. Golden said the applicant has set forth in the FEIS more mitigation than just vegetation with respect to the density and the view sheds, they have been asked to study various aspects and study those corridors and have done that and concluded that they have adequately mitigated those view shed impacts identified by the PB. The ultimate decision is the Planning Board's, he said.

Ms. Israelski stated that “Forty to fifty foot tree lines cannot be replaced in 100 years so the appropriateness of density comes into play because you could save a large swath of trees on each side of this development, especially in the view shed of the scenic highway 17 and 17M. The severe negative impact of this development could be mitigated by making your density less and keeping swaths of trees on all four sides. I don’t think your substantial landscaping plan addressed it adequately. I’m having a problem with this density. Because of this high density you cannot make it practical to save these large mature trees. The intention of our Code is to save these types of trees and the applicant is only doing it on one side.”

Mr. Winglovitz said he thinks the project has much less density than is permitted and repeated that he thinks they have mitigated it to the greatest extent practicable.

Mr. Huddleston said 80% of the large trees on site are being preserved and there will be an additional 800 trees planted, along with multiple shrubs and ground cover. He said he is looking at the practicality of developing the site and that while he would have liked to leave the large trees, he understands the applicant’s explanation as to why they couldn’t and agrees that for the applicant to do that would cause more than just the elimination of some units but would require redesign of sections of the project. He said he believes the storm water and sewage treatment plan has been addressed and is comfortable with moving forward with completion of the FEIS.

Mr. Huddleston asked for a decision of the members.

Mr. Lupinski said he believes the FEIS to be complete but would like to hear from the other PB consultant, Hickory Creek. Mr. Andrews said he too wanted to hear from Hickory Creek. Mr. Bergus, Ms. Israelski and Ms. Cleaver said they wanted to “wait”. Mr. Huddleston noted that it was 5 to 1 and that the PB will wait for Hickory Creek’s input. Mr. Halloran said he will tell the consultant it is needed by the next work session.

**VOTE BY PROPER MOTION**, made at 9:10 p.m. by Mr. Andrews, seconded by Ms. Cleaver the Planning Board of the Town of Goshen agrees to go into Executive Session for the purpose of personnel issues with no intention of doing any business after coming out of Executive Session. The motion passed five to one.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	No

Ralph Huddleston, Chair  
Notes prepared by Susan Varden

