

**Town of Goshen
Planning Board
MINUTES OF THE
REGULAR MEETING
January 19, 2006**

MEMBERS PRESENT

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

ALSO PRESENT

Michele Babcock, Attorney
Richard Golden, Attorney
John Cappello, Attorney
Neal Halloran, Bldg. Insp
Joe Henry, Engineer
Graham Trelstad, Planner

ABSENT

Ray Myruski

I. CALL TO ORDER

Chairman Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:30 pm.

II. APPROVAL OF MINUTES

The minutes of the January 5, 2006 meeting were accepted as corrected upon motion made by Mr. Lupinski, seconded by Mr. Bergus. Ms. Cleaver abstained.

III. PUBLIC HEARINGS

Goshen Christian -13-1-10.4 & 11.32 - 25.274 +/- acres, located on Rte 17A, in the RU zone with an AQ6 overlay and scenic road corridor overlays. Special use permit for assembly and storage youth building.

Present for the applicant: Vlad Potyevsky
 Henry Vogel

Mr. Potyevsky explained that they plan to construct a Youth Center on Route 17A for an existing program, which is currently being held in the basement of the school. The proposed building is 2-story, 1600 sq. ft. and will be on the north side of the property. There will be no major changes to the topography. They have added a stone entrance way from the existing parking area. There will be no further curb cuts on 17A. They plan to connect to the existing septic system and wells.

Mr. Henry noted that they will become a public water supply and will have to receive approval from the Or. Co. Dept of Health. Mr. Trelstad asked if the interior drive is required for access to the lower level of the building. Yes, it is. He also inquired why the large oak tree is scheduled to be removed. Mr. Potyevsky explained that it is leaning over and would have to be removed regardless of this project. Mr. Trelstad noted that there are a large number of driveways and asked if any could be eliminated. Mr. Vogel explained that there are five drives - 1) one for the principal's house, 2) & 3) form a loop serving the Church & School, 4) serves the parsonage house and 5) is only an entrance for use during foul weather and as a drop off for the elderly. He reminded the members that this is not a commercial enterprise and there is limited activity during the week as most of the traffic is on Sunday.

Mr. Trelstad agreed that it appears they are all necessary but noted that if utilization to the Church increases they may want to consider limiting use to one or two. Mr. Bergus asked if the concession area would be preparing food on the premises. Mr. Potyevsky responded that it would be pre-packaged foods. Mr. Bergus reminded the applicant that if they switch to food preparation they will have to go to the DOH.

There were no further questions from the members or from the public. The notices to adjoiners were submitted and are in order.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby closes the Public Hearing in regard to the Goshen Christian Youth Center application. Passed unanimously.

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

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby declares that the application of Goshen Christian School for a special use permit to allow a Youth Center will have no significant impact on the environment under NY SEQRA. Passed unanimously.

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

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Israelski, the Planning Board of the Town of Goshen, hereby approves the special use permit requested by Goshen Christian School conditioned upon approval of the septic and well by the Orange County Department of Health. Passed unanimously.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby closes the Public Hearing in regard to the Jonas Estates subdivision application. Passed unanimously.

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

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby declares that the subdivision application of Jonas Estates will not have a significant impact on the environment under NY SEQRA. This subdivision was previously proposed as six (6) lots and received a Negative Declaration in September 2005. Passed unanimously.

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

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby grants final subdivision approval to the 4-lot subdivision for Jonas Estates, subject to acceptance of the Conservation Easement and payment of consultant and rec fees. Passed unanimously.

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

IV. Items for Planning Board to act on

Maple Hill - 17-1-57 & 59 - release maintenance bond

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Mr. Andrews, the Planning Board of the Town of Goshen hereby recommends to the Town Board that they release the maintenance bond to the Maple Hill project. Passed unanimously.

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

Nextel Communications - 11-1-45 - 18.1+/- acres located at 338 Harriman Drive in the RU zone with an AQ6, AQ3, and stream & reservoir overlays. Co-location on existing tower.

Mr. Halloran explained that the applicant is requesting co-location on an existing tower.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Lupinski, the Planning Board of the Town of Goshen hereby refers this application to their consultants and the Telecommunication Advisory Committee for advice and technical input.

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

V. **AGENDA ITEMS**

Hambletonian - 8-1-12.221 - 23.4 +/- acres, 35 lot subdivision with 42 dwellings, located on Upper Magic Circle in the HR zone with an AQ6 overlay. OC planning to discuss Arthur place, Preliminary comments, concerns, conceptual layout.

Present for the applicant: Joseph Neumann
John McDermott

Mr. Golden is acting as Counsel to the PB for this application. Mr. Huddleston explained to the large audience that this is not a Public Hearing for this project. The project is before the PB this evening to hear the County Planning Department's views on the connection via Arthur Place. The public will have ample opportunity to comment on the total project when the Public Hearing is set. This meeting is strictly informational and the public should not expect to participate. They are welcome to sit, listen and gather information.

Mr. Halloran explained that, at the Dec. 15 meeting, the PB requested that the applicant go back to the Planning Dept. to discuss the Department's recommendation to open Arthur Place to thru traffic. The applicant, Mr. Halloran and members of the Planning Dept. physically viewed the site. Mr. Church, Commissioner of Orange County Planning Dept and Ms. Kate Schmidt, Administrator for Goshen projects for the Planning Dept. are present to address the Board regarding their recommendation

Mr. Church stated that they have visited the site and viewed the conceptual plans. His department addresses county-wide concerns. The County's position is that they want to improve the mobility and decrease congestion where possible. He noted that

studies show that while many residents have moved closer to their work, the time to commute has increased due to the congestion. One of the problems is that past designs have resulted in relatively bad connections. They are advocating for some connectiveness. They want to give people options. He noted that a GEIS has been completed to address these concerns. He also stated that there are several projects coming in to the area and a coordinated review of the traffic impacts is needed. There was some effort undertaken to accomplish this review made by this applicant and two proposed projects. The possibility of more expanded bike and pedestrian trails has also been considered. He also noted that a GEIS is one step to be taken and there is the possibility that the government could supply some monies for the study, but this would take some length of time.

Mr. Huddleston asked Mr. Halloran to explain to the audience the circumstances that are before the PB at this time. Mr. Halloran stated that the possibility of this project has always been out there. The connection to Bridle Path has been discussed in the past, but the applicant only owns a portion of that area. There are also wetlands impacts to be considered. The Fire Dept. feels strongly that they need another entrance to the development and they would like to use Bridle Path. He further explained that the portion of Arthur Place that is in the Village is a paper road. There is a stub there from the previous development. This could be used as a vehicular access or be improved to use for a bike/pedestrian trail.

Mr. Halloran also informed the audience of the many projects that are now before the PB that will impact this area.

- 1) The town portion of the Salesian property has plans for 130-180 homes. This area is designated Hamlet Residential in the code and therefore a high density is allowed.
- 2) Heritage Estates is on Old Chester Road between Bridle Path and Knoell Rd. Approximately 90 homes are proposed for this project, if they can supply the water.
- 3) Further out Craigville toward Hasbrouck is another large area that has submitted a Conservation Analysis and is in the pipeline.
- 4) Craigville toward Farmingdale has been discussed, but nothing is official yet.
- 5) Harness Estates, in the Village, will have a large impact in this area.

He suggested four possibilities that may help to alleviate the traffic impact.

- 1) Make Arthur Place a thru road.
- 2) Make Bridle Path a thru road. However, this applicant does not own the property and there is the issue of DEC wetlands.

- 3) Connect Brookside Dr. to Old Chester Rd.
- 4) A connection from the rear of Craigville Park through to Heritage Estates. This would be a small road. There are wetlands to be considered and safety concerns.

Mr. Huddleston explained to the public that the applicant was asked to work with other proposed projects to combine their traffic study, which they have done. He further noted that there are currently 2000-2400 possible units before the Board throughout the Town. He also noted that this number will probably be lower because the applicants must show they can provide water and sewer. Mr. Church also emphasized that as part of the master plan they have done baseline traffic analyses. Most of the intersections on Rte. 207 are a level C while Craigville, Scotchtown and Sarah Wells Trail are levels E & F. It will only get worse and this is of concern to the County.

Mr. Huddleston asked Mr. Church if he has topographic concerns with the area under discussion. Mr. Church responded that there is modest steepness and there is a legitimate safety issue for pedestrians. However, the County still advocates thru traffic to alleviate the congestion and for emergency access. There needs to be some connection between the two neighborhoods. Traffic calming techniques would need to be employed, i.e., traffic bumps. A one-way access has also been suggested. Mr. Halloran also noted that the Police Department wants as many entrances as possible in order to respond to emergency situations.

Mayor Wohl has submitted a letter confirming the Village opposition to the reconfiguration of Arthur Place. There are concerns regarding the topography, safety and condition of the road. The Village does support the PB's desire to have a second access

Mr. Trelstad noted that the Town did change it's zoning to address this wave of development and it is dependent on the availability of water and sewer. Traffic is a primary concern and good planning does encourage connection between areas. We have had few opportunities to provide these connections. It is preferable to provide people with multiple options. The Bridle Path connection is a natural link, but there are wetlands concerns. He feels that the more connections the better, but defers to the engineers regarding public safety. These connections would also benefit the residents of Hambletonian Park to give them more options to get to the Village.

Mr. Huddleston stated that the Village is willing to help with the Bridle Path connection and with some support from the County they could do the mitigation necessary. He strongly emphasized the issue of quality of life and it will be considered when evaluating an overall planning scenario. Mr. Trelstad also stated that the town would be looking at this from a comprehensive point of view. A

combined traffic study is being reviewed and possible signalization and additional turning lanes at the problem intersections are all being reviewed.

Ms. Israelski noted that more than 20% of the neighborhood is affected and this will have a significant impact. She asked that the applicant consider the following issues: 1) the possibility of creating an ice skating rink at the pond near the entrance; 2) will the existing water problems be improved with this project; 3) The layout does not show clearly defined gathering places, possibly the plan could provide squares to define these places; 4) The impact on the quality of life for the properties to the north and east; 5) consider redesigning the four clustered homes and the question of parking in the rear; and 6) address streetscape and sidewalks. Mr. McDermott stated that there are many changes being made to the plan and the items listed above are being addressed. Ms. Israelski also stated that she is in favor of the Bridle Path connection.

Mr. McDermott explained that they have decided not to use the pond on Craigville as an open space credit, and therefore, they cannot clean it up. Mr. Golden reiterated that at the December 15 meeting it was agreed that the applicant was not going to have credit for the areas he was asking for. These areas were reviewed in previous phases of the project. Ms. Israelski asked if they could still get credit if they cleaned up the pond. Mr. Huddleston noted that they would require a permit from the DEC and that would not be likely to happen.

Ms. Cleaver stated that she is not in favor of the Arthur place connection and is concerned with the air quality and how it is affected by the traffic problem. She asked Mr. Church if it would be worthwhile to ask the applicant to give a r.o.w. (paper road) if there is a need for it in the future and in the meantime have a pedestrian/bike trail. Mr. Church felt this might be a feasible compromise, but he deferred to counsel on this matter, There could be long term financial implications if the physical improvements are not made at this time. Mr. Golden stated that it could be possible, but he would need to review the actual needs and details. Ms. Cleaver stated that she is not comfortable making a decision for the Village regarding traffic and the possibility of a trail. Mr. Church noted that he is aware of a similar situation in Warwick where they needed to connect from Town to the Village and he believes they did establish a pedestrian/bike route. He advised that we check with them to see how it was handled.

Mr. McDermott noted that if they leave the situation the way it is, it will become worse. He suggested a recreation/bike path with emergency access built in. Mr. Huddleston noted that there are changes being made to the plans. Ms. Israelski asked that the professionals look at the Jt. Rec. wish list when they review plans at staff meeting so they are aware of their actual needs. Mr. McDermott also asked that the

decision on Arthur Place be made as it will have an effect on the layout of the project. The ERB has also made comments as follows: 1) they question the water demand and capacity; 2) the impact on the neighborhood is more than 20% and therefore significant; 3) impact on traffic and 4) the impact of blasting on the neighborhood.

Have these been reviewed? Mr. McDermott would like to submit all the changes at once. The PB also needs to study the traffic problem also. This information should be ready by the second meeting in February. It is also noted that this project has been part of the plan put together in 1960. Mr. Huddleston noted that changes have occurred since that time and he thanks the members of the public for the courtesy and hopes the above has been informative. There will be a public phase to this process and they will be notified accordingly. The Board also thanks Mr. Church & Ms. Schmidt for their presentation and concerns.

Foley - 10-1-10.21 - 10.123 +/- acres, 2 lot subdivision, located on Owens Rd in the RU zone with an AQ6 overlay.

Present for the applicant: James Dillin Jr.

Mr. Dillin explained that since the last meeting he has shown the septic design and details and the rock outcrop. They have also moved the house forward away from that outcrop. They still need to complete the soils testing. Mr. Henry stated that most of the information is on the map, so a Public Hearing could be set. Ms. Israelski asked if they have a r.o.w. over the Trolley Line, which is owned by Owens Rd. Associates. Mr. Cappello noted that they should show 15' ownership to the road or obtain a 288 variance. Mr. Halloran will look into this. There were no further comments from the consultants or the members.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby sets a Public Hearing for the Foley project for February 16, 2006. Passed unanimously.

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

Zalunski 20-1-8 - 74.8 acres, 20 lot subdivision, located on Pulaski Highway and Cross Roads in the RU zone with an AQ3, scenic road and stream overlays. Seeking waiver from 97-20C2 - 300 ft road frontage.

Present for the applicant: Steve Esposito

Mr. Esposito explained that they are proposing 20 lots on the subject property. They have worked to preserve the view corridor along Pulaski Highway. There are three parcels being considered tonight. The large parcel to the northwest will have the barn and dance hall. The 2 new homes they have put on the downhill side. The PB and the ERB have reviewed the plans. The applicant needs a waiver from the 300' road frontage requirement for the 4 lots on Cross Rd.

Ms. Israelski asked how lots 5 & 6 are in keeping with the open space provisions. These houses are directly behind the farmhouse. She questioned how the farm could operate with these homes so close. Mr. Esposito stated that it is only 14 acres, which would not constitute a "real farm" as we perceive it. He also explained that there has to be one home associated with this lot. Ms. Israelski suggested that they keep the one and drop the others. Mr. Esposito explained that they will keep the homes below grade to protect the scenic area. After discussion of unit placement, it was shown that the houses would not be seen from Pulaski Highway. Ms. Israelski asked if there would be enough water. The applicant is working on this.

Ms. Israelski noted that this is a farming area. Does permitting this waiver save the ridge view as it did when the Persoon waiver was granted. Mr. Esposito replied that it is saving the whole view corridor. They are putting all the houses on the other side of the hill. They have also combined driveways in order to facilitate this waiver. He noted that the Board needs to decide if the value of the scenic view preservation is worth waiving the 300' frontage requirement. Ms. Israelski asked if there is any potential for offices in this area. No, there is not. Mr. Huddleston noted that this is probably the best view area in the County and the applicant has avoided road cuts by combining drives. He feels it is worth it to save the view.

Mr. Cappello stated that they granted the waiver for topographical reasons (to avoid building on the ridge) and the average curb cut was greater than 300'. Ms. Cleaver asked if street trees were being planned along the entrance road. Mr. Esposito stated that they were proposing some trees along Cross Rd. Pulaski Highway has few trees and it would not look appropriate to put them in this area. They will consider clustering them elsewhere on the property. He suggested that they enhance the tree area in the rear, as that would look more natural. Mr. Esposito will establish the number of trees required and then locate them in more sensitive areas. Mr. Huddleston noted that they would look at the caliper and quality when considering the number.

Mr. Lupinski asked who would be responsible for the detention basin as this may cause a problem of access to the farmer who rents the property in that area. Mr. Cappello stated that it would not be owned by the Town. It will go with the land and that owner will be responsible for maintenance. This will be in the deed. Mr. Henry stated that there is still information needed before a Public Hearing can be set. He will have his comments to the applicant tomorrow or Monday.

Mr. Lupinski questioned if the letter had been sent to the TB asking for their input on the waiver issue. He is questioning the intent of the code. Mr. Cappello stated that the language gives the PB discretion to waive it based on certain requirements. Any change would require a change to the code. Mr. Lupinski is concerned about this expanded responsibility. Mr. Trelstad feels that the PB should have the flexibility. Mr. Lupinski feels this is beyond the scope of the code. Mr. Huddleston noted that they should make the inquiry of the TB, however he feels that the Persoon waiver was to preserve the ridge and this one is also for topographical reasons. He does not feel the PB is overstepping their bounds. Ms. Israelski feels they should not hold up this applicant

Mr. Huddleston asked the members for their opinion on whether they feel they are overstepping the bounds of the code. Mr. Cappello asked if the members want to make the code tougher or more flexible.

Mr. Huddleston - it is currently flexible and that is acceptable.

Mr. Andrews - It should not be so open. It should be re-visited by Joel Russell.

Ms. Israelski - Agree with Mr. Huddleston

Mr. Bergus - Agrees with Mr. Huddleston and feels it is a non-issue if it is not a topographical question.

Ms. Cleaver - confused with the scenic corridor issue. She asks how you weigh which has more impact.

Mr. Cappello stated that he felt the vision was to focus on preserving features and to encourage lots off of interior roads. Three members are comfortable with the interpretation and three feel further definition is warranted. Mr. Trelstad asked if it would be more appropriate to raise the issue with Joel Russell. Mr. Huddleston stated that the members have stated their views and they need to be pursued. Mr. Esposito stated that the applicant needs a decision so they can re-design the plan if necessary. Ms. Israelski stated that they should move on this. The PB is only asking for an interpretation of the code not on this project. Mr. Huddleston asked if the members feel they should move forward on this particular application. Five members replied yes, Mr. Lupinski stated no.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Planning Board hereby grants the waiver from the 97-20C2 based on the design

the applicant has discussed and based upon the 4 lots on the SW side of Cross Rd. having shared driveways, which results in a total of 2 curb cuts on Cross Rd. over 775' of frontage on the SW side and on the NE side would result in one curb cut in more than 300' subject to PB's review and approval of the specific designs of the plan and the waiver does not, in and of itself, approve the final configuration of the lots. Passed 5 to 1.

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

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby declares lead agency in regard to the Zalunski project. Passed unanimously.

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

Javelin - 11-1-7 & 4.1 -39.63+/-acres, 14 lot subdivision, located on Butler Drive in the RU zone with an AQ6 & flood plain overlay.

Present for the applicant: Steve Esposito

Mr. Esposito explained that the original application was for 14 lots coming off of the Paddock. The applicant has looked at the adjoining parcel. They are proposing a road to connect to the adjoining, which would leave this project to bring the road around to Old Chester Rd. There is no increase in units or change in layouts planned. They are also providing a connection to Heritage Trail. They had originally planned to construct a restroom facility, but this has not worked out.

Mr. Esposito has contacted the Village Board regarding sewer. The Village requires that they show that they can provide onsite sanitary facilities if necessary. They can provide a community facility and individual wells. He also noted that there is a pump station owned by the Paddock that needs to be brought up to spec. The applicant is willing to upgrade that system. Mr. Huddleston asked if the applicant intends to hook up to the Village sewer. Yes, he does. Mr. Huddleston stated the modified sketch plan looks appropriate.

Mr. Esposito asked the Board if the proposed lot count is acceptable. He cited the base density figures and the fact that they are providing 50% open space and a connection to the trail. There will be a buffer from the Trail and they will fix the

pump station for the Village. He stated that these items all add to the overall betterment of the community. Mr. Huddleston stated that the layout is acceptable. Mr. Esposito stated that he just needs to know that they are headed in the right direction. Mr. Cappello noted that this is conceptual and is also the first development where the PB is granting these bonuses. It needs to be worded in such a way to make it unique.

Ms. Israelski asked if lots 1 & 2 could be altered so that they are not right on the Trail. The applicant will review this.

VI. Correspondence

- Environmental Review Board Letter dated January 11, 2006 concerning Hambletonian Park

Adjournment: The meeting adjourned at 10:30 pm upon motion made by Ms. Israelski, seconded by Ms. Cleaver.

Ralph Huddleston, Chairman

Notes prepared by Linda P. Doolittle