

**Town of Goshen
Planning Board
MINUTES OF THE
REGULAR MEETING
February 17, 2005**

MEMBERS PRESENT

Ralph Huddleston, Chairman
Reynell Andrews
Susan Cleaver
Mary Israelski
John Lupinski
Raymond Myruski

ALSO PRESENT

John Cappello, Attorney
Neal Halloran, Bldg. Insp
Joe Henry, Engineer
Michael Marrella, Planner

ABSENT

Lee Bergus

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

Lands of Makuen, S.B.L. 13-1-10.1 &10.2 4-lot open space subdivision. Located on Route 17A ,in the RU and CO zones with the AQ3 and SR overlay zones.

Present for the Applicant: Tom DePuy

Mr. Halloran stated that this is a continuation of the Public Hearing. The neighbors had requested that the applicant consider moving the driveway further from their homes. He also noted that there is a possibility that the CO zone in the rear of the property will be considered for a PAC, but this in the preliminary stages.

Mr. DePuy reviewed the project for the public. They are proposing a 4-lot subdivision, which requires a lot line change. There are two existing dwellings with access to 17A and they will be adding a third dwelling. Lot #4 is the remainder of the acreage. One of the reasons for this single access is the need to limit the number of access points on Route 17A. At the previous meeting, the neighbors expressed concern that the drive would be used as access to the CO area in the rear. He has reviewed the possibility of moving the access. An existing house and its' septic system would be affected if the drive is moved.

Ms. Israelski asked how they would access the CO district of the property. Mr. DePuy responded that there is access in the rear and from the Village. The applicant has placed a note on the plan, which states that the drive is limited to service the RU zone and not to allow access to the CO area. Mr. Huddleston asked Mr. Cappello if this note makes access to the CO unavailable and therefore cause this parcel to be landlocked. Mr. Cappello responded that the applicant has volunteered this to address the neighbors' request. There is other access available on the applicants' property. Mr. Andrews asked if this is utilized for access to lot #4 would it be limited to service to the RU zone subject to future PB review and approval. Mr. Cappello stated that the other lot owners will be subject to this note. Mr. Marrella stated that if there is a zone change to the rear making it RU, the PB will have the opportunity to review.

The Chairman asked for questions from the public. Mr. William Grace asked if the road will come out onto 17A directly across from the Church and school. He asked if it could be moved further down on 17A as this is a very dangerous area. The amount of bus traffic is tremendous. Mr. DePuy responded that there is a driveway there already and they are not proposing a new road at this time. As explained previously, the drive cannot be moved as it will impact an existing house and septic system. Mr. Grace asked if there have been any traffic studies done in this area. Mr. Cappello responded that the DOT would look at the area when the applicant applies for the curb cut and traffic and accident reports will be reviewed.

Mr. Zef Dushaj asked if any of his property would be taken for this access. Mr. Huddleston replied that no portion of his lands would be taken. Mr. John Downey asked about the setbacks from his property. Mr. Huddleston responded that the applicant will maintain the current tree line and a note is being placed on the map regarding the use for this drive. The note states that it is for the use to access the RU zone only. The commercial area can be accessed from another point. He also explained that the applicant did look at moving the drive and it cannot be done.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen hereby closes the Public Hearing on the Lands of Makuen application. Passed unanimously.

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

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby declares that the Lands of Makuen subdivision will not have a significant impact on the environment under NY SEQRA based on the fact that the applicant has mitigated any potential environmental impacts by project design. Passed unanimously.

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

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby grants preliminary approval for the 4-lot open space subdivision for the Lands of Makuen subject to the following conditions:

- 1) A note included on the plan stating that the driveway will serve as access for the 4-lots in the RU zone only in response to the concerns raised by the public.
- 2) A note added concerning the preservation of the mature line of trees along the proposed driveway on the SW side to be preserved in their natural condition.
- 3) Payment of fees
- 4) DOT permits obtained
- 5) Satisfactory perc tests

Passed unanimously.

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

Markoff & Sagafi 18-1-74 & 75, located on Southgate in theRU zone with an AQ3 overlay, modification of lot lines between two existing parcels.

Present for the applicant: Dave Zuckerman

Mr. Halloran explained that the Public Hearing was held open to allow time for the applicants and the consultants to meet regarding the problems with the septic system. The septic system for the subject home is located on the neighboring parcel. The system has since been located and it is not as far from the property line as originally thought. Mr. Cappello stated that the parties have agreed to extend a line from the front boundary to take the existing septic field plus 10' onto the proper lot. This represents a slight modification to the plan but brings both lots into compliance with the septic system incorporated on to the proper lot.

Mr. Zuckerman thanked the consultants for meeting with the parties and working out this agreement. Mr. Lupinski asked if there will still be a need for an easement to maintain the system. No there will not be an easement needed. Mr. Zuckerman stated that he hopes this continues and is completed in a timely fashion as lot #76 is waiting for a CO. If Mr. Sagafi grants his approval to this arrangement, then Mr. Halloran can grant the CO. All maps with the revised changes need to be received and the written agreement needs to be approved by all parties.

Mr. Sagafi stated that he will agree to these lot line revisions so the entire septic field as shown on the survey of Mr. Markoff will be incorporated into that map as part of the lot line revision with 10' all around it.

Mr. Markoff asked if the original lot line change that was requested several weeks ago is also approved at this time. Mr. Huddleston stated that they are referring to both sides of the property.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby closes the Public Hearing in regard to the Markoff and Sagafi lot line change. The Board also declares that the dual lot line revisions on either side of the Markoff lot: 1) to incorporate the driveway and 2) to incorporate the entire septic system, will not have a significant environmental impact under NY SEQRA and hereby grants preliminary and final approval for the lot line revisions subject to the surveying information showing the ownership of the entire septic field servicing the Markoff lot to now be located on the Markoff lot. Passed unanimously.

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

Schuster subdivision 15-1-18.1, two lot subdivision on 47.6 acres, located in the RU zone with an AQ 3 overlay.

This project has been before the board since August. The mailings have been completed. The technical issues have been resolved. Mr. Henry explained the project to the public. They are asking to break off 2 acres from the parent parcel. The larger parcel will consist of approximately 45.25 acres off Arcadia Rd., which will be sold. The 2-acre piece will contain the existing bilevel home with it's well and septic. The applicant has presented a conceptual plan, as required by code, showing where the house would be located on the larger parcel. This does not limit them to one home.

A neighbor asked if there is a road frontage requirement. Mr. Cappello replied that there is no bulk size, it is based on the number of units. Fifty percent must remain open space. Mr. Dominquez asked the PB to please keep in mind that there have been problems with water in this area. It is noted that there is a detention pond on the property. This is a private pond. There were no further questions from the public. Mr. Cappello stated that there should be a note that the lot is permitted at 2 acres because this is a small-scale subdivision. The larger piece will have to give that 1 acre back, so it will actually be 44.25 acres.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby closes the Public Hearing in regard to the Schuster subdivision. Passed unanimously.

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

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Lupinski, the Planning Board of the Town of Goshen hereby declares that the Schuster subdivision will not have a significant impact on the environment under NY SEQRA. Passed unanimously.

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

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby grants preliminary approval to the Schuster subdivision conditioned upon the following: 1) a note reflecting the fact that density of the remaining parcel will be reduced by one acre and 2) the perc tests on the remaining lot will be witnessed by the town engineer. Passed unanimously.

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

Mr. Halloran will provide the proper wording for these notes to the applicant.

Heritage Estates, S.B.L. 8-1-9.2 & 11-1-98.6, 256 acres located on Old Chester Road and Brookside Drive in the HR and RU zone with an AQ6, AQ3, scenic road, and stream overlay.

Present for the applicant: James Sweeney, Attorney

Mr. Halloran explained that an updated draft Scoping Document has been submitted by AKRF. Two written responses have been received in the office, which focus on traffic and water concerns. The ERB has also sent in their comments. Mr. Sweeney asked that the public be heard first and then he would comment on the issues that have been raised.

Mr. Stephen Brown, 25 Brookside Drive asked how the project got to this point. Mr. Huddleston noted that there was a problem with the notices previously, and he emphasized that this is a scoping session only. This is not a Public Hearing. This session is to decide what issues need to be addressed in the study. The issue of traffic is one of the concerns that needs to be addressed. Mr. Brown stated that the applicant's map does not show a thru road. Mr. Huddleston explained that the possibility of a thru road is one of the alternatives. Mr. Cappello stated that the applicant is required to address alternatives. The impacts of these alternatives needs to be included in the traffic studies.

Mr. Brown stated that there are no notes on his maps that mention the possibility of an extension of Brookside Dr. Mr. Marrella stated that the idea for this extension came from the Planners and from the County Planning Dept. In general, connections of this type serve an important purpose in disbursing traffic throughout the community. Proper planning needs to look at the distribution of traffic through the community as a whole. There are numerous (7) alternatives in the scoping document that the applicant needs to address. Mr. Huddleston noted that once these issues have been studied, then assessments will be done and the public and the PB can evaluate the impacts.

Mr. Cappello reminded the public that this is an outline. Even the possibility of "no action" needs to be addressed. All these issues will be analyzed in the DEIS. A Public Hearing will be held on the DEIS and then the applicant will be required to address all of the concerns. In regard to notices, the appropriate notice was posted in the Independent Republican last week.

Mr. Englert stated that this project is right on his property line and he asked that they consider moving the development off of his borders in order to establish an appropriate buffer. Mr. Beldo, Brookside Dr. stated that he feels they do not really know what is going on as they have not seen the plan.

Mr. Henry summarized the steps that have been taken up to this point. The process began with a Conservation Analysis, where the applicant established the constrained areas and the PB members made a site visit. Then plans sensitive to this Conservation Analysis were created. The applicant is proposing 98 homes in a Traditional Neighborhood Design with access off of Old Chester Rd. He also is planning 36 Town Homes with the same access. As a result he has achieved 82% open space. Public water and sewer are proposed and the project plans to connect to the Village for wastewater treatment. The Kolk Farm will remain as a farm by a conservation easement. They plan to provide the Town with recreation lands and trails, which will connect to town wide trails and the Heritage Trail. Mr. Huddleston explained that this is a very preliminary plan.

Steve Bachman asked if this means that 82% will remain preserved via a conservation easement. Mr. Cappello replied that this is the build out required by the code. Mr. Bachman asked if the builder will supply water. Mr. Cappello noted that there are studies that are required to be covered in the document. These studies will be part of the DEIS. Claire Leonard asked if there is a way to prove that this project will not affect our water supply. Mr. Cappello noted that as part of the new code, a hydrologist was hired to do a town wide study and protocols were developed. These protocols are very strong. Ms. Israelski asked if any of the homes on Brookside would be part of the drawdown tests. Yes, they will. There is a list of those who want to be involved in the Building Inspector's Office. Mr. Henry advised the public that anyone who wants to be part of the drawdown testing should place their name on the list. The public is encouraged to play a part in the testing.

It was asked if the name of the owner of the project is available. Mr. Sweeney replied that Heritage at Goshen LLC is the record owner. Mr. Beldo asked if there is a time frame. Mr. Huddleston replied that he thought it would take 4-6 months to complete the DEIS. There would then be at least two months of review and then Public Hearings would be held. Mr. Brown asked if there are other projects partnering in the studies. Mr. Huddleston stated that the Hambletonian and Salesian projects will be taking part in an overall traffic study. Ms. Fitzpatrick asked if the other projects can provide the necessary services, i.e., water, sewer. They will all have to follow the guidelines in the code.

Mr. Brown asked that in addition to preserving open space, the document address the impacts on the neighborhood. He expressed concern that the members of the PB are in support of making Brookside a thru street. Ms. Israelski suggested that those present read page 14 & 20 of the Scoping Document, which address the access to the development. Mr. Huddleston stated that the board understands their concern and he does not feel that the PB as a whole is supporting the thru street for pedestrians as well as vehicles. They need to review all the alternatives and they just do not know what the impacts will be at this time.

Ms. Cleaver presented the ERB comments. They were concerned about the waste disposal system, and feel this information needs to be clarified. They also asked about the impacts of the biodegradables on the rivers and the cumulative impacts of all the other projects.

Mr. Marrella will issue a new draft scoping document, which will incorporate the ERB comments, the buffer for the neighboring properties and the written comments.

Mr. Sweeney explained to the public that this is the very initial phase of the process. There will be public Hearings on the DEIS and then on the site plan. There will be many windows of opportunity for the public to comment. He noted that the Scope has been called a Table of Contents, but he feels this 21 page document is much more than that. He hopes that the Board does not go into such detail that they are wasteful of the mental energy. He feels that some items are really not necessary. It is not an academic exercise, but rather an exercise in reality. The document should be tailored to address the specific environmental impacts. He asks if the board wants a full tree survey, a mapping of significant vegetation or do they want to concentrate more on traffic and water. Do they really want noise and air quality studies and the "no build" methodology reviewed. Mr. Huddleston replied that "yes, the board does want to see all of these items". He also asked about the access to the Heritage Trail. They cannot provide actual access as that is up to the county. Mr. Huddleston stated that they should give the pathway even though the developer cannot guarantee access.

This is a just a proposal, that will have 82% open space. A significant portion will remain in actual farmland. Mr. Sweeney asks that the board concentrate on the main issues. Mr. Huddleston stated that the board expects that the applicant will give them the appropriate degree of study. Ms. Israelski also asked they they provide a safer environment.

It is noted that the original map shown this evening is somewhat skewed. A map showing the total site and the neighboring properties was presented for the public to review.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby closes the Scoping Session for the Heritage Estates project and directs the Planner to incorporate the comments from tonight, the written comments, and the ERB & PB comments in to a Final Scoping Document. Passed unanimously. Neighbors within 300' and working farms within 500' will be notified.

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

III. TOPICS

Owens Road Associates 10-1-8 & 10.22, proposed 40 lot subdivision located on 131.27 acres, on Owes road, in the RU zone with an AQ 6, AQ 3, scenic road overlay, and stream overlay

Mr. Halloran explained that the Board needs to declare lead agency on this project and the Town of Wallkill should be included on the notification list.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby declares to be lead agency on the Owens Road Associates project. Passed unanimously.

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

Harvest Village 18-2-14 & 15, 4 acres, located on Route 17 A, in the HR, with an AQ-3 overlay zone sketch plan

Present for the applicant:

This project has been modified since the December 2 meeting. No Conservation Analysis is needed. The applicant is seeking sketch plan approval, so they can continue with the project. Mr. Rother explained that there have been several meetings with the consultants. They have changed the design to include duplexes and a Village Green around the community section.

Mr. Marrella noted that the applicant has been very accommodating. This project is really one of the first of the hamlet mixed use projects and is very well done. Mr. Rother stated that it is similar to the project in New Paltz. Ms. Israelski stated that the plan is appropriate for the HM zone. It contains many of the aspectsof the HM suggested in the guidelines provided in our new zoning code. Mr. Henry stated that this will serve as a gateway for the hamlet mixed use that will lead over to the GDC project.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby grants final approval to Phase II (lots 7,8, 11 & 12) of Tobias Subdivision latest revision date 2/1/05 subject to the following conditions: 1) A note to placed on the plans stating that the remaining lands on the South side of Philipsburg Rd. cannot be transferred without the remaining lands on the North side; 2) the applicant satisfactorily addresses the comments of the Town Engineer dated 2/17/05; 3) the planting of street trees at 40' intervals as stated in the zoning code for the entire subdivision subject to the PB approval as to quality and type of trees or an appropriate bond amount being posted; and 4) payment of all fees and that the Planning Board finds that these four lots will create a need for recreational facilities. There being no appropriate lands available, the applicant will pay \$2000 per unit. Passed unanimously

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

IV. DISCUSSION

Persoon, expanded part 3

Mr. Halloran explained that the Town Board has submitted a letter requesting that the Planning board move forward on acquiring recreational parklands on this parcel. Mr. Henry noted that the stormwater management would affect the layout of the lots. He also needs roadway profiles and he has some questions regarding some of the driveways. It is important that the lots that are being proposed are workable.

Mr. Marrella noted that the remaining number of units needs to be addressed. The applicant is permitted to have more than are being proposed. They could be sold under TDRs. He will put this information in a comment letter for next month's meeting. Mr. Cappello stated that the applicant needs to analyze the potential for what can be done on the other parcel in regard to potable water, stormwater, traffic etc. The ERB comments also need to be addressed.

Lone Oak, SEIS

The applicant has shown, under the alternatives, the possible full build out and the number of units has increased from 170 to 299. Mr. Cappello stated that the PB needs to decide how far they want to go with this and how should it be handled in the SEQRA process. They need to avoid segmentation. The PB needs to do a completeness review.

IV. MINUTES

The minutes of the December 2, 2004 work session were approved as submitted upon motion made by Mr. Myruski, seconded by Mr. Lupinski. Ms. Cleaver and Mr. Andrews abstained.

The minutes of the January 13, 2005 will be reviewed when there is an appropriate voting quorum.

The minutes of the January 20, 2005 meeting were approved as submitted upon motion made by Mr. Myruski, seconded by Ms. Cleaver. Mr. Andrews abstained.

V. CALENDAR

The calendar of meetings for 2005 was approved as submitted upon motion made by Ms. Cleaver, seconded by Mr. Lupinski. See attached.

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

Ralph Huddleston
Chairman

Notes Prepared by Linda P. Doolittle