

**Town of Goshen
Planning Board
MINUTES OF THE
REGULAR MEETING
April 21, 2005**

MEMBERS PRESENT

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

ALSO PRESENT

Jayne Daly, Attorney
Neal Halloran, Bldg. Insp
Joe Henry, Engineer

ABSENT

Graham Trelstad, Planner

I. CALL TO ORDER

Chairman Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:35 pm.

II. APPROVAL OF MINUTES

The minutes of the April 7, 2005 meeting were approved as corrected upon motion made by Mr. Bergus, seconded by Mr. Andrews. Mr. Myruski abstained.

III. PUBLIC HEARING

Goshen Associates - 10-1-44.2 for a minor subdivision for conservation analysis located on Old Minisink Trail and Fletcher St., in a RU zone with AQ6 overlay.

There is no one present for the applicant. Mr. Halloran noted that the draft Conservation Analysis has been submitted and needs to be reviewed. Mr. Huddleston asked that it be emphasized that the open space area be left in natural condition. The area is not to be mowed. The goal is for it to become a forest. Ms. Israelski asked if they could plant in the area. Yes, they can. Ms. Israelski asked that we clarify with the applicant that we want street trees placed "on the property line," which will be based on the survey. The Public Hearing will be continued until the May 5, 2005 meeting.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby accepts the Conservation Analysis as modified. Passed unanimously.

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

Healey 9-1-16 & 183 Lot line change - for a 2-lot subdivision located in an RU zone with an AQ6 overlay.

Present for the applicant: Steve Esposito

Mr. Halloran stated that the application has been referred to the County under §239b and there has been no response as yet. There have also been several letters received from the neighbors asking that the hearing be held open so that they can attend. It is noted that most are opposed to the change as they feel it will affect the character of the community.

Mr. Esposito explained that Mr. Healey has spoken to many of his neighbors and he also wishes that the hearing be kept open so that they have an opportunity to voice their concerns. The applicant owns two lots, each approximately 5 acres in size. He would like to build on the second lot. The previous owners had developed a putting green in the back yard that goes over onto the second lot. He would like to change the lot line so that the second lot can be owned in fee simple rather than create an easement. One lot would be 7.2 acres and the other would be approximately 3.57 acres.

Mr. Tom Folchi, a neighbor, stated that the subdivision was originally established as 5+ acre lots and he is concerned that this will affect the value of the homes. It will no longer be a 5-acre subdivision and this would create the potential for further subdivision. Mr. Esposito stressed that this building lot already exists. Mr. Healey is not creating a lot. He would like to keep the above-mentioned improvements on his own lot.

Mr. Bergus asked what type of home would be built on the new lot, would the new property line be fenced and what type of septic system would be used. Mr. Healey plans to relocate the fence and site the house where it was originally approved. The homes in that neighborhood have to use alternative septic systems. Mr. Huddleston asked if there were deed restrictions for no further subdivision. Mr. Esposito responded that Mr. Healey could not come back and subdivide. In this instance, he owns two separate lots.

Ms. Cleaver asked if this application should go to the ZBA. Mr. Halloran replied that they are not making a new lot, therefore the density is not being increased. It meets the current minimum code standards. There is no zoning violation.

Mr. Huddleston asked for the original approved plot plan, which should have notes on it regarding deed restrictions etc. Mr. Lupinski asked if water testing would be needed. Mr. Esposito replied that this is not required, as water consumption will not change. Mr. Henry noted that no testing was required originally. The development was reviewed by the DOH because alternative septic systems were used. Mr. Huddleston explained that Mr. Healey has the right to build on the second lot. The septic and well are pre-approved and there is ample room.

Mr. Folchi noted that when he moved in there were a number of restrictions. Since that time, a number of “caretaker” homes have been built on the larger lots and the development is now “breaking down”. Mr. Huddleston explained that the Town does not have the right to enforce the deed restrictions. The neighborhood must enforce these deed restrictions. Ms. Daly also stated that the neighbors need to know what is stated in the deeds.

This application still needs a response from the County Planning Department. The Public Hearing will be held open until the May 5 meeting.

IV. AGENDA ITEMS

Zalunski 20-1-8 open space subdivision, located on Pulaski Highway and Cross Rd. on 74.8 acres in the RU zone with an AQ3 overlay, scenic road and stream & reservoir overlay. Conservation analysis.

Present for the applicant: Steve Esposito

Mr. Esposito reported that since the last meeting they have presented the Conservation Analysis and walked the site. They have identified the buildable areas. They have established that there are approximately 31.8 acres that are not usable. The density formula allows for approximately 20 units. Mr. Lupinski asked if they plan to put in a road. Mr. Esposito replied that they would like to use the existing farm road.

Ms. Cleaver presented the ERB comments. The ERB is concerned that the view shed from Pulaski Highway be preserved. Mr. Myruski commented that the area is a “painters’ paradise”. The applicant concurs that this is an important element and it is so noted on the map. Ms. Cleaver asked that another item be added to the primary elements to preserve the scenic view from off site looking onto the site from Pulaski Highway in both directions.

Mr. Myruski asked where the access would be. He suggested the area between Durlandville and Pumpkin Swamp Rds. Mr. Esposito noted that they do not want to build in this area (Site A), but he will look at the possibility of a road.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby approves the Conservation Analysis Findings as modified in regard to the Zalunski application. Passed unanimously.

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

Persoon Subdivision - 17-1-4 & 36 67.5 acres located on Maple Ave. Winners Circle and Breezeway Lane in the RU Zone with an AQ3, scenic road overlays, sketch plan-special use permit for TDR.

Present for the applicant: Steve Esposito

Mr. Halloran explained that the applicant is here for the purpose of determining how many development rights are available to them. This is the beginning of a discussion on this topic. Ms. Daly stated that there is no provision in the code for what the applicant would like to do. The applicant would need a “receiving zone” for any rights they wish to transfer. Mr. Esposito acknowledges that this may be premature, but he would like to discuss how to establish the density. The applicant wants to be sure of the number so they can “bank it”.

Mr. Lupinski noted that even though the Conservation Analysis states a certain base density, the applicant is not sure they can build that number. How can they transfer a number of lots if they are not sure they can build that number? Mr. Henry explained that the code does not require the applicant to prove they can get the number of units. Mr. Esposito stated that the base density calculation allows 49 units and they are now proposing 26 units.

Mr. Bergus asked if they would be transferred in the same watershed. Mr. Esposito replied that they would be in the same watershed. If they are located in the RU zone, the receiving zone has to show it can support the amount being transferred to them. Mr. Huddleston noted that they have to meet the water and sewer requirements. Mr. Esposito stated that the spirit is that what we are transferring has conservation value and the PB has to determine the conservation value. Mr. Huddleston stated that there are a number of options on how land is acquired. This board “administers” the code. The PB cannot change the code.

Ms. Daly asked if the applicant wants to withdraw the request for special use permit. Yes, they will withdraw. Ms. Daly also noted that if the applicant wants to look at the maximum allowed under SEQRA they have to look at the total impact.

Matchpoint Sports - 11-1-25.22 for conditional approval located on 17M in the CO zone with an AQ6 and scenic road corridor overlay.

No one is present for the applicant. Mr. Halloran stated that they would be coming to the staff meeting to review what they can begin under SEQRA. Mr. Henry stated a notice of complete application has been received, but this does not mean this is a DEC approval. The applicant still needs permits, so they should not begin work without them.

Tobias 5-2-19 road bond reductions - 5-lot subdivision on Phillipsburg Rd., located in the RU zone, with an AQ6 overlay.

Mr. Henry reported that the road bond could be reduced from \$69,000 to \$19,000. He recommends holding this amount to cover any items that are not completed, i.e., tree plantings.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby authorizes a letter to be written to the Town Board recommending that the road bond for the Tobias Subdivision be reduced from \$69,000 to \$19,000. Passed unanimously.

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

Sunset Ridge - road bond reductions.

Mr. Henry recommended reducing the road bond from \$450,000 to \$95,000 to cover the site stabilization, tree plantings and completion of the paving.

VOTE By Proper MOTION, made by Mr. Myruski, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby authorizing a letter to be written to the Town Board recommending that the road bond for the Sunset Ridge Subdivision be reduced from \$450,000 to \$95,000. Passed unanimously.

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

Bossley 13-1-33.22 special use permit for business in RU zone with an AQ6 and scenic road overlay.

Present for the applicant: Michael Sandor
Rick Bossley

Mr. Halloran reported that this is an existing home on Route 17A. The applicant is proposing to have two businesses in the home. By right, he can have one business. This is a permitted use if it is less than 5000 sq. ft.

The house was used as a residence and home office. Mr. Bossley proposes to have his office in the main portion of the building and rent the second, smaller office to a single person business, i.e., an attorney. He has spoken with the neighbors and they have no problem with this plan. Ms. Cleaver asked about lighting. Will there be wall-mounted floodlights? The ERB asks that lighting be downward directed. The applicant agrees to this.

Mr. Lupinski asked if the applicant had considered putting the parking in the rear of the building. Mr. Sandor stated that the cars really could not be seen from the road. Ms. Israelski asked for landscaping along the street and at the entrance. There is a gabion wall along the front and they need to keep the sight distance at the entrance. Mr. Henry also noted that they would not be able to put any plantings in the state r.o.w. Mr. Huddleston suggested putting ivy along the top of the wall, which would eventually climb down over the stones.

Three parking spaces are provided, which meets the code requirement. The septic use will probably be approximately half of the current use. The applicant has submitted a short form EAF.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby declares the Bossley application to be a minor project and forwards the application to the County Planning Department under §239b requirements. Passed unanimously.

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

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Myruski, the Planning Board of the Town of Goshen hereby sets a Public Hearing for the Bossley application for the May 19, 2005 meeting. Passed unanimously.

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

Discussion was held regarding the sign. Mr. Halloran will need to review the sign plan to be sure it complies with code. Mr. Bossley explained that Clay Boone would design the sign and he would like to use solar lighting. Ms. Cleaver reminded him that any lighting would have to be downward directed. Ms. Daly noted that Ag data information also needs to be sent to the County. Ms. Israelski will check to see if she feels any landscaping changes are needed at the entrance.

Mittleman 2-1-6 for sketch plan approval.

Present for the applicant: Travis Ewald, Pietrzak & Pfau

Mr. Halloran stated that the applicant has been to staff meetings and has made several changes from the original plan. Mr. Ewald is here tonight to discuss three alternatives regarding the access. The three alternatives are: 1) a loop road from John Dr. to Ruby Lane; 2) an internal loop road with access from John Dr. and 3) a modified cul de sac with access from John Dr. He explained that the first alternative could involve wetlands. Mr. Halloran noted that this area is now Town Water District property. Mr. Huddleston emphasized that they need to avoid wetlands as much as possible.

Mr. Henry advised the applicant that they need to show a storm water management plan. He favors the second plan as it provides an internal loop and a buffer around the entire project. Mr. Bergus suggested that the driveway be reconfigured for lots 4, 5 and 10. Possibly they could have one lane with three driveways off of that. Ms. Israelski agreed that the three driveways right next to each other do not look good. Mr. Ewald agreed to look at this possibility. Ms. Israelski asked if the applicant would consider an entrance design on John Dr., since they will be disturbing the residents on this road. Mr. Henry mentioned that this should be discussed at the Public Hearing.

Mr. Bergus asked if the consultants have considered hooking this project into the newly formed Scotchtown Water District. Mr. Henry noted that the Scotchtown facility is designed for 45 homes. It has been suggested to the Town Board, that they upgrade the system. Mr. Halloran noted that the applicant has not been in

favor of this hook up. It could change the density and there are significant costs to running the water lines. Ms. Israelski noted that if they could hook up to the water district, they may be able to move the septic to the front of some of the lots. It is noted that this may not be possible as they may have to pump up hill. The applicant will review this concept.

Mr. Ewald asked if the basic layout is acceptable. Mr. Huddleston stated that the second roadway alternative (labeled #6 on the plan) is the best as there will be less disturbance to the wetlands and they may be able to save some of the wooded area.

Mr. Henry advised the applicant that they need to submit a full EAF, show a storm water management plan and investigate the possible connection to the Scotchtown Water District. The PB needs a schedule for the upgrade of the Scotchtown system.

Prospect Hill 20-1-58 proposed subdivision special use permit in the RU & HR district with a AQ3 and scenic road overlay on Route 17A. Conservation analysis, sketch plan approval and lead agency.

Present for the applicant: Eva Billeci
 Marcia Jacobowitz
 Nick Brown

The applicant is proposing 211 units on 110 acres and expects to submit a full DEIS. Ms. Billeci explained that they gave a presentation to the ERB and there has been a site visit. They have met with the staff and there are a number of changes, which show the Conservation Analysis on the map. Ms. Israelski asked that the railroad bed should be preserved. Ms. Jacobowitz explained that they do not have much control over this portion. They do not actually own this portion. Mr. Brown stated that the railroad is a separate parcel even though the owner of Prospect Hill owns it. Mr. Huddleston stated that the PB would very much like to see the railroad bed controlled and tied into the trail system. Ms. Israelski noted that the County has an easement over the bed.

Mr. Henry asked that the 100' buffer around the DEC wetlands should be moved to a primary conservation area. Mr. Henry also asked what the cultural resources were that need to be preserved. Ms. Billeci responded that the barn is one and other areas are being researched. The phrase "and any other archeologically significant considerations" will be added to the appropriate section in the secondary areas. Mr. Bergus pointed out that there are significant trees within the 100' buffer and these should be preserved.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby approves the Conservation Analysis Findings for the Prospect Hill subdivision as modified. Passed unanimously.

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

VOTE By Proper MOTION, made by Mr. Lupinski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby declares their intent to be Lead Agency in regard to the Prospect Hill Subdivision. Passed unanimously.

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

Mr. Brown presented the conceptual plan, which is very preliminary. The property will be accessed by a boulevard type entrance. There will be a Village Green, which they expect to become a communal area with a rec center, swimming pool, etc. There will be walking paths connecting the various sections of the project. They plan to de-emphasize the role of vehicles. Most of the garages will be accessed from rear alleys. They plan to emphasize the role of porches.

There are four different product types. Along the northern border there will be duplexes. There will be town homes and some “manor” homes, which will house 12 condo units each. These will probably be three stories. There will be single family homes in the rear of the property. Most of the density is in the front in the HR zone.

Mr. Huddleston noted that there is no use planned in the railroad bed. Mr. Brown stated that is true at this point. Mr. Huddleston stated that the PB will be asking for a conservation easement for this portion. Mr. Henry asked if there would be an on-site sewage disposal system. Mr. Huddleston suggested that the applicant look at the Village of Florida for a sewage disposal system as there is the capacity to handle this project. He also noted that the board is looking at this project to be consistent with the HR zone. Mr. Henry noted that some of the lines are making it difficult to comply with the HR requirements. He asks that they not get away from the Hamlet intention.

There is a zone line running through the property and the applicant will be asking the Town Board for this zone line to be changed. This will affect the density of the project. This zone line change is needed to accommodate this conceptual plan. It is noted that this change may affect other areas. Mr. Brown noted that this concept is based on the assumption that the zone line will be changed. The applicant will also be looking at TDR's.

Mr. Huddleston noted that as the farmland is being developed the area is losing the use of these lands for heliports. He suggested that the applicant look into establishing an area in the rear open space for heliport use. It would not have to be a very large area. They can see what would be needed by visiting the heliport at Arden Hill.

Mr. Henry asked if the roads would be public or private. This has not been decided. Ms. Israelski expressed concern regarding the view sheds both off and on to the property. Mr. Brown stated that are hoping to minimize the views of the site.

III. OTHER

Ms. Israelski informed the board that the Trail Map has been adopted and the standards are being established. Mr. Henry will review the possibility of using roadways. Ms. Cleaver emphasized that they do not want the burden of upkeep to fall on the taxpayer, so they would like to use roadways when they can. They would hope to use only one road in each development. She also noted that there will be more than one type of trail, but they need to consider safety. She emphasized that they are following NY State standards.

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

Ralph Huddleston, Chairman

Notes prepared by Linda P. Doolittle

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

May 19, 2005

APPROVAL OF MINUTES

May 5, 2005

PUBLIC HEARING

1. **Bossley - 13-1-33.22**, 1.1 acres, Special use permit for business in RU zone with an AQ6 and scenic Road overlay. **Sign details. (MJS)**
2. **Slesinski - 19-1-121**, small scale 2 lot subdivision located off of Chestnut Lane in the RU zone, with a AQ3 overlay **(BM)**

AGENDA ITEMS

1. **Goshen Associates – 10-1-44.2, 3.9 acres**, for a minor subdivision for conservation analysis located on Old Minisink Trail and Fletcher Street in a RU zone with AQ 6 overlay. **Conservation Analysis (L&T)**
2. **Matchpoint Sports - 11-1-25.22** conditional approval, located on 17M in the CO zone with a AQ 6 and scenic road corridor overlay. **Bond & Escrow amount(LG)**
3. **Lands of NOP - 18-1-44.2**, located on Reservoir Road and Scolza Terrace, in the RU zone with an AQ3 & stream corridor overlay. **Sketch Plan approval (KR)**
4. **Schuster - 15-1-18.1** - small scale subdivision located on Arcadia Road in a RU district with an AQ3 overlay. **Conditional approval (TO)**
5. **Dysinger Excavation 24-1-63.2** - for special use permit 97-13 C(3) for storage of non farm equipment and (7) repair garages for non farm related vehicles. Located on Pulaski Highway and Big Island Road in the AI zoning with an AQ3 overlay. **To set public hearing (SELF)**
6. **Hot Diggity Dog - 18-2-11**, located on Rte 17A, in the HR zone, with an AQ3 overlay, site plan approval. **Site plan approval**
7. **Goshen Humane - 13-1-1**, located on Police Drive, in the HC zone, with an AQ6 overlay, **Sign Approval.**
8. **Reiger - 9-1-8.452** - 360.9 acres located on Craigville Rd in the RU district with an AQ3 & AQ6 overlay with a scenic Road corridor overlay. **Conservation Analysis (SE)**
9. **Ashford - 9-1-4**, 51 acres located on Hambletonian Ave in the RU zone, with an AQ3 overlay. **Conservation Analysis (SE)**

10. **Persoon - 17-1-4 & 36**, 67.50 acres located on Maple Avenue, Winners Circle and Breezeway Lane in the RU Zone with an AQ3 & scenic overlays, sketch plan -special use permit for TDR, **Completion of EAF (SE)**

WALKS

None at this time

Upcoming Meetings

Planning board June 2, 2005

Staff meeting May 26, 2005