

Town of Goshen
Planning Board
MINUTES OF THE
REGULAR MEETING

July 21, 2005

MEMBERS PRESENT ALSO PRESENT

Ralph Huddleston, Chairman Jayne Daly, Attorney

Reynell Andrews Richard Golden, Attorney

Susan Cleaver Neal Halloran, Bldg. Insp

Mary Israelski Joe Henry, Engineer

John Lupinski Graham Trelstad, Planner

Susan Roth, Planner

ABSENT

Lee Bergus

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 July 7, 2005 were approved as amended upon motion made by Ms. Israelski, seconded by Mr. Lupinski.

III. PUBLIC HEARINGS

Doherty 13-1-9 – located on Police Drive in the RU zone with an AQ6 overlay.

Present for the applicant: Mr. & Mrs. Doherty

Mr. Halloran explained that this is a request for a special use permit for an accessory dwelling. The engineer has reviewed the percs and they are satisfactory. The new house would be in the front of the property by the pond. It is limited to 1000 sq. ft. in size with no more than 2 bedrooms. This application was submitted in between changes in the code. The changed code, which will likely be passed next week, requires that the accessory dwelling be connected to the existing well. In this instance, the distance is too great for that to occur.

Mr. Huddleston noted that the Board agreed at the last meeting that this particular application could proceed under the old code.

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Mr. Lupinski asked how close the new home would be to the neighbor's lot line and would there be a basement. Mr. Doherty responded that it does meet the setback of 30' and there will be a basement. The deep pit test showed no ground water. He stated that the water from the pond comes from the back of the property.

Mr. Huddleston asked Mr. Henry if the setbacks would present a problem. Mr. Henry replied that they are appropriate and the new home is going in the area where there is an existing foundation. Ms. Cleaver asked if our code has any section dealing with buffering around the pond. Mr. Trelstad noted that there is no specific provision for the pond – it refers to a stream corridor. It is noted that the pond exits under the road over to the Police Department. Therefore, could it be considered a watercourse and would the need for a buffer apply? The consultants reviewed the code.

Mr. Trelstad stated that it seems clear that the watercourse setback applies. Ms. Daley pointed out that the watercourse setback appears to be referenced in the overlay zone only. She stated that it appears to be poor wording in the code. The restriction should apply to the principal structure as well as the accessory unit.

Mr. Pardo, 19 Maple Ave., asked, if the parcel could be subsequently divided, if this application is approved. Could the accessory dwelling be cut off from the main home and meet code? No, it cannot. Mr. Pardo asked if the leech field is too close to his well. The engineer has satisfied the requirement that it be at least 100' from the well and 10' from the property line.

Mr. Pardo also pointed out to the members that the traffic on this road has increased tremendously, especially commercial vehicles. It has been a short cut into the Village. He feels the Town should address this problem. However, by constructing this dwelling, his property will lose some of the buffer from this traffic. He hopes Mr. Doherty will preserve some of the existing buffer. Mr. Doherty agreed that he plans to clean out the "garbage" trees and plant shrubbery and provide a buffer. Mr. Huddleston pointed out that if this buffering is needed, now is the time to put it on the plan, so there are no questions later. Mr. Doherty agreed to take down the existing dead trees and plant an acceptable buffer, which will be shown and recorded on the plat. Mr. Pardo stated that he has no problem with the plan as long as it meets the code requirements.

Mr. Huddleston stated that counsel has clarified the issue regarding the watercourse and will bring this section of the code to the attention of the Town Board for further clarification. This is an unlisted action under SEQRA, and therefore, no declaration of lead agency is required.

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

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Mr. Huddleston Aye

VOTE By Proper MOTION, made by Mr. Lupinski, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby declares that the application of Doherty will not have a significant impact on the environment under NY SEQRA. Passed by a vote of 4 to 1.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Nay Mr. Lupinski Aye

Mr. Huddleston Aye

Ms. Cleaver asked that the TB be made aware of the need to clarify the section of the zoning code referring to buffering around watercourses. She also asked if the proper erosion controls will be implemented so that there will be no impact on the pond. The Building Inspector will be overseeing the progress of the project and will be sure that the proper controls are used.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby grants final approval to the Doherty application conditioned upon the submission and engineer's approval of the erosion control plan. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Mr. Huddleston Aye

Lands of Giza – 18–1–47.1, 5.7 acres, located on 17A, in the CO zone,

with an AQ3 & some scenic road overlay.

Present for the applicant: Kirk Rother

Steve Rabinowitz

Mr. Golden is acting as counsel to the PB for this project. Mr. Henry Kirsch, neighbor, informed the Board that he was not notified. He also did not receive a notice for the first Public Hearing that was held on July 7. This should have been corrected. Mr. Golden explained that the purpose of the mailings is to keep the public informed. Mr. Huddleston asked if they can proceed or if should they

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continue the hearing. If they are here and participating then they do have notice, therefore the Board can continue.

Mr. Halloran reported that the applicant is asking for a special use permit for auto service and music studio. Mr. Rother gave a brief summary of the project. The applicant proposes to construct an 11,000-sq. ft. building on the east side of Route 17A across from Dutchess Quarry. A music/dance school would occupy approximately 5,000 sq. ft. and the auto reconditioning shop will be housed in the remaining 6,000 sq. ft. The engineer has witnessed the septic soil testing and the plans have been sent to the DOT. He noted that, in response to Ms. Israelski's request, a note has been placed on the plan to locate the mechanicals in the rear of the building. Also, landscaping has been added around the detention pond at the Board's request.

Ms. Cleaver asked if any chemicals etc. would be used in cleaning and repairing the auto parts. Mr. Rabinowitz responded that there would be no sand blasting of the parts. Any oils or transmission fluids will be burnt. They will be using a high intensity burner that will heat the building. He will be selling repaired and re-conditioned auto parts. Mr. Trelstad asked if the applicant was able to obtain elevations of the building. Mr. Rother's office, does not normally do this, so they tried to put something together. It is accurate as to scale of the building, but the color is not quite right. He supplied a picture that is closer to the actual blue color they will be using. It will be a metal sided and roofed building. It will be a slate blue with beige trim. Parking will be on the sides of the building.

Mr. Huddleston asked if they had calculated the number of people that would be using the building's septic. Mr. Rother responded that they computed the septic usage based on the square footage. There will be no showers. Mr. Trelstad asked if the storm water pollution plan was sent to the DOT. Mr. Rother replied that they sent the documentation to the DOT in May, but there has been no reply. Notice of intent to declare lead agency was issued by this board last month.

Mr. Kirsch asked if this is the plan that was discussed last month. Mr. Huddleston responded that the plan has been under review for some time, but this is the first time that it has been seen by the public. Mr. Kirsch asked about the purpose of the pond. Mr. Huddleston stated that it is a detention pond that is required for runoff. Mr. Kirsch also asked if there would be a buffer between the properties. Mr. Rother replied that they are not proposing to make any changes to that portion of the property. The entrance is approximately 800' south of the property line. Mr. Henry explained that the pond drains to the drainage ditch in the same manner as it does now.

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Ms. Israelski asked if the pond could be moved so the plantings could be increased to provide a buffer. Mr. Rother explained that they are trying to preserve the tree line and the stone wall, which is the reason for the elongated design of the pond. He also noted that they could not have a wet pond in this area as the soils are too sandy and they do not plan to have plantings on the edge of the pond as that may hinder the effectiveness of the pond. Mr. Huddleston suggested that they shift the pond approximately 15' to the right, which would leave a 30' buffer. The applicant would then be able to plant trees and shrubs to screen the area without disturbing the pond itself. The applicant agreed that this should work.

Mrs. Kirsch asked if it would affect their well. The appropriate studies have been done, and there should not be a problem. The lighting plan was discussed. Any lighting will be downward directed. Mr. Golden emphasized to the applicant that they cannot change the use of any portion of the building without coming back to this Board for a permit.

Mr. Kirsch asked if the Board could recommend to the DOT that this area is a passing zone and turning into the properties along here can be very dangerous. Mr. Huddleston explained that this a State road, so the Town cannot comment. He did note that the DOT would consider all the circumstances when they do their review. Ms. Roth asked if there is any signage at the entrance. Possibly that could lit so that drivers are made aware of the turn. The applicant does have a sign planned for the entrance, but lighting on it would not be appropriate. Mr. Trelstad suggested using reflective paint on the address portion of the proposed sign. This would warn drivers at night as well as show the location of the business without being intrusive to the neighbors.

The applicant agrees to change the plans to incorporate the above suggestions. They will shift the pond by 15' to the right, add trees and shrubbery on the property line and use reflective paint on the sign. Ms. Roth noted that the trees and shrubs need to be identified. This information will also be added.

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 Giza/Buy Rite application. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Mr. Huddleston Aye

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VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby declares lead agency in regard to the Giza/Buy Rite application. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Mr. Huddleston Aye

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby declares the Giza/Buy Rite application to be an unlisted action under NY SEQRA. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Mr. Huddleston Aye

The applicant will make the changes as discussed above and return for the August 4 meeting for approval.

IV. AGENDA ITEMS

- **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

Present for the applicant: Nick Brown

Mr. Golden is acting as Counsel to the PB for this project. Mr. Trelstad presented the revised Scoping Document. He pointed out two further changes that were made since the staff meeting. He asked that the applicant pay special attention to the impacts to the possible use of the rail bed for a trail connection as discussed on page 18. Ms. Cleaver asked again if the applicant will address the cost of the operation and maintenance of the sewage treatment facilities including infrastructure. Mr. Henry explained that the Board can ask the applicant to prepare an estimate of operation and maintenance, which will be covered in the design phase of the project. It is not actually part of the scope. Ms. Rother stated that the impacts on the individual homeowners will come about later in the development phase.

Mr. Henry asked if the DOT has been approached. Mr. Brown replied that they have not been contacted. Mr. Henry suggested that they should be as soon as possible. Mr. Trelstad explained that they need to have as

much as possible in the DEIS. Mr. Halloran stated that the Town Board will be discussing the document at their Monday night meeting. Mr. Huddleston asked if they could approve the

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document conditioned upon the TB comments. Mr. Golden replied that they could as they are the lead agency, however, the TB may introduce significant changes. Mr. Trelstad stated the PB can wait until 8/4 to accept the Scoping Document as the applicant did grant this extension at the last meeting.

Mr. Huddleston explained that it was the intention of the PB to accept the document tonight, but they feel they should wait until they hear from the Town Board. The applicant does not have a problem with this arrangement. The PB should be able to make any changes if there are any in time for the August 4 meeting with time to produce the written document by August 8, 2005 as previously agreed upon.

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.

Present for the applicant: Dawn Benedict

John Shafran

Ms. Daly is acting as Counsel to the PB for the remainder of the agenda. Mr. Halloran explained that conditional approval was given dependent upon the Chairman being satisfied with the applicant's findings concerning the wetlands. Mr. Huddleston felt that there were significant wetlands and that they needed to be delineated. The applicant has presented a revised submission.

Ms. Benedict states that the subdivision has changed, the conservation easement line has not changed. There will be less than 1/10-acre disturbance on lot #2 and no disturbance on Lot 1. Ms. Cleaver noted that the wetlands disturbance is right through the middle of the home. Will there be assurances that there will be no further encroachment? There is a note on the plan. Mr. Henry suggested that the fence line be pulled in to mark the limits of disturbance in order to create a boundary. Ms. Cleaver noted that the board has been asking for signage for the wetlands. Mr. Huddleston noted that it would be illogical to put the fence in the middle of the wetlands. Mr. Halloran noted that the fence was originally established to show that the area could not be used. The fence was meant to mark the line of the conservation easement, beyond which the land had to be left to go successional. It is agreed to leave the fence as is.

Ms. Daly reviewed the conditions that were set at the last meeting. Most of them have been completed. The remaining conditions are the posting of the bonding estimate, the payment of all fees including the \$3000 recreation fees and the signing and recording of the Conservation Easement. It is agreed that when these have been fulfilled the applicant can proceed.

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Fidanza – 17-1-5.21 & 5.23 – 46 acres located on NYS RTE 17A and

Houston Rd in the RU zone with a scenic road corridor and AQ3 overlay.

Present for the applicant: Joe Distelberger

Mr. Halloran stated that the draft Conservation Analysis has been prepared for review. Mr. Distelberger noted that a 2-lot subdivision was approved several years ago. The purchaser now plans to build his own house and 15 additional units.

Mr. Trelstad explained that there are two main hedgerows, a forested area on the eastern side and some significant trees in the center. Mr. Higgins noted these on the maps when they walked the site. Mr. Distelberger noted that they plan to protect the overall integrity of the property, but they will have to pass through some of the hedgerows with the access road. He noted that there is also an old lake and a few possible wetlands. Mr. Halloran noted that the property is close to the reservoir overlay.

Ms. Cleaver asked about the possibility of connecting to neighboring properties. There is a steep ravine between this and A & L Acres which will constrain any connection. The members will visit the site during the next week and then discuss the draft at the next meeting.

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.

Present for the applicant: Steve Esposito

Chad Wade

Steve and Ian Reiger – Owners

Mr. Esposito explained that this is a 361-acre parcel covered predominantly in mixed hardwood forest. It is in the AQ3 and 6 overlay with scenic road overlay. The property abuts the Pleasant Ridge Run development and the Wallace Farm. There are some state and federal wetlands. They have identified the streams and corridors. There are certain identifiable constraints, steep slopes, DEC and ACOE wetlands and a small section of flood plain. The total constrained area is approximately 81.4 acres, which leaves approximately 179 developable acres. They calculate the housing density to be 107 units. He explained that in New York State if they have over 49 units they have to use central water and sewer, which will be costly. If they find it to be economically feasible, they will probably limit the development along Craigville and Hasbrouck Rd.

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There are some unique features on the site, i.e., forested lands, and rock walls, which they will integrate into the design. The DEC wetlands have been field delineated. Mr. Huddleston asked that they supply the delineator's credentials for the files. Ms. Cleaver noted the following features that she feels need to be addressed: 1) the area to the left side of Hasbrouck and Ridge Roads is a beautiful area and should be preserved (she did find some markers in this area); 2) the cemetery on the Wallace property should be marked, as it may need a buffer and the intermittent streams do not show on the map. Mr. Esposito will have his office check out these items.

Ms. Israelski noted that the issue of biodiversity was discussed at the staff meeting. There needs to be contiguous forests listed in the primary conservation area. Mr. Esposito stated that if they could creatively develop the land they could possibly exceed the 50%. Mr. Huddleston noted that the PB is looking for consideration that the contiguous forests be kept intact. Therefore, the northwest portion should be listed as a primary conservation feature.

Mr. Halloran reported that there is a paper road connecting to the Broadlea property, which could be a probable entrance. The property to the east is expected to come in to the Building Department for development

soon. Also, there is a water tower that is part of the neighboring water district. Possibly this applicant could look to extend that water district. The applicant is hoping to use the road as an entrance.

Ms. Cleaver asked that the applicant identify the biodiversity areas. Mr. Esposito replied that this would be dealt with in the SEQRA process. Ms. Cleaver asks that it be set up under the Conservation Analysis phase. Mr. Trelstad asked how this could be set to implement this aspect. He pointed out that biodiversity is a broad term. At this point, they are trying to identify certain portions of the site that provide biodiversity. They need to identify limits that will include biodiversity. Mr. Esposito emphasized that these are not public lands. Ms. Cleaver expressed concern with regard to the homeowners encroaching onto the conservation area. Mr. Trelstad pointed out that #7 on page 2 of the CA states that the contiguous forested area is to be protected

Ms. Daly suggested that they change the language to cover the creation of a corridor for wildlife to move through the property. Ms. Israelski stated that there appears to be a difference in vision. She and Ms. Cleaver feel that everyone needs to walk the entire site to understand what they are asking for. Mr. Huddleston noted that the applicant has provided a large corridor and they should not forget that there is a 100' buffer on each side.

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Mr. Esposito explained that they have followed the code and identified the resources on the site. They have established a reasonable Conservation Analysis Findings. They have also agreed to protect the forest and the wetlands. The applicant is very interested in maximizing the natural beauty of the site. Mr. Trelstad suggested that the PB could have the applicant say the northern parcels are to be listed as primary. After further review of the map, it is agreed that they will identify 300' on both sides of the stream corridor from Hasbrouck Rd. east to be preserved. Mr. Trelstad will amend the Conservation Analysis to reflect this.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Lupinski, the Planning Board of the Town of Goshen hereby accepts the Conservation Analysis as amended. Passed by a vote of 4 to 1.

Mr. Andrews Aye Ms. Israelski Nay

Ms. Cleaver Aye Mr. Lupinski Aye

Mr. Huddleston Aye

A & L Acres 13-1-34.2 - 39.7 acres located on Houston Road in the RU zone with an AQ3 & 2 scenic road and 1 stream corridor overlay.

Present for the applicant: Steve Esposito

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby declares lead agency status under NY SEQRA, in regard to the A&L Acres application. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Mr. Huddleston Aye

Dickerson – 13–1–69 – 92.90 acres, located on Dunmore Lane in the RU zone with an AQ3, AQ6 and scenic road corridor overlay.

Present for the applicant: Steve Esposito

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby declares lead agency status under NY SEQRA, in regard to the Dickerson application. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Mr. Huddleston Aye

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Goshen Properties 13–1–34.1 & 39.1 located on Houston Road and Route

17A, located in the RU zone, with an AQ3, 2 scenic road, and stream corridor overlays.

Present for the applicant: Steve Esposito

Mr. Esposito has submitted a revised sketch plan. Lots 4, 5 and 6 have been moved. There will be a streetscape design along Houston Rd. Alternative driveways are shown for lots 1,2 & 3 in case the common driveway plan does not work out. Mr. Henry suggested that they eliminate the option and show one common driveway with no alternative. Ms. Daly noted that this plan does reduce the impervious impact and allows the developer to show the driveway alternative.

Mr. Lupinski asked if they have addressed the issue of the need for 300' width along the road. Possibly they should consider putting those three homes up on the hill with the drives back on to Houston Rd. Mr. Esposito stated that they plan to ask for a waiver of the 300' requirement for topographical reasons. They could be spread out, but the applicant does not wish to put them on the ridge for aesthetic reasons. Mr. Lupinski also asked why the density for this application is so different from the adjoining application. Mr. Esposito responded that there are two different owners involved with different needs.

Mr. Esposito stated the applicant is dedicating the railroad bed to the Town and at this time they just need an "okay" to proceed with this sketch. They are only asking for 14 units, when they are entitled to 18. They ask that the PB consider a waiver for Lot #2 from the 300' requirement due to topographical conditions and a declaration of lead agency. The Chairman polled the Board regarding the sketch plan as it is currently presented:

Mr. Andrews In favor

Ms. Cleaver In favor

Ms. Israelski In favor

Mr. Lupinski Opposed

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen hereby declares lead agency status under NY SEQRA, in regard to the Goshen Properties application. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Mr. Huddleston Aye

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MEADOWS, Owens Rd. 10-1-8 & 10.22 six-month extension.

Present for the applicant: Richard Duval

Steve Santola

Mr. Duval explained that they represent Woodmont Developers. They were in contract to purchase the property from Venice. Venice went to Court to sue the Town over moratorium issues and then tried to sell the property to another developer. Woodmont is pursuing a suit to proceed with the purchase of the property. They expect to have the issue settled in a few months, so would need the extension.

Mr. Huddleston expressed concern that this is not the actual applicant. Ms. Daly explained that this extension would be to preserve the status quo to allow them to move forward. Mr. Andrews asked how many extensions are allowed. Ms. Daly stated that this would be an extension of a preliminary approval, and there are no limits. This is only a preliminary approval, so street trees, trail connections and entrance designs can still be worked on.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Planning Board of the Town of Goshen hereby grants a 6-month extension in regard to the preliminary approval for the Meadows project. Passed unanimously.

Mr. Andrews Aye Ms. Israelski Aye

Ms. Cleaver Aye Mr. Lupinski Aye

Mr. Huddleston Aye

YANKEE PROPANE, Industrial Drive I zone. 20-2-12.

No one is present for the applicant. Mr. Halloran explained that Yankee Propane is asking the ZBA for a variance to erect a building 8' from the back of the property when 50' is required. This area backs up to the old railroad bed. Mr. Huddleston stated that he prefers that they stick to the required setback. It would be poor planning to cut down to 8' as the railroad bed may become a public access to the Village of Florida.

Adjournment: The meeting adjourned at 11:05 pm upon motion made by Ms. Cleaver, seconded by Ms. Israelski.

Ralph Huddleston, Chairman

Notes prepared by Linda P. Doolittle