

# **APPROVED MINUTES**

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

**March 5, 2009**

**Members Present:**

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

**Also Present:**

Neal Halloran, Building Inspector  
Sean Hoffman, Engineer  
Ed Garling, Planner  
Rick Golden, Esq.  
Kelly Naughton, Esq.

**Absent:** Raymond Myruski

**CALL TO ORDER**

Chair Ralph Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:30 p.m. at Town Hall.

**Possible Abandonment of Applications pursuant to Town Code**

Mr. Golden reminded the PB that the Town Code provides that if an applicant, after getting approval of a preliminary subdivision, does not get the final approval within six months, or any extensions, that the PB can revoke the preliminary approval. The PB decided at its last meeting to notify these applicants to see whether or not they want to continue with their approvals. Several of the applicants came to the PB meeting.

**Hendler application – 5 lot subdivision**

Representing the applicant:

Ross Winglovitz

Mr. Golden told the PB that this applicant has not paid their escrow amounts and so the PB cannot review the application or make any approvals until the escrows are up to date but that the PB can at this time revoke its preliminary approval. He said the application's resolution of preliminary subdivision approval was filed January 7, 2008 and on July 5, 2008 the applicant requested an extension but still owed escrow money at the time so it did not appear before the PB. The preliminary approval on the application expired July 6, 2008.

Mr. Winglovitz said his client is currently out of town. He understands that escrow fees need to be paid. He stated that the applicant has been working with the DEC who has been processing their application for some time. Mr. Winglovitz said he believes the DEC is going to issue a wetlands disturbance permit soon. He asked the PB not to revoke the preliminary approval before he is able to discuss it with the applicant. Mr. Huddleston said that while the PB can't move the project forward without escrow fees being paid, that he is okay with not revoking it at this time. Mr. Golden said there are no time frames for revocations. Mr. Huddleston told Mr. Winglovitz to appear before the PB at its April 2<sup>nd</sup> meeting.

**Persoon application - 21 lots**

Representing the applicant: Jerome Fine, Engineer

It was noted that the escrows have been paid and the applicant is requesting extension of the preliminary approval.

Mr. Halloran mentioned that the 5-lot subdivision was given final approval and that the PB has no ability to extend that, according to state law. This request for extension of the preliminary approval is on the remainder of the property and its 21 units.

Mr. Golden said that the date of the resolution of approval for the preliminary subdivision was March 23, 2006, that no extensions were requested and that the approval lapsed September 23, 2006.

Mr. Fine said that there were health problems in the family and that there has been a change in management, that the previous developer is gone. Hans and Jack Persoon said they were present on behalf of their mother and that they will be taking the project forward and will oversee it.

PB members were polled by Mr. Huddleston. They all favored extending the approval.

**VOTE BY PROPER MOTION**, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board hereby extends for six months the preliminary subdivision approval for the 21-lot Persoon application. Passed unanimously.

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

Mr. Golden said that the burden is on the applicant to come before the PB before the six months expire to seek final approval or another extension, explaining the progress they

have made so far. Mr. Huddleston said that if the applicant hasn't made any progress in six months, it is unlikely that he will support another extension.

Mr. Golden said that the Town's new zoning states that if you have a preliminary approval prior to the moratorium going into effect (Feb. 2008) there is an exemption saying you are exempted from the new zoning but if your preliminary approval lapsed and you haven't moved it forward and it is revoked, your property would then be subject to the new zoning.

**Traskus application**

Representing the applicant: James Sweeney, Esq.

Mr. Golden said that the resolution granting preliminary approval was filed on October 30, 2007, the approval lapsed on April 30, 2008. On October 30, 2008 the applicant requested an extension but owed escrow money so the extension was not put before the PB. Currently the applicant has paid all of their escrows.

Mr. Sweeney said the applicant asks for a six month extension, but when six months comes due, the PB will be faced with a similar request, he said. The PB will ask what has been done in the six months and the answer will be "not much", Mr. Sweeney said, and "the reason is because of the economy." Mr. Sweeney told the PB they will have to deal with applications that have preliminary approvals, but that no one wants to move to final approval "because it has a drop dead date of one year."

Mr. Huddleson polled the PB on the request for a six month extension. Mr. Bergus, Mr. Andrews and Ms. Israelski were in favor of it and Ms. Cleaver and Mr. Lupinski were opposed. Mr. Huddleston recused himself. Mr. Golden said that there needs to be a majority to grant an extension and that there is not a majority with one recusal and one absent member. Mr. Sweeney asked the PB to wait until a full board is present to make the decision. It was decided that the vote will be adjourned to a date when a full board will be present.

**Zalunski subdivision application**

Representing the applicant: Steve Esposito  
Amador LaPut Jr. Engineer

Mr. Golden said that the resolution of preliminary approval was filed on August 17, 2006 and lapsed on Feb. 17, 2007. He said there have been no extensions requested.

Mr. Esposito said that Mrs. Sosler, the executrix of the estate, has regularly paid all of her fees, and that there is currently a \$4,000 balance in the account. He said that since the preliminary approval was granted, the applicant made application to the County Health Department and has been there for some time. The applicant is actively pursuing approval of the Health Department, he said, stating that the application has not been dormant and that the applicant expects to come back to the PB in late spring or early summer with a phased plan. The applicant wants to pursue the project, that is why they have been consistent in replenishing the escrow account and have spent over \$20,000 in Town consulting fees, he said. The applicant requests a six month extension.

**VOTE BY PROPER MOTION**, made by Ms. Israelski, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby extends the preliminary subdivision approval on the Zalunski application for six months per the request of the applicant. Passed 5 to 1.

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

**AGENDA ITEMS**

**Kaprielian – 4-1-9 – 75.70 +/- acres, 4 lot subdivision** located on Farmingdale Road & Woodcrest Lane in the RU zone with an AQ3, AQ6 and scenic road corridor overlay. Small scale subdivision.

Representing the applicant:	Alan Lipman, Esq.
	David Egarian, Engineer
	John Smits, Dir. of Development

Mary Israelski recused herself and sat in the audience.

Town Planning Consultant Ed Garling summarized his written project analysis. He described the project as a small scale subdivision and said that all of the lots are in the scenic road corridor overlay and that the viewsheds are obvious on the site and should be shown and described on the plan.. He said that the houses now proposed are only located along Woodcrest Lane which is designated as a Scenic Road and are subject to a 500 foot wide buffer which will have an impact on the design. The applicant will need a full EAF addressing any impacts on agriculture because there is a working farm and farmhouse on site, he said. The farmhouse is the Horton Homestead which dates back to 1750-1792 and Mr. Garling suggested that it be evaluated based on a Phase 1 Cultural Analysis. He said that the applicant needs to show all stone walls, the tree lines and the larger trees on site. The tree line along the road will likely be required to remain, he said. He voiced specific concern about the driveway grade and access. He said of primary concern is

safe access to Woodcrest Lane and preserving the trees along the scenic road corridor. He said the wetland delineator should be shown on both maps and that DEC approval will be needed.

Mr. Golden pointed out that there is no requirement to set aside open space in a small scale subdivision. Mr. Garling suggested that the applicant could provide open space and Mr. Lipman said the applicant will consider it at a later time in the process. It was noted that each lot will require site plan approval from the PB.

Mr. Smits said that the applicant has owned the farmhouse since the mid 1980s, that two additions were made to it and that the barn was built in 1990. The applicant plans to move the barn and the sheep it holds to another site and will use the farmhouse as a guest house. He said it is not a traditional farm and to call it a “farmhouse” is a misnomer. Mr. Huddleston said that it appears on the Town’s list of historic dwellings so it will require a cultural evaluation.

Mr. Golden said a long form EAF is needed for the application because of the size of the project.

Project Engineer David Egarian said the wetlands were delineated by Robert Torgensen and classified as DEC wetlands and validated on October 25, 2006. Mr. Huddleston said the information needs to appear on the map.

Mr. Golden reminded the applicant that there are code requirements for street tree plantings and that it is incumbent upon the applicant to ask for waivers if necessary.

Mr. Lipman said the applicant doesn’t feel it is necessary at this time to do some of the work requested by the Town Engineer including grading details, finished floor designs, etc. Mr. Golden said the PB needs to determine whether or not the lots are buildable. Mr. Lipman said that they are three and four acre lots and are buildable.

It was noted that the existing well and septic are not shown on the plans and both need to be. Ms. Cleaver noted that the well tests were not witnessed and said well and sewer tests should be witnessed. The Town Engineer said he will witness the tests.

Ms. Cleaver asked to be notified of the work session specifically to discuss the storm water and also the setting of the houses off the road.

Mr. Bergus suggested that the proposed dwelling on Lot 9.01 should be flipped 180 degrees and oriented the same way as Lot 9.02. He said that the well testing protocol needs to be reviewed by the Town first, because of the history of wells going dry in the area and said there should be some offsite monitoring of adjacent properties while doing

the pump tests. He also suggested that at the entrance to Woodcrest Lane where the side of the hill is eroded, the applicant could lay some stone in a decorative way, in lieu of trees. He also suggested that the applicant consider setting the houses further back from the road.

Mr. Huddleston suggested that much of what was discussed should have been worked out in the work session with the staff and recommended that this is done in the future.

### **ADJOURNMENT**

The Town of Goshen Planning Board adjourned the meeting at 9 p.m.

Ralph Huddleston, Chair  
Notes prepared by Susan Varden