

**APPROVED MINUTES**  
**Town of Goshen Planning Board**  
**Town Hall**  
**41 Webster Avenue**  
**Goshen, New York 10924**  
**April 3, 2008**

**MEMBERS PRESENT**

Reynell Andrews  
Lee Bergus  
Susan Cleaver  
Ralph Huddleston  
John Lupinski

**Absent:** Mary Israelski  
Ray Myruski

**ALSO PRESENT**

Neal Halloran, Building Inspector  
Sean Hoffman, Consulting Engineer  
Richard Golden, Attorney  
Kelly Naughton, Attorney

**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.

**A & L Acres 13-1-34.2 – 217.8 acres**, 49 lot subdivision located on Houston Road in the RU Zone with an AQ3 & 2 scenic road and 1 stream corridor overlay. Bond amount.

Mr. Hoffman said the bond prepared by the applicant engineer has been reviewed. He said the total bond amount is \$1,286,300 and is made up of numerous items which are detailed in a Riddick memo. Mr. Hoffman said the amount was determined in today's dollars.

Mr. Golden said that the bond amount serves as security and that if there is a long delay or other circumstances causing the PB to feel that a bond increase is necessary in order to have adequate security, the PB can require an amended bond amount.

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Bergus, The Planning Board of the Town of Goshen recommends a total bond amount of \$1,286,300. on the A & L Acres project, and will forward it to the TB as the recommended amount. Passed unanimously.

|             |     |                |     |
|-------------|-----|----------------|-----|
| Mr. Andrews | Aye | Mr. Huddleston | Aye |
| Mr. Bergus  | Aye | Mr. Lupinski   | Aye |
| Ms. Cleaver | Aye |                |     |

**Goshen Properties 13-1-34.1 & 39.7 acres**, 14 lot subdivision located on Houston Road and Route 17A, located in the RU zone, with an AQ3, 2 scenic road and stream corridor overlays. Bond Amount.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Lupinski, The Planning Board of the Town of Goshen accepts the recommended total bond amount of \$499,300 on the Goshen Properties project and will forward the recommendation to the Town Board. Passed unanimously.

|             |     |                |     |
|-------------|-----|----------------|-----|
| Mr. Andrews | Aye | Mr. Huddleston | Aye |
| Mr. Bergus  | Aye | Mr. Lupinski   | Aye |
| Ms. Cleaver | Aye |                |     |

**Schonfeld Subdivision – 11-1-27.2 & 96 – 47.9**, 17 lot subdivision located on 17M in the RU zone with an AQ3 & scenic road Corridor overlay. New access location/design.

Present for the applicant: Dave Higgins, Lanc & Tully  
Alan Lipman, Esq.

Mr. Halloran said that the applicant is looking for the PB’s opinion of a new location for the project’s entrance to 17M.

Mr. Higgins said the Town is now proposing to change the zoning so that everything on this side of 17M is changed from its current zoning to Highway Commercial, with the result being that residential is not preferred here. Mr. Garling had suggested at the work session that the road entrance be located directly opposite the traffic signal at Arcadia Road and the applicant is agreeable, Mr. Higgins said. The new plan shows 14 residential units and one large commercial parcel and open space/recreational fields. The re-location of the road will provide direct access to the open space and direct access for the former Owen Murphy Inn property. The relocation will require cooperation from the owners of the Owen Murphy Inn property, he said. The applicant sent them the new plans but hasn’t heard anything from them, so they don’t have their authorization to move forward with the plans. The applicant would like to know if the PB is agreeable to the concept, he said.

Mr. Huddleston said that the change makes for a better scenario and would improve the intersection greatly. Mr. Hoffman said the combined entrance at the signal is much better for all of the properties.

Mr. Golden told the PB that this is predicated on the fact that someone said they believe the Town is going to rezone this. Nothing has been decided, he added.

Mr. Higgins said they will try to pursue the new plan with the relocation of the entrance and will either return to the PB with a more engineered new plan or, if it can't work, will come back with the old plan. He said their intention is to finish the work on the residential area for preliminary approval and later finish the work on the commercial side.

Henry Christenson, Esq., said he is the attorney for a neighboring property owner who has a legal issue about this project regarding the relocation of an easement.

**Gurda Gardens LTD – 19-1-95.21** – Maple Ave. & Cedar Swamp Rd., request to expand sand and gravel mines from 13.5 to 20.9 acres. Lead Agency Coordination.

Mr. Huddleston said the DEC has sent documentation of their intent to be lead agency on the project and that he has been informed by the Building Inspector that the expansion area is not zoned for mining. However, there is a DEC permit going on there now, he said.

Mr. Golden said it is appropriate, as an involved agency, to tell the DEC what the PB thinks are the important issues, concerns they want them to take a hard look at. He said that while the State can issue a mining permit, the applicant still has to come to the PB for expansion. Mr. Golden suggested that the PB advise the DEC that mining is not a permissible use in this zone and that it is asking that any permit that might be granted be conditioned upon the fact that it comply with zoning which would require them to come to the Town.

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Bergus, the Planning Board of the Town of Goshen directs the Building Inspector and Planning Board attorney to draft a letter regarding Gurda Gardens to the DEC advising them that mining is not a permissible use in this zone and that any permit granted be conditioned upon compliance with Town of Goshen zoning. Passed unanimously.

|             |     |                |     |
|-------------|-----|----------------|-----|
| Mr. Andrews | Aye | Mr. Huddleston | Aye |
| Mr. Bergus  | Aye | Mr. Lupinski   | Aye |
| Ms. Cleaver | Aye |                |     |

**Javelin Realty – 11-1-7 & 4.1** -39.63 +/- acres, located on Butler Drive in the RU zone with an AQ6 & flood plan overlay. Cul-de-sac & trail connection.

Present for the applicant:

David Higgins, Lanc & Tully  
Alan Lipman, Esq.

Mr. Higgins told the PB that the applicant couldn't get an agreement from the Village to grant access to water and sewer which was the driving force of a lot of things that had been on their earlier plan.

Mr. Halloran said that the road that runs through The Paddock is a private road and that the people who will live on the Javelin property have a right to go through The Paddock road but those who will live in the proposed Windswept Farms subdivision do not have the right to access through The Paddock. Mr. Golden added that there appears to be a slice of property that is not included between the easement provided and the Javelin property, meaning that there is a buffer there that doesn't appear to be a right of Javelin, that may or may not be corrected by other survey information. He said the applicant may be able to clarify it but it needs to be addressed.

Mr. Huddleston said the PB has to look at this as a culdesac. Mr. Golden said it is longer than the maximum 800 ft. allowed for a culdesac. He said it will have to be shortened or the PB could waive the 800 ft. limitation and allow it to go forward with the benefit that doing so will permit it to go to the end even though it couldn't be interconnected with Boylan under the present circumstances, but that Javelin or Boylan will have the ability at a future date to make whatever arrangement they want with The Paddock. If they can get those rights, the road would be up to the border and could be connected, he said. The PB can waive the condition of the 800 ft. length limitation if it finds it to be in the interest of the public health, safety and general welfare or that the limitation is inappropriate because of the inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision or that it is in conflict with the environmental, scenic, agricultural or historic resource protection purposes of Chapter 97, he said. Mr. Huddleston said he believes it can be waived based upon the lack of connecting facilities adjacent or in proximity to the subdivision. Mr. Golden said that if agreed upon, it will be included in the PB's Findings portion of the Resolution

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen waives the 800 ft. length limitation on culdesacs and states that it meets the criteria set forth in the Code for a waiver due to the fact that it is inappropriate to this application because of the inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision. Passed unanimously.

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|-------------|-----|----------------|-----|
| Mr. Andrews | Aye | Mr. Huddleston | Aye |
| Mr. Bergus  | Aye | Mr. Lupinski   | Aye |
| Ms. Cleaver | Aye |                |     |

Mr. Halloran said that it has been the intention of this PB to have a connection from the Heritage Trail through this property, eventually down to Old Chester Rd. and possibly to

Craigville Park in the future and asked members if they thought the trail connection is worthwhile.

Mr. Golden said that Planner Ed Garling believes the trail connection to be an important issue. He said there are provisions in the Code that would allow the PB to require it, but it will have to be conditioned upon the County permitting such a connection.

Mr. Higgins told the PB that the President of Javelin Realty, Mr. Shapiro, has voiced concerns about pedestrian access; safety and security concerns for home owners from people coming off the trail and into the neighborhood. Mr. Higgins also said that if and when it becomes a Town road, there is an existing access on Windswept Farms that could be the access point to the trail.

Mr. Huddleston said he thinks the homeowners will appreciate an access to the trail and said he doesn't see a safety issue. He said he'd like to require the applicant to apply to the County for approval of pedestrian access to the trail, "at the corner at the narrowest point." Mr. Lipman said he will try to "sell" it to Mr. Shapiro.

Ms. Cleaver reminded the applicant that the plan will be subject to the requirement of 97-41 (F) of the Zoning Code dealing with visual aspects, stating that the tops of the homes cannot be seen from certain locations and angles. It was mentioned that Mr. Esposito did a graphic depiction for another application of whether or not it would or wouldn't comply with 97-41 (F) and that the Building Inspector is the one who makes that determination.

Mr. Higgins said that they have added a turn-around at the request of the Town Engineer. The PB discussed the idea and decided the turnaround is not needed.

Mr. Bergus had some technical comments. He said that Lots 2,3,4,8 & 9 need curtain drains that should be shown on the plans, that in the perc test results table, Lot #7 is incorrectly labeled, and that Note #7 under Orange County Notes, contains a statement that is inconsistent with what is stated elsewhere and should be made consistent. He said that Note 22 should say "or equal", giving an option to the homeowners.

Mr. Golden said the PB has assumed lead agency, the project is an unlisted action, and the Board needs to make a determination of significance.

**VOTE BY PROPER MOTION**, made by Mr. Lupinski, seconded by Mr. Bergus, the Planning Board of the Town of Goshen determines that the application of Javelin Realty has no significant environmental impact in terms of SEQRA. Passed.

Mr. Andrews

Aye

Mr. Huddleston

Aye

|             |         |              |     |
|-------------|---------|--------------|-----|
| Mr. Bergus  | Aye     | Mr. Lupinski | Aye |
| Ms. Cleaver | Abstain |              |     |

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Bergus, The Planning Board of the Town of Goshen sets a Public Hearing on the application of Javelin Realty for May 15, 2008. Passed unanimously.

|             |     |                |     |
|-------------|-----|----------------|-----|
| Mr. Andrews | Aye | Mr. Huddleston | Aye |
| Mr. Bergus  | Aye | Mr. Lupinski   | Aye |
| Ms. Cleaver | Aye |                |     |

**Hambletonian – 8-1-12.221 – 23.4 +/- acres**, 38 lot subdivision located on Magic Circle Terrace in the HR zone with an AQ6 overlay. Determination of FEIS completeness.

Present for the applicant: Stu Turner and Alan Lipman

Mr. Golden told the PB that it needs to make a decision whether or not the FEIS is complete.

Mr. Hoffman told the PB that Riddick Associates considers the FEIS incomplete and has some recommended language that should be included in the document. Mr. Golden said he has some changes, although minor.

Mr. Hoffman listed most of Riddick’s concerns, as addressed in their memo dated March 28, 2008. He said that the list of involved agencies and required referrals and approval are incomplete and that the Town of Goshen Highway Department and the Village of Goshen should be named. Mr. Lipman said the Village has acknowledged they are obligated to treat the sewer pursuant to an agreement back in the 1980s, so no approval is necessary from the Village. The letter, dated Aug. 7, 2003 on Village letterhead and signed by Sewer Commissioner, Susan Fast, was read. It stated that the Village is obligated to provide sewer service to the entirety of the Hambletonian Park Sewer District.

Mr. Hoffman said that items 10, 12 & 16 address soil erosion and that he believes the responses in the FEIS are inadequate and asks the applicant to look at that. The response regarding the encroachment of private property into the proposed right-of-way is unsatisfactory and should be modified with input from legal counsel, he said. He said the consultants want to know when the wetland boundary is confirmed by the DEC and also how much of the storm water will be collected from the site. He asked the PB to inform the applicant of the bulk area requirements and the road width requirements.

Mr. Golden said that a decision needs to be made on Bridle Path. He said there are three issues; Bridle Path as a full fledged road, as an emergency access and/or as a temporary construction entrance and exit. He said there has been representation for a long time that the owner of Bridle Path (who is not the applicant) has offered that it could be developed as a road to the subdivision if the Town wanted it.

Mr. Golden said that when the Code talks about the requirement of interconnectivity in a subdivision, it talks about interconnectivity within the subdivision and to the adjacent subdivisions. "What we are talking about here with respect to Bridle Path does not fit into that interconnectivity in my opinion," he said. While Arthur Place is an adjacent subdivision and qualifies in that way, it has steep slopes and if that is taken into account the PB has the discretion to decide it doesn't want interconnectivity because of that, Mr. Golden said.

Mr. Huddleston said that Bridle Path is not interconnecting other subdivisions, and would be used only to get out to another road, and said he hasn't heard anything that supports that it would alleviate traffic. He said he sees no merit in opening up the road to through traffic and only sees merit in using it as a gated emergency access for fire and ambulance. He asked for the opinion of other PB members.

Mr. Bergus said he sees it as an emergency and temporary construction road, saying that keeping the heavy vehicles off the through road to protect the water pipes is important. He said Arthur Place is too steep and wasn't designed for the flow of traffic that might occur and said it is suitable only as a pedestrian access.

Mr. Andrews said that Bridle Path should be used as a construction road and gated second entrance for emergency access. He said if that is not possible, then Arthur Place should be used for an emergency access.

Ms. Cleaver said she thinks Bridle Path should be a construction road and emergency access and that Arthur Place should be only for pedestrian access.

Mr. Lupinski said he believes Bridle Path should be opened to traffic, and said he doesn't expect it would impact the wetlands.

Mr. Huddleston announced the results as: Bridle Path – four votes to not open it as a through road, four to use it as a gated emergency access and construction access and one vote in favor of it being used as a full road. On Arthur Place, he said that three votes were for using it for pedestrian access and two for emergency access.

Mr. Golden said the decision will be put in the FEIS and will get carried forward in the resolution, so that Bridle Path will not be used as a through road, that it could be used as

a temporary construction road and as a gated emergency services entrance to Hambletonian Park, but that both will be of limited size so as not to disturb the wetlands. The FEIS will also include that Arthur Place will be used as pedestrian access only.

Mr. Golden said that open space needs to be addressed in the FEIS. “Your consultants are looking at this as, that 50% of this project area must be reserved as open space and they are presently noting 31.17% of their project as open space,” he said. The remainder of the 50% must be identified and “tied up neatly with a bow in a conservation easement.” Mr. Golden said it would be appropriate to be a condition of the preliminary approval, to occur prior to final approval. Mr. Huddleston agreed.

In the absence of Ms. Israelski, Mr. Golden said that one of her issues has been with the pond on Craigville Rd. which she wants to see improved. But, since it is not on the property, the PB cannot require the applicant to have an offsite improvement. Mr. Huddleston told the applicant that while it can't be required, it would be appreciated if the pond was cleaned up.

Another one of Ms. Israelski's issues is the concept of terminating views, Mr. Golden said. He added that in the hamlet design there is nothing that says terminating views. “It says that when you are planning a hamlet in an established area in which there are public places and prominent public facilities, such as churches, etc. that you should design to those view corridors. We don't have that here, this is in the middle of a fully developed subdivision and that aspect of the hamlet design doesn't fit here,” he said.

Mr. Huddleston said there are a number of issues the applicant needs to clean up and Mr. Golden added that the PB would have to vote that it is not ready for acceptance. Mr. Lipman said they acknowledge it is not ready and will extend the time. It was decided that the PB will put it on the agenda again on May 1<sup>st</sup>.

Mr. Hoffman said he would like to dictate certain language to be included in the FEIS, and Mr. Huddleston agreed that it was okay.

**ADJOURNMENT:** Upon motion made by Ms. Cleaver, seconded by Mr. Andrews, the Planning Board of the Town of Goshen adjourned at 9:20 p.m.

Ralph Huddleston, Chair  
Notes prepared by Susan Varden