

**APPROVED MINUTES**  
**Town of Goshen Planning Board**  
**Town Hall**  
**41 Webster Avenue**  
**Goshen, New York 10924**  
**February 7, 2008**

**MEMBERS PRESENT**

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

**ALSO PRESENT**

Neal Halloran, Building Inspector  
Ed Garling, Planner  
Sean Hoffman, Engineer  
Richard Golden, Attorney  
Kelly Naughton, Attorney

**ABSENT:**

Ray 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.

**MINUTES**

The minutes of the January 17, 2008 meeting were approved with corrections upon motion made by Mr. Bergus and seconded by Ms. Israelski. Motion passed.

**Items for Planning Board to act on**

**Maplewood (Salesian Village) 8-1-48 94 acres, 229 units**, hamlet residential and open space subdivision in the HR & RU zone with an AQ6, scenic road and stream corridor overlay. Time period extension.

Mr. Halloran notified PB members that they should expect to take action on this application at the next meeting in February.

**AGENDA ITEMS**

**Meadows of Goshen – 12-1-86.1 – 97.8 acres** – 37 lot subdivision, located on Gate School House Road & Maple Ave. in the RU zone with an AQ3 & AQ6 overlays. Updated plans.

Present for the applicant:

Steve Esposito & Michael Sandor

Mr. Esposito said that the site plan has been updated and the plan has gone through a settlement process where it was agreed that the site plan would be subject to the previous interim zoning code whereby the lot minimums were 2 acres. He said the plan had received preliminary approval. The entrance onto Maple Ave. has been re-designed and has been re-reviewed and re-approved by the County DPW. The plans have also been approved by the County Health Department, he said.

Mr. Garling said that screening of the houses along Gate School House Rd. will be necessary from the new access road (Lot 21) up to Laura Lane. He said that would adequately screen the project as long as the trees along the road are kept in the other areas. He said something has to be done with the 100 ft. wide strip that would provide access to Fieldstone, the next development.

Mr. Sandor pointed out that the strip is wide enough to accommodate a road and associated grading. Mr. Esposito said that a road can be put in around the wetlands. Mr. Garling said that Mr. Lindsay has suggested putting in a curb cut to show that it will be a future road. Mr. Huddleston agreed.

Mr. Esposito said the strip of land will be offered to the Town for dedication. Ms. Israelski asked if the Town can require a future developer to build the road. Mr. Golden said that if the Town has the right of way for that purpose, it can then request the future developer to build it. There was a discussion about how to handle the drainage if the road goes through. Mr. Hoffman said he was concerned about the operation of the pond that it would drain into. Mr. Sandor suggested enlarging the pond slightly to accommodate the added drainage and putting the infrastructure in on the other side of the street to pick it up if it ever continues. Mr. Huddleston agreed.

Mr. Hoffman said that the applicant has restricted the area of some of the lots, specifically Lots #9 and #15, in order to put in storm water facilities, to the point where there is very little useable yard. He said there is 30,000 sq. ft. of storm retention pond on Lot #9, taking up one third of the two-acre lot. Mr. Huddleston agreed saying he is concerned that the purchaser is going to have very little useable yard. Ms. Israelski said she is interested in the design plans of the ponds, noting that quite a few are right along the street. Mr. Sandor said he'd bring in a photograph of a recently constructed one. He described the ponds as being 3-4 feet deep with shallow slopes. He said the applicant is assuming a sewer district formation.

Ms. Cleaver questioned if it wouldn't be a problem having the leach field below the pond. She said that the drawings show that at Lot 27 they are going to pump the sewage from the house underneath the discharge pipe from both ponds, uphill to the other side of the lot to the leech field. She asked what happens if the pond infiltrates into the soil, with a leech field right below it. Mr. Esposito said the Health Department has approved the plans. He said there is also a swale around the upper part of the tile field and the outlet of

the pond discharges to the southeast into the wetland area, so surface wise, it is discharging away from the tile field. Mr. Halloran suggested leaving the force main line there so in the future there will be no disturbance.

Ms. Cleaver said trees should be planted in front of the development along Maple Ave. Mr. Golden pointed out that there is a provision in the Town Code stating that the PB shall require, as a condition of subdivision approval, the planting of street trees on all lots fronting on existing and new streets. The provision may be waived in certain circumstances, he said. Mr. Esposito said the applicant will add plantings along Maple Ave. and that the rest of the streets all have landscaping. Ms. Cleaver asked about plantings along the new proposed road. Mr. Esposito replied that what is planted there will be destroyed when the road is built in the future. Mr. Huddleston recommended that two to three trees be planted along the property side of the 100 ft. strip. Mr. Esposito agreed. He said that there are five different types of street trees to be planted, reaching a full height of 60 to 80 feet. PB members said they want to see an entrance design with plantings.

Mr. Andrews asked what happened to the re-configuration of Gate School House Road. Mr. Esposito said it is still a requirement of the applicant to finish that road improvement. He said they'd met several times in the field with the Superintendent of Highways about it.

Mr. Golden suggested that the applicant submit revised plans based on the comments made during the meeting.

**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. Subdivision (DJ Egarian & Associates, Inc.)

Present for the applicant:

David Egarian, Engineer

Alan Lipman, Attorney

Ms. Israelski said that she had consulted with the PB attorney concerning the propriety of her review of the Kaprielian application as a Planning Board member and that after full disclosure to him of all of the circumstances, he advised her that there is no conflict of interest under either State or local law that would prevent her from continuing to sit as a Planning Board member on the application. "A Board member with no pecuniary interest, or appearance of a conflict, in a pending application of a neighbor, or potential neighbor, is permitted by law to sit, deliberate and decide on such an application, provided the Board member holds no predetermined bias for or against such an application. I hold no such bias and I know that I can consider this application in a fair and even-handed manner," Ms. Israelski said. But, she added that she decided to recuse

herself from sitting as a PB member on the Kaprielian application in order to avoid any improper charge of a tainting of the process before the PB and to ensure a purity of process for the PB on the matter. Ms. Israelski left her seat at the PB table and removed herself to the audience.

Mr. Halloran said the four-lot subdivision is a permitted subdivision and has been to staff review.

Mr. Golden explained that the applicant is not proceeding under the subdivision regulations, but are proceeding under the zoning code's Small Scale Development Subdivision.

Mr. Egarian presented the project. He said this is a part of Block 1, Lot 9 in the RU district and is mostly in the AQ3 water shed. The overall piece is 77.3 acres, extending across Farmingdale Road and Mr. Kaprielian owns another piece which is continuous (139 acres) that runs down to Craigville. It is not a part of the application and is a separate tax lot, he said. "So we have taken that portion of Lot #9 between Farmingdale Road & Woodcrest Lane and made a four lot subdivision under the small scale subdivision rule and part of the subdivision includes Mr. Kaprielian's home, so we are creating four new lots," he said. The four new lots being created are 9.67 acres, qualifying under the Small Scale subdivision, he noted. Steep slopes, tree lines and stone walls have been identified. "We have placed the subdivision lines where we thought they were appropriate for development," he said.

Ms. Cleaver said she would like to plan a site visit. It was agreed that a site visit would be scheduled for the PB.

Ms. Cleaver reminded the applicant that perc tests have to be witnessed by the Town and told the applicant to pay attention to the season that they do the testing. Mr. Bergus said he has a concern with the adequacy of the water supply, saying there's a history of dry wells. He said it will affect the type of testing the applicant will need to do on the lots to show there is sufficient water for four homes, without having any detrimental effect on the existing homes on Woodcrest. Mr. Lipman said the applicant is aware of the problem and is prepared to do something that will satisfy the PB that there is an adequate supply and that it will not cause a problem for others. Mr. Bergus suggested that the PB will want to look at multiple wells tested or look at the influence on existing wells as the wells on the site are pumped to see if there is any offsite influence. Mr. Hoffman suggested that the applicant submit for PB review, what they propose to do with the well testing. Mr. Huddleston said he wants to keep "a real hard look at this." Mr. Golden said the PB has the tools to ensure that the water aspect is adequately investigated and resolved.

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby types the application of Kaprielian to be an Unlisted Action. Passed unanimously.

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

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby declares its intent to be the lead agency on the application of Kaprielian. Passed unanimously.

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

**Heritage Estates – 8-1-9.22 – 249.76 +/- acres, 69 dwelling units**, located on Old Chester Road & Brookside Dr. in the HR & RU zone with an AQ6, AQ3, scenic road and stream and reservoir overlays. Profile Index.

Present for the applicant: Steve Esposito

Mr. Halloran said that Mr. Esposito was present to explain the process he designed to show that the application meets the Code’s rural sighting principles, a condition of approval.

Mr. Esposito said he thought Heritage Estates was the first applicant to do a profile index. He explained the elaborate process of profiling the site, measuring the trees and hedgerows for height, plotting those in the plan and profile and taking cross sections, resulting in tree elevations for each of the proposed lots.

Mr. Esposito said that in his profile all of the houses are below the tree line or the ridge line. He said “we think it is a good analysis, we displayed that we can meet the rural siting principles. It is the Building Inspector’s call.”

Mr. Huddleston called it a “nice job”.

Mr. Golden reminded the PB that they included this as a condition of the resolution, but that it is not necessary to be a condition, because it is a zoning requirement. “But the reason we did it for this is because in the past it has not been enforced as such and we wanted the applicant to be aware that this analysis was going to take place at the end

stage. It is the Building Inspector's decision, he said, but the Building Inspector needs to get the input from the consultants that this is an appropriate analysis, that the view lines that were chosen were in fact appropriate view lines, etc. The Building Inspector makes a decision based on that, whether they comply or don't comply. For the ones that need to be adjusted, then the plan has to be adjusted, in order to get the building permits, he said.

**ADJOURNMENT:** Upon motion made by Ms. Israelski, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen adjourned at 8:50 p.m.

Ralph Huddleston, Chair  
Notes prepared by Susan Varden