

# APPROVED MINUTES

**Town of Goshen Planning Board  
Town Hall  
41 Webster Avenue  
Goshen, NY 10924  
March 1, 2007**

## MEMBERS PRESENT

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

## ALSO PRESENT

Neal Halloran, Bldg. Insp.  
Joe Henry, Engineer  
Ed Garling, Planner  
Rick Golden, Attorney

## ABSENT:

Susan Cleaver  
Ray Myruski

## I. CALL TO ORDER

Chairman Ralph Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:30 pm at Town Hall.

## MINUTES

Upon motion made by Mr. Andrews, seconded by Mr. Lupinski, the minutes of the February 1, 2007 meeting were approved. Passed unanimously.

## II. AGENDA ITEMS

**Houston Subdivision – 17-1-5.24 – 97 +/- acres – 25 lot subdivision** located on Rte 17A & Houston Rd. in the RU zone with an AQ3, stream & reservoir and (2) scenic road corridor overlays. Stormwater & possible final approval.

Present for the applicant: Burt Dorfman & Dave Higgins

Town Engineer Joe Henry said there are a couple minor things that the applicant hasn't shown on the plans, but that he was comfortable moving forward. The only outstanding issue is the storm water, he said.

Mr. Higgins said the issues remaining for storm water are revising some detail on the map showing the silt fence surrounding the stockpile and indicating that the permanent marker being used for the PVC pipe is to be of UV resistant material.

Mr. Dorfman said he had a discussion with Town Attorney Rick Golden in regard to the homeowners association and the retention pond. Mr. Golden said he indicated to Mr. Dorfman that normally if you want a drainage district for something this small, you would basically want a back up drainage district. Mr. Golden said that the condition could be that the homeowners association is going to be primarily responsible for the maintenance of the drainage facilities, that within 60 days the applicant must submit to the Town a petition asking for a drainage district saying that the HOA will be primarily responsible, but if they fail to act, and the Town needs to go in to perform those responsibilities, then they can under this drainage district and therefore charge the district. What the Town does with it is up to them, he said. Mr. Dorfman said he had no problem with that. Mr. Huddleston suggested confirmed making it 60 days.

Mr. Huddleston asked if the storm water conditions could be identified. Mr. Henry read a list he had prepared including:

- a. On Sheet 1 of the Subdivision Plan – the minor discrepancies that were pointed out at the consultant staff meeting concerning the plan and deed descriptions should be revised.
- b. On Sheet 7 of the Erosion Control & Construction Details – the “typical stockpile detail” – the detail should indicate that the silt fencing will be installed around the entire perimeter of the stockpile.
- c. On Sheet No. 7 the “Concrete Monument” – the detail should indicate the monument will be precast concrete made of 2500 psi concrete with steel reinforcement and shall be installed with the top of the monument flush with the ground surface.
- d. On Sheet 8 “Precast Outlet Structure Detail Pond A” – the detail should indicate the type and depth of bedding that will be installed under the structure.
- e. On Sheet 8 “Wet Detention Pond” detail – the detail should indicate that the depth marker will be made of a UV resistant material.
- f. On Sheet 8 “Wet Detention Pond” detail - It is suggested that the depth marker be embedded to a depth of 42 inches.
- g. On Sheet 8 “Wet Detention Pond”, the detail should indicate rip-rap over a non-degradable fabric will be installed within the emergency spillway.
- h. On Sheet 8 “Wet Detention Pond”, it is suggested that the detail indicate specifically the location of the anti-seepage collar on the 30” HDPE pipe within the berm.
- i. “Anti-Seep Collar Detail” Design information for the anti-seepage collar should be specified within the detail noted on the plan.

Mr. Henry said he had received additional information from the construction site logbook which would complete the storm water pollution prevention plan.

Mr. Huddleston asked if open space areas are being placed in conservation easements and if the easement verbiage has been provided for review. Mr. Higgins confirmed there would be conservation easements. Mr. Golden said he needed to know the conditions of that easement. Mr. Huddleston said he wants the conservation easements registered with the DEC, a new requirement of the State. Mr. Golden said the PB needs to set forth what they want in that easement.

Mr. Higgins said he thinks it was to be relegated to agricultural use, that Lot #25 is a large lot with 33 acres of open space that might be able to be used as a farm. The drawings show a house, driveway, septic and well. Mr. Lupinski asked how large was the area designated for the house, etc. Mr. Higgins said just under one acre and Mr. Lupinski asked if it was large enough for a barn for horses. Mr. Higgins said he recalls that "what we had said was that whatever restrictions there were going to be in regard to placement of structures that were going to be associated with agricultural use, would be something that would have to be agreed upon by the PB." Mr. Golden asked if there were notes on the plan as to what were the conditions or limitations on that particular easement.

Mr. Dorfman said he thought working out the details could be done tonight, that it took a year and a half to get through the Health Department and that it is creating an extraordinary financial hardship at this point. He said he is looking for conditional approval.

Mr. Higgins said his recollection was that the PB was going to set the conditions on the open space and if the PB is anticipating putting some conditions on the open space, we'd like to know now.

Mr. Huddleston said he remembers that the PB said that if a stable, shed or corral was needed, the applicant would come back and show us where they wanted it and we would evaluate it and approve or not approve it at that time. Other than that, the restriction was that this property would be used for agricultural use or nothing else, he said. Mr. Higgins said if that is the restriction, "we are agreeable to that, so can't that be the condition?" Mr. Huddleston asked PB members if that was everyone's understanding. It was agreed that it was.

Mr. Halloran asked the applicant what they were going to do with the other lots with open space on them. Mr. Higgins said that is to be left undisturbed, all but Lot #25. Lots 7, 8, 9, 13, 14 up to 25, excepting the areas associated with the drainage on Lots 20 through 24 which will have to be maintained for drainage.

Mr. Halloran said another condition should be a note on the deed that in the future the DEC may map the wetlands on the property. Mr. Huddleston added that this is one of those properties that the DEC may be reviewing to add to their map.

Mr. Huddleston asked PB members, "Is the PB willing to go forward with a conditional final approval, with the conditions as stated?"

Ms. Israelski asked what has been done to mitigate the side yard visual impact from Houston Street and inquired about the tree lines, saying she'd like one tree every 40' along Houston. She also said she'd like to see another easement proposed and dedicated to the Town along 17A, so that many years to come possibly there could be a bike lane or sidewalk installed. She asked about the existing dirt trail and whether there was any way to get a right-of- way on it. Mr. Dorfman said it is not owned by the applicant. Ms. Israelski also asked the applicant if he was going to keep all of the stone walls and the hedge rows that were talked about. Mr. Dorfman said "yes". She asked about the road composition and was told by Mr. Higgins that they will be asphalt paving, 22 foot wide, gravel shoulder 5 feet on either side and a roadside swale, no curbing, built to Town Code. In answer to a question from Mr. Lupinski, Mr. Henry said there is an inspector to check that it is being built to Code.

It was decided to make a further condition to the approval that the applicant plant a substantial tree every 40 feet (designated street trees as per Town Code) along Houston Street between the buildable portion of Lot #1 and the buildable portion of Lot #24 to buffer the side yards.

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Ms. Israelski, the Planning Board of the Town of Goshen, grants conditional final approval upon those conditions recited during the meeting on the Houston Subdivision application. Passed unanimously.

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

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Lupinski, the Planning Board of the Town of Goshen to add an additional condition to the approval of the Houston Subdivision that says payment of all bonds and recreation fees as are appropriate for this application. Passed unanimously.

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

**Lands of NOP – 18-1-137.2, 78.4 +/- acres, 19 lot subdivision,** located on Reservoir Road and Scolza Terrace, in the RU zone with an AQ3 & stream corridor overlay. Subdivision plan.

Present for the Applicant                   Kurt Rother  
  Mr. Distelburger, owner

Mr. Rother said the application is for a 19-lot subdivision known as the NOP farm which fronts on Scolza Terrace and the corner of Reservoir Road. He said the constraints map and site visits were done, sketch plan approval was granted and the PB gave notice of intent to be the lead agent.

Mr. Rother said that since the applicant’s last appearance approximately nine months ago, the soil tests have been completed, the roads have been profiled and the plan before the PB is now more substantial than a sketch plan but not quite a preliminary plan.

Mr. Rother said that after meeting with Mr. Garling he prepared a map in the spirit of what Mr. Garling had suggested. The applicant has eliminated Road A, he said and the only access would be through the 50 foot strip that was left at the Glen Point subdivision.

Mr. Halloran said that Mr. Arent, who owns neighboring parcels, has said he will be filing an application soon himself and would like the road that goes in the direction of his properties to be brought straight up near lots 10 & 11. Mr. Rother said they would be open to exploring it.

Mr. Bergus noted that the culdesac that appeared on the previous map was lost and Mr. Rother said it was eliminated based on the discussions with Mr.Garling.

Mr. Henry noted that the dead end for the culdesac for Northgate is well over a half mile long and that if the Arent project doesn’t go through, the applicant will end up with additional amount of road with only one access through the project.

Mr. Lupinski suggested the applicant could put in an additional road. Mr. Huddleston said it would provide an access to get people in or out, “it’s a major issue when you are talking about a one-half mile culdesac coming in, being the only way in and out.”

Mr. Huddleston said he didn’t like having 18 additional units funneling out to a half mile culdesac as their only entrance and exit, not just from an emergency point of view, but from a planning point of view, when you have an opportunity to put in an exit road. “You’re not only providing them for these 18 units but for the tail end of

the half mile culdesac too, to give them an alternate way out.” Mr. Huddleston suggested staying with the original plan.

Mr. Garling said he would like to be able to provide an alternative for a couple months to see if the Arent project moves forward. “In the meantime the applicant can start to design the septic systems and move forward with it and then if he has to fall back on the other, and when he comes back for final approval, if Mr. Arent does what he does, I can erase the road.” Mr. Distelburger said “we will do whatever your pleasure is, we just don’t want to be hung up waiting and waiting.”

Mr. Huddleston said it is the PB’s recommendation that “you proceed along those lines with the understanding that we, like Mr. Garling, would like to knock that out if it is practical at the time we get to that level, if it is not, I want to have something that is workable and not bad planning to go forward with.”

Mr. Rother asked if the PB wants the culdesac put back in around lots 14, 15, 16, and 17. Mr. Huddleston said the PB prefers that it be put back in. “Let’s look at moving up to Mr. Arent’s and see if that makes a difference,” he said.

Mr. Garling said the applicant should offer some part of the conservation easement to the Town for road improvements should they ever want Scolza Terrace to align with Clark Road. The applicant said he saw no problem with that.

Since we have stated our intent, Mr. Huddleston said, and it has been much longer than 30 days, then can I have a motion to declare ourselves lead agency under SEQRA.

**VOTE BY PROPER MOTION**, made by Ms. Israelski, seconded by Mr Andrews, the Planning Board of the Town of Goshen, declares itself the lead agency under SEQRA on the Lands of NOP application. Passed unanimously.

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

The applicant asked if the PB will be requiring an Expanded Part III. Mr. Huddleston asked the members for their input. Mr. Bergus said he was comfortable with the Part III “as long as the applicant is willing to be flexible as we look through it as far as anything that needs to be addressed in further detail.” All other PB members agreed with the exception of Mr. Huddleston who said he prefers the EIS route.

Mr. Golden commented that it is a policy issue for the Board to decide, saying that theoretically going either way gets you to the same result of identifying significant environmental impacts and addressing them for mitigation. In answer to a question posed by Mr. Andrews, Mr. Golden said the Town will be protected as well either way.

**Owens Road / Goshen Meadows – 10-1-10.22 – 126.40 +/- acres, 39 lot subdivision** located on Owens Road in the RU zone with an AQ6, AQ3, scenic road corridor, and stream & reservoir overly. Conceptual stormwater design.

Present for the Applicant: Steve Esposito

Mr. Esposito said the plan has been before the PB for some time, a Conservation Analysis was done, site walks completed, final review of the sketch plan and Parts 1 & 2 of the EAF. The PB directed the planner to plan the basic scope for Part III which has been reviewed and approved by the PB and we are concluding everything that the Board had required us to do, he said. One topic of conversation has always been the drainage, he added.

Mr. Esposito said that one of the things the applicant proposed was a centralized drainage facility, with 2 main basins at the entrance from Owens Road and down in the back. In the previous design the applicant had some substantial piping to get some of the drainage from the low spots to the proposed drainage facility, he said. As the result of a work session, design changes were made and they are now minimizing the piping as much as possible and now the only piping that will occur in the project is in the center of the site. “We have minimized the physical means of conveying the water and gotten back to open swales and we also took out the individual treatment for the proposed residences and each residence will have its own rain garden,” he said.

Mr. Esposito said they are going to keep the vegetation along Owens Road fairly intact with the exception of the entrance road coming in, so the property at the front designated open space (approximately 6 acres) will be existing vegetation. There will be the existing hedge row that goes up between Lot 49 and the open space and between Lots 38 & 37, he said. We have re-located the property line along one of the rock walls in order to preserve that and are moving the house on Lot 39 even farther away from Owens Road. The existing vegetation will remain along Owens Road, he said.

He said the applicant had taken the existing road to the end of the property line, if and when it ever got developed, “but because of the existing topography we couldn’t get the water back without having some means of piping so we decided there was no need to actually build that section of road.” It will be kept as a proposed right of way.

Ms. Israelski asked if and when the next property owner comes in, who will build that section of the road. Mr. Esposito said the Town will actually own that so it can require the next builder to build that section.

Mr. Golden said he wanted to register his pause with respect to giving the Town a right of way with the thought that the next developer would be required to connect that road up. "Typically, this Board is not permitted to require any applicant to do any off site improvements that would thereby be necessary so I am not sure that that is a workable solution but I will look into it further," he said. Mr. Huddleston agreed that it should be looked into further and said he thinks it has been done in the past. Mr. Halloran said he thought it was done in the "Lands of NOP".

Mr. Esposito told Mr. Huddleston that the two basins were both wet ponds and Mr. Huddleston said he thought that should add some habitat value to the wetland system there.

Mr. Esposito said there are approximately 75 acres of open space being proposed, and an area in the back of the property that has access to the Wallkill River. The applicant is considering pursuing the dedication of that to the Town, he said. The applicant would provide the Town with access through the small road or the loop road.

Ms. Israelski asked how wide the road is proposed to be and what materials will be used. Mr. Esposito said the asphalt road will be 22 feet wide.

Mr. Henry said the driveway for Lot 11 will need to be reconfigured.

Mr. Esposito said the applicant wants to proceed to final design and will provide detail on the wet basins and a maintenance plan.

**Heritage Estates – 8-1-9.22 – 249.76+/- acres, 92 dwelling units** located on Old Chester Rd. & Brookside Dr. in the HR & RU zone with an AQ6, AQ3, scenic road and stream & reservoir overlays. Draft FEIS.

Present for the Applicant:

Steve Esposito  
James Sweeney

Mr. Halloran said that Planning Consultant Graham Trelstad had prepared a FEIS issues punchlist to identify the issues remaining to address and incorporating the comments of the PB at its last meeting. There is no intention to have any discussion tonight, he said. The intention is for the completed FEIS to be resubmitted to the PB on March 22 for consideration at its April 5<sup>th</sup> meeting.



Mr. Esposito said that one of the things that has come up has to do with the remaining farm parcel, which is approximately 7 acres. A member of the family is interested in purchasing the farm parcel and continuing to farm it, Mr. Esposito said. To make it successful, it is critical to them that this lot has to be 14 acres in order to be eligible for an agricultural exemption, so the applicant would like to extend the property line out to make the farm parcel 14.1 acres, he said. The open space will remain the same.

Mr. Huddleston said it makes sense, that it sounds like it will be a benefit to the farm community, and to be able to use it as a farm was our intent. He asked other PB members if they had a problem with it. There were no objections stated.

**Rieger – 9-1-8.452 – 360.9 acres, 130 units**, located on Craigville Rd. in the RU district with an AQ3 & AQ6 overlay with a scenic road corridor overlay. Possible final scoping.

Present for the Applicant: Steve Esposito  
Ian M. Rieger

Mr. Halloran distributed Mr. Garlings's Draft Final Scoping Document dated February 26, 2007.

It was noted that what is discussed tonight will be the last round of comments to be incorporated into the final scoping document. Mr. Golden reminded the PB that the agreed upon schedule is that the scoping will be finalized tonight with any changes and that those changes will be incorporated by Mr. Garling into the final document and submitted to the applicant by March 8<sup>th</sup>.

Mr. Garling said the 34-page document is fairly extensive and includes the environmental consultant's detailed comments that are basically an explanation as well as a scoping outline. Mr. Garling said he modified some of the traffic and planning items, but did not modify any of the engineering items.

The PB agreed to make the following changes to the scoping document:

1. Page 16 (g) Water Quality - Delete " 1/2 inch of runoff." Add "Comply with the NYS DEC stormwater management guidelines."
2. Page 15 (7) State "Bring up to current DEC storm water design manual standards."
3. Page 17: Delete (h) West Nile virus.
4. Page 17: Delete (b) it is a statement
5. Page 4 (b) replace NYS "Guidelines" with "Standards and Specifications".
6. Page 3 Under proposed Action and Scope of DEIS, third paragraph should be

- of a community water supply system for the Town."
7. Page 5 (f) Add after the word preserved "to the greatest extent possible".
  8. Page 5 Add (i) utilization of natural features for the public benefit.
  9. Page 5 (g) Add to... topsoil moved during the course of construction..."shall Be limited to the greatest extent possible". Delete "The terrain or topography of no lot shall be altered except in conjunction with a full building plan which must first be approved by the Building Inspector."
  10. Page 5 2. (b) Add "to the greatest extent possible".
  11. Page 5 3. (b) Reference the "General Rural Development Principals".
  12. Page 6 5. (a) Delete
  13. Page 15 (7) (8) & (9) delete because they are statements. Mr. Garling was asked to remove statements in the document.
  14. Page 16 (a) Delete third paragraph
  15. Page 7 Add 8. (c) Assess potential of the Town's trail plan as a mitigation measure to restrictions on pedestrian path ways, etc.
  16. Page 9 Add U.S. Fishery & Wildlife under Advisory Agencies.
  17. Page 18 2.(c) add: "assess anticipated" in front of the word changes
  18. Page 18 2. (d) add: "assess anticipated" in front of the word changes
  19. Page 18 2. (e) Delete
  20. Page 18 1. (e) Delete
  21. Page 18 2. (g) (4) Add "in the receiving stream"
  22. Page 18 2. (g) (5) Delete
  23. Page 19 (7) Remove any statements.
  24. Page 19 (8) Remove any statements.
  25. Page 21 G. 1. 11th sentence Add "to" delete "by" "this analysis will be provided "to" the Planning Board.
  26. Page 22 First paragraph , 7<sup>th</sup> line, change to "8" inches in diameter delete "five inches"
  27. Page 22 H.1. Add to locations: Old Chester Road, Knoll Road at the highest point, Heritage Trail, Farm Cross and Wood Crest Lane
  28. Page 23 I. 1. (a) Change 4:00 p.m. to 7:30 p.m. to 4: 00 p.m. to 6:00 p.m. and change 6:00 a.m. to 9:00 a.m. to 6:30 a.m. to 9 a.m. Delete Saturday hours.
  29. Page 28 4. (a) Delete
  30. Page 28 K. 1. (a) Add "DPW"
  31. Page 29 2. (a) First sentence Delete "of" replace with "or".
  32. Page 33 2. Delete and change to "Conventional open space residential development without bonuses".
  33. Page 33. 3. Delete
  34. Page 33 4. Delete
  35. Page 33 5. Delete

Mr. Huddleston concluded the discussion by saying the PB has modified the scope and the applicant will receive the document by March 8th.

The Planning Board adjourned at 10:30 p.m.

Ralph Huddleston, Chair

Notes prepared by Susan K. Varden  
3-9-07