

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

**SEPTEMBER 16, 2010**

**Members Present:**

Reynell Andrews  
Lee Bergus  
Susan Cleaver  
Mary Israelski, Acting Chair  
John Lupinski  
Raymond Myruski

**Also Present:**

Neal Halloran, Building Inspector  
Dennis Lindsay, PB Engineer  
Rick Golden, Esq. PB Attorney  
Kelly Naughton, Esq. PB Attorney  
Ed Garling, Planner

**Absent:** Ralph Huddleston

**A&L Acres – 13-1-34.2** – Possible extension of Conditional Final Approval.

Mr. Golden said the Town Board imposed restrictions on various projects when it re-zoned and that one of the projects was A&L Acres which was the furthest along in the approval process prior to the re-zoning. Special consideration is given to the projects further along in the process, he said. In the PB's Resolution for Conditional Final Approval of Phase I, there was a statement indicating it would be subject to restrictions that the Town placed on it and the Town wants to modify the restrictions to allow the project more time to get through the approvals, Mr. Golden said. What is required is a deletion or modification of the procedural history in the last paragraph of the amended resolution that the PB approved on April 15, 2010 and the effect is that the conditional final approval that now will expire Oct. 2, 2010 will expire on April 15, 2011, which is the date that the applicant must satisfy all of the conditions that they can satisfy. Mr. Golden said it is basically an extension of an approval.

Mr. Halloran said the applicant is currently doing work on the project

**VOTE BY PROPER MOTION**, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board modified the April 15, 2010 Resolution of Approval which granted A&L Acres an Amended Conditional Final Approval of Phase I to now have a second Amended Conditional Final Approval for Phase I, except for omitting the last paragraph in the procedural history. Approved unanimously.

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

**CONTINUATION OF PUBLIC HEARING**

**Battiato – 18-1-13 – 8.8 acres, 3-lot subdivision** located on Arcadia Road in a RU zone with an AQ3 Overlay.

The applicant was not present. Ms. Israelski asked for public comment. There was none.

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board closes the public hearing on the application of Battiato. Approved unanimously.

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

Mr. Golden said that the clock will now start ticking on the 60 days within which the PB must make its final decision. He suggested putting the application on the PB's next meeting's agenda to attempt to address with the applicant any remaining items.

Mr. Lindsay said that the applicant is talking about reducing the grades of the driveways and so that may be changed. He said one of the key items is the water testing which the applicant hasn't done. They have been told that they have three options; to reduce the number of the proposed lots, to conduct water testing in compliance with the current zoning or to go to the ZBA to request a variance, Mr. Lindsay said. The applicant will have to decide on an option. Right now the applicant has a proposal for a three lot subdivision that does not comply with the Town's protocols, he said.

Mr. Golden said he will write a letter to the applicant indicating there are substantial issues to address in Mr. Lindsay's and Mr. Garling's memos and that unless the applicant authorizes an extension of the 60 day period, if the application is not complete by that time, the PB will have no alternative but to deny the application.

**Goshen Properties 13-1-34.1, 39.1, 13-2-4, 13-2-5, 13-2-6 & 13-2-7 – 39.7 +/-acres,** 14 lot subdivision located on Houston Road, located in the RU zone with an AQ3, two scenic road and stream corridor overlays. Revised site plan – driveway relocation.

Representing the applicant: Steve Esposito

Mr. Esposito said that the newly adopted zoning code discourages common driveways so the applicant has requested that the previously combined driveways be separated. The site plan for Lot #6 proposed having a driveway on Houston Rd. and the applicant has now provided a profile, at the request of the PB, showing how much of a cut is needed

and the location of all of the existing trees. Mr. Esposito said that in the area of the cut there are four trees, a split cherry tree that should come down and a 7", 8" and 4" walnut. He said he doesn't recommend walnut trees as street trees. There are some bigger trees along the hedge row that will be avoided, he said. Mr. Esposito said he submitted the revised plans to the Building Department in July, but PB members noted they didn't have a set to review.

Mr. Esposito suggested putting a 4" tree beside the driveway on the lot side of the right-of-way and Ms. Israelski and Ms. Cleaver approved of the idea. The PB discussed the cut, the grass berm and the sight distance at length. Mr. Lindsay said that he will survey the adequacy of the sight distances to verify them in the field after grading. He said they will also be reviewed by the Town Highway Superintendent.

Mr. Golden said that the lot line has not yet been approved. He prepared a draft resolution of Conditional Final Approval: Amended Major Site Plan and Lot Line Revision for Lands of Goshen Properties, LLC. He read the Findings that the PB must make in order for approval to be appropriate. He said that by the Resolution, the PB will be reaffirming the SEQRA conducted and reissuing a Negative Declaration on the application, declaring that the project will have no significant impact on the environment and determining that no General Municipal Law Section 239-1, m, n or f referrals are necessary.

Mr. Golden read the Findings as: "The Planning Board has determined that approval of this site plan will protect and promote public health, safety, comfort, convenience and economy, as well as the natural, agricultural and cultural resources, aesthetics and the general welfare. Furthermore, the character of the land is such that it can be used safely for building purposes without danger to health, or peril from fire, flood, or other menace. The Planning Board further finds, in accordance with the requirements for the Scenic Road Corridor Overlay District, that the relocation of the driveways involved will not result in the degradation of scenic character; will be aesthetically compatible with its surroundings; will minimize the removal of native vegetation, except where such removal may be necessary to open up scenic views and panoramas; and will locate and cluster buildings and other structures in a manner that minimizes their visibility from the road to the extent practical."

**VOTE BY PROPER MOTION**, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board approves the Findings as read, on the application of Lands of Goshen Properties, L.L.C. Approved unanimously.

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

Mr. Golden read the ten specific conditions of the approval as:

1. Prior to the signing of the plans, the applicant shall amend the title of the plans to “Amended Major Site Plan and Lot Line Adjustment” and “Detail Sheet for Amended Major Site Plan and Lot Line Adjustment”.
2. The Applicant must comply with the requirements in Section 97-29(G) through (J) of the Goshen Town Code, except where site features are screened from the road.
3. The Applicant shall provide deed restrictions, revising those approved as part of the May 26, 2009 conditional subdivision approval, acceptable to the Planning Board attorney as to form and proof of filing, for Lots 5 and 6 which incorporate by reference the Scenic Road Corridor Overlay restrictions contained within Section 97-29 of the Town Code.
4. The Applicant shall file the necessary documents with the County Clerk’s Office to remove the Common Driveway Easement that is connected with Lots 5, 6 & 7.
5. Prior to the issuance of a Certificate of Occupancy for Lot 6, the adequacy of the sight distances shall be verified by the Town Engineer in the field after grading, and adjusted by the applicant according to the satisfaction of the Town Engineer and Highway Superintendent. This may require additional grading and clearing.
6. Prior to the signing of the plans, the Applicant shall revise the plans to comply with Section 97-40C(4) of the Town Code, requiring driveways to be set back at least 10 feet from side lot lines for lots with 100 feet or more of road frontage.
7. Prior to the signing of the plans, the Applicant shall revise the plans to increase the diameter of the driveway culvert to 15 inches to reduce the potential for clogging for Lot 6.
8. Prior to the signing of the plans, the Applicant shall revise the plans to correct the typographical errors noted in the memorandum of the Town Engineer dated August 27, 2010.
9. Prior to the signing of the plans, the Applicant shall provide proof in the form of a letter from the Town Highway Superintendent approving of the relocation of the driveways.
10. The applicant shall plant two Red Oak 3-1/2 to 4” caliber trees along the northeast side of the right-of-way line on the east and west sides of the driveway for Lot #6. Said trees shall be planted prior to the issuance of a Certificate of Occupancy and this condition shall also be noted as a note on the plans to be signed.

**VOTE BY PROPER MOTION**, made by Mr. Myruski, seconded by Mr. Andrews, the Town of Goshen Planning Board approves the “Resolution of Conditional Final Approval Amended Major Site Plan and Lot Line Revision for Lands of Goshen Properties, L.L.C.” Approved unanimously.

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

**Kimiecik – 18-1-27 & 18-1-69 – 15.5 +/- acres**, located on Durland Road and NYS Route 94 in the CO zone with an AQ3 overlay. Lot Line Modification.

Representing the applicant: Steve Esposito

Mr. Esposito said the applicant owns two lots; the main lot zoned CO and the other zoned RU. He purchased the other parcel with the house on it when it recently became available for sale. The applicant wants to transfer less than one-half of an acre of the residential lot to his commercial lot. It was noted that there is a pre-existing non-complying building on the lot.

Mr. Halloran spoke to the specifics of the Code, stating he thinks it meets the minimum lot size for the CO zone (one acre) and that while it doesn't meet the side yard setback, that doesn't make it more non-conforming. He said he believes it is a legal lot because there is enough road frontage along Durland Road. The applicant has not proposed a use for that part of the property and at this time, there is no permitted use for the piece of property he wants to transfer, Mr. Halloran said.

Mr. Golden said that a public hearing is not required but that the PB can ask for one if it believes circumstances warrant. He said it is a lot line modification and is not subject to SEQRA.

The PB agreed that there is no need for a public hearing and requested Mr. Golden draft a resolution to be considered at the next PB meeting.

**Cimino – 11-1-48.221 – 13.2 acres**, 2 lot subdivision located on Duck Farm Road and Old Chester Rd in the RU zone with an AQ6, stream and reservoir and scenic road corridor overlays. Well Testing.

No one representing the applicant was present.

Mr. Lindsey said the applicant did water testing as a four lot subdivision but now is applying as a small scale subdivision for two lots. The applicant ran testing at a level in accordance with the Town's new protocols that would be sufficient for four lots. The applicant did find some impact on adjacent properties at that level of pumping, he said. The Town's water consultant, William Canavan, reviewed it and noted the impacts on the adjacent wells and made observations about what should be done to mitigate the long term effects. Mr. Canavan acknowledged that the testing that was done was at a much higher rate and that the impacts would be less during normal use. For a two lot subdivision, you don't have an issue, Mr. Lindsay said. Mr. Halloran said that at Mr. Canavan's request he will get in touch with the other homeowners to gather additional information about their wells.

Mr. Golden suggested taking no further steps until the applicant is present.

**Maplewood – 8-1-45 – 94+/- acres, 103 units**, Hamlet residential and open space subdivision in the HR & RU zone with an AQ6, scenic road and stream corridor overlay. Scoping document.

Representing the applicant: Stuart Turner and Christine O'Donnell, Planning Environmental Consultants, Richard Cantor, Esq., Art Tully, Project Engineer and Dan Geron, Applicant.

Ms. Cleaver recused herself.

Mr. Golden said that when the applicant was last before the PB they presented their draft scope. Mr. Golden said his office will collate all of the comments received by PB members and staff and will have them ready for discussion along with the draft scope at the PB's October 7<sup>th</sup> meeting. The PB will try to finalize the scope at that meeting, he said.

Ms. Israelski said she e-mailed her comments but would like to summarize them for the record. She said that the project's visual appeal will have an impact on the success of attracting the 55+ buyer and that the development should be arranged in a way that gives focus to the development or provide a sense of place. The developer also should abide by the Town Code's rural development guidelines which prefer loosely shaped or a free-form plan rather than a grid and should include interior parks and natural landscaping. Architectural design of buildings and depiction of elevations of the proposed buildings should be part of the approval process, Ms. Israelski said. In order for the Planned Adult Community to be successful the architectural review should include buildings, the size of the homes and materials showing elevation, location and placement and should include the practicality of the floor plan for the aging population such as more one level living choices versus homes on two or more levels. The success of the PAC depends largely on location amenities and layout of the dwellings, she said. Water features, recreation features and views will help to make the development successful. The applicant should describe the features that successful PACs use to attract residential owners and which of these features will be used to attract the 55 plus adults. Rock walls and water features should be built into the project not only to mitigate the visual impacts and restore the area's rural characteristics but also to make the development a place to be for the adult population. The applicant should design the project to avoid all impacts on biological resources, ecological sensitive areas, aquatic and terrestrial species, endangered, threatened or rare species, including the Indiana bat, peregrine falcon, bald eagle and bog turtle, Ms. Israelski said. The project should identify the natural drainage courses and try not to change the existing drainage patterns. The project should use storm water to the greatest extent practicable to recharge and mitigate the loss of water from municipal

wastewater disposal and the applicant should show a budget for water issues including landscaping, car washing, etc. and show that it will not be using off site recharge from neighboring properties to recharge their property. Ground water recharge post construction should equal pre-construction volume and quality. Whenever possible the storm water management plan should utilize landscaping and other natural methods to maximize the recharge of the localized aquifer after treatment according to NYS DEC standards. The scope should require that the developer identify existing conditions of the wells and aquifer and the existing municipal water system and supply. Planned well testing protocol should be summarized and the scope should require the DEIS to show impacts to the existing water systems. On site ground water recharge should be reviewed and mitigation and modifications should be made to minimize any offsite impact. The DEIS should calculate the cost to maintain a through road to Craigville and Coleman Rd. The DEIS should include the un-avoidable impacts to Coleman Road and include costs to upgrade Coleman Road and advise the Town regarding state grants for road improvements. The DEIS should analyze the feasibility and required costs to maintain and create pathways to Craigville Road to Coleman Road and to a designated trail into Salesian Park for the development's 55+ population. The scope should emphasize the relationship between the proposed project and the policies and recommendations set forth in the Town Comprehensive Plan, the Town Open Space Plan, the Southern Wallkill Biodiversity Plan, the Orange County Comprehensive Plan, the Orange County Open Space Plan and the Cornell Environmental Accounting for Sustainable Water Management Study, along with agricultural and farm impacts. Ms. Israelski said that other interested agencies should include the Goshen Joint Recreation Committee, the Village of Goshen Planning Board and the Orange County Real Property Department and that the applicant should discuss green technology. Ms. Israelski suggested that all of the comments of the Environmental Review Board also be included in the scoping document.

Mr. Myruski said that in the event the applicant can't receive water from the Village or from any other water resource and has to rely on wells, they must test the neighbor's wells and there must not be an impact on the individual homeowner. Testing is important because the underground systems are going dry, he said.

Mr. Halloran said he will put the applicant's draft scope on line and a notice in the newspaper stating it will be on line so people can submit written comments. Mr. Golden said he will include a summary of the things decided in litigation that will not be part of the scope. Mr. Golden said the scope must be adopted by the November 18<sup>th</sup> meeting.

**ADJOURNMENT:** A motion to adjourn the meeting at 9:21 p.m. was made, seconded and approved unanimously.

Mary Israelski, Acting Chair  
Notes Prepared by Susan Varden

