

**APPROVED MINUTES**  
**Town of Goshen Planning Board**  
**Town Hall**  
**41 Webster Avenue**  
**Goshen, New York**  
**April 3, 2014**

**Members Present:**

Reynell Andrews  
Lee Bergus, Chair  
Susan Cleaver  
Phil Dropkin  
David Gawronski  
John Lupinski  
Giovanni Pirraglia

**Also Present:**

Sean Hoffman, PB Engineer  
Kelly Naughton, Esq. PB Attorney  
Neal Halloran, Building Inspector

The Planning Board meeting was opened at 7:30 p.m. by Chair Lee Bergus.

**Possible Extension or Abandonment of Applications pursuant to the Town Code.**

**Hambletonian Group**

Mr. Bergus read a letter from the applicant asking for an extension of its preliminary approval since the Town of Goshen has not made any changes to the town water supply service to the project. The approval expires April 17.

**UPON MOTION**, made by Ms. Cleaver, seconded by Mr. Dropkin, The Town of Goshen Planning Board extends the preliminary approval on the project, "Hambletonian Group" to October 16, 2014. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

**PUBLIC HEARING (continued)**

**New Horizons 10-1-28 – 54.2 +/- acres** located on Hampton Rd. & Phillipsburg Rd. in the RU zone with an AQ6 and stream and reservoir overlay. 3-lot subdivision.

Representing the applicant: Michael Morgante, PE

Mr. Bergus said that this was a continuation of the public hearing held last month.

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Mr. Morgante said the applicant had obtained previous preliminary approval for an eight lot subdivision but that the project has now been reduced to three lots as shown on the plan. There are now three individual drilled wells and three individual septic systems. The driveway locations shown on the current plan are the same as the previously approved driveway locations. Mr. Morgante said that this is a significantly reduced plan with a lot less environmental disturbance. The Department of Health has already witnessed soil testing for Lots 1 & 2 and the applicant will schedule witnessing of the soil testing on Lot 3, he said.

Mr. Dropkin noted that the driveway locations appear to be steep. Mr. Morgante said that the driveway grades are in accordance with the Town Code, and are slightly under ten feet.

Mr. Hoffman said that a three lot subdivision is the smallest subdivision to require well testing. These plans were reviewed in December, he said, and the PB approved the well testing plan.

Mr. Bergus opened the meeting to public comment.

Jim Rogers asked if there is going to be a public road and said he is appearing on behalf of his son who resides on Hampton Road. Mr. Morgante said the subdivision will have no public roads.

Geoffrey Chanin, of 4 Hampton Rd., said he wanted to comment on several topics including land use, SEQRA and design. Mr. Chanin said that the vegetation there is representative of a wetland, and that he believes the project is in a flood plain. There are flowing streams on both sides of Hampton and Phillipsburg roads and down Hampton Rd. into Hampton Hills, he said. The proposal to build one of the driveways in the direction of Hampton Rd. presents the possibility of building a barrier that may result in forming a retention pond. This area already floods and the road at the Hampton and Phillipsburg intersection is negatively banked away from the turn and 5-15 times a year cars go off into the ditch and the highway barrier is wiped out, he said. Any further deterioration, erosion or ponding at that point in the road can only make for a more difficult situation, Mr. Chanin said, adding that a SWIPPP is essential.

Mr. Chanin said the project requires a SEQRA review and for the lead agency to take a hard look. Because of the aquifer, wetland and the impact, he said he thinks it is necessary to find a positive declaration and do an Environmental Impact Statement and a mitigation plan. Anything less would be inadequate, he said. Significant cutting of vegetation is proposed and also ponding must be taken into account while doing the SEQRA process, Mr. Chanin stated.

Mr. Chanin questioned the design of the driveway serving Lot 3, stating that it may go through a corner of the wet area and may involve a slope. He asked if it would be more efficient to use the same areas for the driveway for Lot 3 as are used for the other two lots. He cautioned that

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if all of the driveways are not designed carefully, because it is a wet area, there will be consequences. He also suggested that a bond against future impacts, be considered.

Mr. Chanin said he would like to see some preservation requirement imposed on the site plan, that there be natural fencing, so that light from the top of the hill does not shed in such a way as to obscure the night sky or otherwise detract from the environment during night times.

Mr. Chanin questioned whether all work has been done under existing approvals or whether some has been done before approvals.

Because the plan has been reduced to three lots, Mr. Chanin said it is a significant change from the original plan and so whatever prior approvals were granted for the driveways will significantly change because of the reduction from eight lots to three lots.

Dave Sincerbox, of 1 Hampton Hills Dr., asked if the lots could be further subdivided. Ms. Naughton said that the project being proposed is an open space subdivision so the large lots are going to be restricted in that 60% of the property has to be preserved as a conservation easement. She said that the lots can be further subdivided in the future but that there are restrictions. Mr. Morgante said he didn't know how anyone would further subdivide because of the difficulty getting a community septic system in.

Carla Wise, 4 Hampton Rd., said she has been a resident there for a long time and described the property as a very, very wet area. She said it is hard for her to imagine it being a successful project, without impacting the environment.

Jim Rogers asked about the location of the leach field. He was told it will be behind the house.

Jean Sincerbox, 1 Hampton Hills Dr. asked about the location of one of the driveways. Mr. Morgante said the sight distance is 475 feet (to the right) and 700 feet (to the left) and that it is a 35 mph road. He said the sight distances far exceed what is required by the code. Mrs. Sincerbox said that she wants to go on the record as being concerned about possible flooding where the bend appears in the road.

Carla Wise said she is concerned because there is a lot of traffic and several school bus stops on Phillipsburg Rd.

Dave Sincerbox said there has been a couple of incidents of truck trailers containing 6 to 8 horses traveling on the road.

Ms. Cleaver asked if there will be blasting for the house on Lot 3. Mr. Morgante said "no" that they have dug 8 ft. deep and haven't hit a ledge.

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Mr. Sincerbox pointed out that there is basement flooding in the area.

Mr. Chanin said that ponding and erosion are the issues that everyone is concerned with and that the potential for ponding and erosion “is asking for more trouble than we already have.” He recommended that the final design take into account the considerations that are brought to the floor when doing the SEQRA process, the MS4, and the design, to “make sure you are not creating a problem in one place that is going to have inevitable impacts down the road.”

Mr. Hoffman said he has suggested that the applicant look at a dry well or rain garden at final approval. Mr. Morgante said the applicant has accepted that.

Mr. Chanin said that if there is a significant change in the plan, that the residents should be given sufficient notice. He also said that because of what is seen as a serious concern with ponding and erosion, it may be prudent to require a bond in place for a period of time during construction, so that if unforeseen consequences result, it doesn’t become a burden on the taxpayer but the responsibility of the developer. He said that if the tree line is preserved then both the day and night skyline is preserved.

Mr. Hoffman said the site is 54 acres with 30 acres that have to be preserved and 4.2 acres as the limits of disturbance.

Mr. Dropkin asked if Mr. Hoffman is comfortable that the plan will not worsen the water situation in this area.

Mr. Hoffman said he expects there will not be an exacerbation of the situation as the applicant will add individual dry wells or rain gardens. He said he recommend adding 6 - 8 ft. diameter dry wells first, rather than rain gardens. Mr. Hoffman pointed out that the first lot is 400 feet back from the road, and the other is 300 feet “so they are well off the road.”

**UPON MOTION**, made by Mr. Pirraglia, seconded by Mr. Dropkin, The Town of Goshen Planning Board closes the public hearing on the application of New Horizons. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Mr. Naughton said that in May of 2009, the PB gave a negative declaration for the eight lot subdivision and said she thinks it would be appropriate if the PB reaffirm the negative declaration for this three lot subdivision.

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**UPON MOTION**, made by Mr. Lupinski, seconded by Ms. Cleaver, The Town of Goshen Planning Board re-affirms the negative declaration under SEQRA given on the application of New Horizons. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Ms. Naughton read three Findings as follows:

“The Planning Board hereby waives the Environmental Control Formula as permitted by Section 97-18(D)(3) because the applicant demonstrated, through site-specific soils testing and analysis to the satisfaction of the Planning Board and the Town Engineer, that the lots were appropriately sized and designed to accommodate the individual septic systems proposed.

This project presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes to address their recreation needs, but suitable parks or recreation areas of adequate size to meet this requirement cannot be properly located on the site. This Planning Board finds that this project requires the payment of a parkland fee to be determined by the Town Board in lieu of providing parkland adequate to suit the Town’s needs for this development.

The Planning Board finds that, in accordance with the requirements for the Stream Corridor and Reservoir Watershed Overlay District, this project will not result in the degradation of scenic character; will be aesthetically compatible with its surroundings and will not result in erosion or surface water pollution from surface or subsurface runoff.”

**UPON MOTION**, made by Ms. Cleaver, seconded by Mr. Pirraglia, The Town of Goshen Planning Board accepts the Findings on the application of New Horizons as read by legal counsel. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Ms. Naughton read the specific conditions of the resolution of approval as follows:

1. Prior to the signing of the plat by the chairman, the applicant shall place a Conservation Easement over a minimum of 50% of the property in accordance with Section 97-20(G)

and Section 97-21 of the Town Code, enforceable by the Town, which shall be drafted to the satisfaction of the Town Attorney as to form, including ongoing maintenance standards that will be enforceable by the Town against an owner of open space land to ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials.

2. Prior to the signing of the plat by the chairman, the limits of clearing and disturbance shall be shown on the plat. Prior to the issuance of a building permit, the limits of clearing and disturbance shall be identified in the field with appropriate signage, flagging and/or fencing. The signage, flagging and/or fencing of the limits of clearing and disturbance shall be posted conspicuously on the site.
3. Prior to the signing of the plat by the chairman, the applicant shall comply with the memorandum of the Town Engineer dated December 23, 2013 to the satisfaction of the Town Engineer.
4. Wetlands and any required buffers are to be marked on individual lots prior to any site improvements. The applicant must use proper Environmentally Sensitive Area (“ESA”) signage where applicable, and have such signage in place prior to any site disturbance.
5. Any and all blasting operations shall be conducted so as not to endanger the health, safety and welfare of persons and the safety of property, including but not limited to that of adjacent landowners. Any blasting operations shall be carried out in compliance with Chapter 58A of the Town Code. If blasting is to occur, the applicant must post a three-year bond to insure against any potential damage caused by such activities.
6. Prior to the signing of the plat by the chairman, the Stormwater Pollution Prevention Plan (SWPPP”) must be revised to the satisfaction of the Town Engineer following approved practices as defined in the New York State Stormwater Management Design Manual (latest edition).
7. Prior to the signing of the plat by the chairman, the applicant shall perform well testing in accordance with the approved plan and the Town’s water testing protocols. A hydrogeological report of test results shall be submitted to the satisfaction of the Town Engineer.
8. Prior to the issuance of a Certificate of Occupancy, the applicant shall perform clearing along Phillipsburg Road and Hampton Road at each of the driveway entrances. The applicant shall perform any additional clearing necessary and provide a survey of sight distances to the satisfaction of the Town Engineer and the Town Highway Superintendent.
9. Prior to the signing of the plat, the applicant shall offer to dedicate the land measuring twenty-five (25) feet from the centerline along the southwesterly side of Hampton Road to the Town for highway purposes. Such documents shall be in a form acceptable to the Town Attorney. Prior to the signing of the plat, the applicant shall revise the plat to show this dedication.
10. Prior to the signing of the plat, the applicant shall perform percolation and deep pit tests on Lot #3 to be witnessed by the Town Engineer. The installation of all onsite sewage disposal

systems shall be observed during construction by the Town Engineer if requested by the Building Inspector.

11. Prior to the signing of the plat by the chairman the plat shall be revised to incorporate stormwater management practices in an effort to reduce surface water runoff and promote ground water recharge. These shall consist of dry wells, rain gardens or other similar practices designed to conform to the latest edition of the New York State Storm Water Management Plan.

**UPON MOTION**, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board approves the Resolution of Conditional Preliminary and Final Approval Minor Subdivision for New Horizons with its specific conditions as read by legal counsel. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

**Kolk – 11-1-98.6 10+/- acres**, 3-lot subdivision located on Old Chester Road in RU, AQ6 and Scenic Corridor Overlay.

Representing the applicant: Steve Esposito

Mr. Esposito said the project is a three lot subdivision on Old Chester Rd. The lots range from 2-1/2 to 4 acres. Mr. Esposito said he submitted a well testing plan. Mr. Hoffman said he received the report. The PB has not received the report and asked for copies.

**UPON MOTION**, made by Mr. Pirraglia, seconded by Mr. Andrews, The Town of Goshen Planning Board schedules a public hearing on the application of Kolk for May 1, 2014. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

The Planning Board adjourned its meeting at 9 pm.

Lee Bergus, Planning Board Chairman  
Notes prepared by Susan Varden