

# DRAFT - UNAPPROVED

**Town of Goshen  
Planning Board  
MINUTES OF THE  
WORK SESSION MEETING  
March 3, 2005**

## MEMBERS PRESENT

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

## ALSO PRESENT

John Cappello, Attorney  
Neal Halloran, Bldg. Insp  
Joe Henry, Engineer  
Michael Marrella, Planner

## ABSENT

Raymond Myruski

## I. CALL TO ORDER

Chairman Huddleston called the work session meeting of the Town of Goshen Planning Board to order at 7:35 pm

## II. MINUTES

The minutes of the February 3, 2005 meeting were approved as modified upon motion made by Ms. Israelski, seconded by Ms. Cleaver.

The minutes of the February 17, 2005 meeting were approved as modified upon motion made by Ms. Israelski, seconded by Mr. Lupinski. Mr. Bergus and Ms. Cleaver abstained.

## III. AGENDA ITEMS

**Jonas Estates**, 10-1-6.22 located on Owens Rd. and Phillipsburg Rd., in the RU zone with an AQ6 and stream corridor overlay.

Present for the applicant:     George Vega  
  John Cameron, Esq.

Mr. Halloran reported that this project consists of 6 lots on 126 acres. The Conservation Analysis has been accepted. AKRF has submitted comments. Mr. Marrella pointed out that the wetlands on the site are primary conservation areas and the plan shows several wetlands crossings. The board needs to be aware that the applicant is not following the CA entirely. However, given the size and location of the wetlands developing the property is difficult. They need to consider if this proposed plan is a viable alternative.

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Mr. Marrella also noted that the PB had suggested the sharing of driveways to minimize the wetlands crossings. This plan shows individual driveways. Mr. Vega stated that shared driveways often cause problems among homeowners. Mr. Marrella agreed that common driveways often cause problems and the PB should consider if the potential burden of a common driveway outweighs the potential harm caused by two relatively small wetlands crossings. Mr. Huddleston asked if it is stated on the plan that this is proposed as having no further subdivisions. Mr. Marrella also noted that the PB had asked for bicycle paths through the property.

Mr. Cameron stated that they hope to preserve a large portion of the land and the more restrictions the PB puts on the plan, the more the value of the lots will be lessened. Due to the topography and the amount of wetlands, it is difficult to conceptualize the bicycle path. Ms. Cleaver noted that the bike trail would be under the power line. PASNY would then have to be involved. Mr. Cameron feels that there is enough concern about children riding under the high power lines. In fact, they have sited the houses as far away from the power lines as possible for this very reason. PASNY may not be willing to accept this possibility. Mr. Huddleston noted that they cannot put bike paths through the wetlands. Ms. Israelski noted that the PASNY easement is 150' wide and the bike path requires 4' on either side. Mr. Huddleston suggested that possibly it could be placed on the northern side of the PASNY easement in order to lessen the intrusion on the homeowners. Mr. Cameron stated that he did not think the other trustees would approve this. He also noted that some of the homeowners may want to have horses, which will mean fencing will be needed.

Mr. Huddleston stated that it appears that the applicant is not receptive to bike paths. He stated that there are several wetlands crossings, but this needs to be considered in view of the fact that they are only putting 6 residential units on 126 acres and these crossings are below the ACOE threshold. Therefore, he does not see these crossings as an issue. Mr. Henry asked that the conservation analysis and the exact amount of wetlands disturbance be placed on the map. Ms. Cleaver asked if ESA signs could be placed on the edge of the wetland areas so that homeowners are aware that they are protected.

Mr. Cappello stated that this is still a sketch plan. The applicant is directed to go ahead and prepare a preliminary plan. The applicant needs to state that the plan is restricted to no further development and if possible, they should explore the possibility of a bicycle path and also limits of wetlands disturbance need to be clearly stated.

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**Wholesale Storage Materials – 12-1-18** wholesale storage and landscape, located on Hartley Road in an CO with an AQ 6 overlay on 5 acres.

Present for the applicant:     Kirk Rother  
  Jeff Sapanaro

Mr. Halloran reported that this is a sketch plan submission. The property is located across from Waste Management on Hartley Rd. The applicant will need a variance.

Mr. Rother explained that this is a 5-acre parcel, which the owner plans to use for topsoil storage and wholesale sales of mulch. He also plans to grind logs and stumps. This is a permitted use, however, the code states the grinder needs to be in a building. This would be very expensive. The applicant cites the proximity to 17M and that there are no neighbors nearby as a reason to allow that the grinder be located outside. Light industry is permitted in this area. The applicant is before the PB before going to the ZBA for the variance because the ZBA will most likely request comment from the PB.

Mr. Rother noted that there are wetlands on the sides. The existence of wetlands on one side is questionable and Mr. Huddleston asked that the applicant clarify this. Mr. Marrella asked if this would be considered a dimensional or a use variance. Mr. Cappello will review the code. Mr. Sapanaro stated that he would probably only grind once a month and he feels the noise is no louder than the trucks already in the area. He also explained that there is a parking area on one side and wetlands all around. The area on the right is open and may be wetlands. This needs to be clarified.

Ms. Israelski asked why they could not put the grinder inside. The applicant expressed concern over the expense and the practicality of doing so. Mr. Huddleston asked the applicant to do some noise studies. Even though the area is surrounded by wetlands, the noise could have an effect on wildlife. The applicant needs to show that they will generate no more noise than the trucks are currently. Mr. Andrews asked if there are any local grinder operations the members could visit. The applicant stated that he has a facility in Warwick, which is in a residential area, where he grinds 2 or 3 times a year. He would like to re-locate due to the proximity of the residences.

The applicant is asked to submit noise data and show that there is going to be no one around them due to the wetlands. Also, if they are totally surrounded by wetlands they will need to buffer the area.

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**Heritage Estates, S.B.L. 8-1-9.2 & 11-1-98.6**, 256 acres located on Old Chester Road and Brookside Drive in the HR and RU zone with an AQ6, AQ3, scenic road, and stream overlay. Public Scoping Session.

Present for the applicant: James Sweeney, Attorney  
Steve Esposito

The applicant is present tonight to finish the scoping outline. Mr. Marrella submitted his latest version of the document. Mr. Bergus asked for some changes to the table on page 3. Mr. Sweeney asked if the Board still wants a tree survey and noise and air studies. Mr. Huddleston replied that they should at least be addressed. He does not want to leave any holes in the study. Mr. Esposito noted that the Craigville Rd. intersection with Brookside Dr. was left out of the list as well as the Route 17M westbound turning onto Rte. 17. Also the intersection of South St. and Old Chester Rd. should be included.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Planning Board of the town of Goshen hereby adopts the Draft Scoping Outline as modified dated 3/3/05. Passed unanimously. See file in Building Department.

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

**Houston Subdivision - 17-1-5.24** 24-lot open space subdivision on 97 acres located on Rte 17A and Houston Rd. in the RU zone, with an AQ3, Stream Corridor and (2) Scenic Road Corridor Overlays.

Present for the applicant: Dave Higgins  
Burt Dorfman, Esq.

Mr. Halloran noted that the public hearing was closed on January 20, 2005. A resolution for a neg dec and a resolution for preliminary approval are needed at this time.

Mr. Higgins stated that the maps are nearly identical to last month’s submission. There are some changes to address the engineers’ comments. There are also some changes to the drainage easements. Mr. Higgins also explained that they had originally extended the cul de sac to the property line, then pulled it back (at the neighbor's request) and now they have brought it to the property line again. The applicant has moved the dwellings on lots 8 & 9 as far as possible from the property line to allow a 60’ buffer from the property line with the adjoining farm.

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A note has been added requiring ESA signage every 100' along the wetland boundary. Ms. Cleaver stated that she believed that the farm asked for some sort of signage also along that buffer. Mr. Higgins replied that these signs would also be added. He also noted that there is an existing tree line 20' along lots 8,9,13, 14 and 15 where the trees cannot be cut down.

Mr. Henry asked who would be responsible for maintaining the signs. Ms. Cleaver replied that that would probably fall on the property owner. Mr. Henry feels that they should be periodically checked and replaced. Mr. Huddleston stated that they will hope that the signage will serve the intended purpose for a period of time. The Ag data statements have been sent out and the technical issues have been addressed.

Mr. Marrella explained that landscaping issues have not been addressed as that is usually handled at final subdivision because that is when a bond would be issued. Ms. Israelski reminded the applicant that entrance designs will be requested as well as rear and side buffers and the placement of the homes on the streets will be reviewed. Ms. Cleaver asked for clarification on the ownership of the railroad tracks. Mr. Huddleston asked if the current owner has an interest in the ownership in the railroad easement. He understands that Mr. Distelburger does have an interest in the corporation. Mr. Dorfman replied that the owner of the property does not have an interest. However, the owner and the applicant are different. Mr. Distelburger does not own the property, but he is an agent for the owner. Mr. Huddleston asked if that railroad easement is available. No it is not. Mr. Distelburger is one of the owners of the railroad area and the County has an easement over it. Mr. Lupinski asked if Mr. Distelburger will ever own any of the lots. Mr. Dorfman replied that he will eventually own lot #25. Mr. Dorfman stated that his client does hope that the Town is able to have the bicycle path over the railroad easement.

Mr. Cappello noted that a letter has been received from the County Planning Dept. Mr. Higgins stated that this letter is a reply to a prior submission that was made in 2002. Mr. Cappello stated that the PB will have to address these concerns between granting preliminary and final approval. He has prepared a draft neg dec resolution, which was reviewed and modified. During that review, Ms. Israelski noted that they should state that there is an impact on pedestrian travel. She would like to see an easement for bicycle paths on either side of Abbey Rd and Betsy Ct. Mr. Henry noted that it would not be practical to address this at this time as these easements would have to be on private property. Ms. Israelski stated that because the easement was not granted the railroad bed pedestrian travel will be unsafe. She is asking for painted lines. However it is noted that they would also need to connect to the railroad bed on the other side of Houston Rd.

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Mr. Higgins replied that he has spoken with Mr. Distelburger who realizes that the Town wants to do something with this railroad area, however he has also heard from the neighbors that they do not want it. Mr. Higgins stated that Mr. Distelburger is willing to discuss a bicycle trail with the Town but he does not want this issue to hold up the application. Ms. Cleaver asked if they could meet with Mr. Distelburger and the neighbors.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby approves the resolution as modified, granting a negative declaration under NY SEQRA for the Houston subdivision application.

**TOWN OF GOSHEN  
Resolution and Notice of Adoption  
of SEQR Negative Declaration  
Determination of Non-Significance  
Houston Subdivision**

*WHEREAS*, an application has been made to the Town of Goshen Planning Board for subdivision approval for a 25-lot subdivision of a ±96.693-acre property located on the northeast side of New York State Route 17A at its intersection with the northwest side of Houston Road; and

*WHEREAS*, the subdivision proposes 24 single family residential lots ranging in areas from 1.2± acres to 7.34± acres with a remainder lot of 34.7± acres to be restricted to agricultural uses which will include a farmhouse and associated accessory uses within a particular area designated on said plan; and

*WHEREAS*, in addition to the ±34.7-acre agricultural parcel, the plan proposes to include additional areas to be restricted from disturbance of ±11.4 acres, ±5.2 acres and ±6.4 acres; and

*WHEREAS*, this action is a Type I Action due to the fact that it is creating more than 14 lots within an agricultural district; and

*WHEREAS*, the Planning Board has review the Full Environmental Assessment form and accompanying documentation submitted for this project which includes:

- A. Conservation analysis adopted by the Planning Board, October 21, 2004.
- B. Traffic report.
- C. Stormwater analysis.
- D. Soils analysis and perc tests along with analysis of water quality.

*WHEREAS*, this Planning board has conducted a duly noticed public hearing on December 16, 2004, which was held open and continued on January 20, 2005, to elicit and consider oral and written comments from the public;

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**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board has considered the proposed action as described in the application, Full EAF and supplementary reports submitted in support of the application in accordance with the procedures and criteria set forth in 6 NYCRR 617.7, analyze the relevant areas of environmental concern using the SEQR standards and identify certain areas of concern which are identified and discussed below:

1. **Impact on Land.** The project will involve the disturbance of approximately  $\pm 16.0$  acres for construction of the subdivision roads and home sites.

Mitigation Measures Proposed: The applicant has prepared a design following the conservation analysis findings of the Town of Goshen Planning Board adopted October 21, 2004, which plan avoids disturbance of the primary conservation areas which included the wetlands located in the center, northern and far southwestern portions of the site and the secondary conservation areas which have been avoided to the maximum extent practicable, which include the 100-foot wetlands buffer, rock out-croppings with mature trees, vegetated areas on the central and east side of the subject property and also have relocated the subdivision road in a manner to avoid to the maximum extent possible hedge rows located along the northern, southern and western site boundaries.

Based on the above, the Planning Board determines that the project as designed will not result in any significant impacts on land.

2. **Impact on Water.** The facility will be served by individual wells. The project is located in a AQ-3 overlay zone, which based on potable water studies permits 1 unit per 3 acres of land. The project as proposed, proposes 25 units on 97+ acres. The project sponsor will obtain a SPEDES permit for stormwater discharge associated with construction activities from the New York State Department of Environmental Conservation. In any event, there will be minimal impervious area created as part of the cluster subdivision since the majority of the site will remain undeveloped and able to receive surface water runoff that will recharge groundwater supply.

Based on the above, the Planning Board determines that there will be no significant impact on water.

3. **Air Quality.** The applicant has submitted information demonstrating that the traffic generated from the 24 residential units will not negatively impact the level of service of surrounding roadways, therefore, minimizing any impacts on air quality from standing vehicles.

Based on the above, the Planning Board determines that there will be no significant impact on air quality.

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4. Impacts on Plants and Animals. A substantial portion of the site, including the 34.7-acre agricultural part parcel and an additional approximately 20 acres of the site will be permanently preserved as open space, thereby minimizing disturbance to animal habitat. Further, the vast majority of existing hedge rows on the site will be protected.

Based on the above, the Planning Board determines that there will be no significant impact on plants and animals.

5. Impact on Agricultural Land Resources. The site will preserve in perpetuity approximately 34.7 acres of farm/agricultural land to be reserved for agricultural purposes. Further, the units on the northwest portion of the property adjoining a working farm have been relocated to ensure distance of approximately \_\_ feet from the boundary of said farm to any residential unit. Further existing vegetation will be supplemented through additional landscaping to further buffer the residential units from the farming activity. Finally, all required notes regarding agricultural activity in the vicinity of the site will be placed on the subdivision map to be filed in the Orange County Clerk's office.

Based on the above, the Planning Board determines that there will be no significant impact on agricultural land resources that have not been mitigated to the maximum extent practical by project design.

6. Impact on Aesthetic Resources. In keeping with the conservation analysis, the applicant provided visual analysis and additional bufferings, vast majority of the existing hedge rows on the site will be preserved through legal covenants. Through clustering, the majority of the site will remain undeveloped with the area visible from New York State Route 17A being preserved as forever agricultural and an additional approximately 20 acres containing wetland vegetation etc. all will be preserved.

Based on the above, the Planning Board determines that there will be no significant adverse impact on aesthetic resources that have not been mitigated by project design.

7. Transportation. The applicant has submitted information to the Planning Board demonstrating that the traffic generated by the proposed subdivision will not unduly burden the existing infrastructure.

Based on the above, the Planning Board determines that there will be no significant environmental impact on traffic.

8. Noise and Odor. Construction activities will be required to adhere to the Town of Goshen's Noise Ordinance restricting outdoor construction on

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Sundays and restricting the hours of outdoor construction activities Monday through Friday from 8:00 a.m. to 8:00 p.m. and on Saturday from 9:00 a.m. to 8:00 p.m.

Based on the above, the Planning Board determines that there will be no significant impact on noise and odor that have not been mitigated to the maximum extent practical.

- 9. Impacts on Land Use and Zoning. The project was originally proposed prior to the Town’s moratorium on development in 2002 as a 25-lot clustered subdivision. The project as now been modified somewhat to conform to the Town’s new Zoning Code, both to the density requirements and to revisions of the plan to relocate the road to preserve additional areas on the site in conformance with the conservation analysis findings that the Town of Goshen Planning Board adopted on October 21, 2004, as required for open space developments in the RU Zoning Districts.

Based on the above, the Planning Board determines that there are no adverse impacts associated with land use and zoning.

- 10. Alternative Analyzed. In keeping with the spirit and requirements of SEQR, the Planning Board examined several alternatives, specifically relating to the access road locations to ensure that there will be minimal disturbance to existing hedge rows and appropriate sight distance would be provided. The Planning Board has chosen the road location that they believe will minimize to the maximum extent practicable disturbance to the site and also provide appropriate sight distance onto Houston Road.

**BE IT FURTHER RESOLVED** that based on the rationale and determination set forth above, the Planning Board determines that there will be no significant adverse impacts resulting from this action that have not been appropriately mitigated by project design.

**BE IT FURTHER RESOLVED**, that this Notice of Adoption of the SEQR Negative Declaration, Determination of Non-Significance is made for purposes of Article 8 of the Environmental Conservation Law and declares as follows:

Title of Action: Houston Subdivision

Description of Action: Proposed 25-lot subdivision to include 24 single family residential lots ranging in size from ±1.2 acres to ±7.34 acres and one remainder lot of ±34.7 acres to be restricted to agricultural uses, farmhouse and accessory agricultural uses.

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Location: Town of Goshen on the northwest side of New York State Route 17A at its intersection with the southwest side of Houston Road, designated on the Town of Goshen Tax Map as Section 17, Block 1, Lot 5.24.

Contact Person: Hon. Ralph Huddleston, Chair  
Town of Goshen Planning Board  
41 Webster Avenue, P.O. Box 217  
Goshen, New York 10924

A copy of this resolution and notice are sent to:

NYS-DEC  
Environmental Notice bulletin  
625 Broadway  
Albany, NY 12233

Robert Dennison, Director  
NYS Dept. of Transportation Region S  
Eleanor Roosevelt State Office building  
4 Burnett Boulevard  
Poughkeepsie, NY 12603

Hon. H. Bernstein, Supervisor  
Town of Goshen  
P.O. Box 217  
Goshen, NY 10924

David Higgins, P.E.  
Lanc&Tully Eng. and Surveying, P.C  
P.O. Box 687  
Goshen, NY 10924

Matthew J. Schleifer, P.E.  
Division of Environmental Health  
Orange County Health Department  
24 Main Street  
Goshen, New York 10924

David Church, AICP, Commissioner  
Orange County Department of Planning  
124 Main Street  
Goshen, New York 10924

Brian A. Orzel  
Regulatory Branch, NY District  
U.S. Army Corps of Engineers  
Room 1934  
26 Federal Plaza  
New York, New York 10278-0090

Steve Andryshak, Superintendent  
Town of Goshen Highway Department  
41 Webster Avenue  
Goshen, New York 10924

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**AND IT IS FURTHER RESOLVED** that this Resolution of Determination and Nonsignificance be deemed Notice of Adoption of SEQR Negative Declaration and Determination of Nonsignificance and shall be filed in accordance with Part 627.12 of the SEQR Regulations on a vote of 6 Ayes and 0 Nays the chairman declared the resolution was adopted.

Dated: March 3, 2005

Filed in the Town Clerk's Office: March 7, 2005

Mr. Cappello reviewed the letter from the County Planning Department noting that the applicant and the Planning Board have addressed the issues raised by the Department. Mr. Cappello will modify the resolution to include that these issues have been addressed.

Ms. Israelski asked that the applicant investigate the possibility of having the utilities on Houston placed underground. This issue will need to be addressed with Orange & Rockland. Since, this issue has been raised in the past, i.e., Tobias application, Mr. Halloran will see if a representative from O&R can address the Planning Board on this topic.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby grants preliminary approval to the Houston subdivision as modified in the following resolution. Passed unanimously

**TOWN OF GOSHEN  
PLANNING BOARD  
RESOLUTION GRANTING  
PRELIMINARY SUBDIVISION APPROVAL  
HOUSTON SUBDIVISION**

**WHEREAS**, an application has been made to the Town of Goshen Planning Board for preliminary subdivision approval for a 25-lot subdivision of a ±97 acre parcel located on the northeast side of New York State Route 17A with its intersection with the northwester side of Houston Road, designated on the Town of Goshen Tax Map Section 17, Block 1, Lot 5.24; and

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**WHEREAS**, this subdivision is proposed to consist of 24 single family residential lots ranging in size from 1.2 acres to 7.34 acres with a remainder lot of 34.7 acres to be restricted to agricultural uses, farmhouse and accessory agricultural; and

**WHEREAS**, there is an additional, approximately 20 acres designated on the plan to preserved as open space; and

**WHEREAS**, on October 21, 2004, the Town of Goshen adopted a Conservation Analysis Findings for this subdivision, a copy of which is attached and made part of this resolution; and

**WHEREAS**, the applicant modified its plan in conformance with the Conservation Analysis; and

**WHEREAS**, on December 16, 2004, the Planning Board conducted a duly notice public hearing which was held open to January 20,2005 to consider comments from the public; and

**WHEREAS**, based upon the comments of the public and the Board, additional revisions were made to the plan including relocation of the access road to ensure preservation of existing hedge rows and vegetation to the maximum extent practicable, relocating home sites on lots adjoining the working farm adjoining the site, and provision of additional landscaping to buffer the proposed development from the working farm; and

**WHEREAS**, the Planning Board conducted an Environmental Review, which included a Full EAF Part III and several additional studies, reports and documentation, which are recited in the Resolution of Negative Declaration, which is also attached and incorporated into this resolution as if fully stated herein; and

**WHEREAS**, on March 3, 2005, the Town of Goshen Planning Board adopted the above referenced SEQR Negative Declaration Determining that there were no significant impacts associated with development of this site which have not been mitigated by project design; and

**WHEREAS**, on December 14, 2004 the Planning Board received correspondence from the Orange County Planning Department, disapproving the application based on a map as last revised Feb. 25, 2002, which map has since been revised to address such comments; and

**WHEREAS**, the applicant mailed an agricultural data statement to all working farms within 500 ft. from the project parcel.

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**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Goshen Planning Board finds that the applicant has submitted all applicable materials, and met all applicable preliminary subdivision submission requirements as set forth in the Zoning Code and Subdivision Regulations of the Town of Goshen and hereby grants preliminary approval to the Houston Subdivision Map subject to the following conditions set forth in this resolution and the record negative declaration complied with prior to final approval:

- A. Obtain Orange County Health Department approvals for all septic systems and wells.
- B. Finalize storm water plan in conformance with New York State DEC Regulations prior to any construction on the site.
- C. Obtain necessary Highway Work Permit from the Town of Goshen Highway Department.
- D. Prepare all necessary legal documents evidencing restriction of development of Lot 25 for agricultural purposes and farm uses, designating the general area where agricultural buildings and/or structures would be required to be located.
- E. Preparation of appropriate restrictions for all other area designated as open space on the preliminary plan.
- F. Placing of appropriate agricultural notes required by New York State Agricultural and Markets Law on the final plan.
- G. Include notes on maps and appropriate restrictions for filing bearing house locations on lots 8, 9, 13, 14 and 15 to provide buffer from those homes to the working farm.
- H. Provision of details and landscaping for the entrance to the subdivision from Houston Road.
- I. Include street trees along the property's frontage along Houston road and on both sides of the new subdivision road. and supplement, if necessary existing vegetation along the rear and side property lines.
- J. All utilities within the subdivision shall be underground
- K. Applicant will contact Orange and Rockland Utilities to explore option of under grounding of utility lines along Houston Road.
- L. Applicant will explore options and opportunities for pedestrian and bicycle access along and/or through the site.
- M. All other Town of Goshen Zoning Code and Subdivision regulations for final plan review.

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**BE IT FURTHER RESOLVED**, that the Planning Board has reviewed the December 14, 2004 letter from the Orange County Planning Board and adopted this preliminary approval by more than a majority plus one, based on revisions to the plan which in the Planning Board’s opinion address the concerns raised in said letter, which revisions are summarized as follows;

1. Due to relocation of the entrance road the areas set forth in the Planning Board’s conservation analysis which include the hedge rows, wetlands buffers and scenic corridors are now substantially protected in additional areas designated as open space areas which will be restricted by restrictive covenants and/or conservation easements.
2. The use of the farm parcel will be restricted via conservation easement to be reviewed and approved by the Town Board in consultation with the Planning Board.
3. The open space areas will be protected via restrictive covenants and/or conservation easements to be held by the Town of Goshen or other qualified entity.
4. The stone walls are located along the Hedge Rows and will be protected via restrictive covenants and/or conservation easements

Motion made by Member Israleski seconded by Member Burgess . Vote of 6 ayes and 0 nays whereupon the resolution was declared adopted by the Town of Goshen Planning Board.

Dated: March 3, 2005

Filed in the Town Clerk’s Office on March 4, 2005.

**Lone Oak – 11-1-58 & 49.2** discussion of the SEIS

Present for the applicant: James Sweeney, Esq.  
Steve Esposito

AKRF has submitted a comment letter. Mr. Sweeney stated that it is impossible to respond to this letter at this time. He notes that no one is disagreeing with the lot analysis for Phase 2. He asked if the PB has a problem with the ultimate number of units. Is the report talking about 299 units or less than that? Mr. Huddleston asked how the applicant arrived at the 299 figure. Mr. Cappello asked the applicant how this number of units lies out on the site. Has the applicant demonstrated that they can locate that number on the site. Mr. Sweeney asks if the PB wants them to design for the full 299. Mr. Cappello stated that they show 170 units, so some further analysis is needed if they are going up to 299.

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Mr. Esposito responded that the applicant has gone through a great deal of effort on this project. The PB asked the applicant to show what could be done with the remainder. The applicant did show what could possibly be done in the future. Mr. Cappello explained that the PB does not need a full analysis but they will need to see the affect of the cumulative impacts of the potential development using 299 as the limit. What additional studies need to be done and to what extent can they be done?

Ms. Cleaver asked how the applicant arrived at the number of school children. Mr. Esposito responded that there is a formula that is used which combines 30 years of census information and national and regional demographics. The sources for these statistics are in the original EIS. Ms. Cleaver would also like the applicant to review the cumulative impact from other developments on the school system. Mr. Esposito noted that this document would be distributed to all involved agencies. He explained that the issue is one of balanced growth. All of the base data is contained in the DEIS. This is a supplemental document and the reader needs to refer back to the original.

Mr. Marrella stated that the "no build" scenario in the document gives the base line information for the cumulative impacts of the other projects. Ms. Cleaver is especially concerned about the impacts on the school. Ms. Esposito advised that the School Superintendent or BOCES would have the information she is requesting. Ms. Israelski noted that in order for the applicant to have the density they are asking for they have to comply with the hamlet guidelines. She feels that they have not done this. They have not shown a traditional neighborhood design. Interconnection between the neighborhoods is not shown and there are no focal points. She would like to review the previous document again. Mr. Marrella noted that there are a number of hamlet design comments to be addressed.

Mr. Huddleston asked Mr. Marrella if there are a number of areas that are inconsistent and need to be improved. He asked Mr. Cappello if the PB should deem the document incomplete. Mr. Cappello replied that the PB needs to address how the plan meets the guidelines and does it fully describe and address the issues. We need more analysis to show how the project meets and relates to the hamlet design guidelines. The PB needs to give the applicant a letter pointing out the details they need. A detailed analysis should be reviewed at the next meeting. Mr. Huddleston noted that SEQRA does allow segmentation. Mr. Cappello stated that we can avoid segmentation if a generic study is done. Mr. Esposito agreed that it would be appropriate to look at the cumulative impacts for Phase 2 generically. Mr. Sweeney asked if the board wants them to design the next section minus the water. Mr. Huddleston stated that there is an obligation to address the cumulative impacts of the 299 units under SEQRA. Infrastructure, traffic, stormwater

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management the higher number of units would significantly impact all. He feels this information should be supplied now rather than in the FEIS. Mr. Cappello stated that this would all be put forth in a letter. The next staff meeting is scheduled for 3/10. The applicant should attend as well as some of the PB members. It will be set for 3pm. Ms. Israelski, Mr. Lupinski and Mr. Huddleston will try to attend.

### **III. OTHER BUSINESS**

Mr. Huddleston requested that the trail maps be completed soon so that the board has the necessary information for the applicants when the issue of trails comes up. Mr. Cappello suggested that the need for trails and the size of the necessary easement should be put in the road specs.

Adjournment: The meeting adjourned at 10:30 pm upon motion made by Ms. Cleaver, seconded by Ms. Israelski

Ralph Huddleston, Chairman

Notes prepared by Linda P. Doolittle.

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March 3, 2005

Mr. Ralph Huddleston, Chairman  
Town of Goshen Planning Board  
41 Webster Avenue  
Goshen, NY 10924

Re: **Lone Oak Estates DSEIS**  
**Section 11, Block 1, Lot 49.2**

Dear Mr. Huddleston and Members of the Planning Board:

We have reviewed a copy of the Draft Supplemental Environmental Impact Statement (DSEIS) for the Lone Oak Estates Subdivision dated February 3, 2005. At this point, we recommend that the Planning Board not declare the DSEIS complete until the comments identified in this letter have been satisfactorily addressed.

### **COMMENTS ON DSEIS**

#### *GENERAL COMMENTS*

The DSEIS is stated to be prepared for the 299-unit TND Alternate which the project sponsor calls the “preferred alternative” and not the “proposed project”. While this distinction may appear to be a matter of mere semantics, this distinction may easily lead to confusion in the future. Moreover, given the substantive changes to the Zoning Code since the preparation of the DEIS, a plan based on the Traditional Neighborhood Development principles is not an alternative as it is now required under Zoning. As such, the DSEIS should be resubmitted with the TND plan begin considered the “proposed project.”

Similarly, the DSEIS must more fully address what is the project proposed under the DSEIS. While the DSEIS states that the DSEIS covers the 299-Unit TND Alternate, much of the analysis covers only the proposed Phase 1 (170 Units). Potential impacts associated with Phase 2 are not assessed fully in this DSEIS; the DSEIS only states that Phase 2 would require further investigation. As such, if Phase 2 is to be handled as a separate proposed project, (thus requiring an additional EIS and relevant approvals) this needs to be more clearly stated.

The delineation between Phases 1 and 2 is unclear in the DSEIS. While the delineation of units in Phases 1 and 2 is described, the infrastructure built to support each phase is not described. Would any improvements associated with Phase 2 require any modifications to Phase 1 infrastructure? If so, this needs to be assessed as part of Phase 1.

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### *DSEIS / DEIS COMMENTS*

It should be noted that the Supplemental Environmental Impact Statement does not fully supersede the Draft Environmental Impact Statement for the proposed project but merely indicates changes in the proposed project largely as a result of the new Zoning regulations. As the Draft Environmental Impact Statement does remain relevant and much of the DSEIS relies on the analysis contained within the DEIS, several outstanding issues related to the DEIS remain relevant. Many, if not all, of the issues raised in our January 20, 2004 letter remain unaddressed. We note that the applicant intends to respond to these comments in a Final EIS; however, we think it would be more appropriate to revise the DSEIS to address the deficiencies noted.

#### *Section 1.0 Introduction*

See our comment, above, regarding clarification of the “proposed action,” alternatives, and phasing.

#### *Section 2.1 Town Board’s Amendment of the Town of Goshen Zoning Law*

The DSEIS does not reflect the most recent changes to the zoning regulations which allows for larger footprints for commercial buildings in the HR zoning district.

#### *Section 4.1 Natural Resources*

##### *Wetlands*

On page 14 and 16 of the DSEIS, the applicant indicates that approximately 1.5 acres of wetlands will be disturbed by the proposed development. However, the nature of the proposed disturbance is not clearly explained. Moreover, the figures accompanying the DSEIS do not adequately indicate the disturbance area(s). The color and shading used to depict natural land forms and development areas in Figure No. 3, “Final Ecological Conditions,” are difficult to comprehend. The colors and shading should be revised to more clearly indicate the areas of disturbance on natural resources.

##### *Geology, Soils, Topography, and Landform*

We reiterate our concern that comments in our January 20, 2004 letter have not been fully addressed and that this section merely describes differences between the 162-lot and 299-unit plans and not the specific impacts associated with either.

##### *Groundwater Resources*

The potential impacts of Phase 2 of the proposed development on groundwater resources (page 15) are not fully examined. The applicant only shows enough water supply to be provided for Phase 1. There are no studies showing that Phase 2 can be supported.

##### *Terrestrial Ecology*

In the discussion of Terrestrial Ecology, the applicant provides limited discussion regarding the specific impacts of the proposed project. The applicant should address what habitat types may be disturbed by the proposed project. This discussion should include the segmentation of habitat areas and the disturbance to habitat corridors.

#### *Section 4.2 Man-Made Resources*

##### *Traffic*

Only trip generation rates are provided in the DSEIS. We had previously indicated that updated traffic counts and capacity analysis should be prepared. As stated on page 18 of the DSEIS, the additional impacts caused by Phase 2 of the proposed project would necessitate further analysis “to evaluate the impact of this additional traffic on the

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adjacent road network and to determine whether additional mitigation with respect to traffic would be required.” To avoid segmentation of the SEQRA process, the cumulative impacts of both Phases 1 and 2 must be known prior to any approvals.

### **Zoning**

Pages 19 through 23 discuss the project’s adherence to the Town’s zoning regulations. However, calculations showing overall permitted density of the entire site are not clearly examined. Moreover, the recently adopted changes to the Town’s Zoning include allowing larger commercial buildings within the HR zoning district and a greater amount of land dedicated to multifamily units. The DSEIS should be revised to reflect these amendments.

### **Hamlet Design Guidelines**

While the project sponsor asserts that the “Lone Oak TND complies in concept with the Hamlet Design Guidelines the DSEIS does not examine the guidelines in detail. The street network, streetscape design elements, open space connectivity, and building scale, massing, and location should be described more fully especially with respect to their compliance with the Hamlet Design Guidelines.

### **Community Facilities**

The DSEIS suggests that additional police protection will be needed as a result of the proposed project, as indicated on page 23. The mechanisms to pay for the additional police protection are not discussed.

In the Municipal Utilities section (pages 24 and 25), the DSEIS states that Phase 2 would require additional capacity to a wastewater treatment plant. However, the impacts caused by a larger plant are not discussed. Similarly, the impacts on groundwater resources are not fully examined.

The discussion of potential impacts to schools and libraries (pages 25 and 26) lacks discussion of the potential impacts brought on by Phase 2 of the proposed project. The discussion of the potential impacts to fiscal impacts (pages 27 through 30) lacks discussion of the potential impacts brought on by Phase 2 of the proposed project.

### **Cultural Resources**

The discussion of Visual Resources on page 30 of the DEIS is vague and lacks sufficient details regarding the potential impacts on visual resources in the Town. The visual impacts of the water tower are not addressed. Furthermore, much of the project site is clearly visible from Route 17 and the views from Route 17 to the project site should be addressed. It is recommended that the project sponsor prepare cross sections from Route 17 through the project site to examine view impacts.

### **Section 5.0**

Analysis contained within Table Number 6 appears to inconsistently identify cumulative and incremental impacts associated with the 170-unit TND and the 299-unit TND. Either the 299-unit TND column should contain only cumulative totals, or the columns should be relabeled “Phase 1” and “Phase 2” and show only incremental values. The footnote in Table Number 6 regarding Developed or Disturbed Area for the 170-unit TND is unclear. Since completion of the through road is, effectively, part of Phase 1, the acreage, and any impacts of construction, should be fully attributed to Phase 1.

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I trust these comments are useful in your review of the DSEIS. Should you have any additional questions, please feel free to contact me.

Sincerely,

AKRF, INC.

Michael Marrella, AICP  
Planner/Urban Designer

cc: Neal Halloran  
Joe Henry  
John Capello  
Applicant

mm/wp

Staff meeting March 10 & 24<sup>th</sup>. Planning Board meeting March 17, 2005