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October 12, 2021

Town of Goshen Building Department  
41 Wester Ave, 2<sup>nd</sup> floor  
Goshen, New York 10924  
Attention: Neal Halloran, Building Inspector

Re: Kimiecik Subdivision  
142 Clarke Road  
Section 18, Block 1, Lot 22.14  
EP Job #: 1613.01

Dear Town of Goshen Planning Board:

We have revised the plans and supporting documents for the Kimiecik Subdivision in response to the review comments provided by Sean T. Hoffman, P.E., dated September 10, 2021. Since the last meeting, we have reduced the number of proposed lots from three to two. By reducing the lot count from three to two, we will not be required to do well testing. This will also eliminate the proposed driveway from NYS Route 94. Proposed Lot #1 will be approximately 17.48 acres and contain the existing 4-bedroom dwelling. Lot #1 gains access from an existing driveway off Clarke Road. Proposed Lot #2 will be approximately 26.673 acres and will be used primarily as a hay field. Lot #2 gains access from an existing farm road off Fox Road. We are showing a proposed 4-bedroom dwelling on Lot #2 to show the lot is buildable.

We provide the following responses to the comments (copy attached):

- A. No comment necessary.
- B. 1. We have revised the Plan to show a proposed 2-lot subdivision instead of a 3-lot subdivision. Proposed Lot #1 includes an existing residential dwelling.
  - a. We have added a note to sheet 1 indicating the application as a 'Minor Subdivision.
  - b. No comment necessary
  - c. We will request a public hearing at the next planning board meeting
  - d. No comment necessary
  - e. We performed soil tests on Lot #2 on January 19, 2021. We found soils adequate for a conventional subsurface sewage disposal system. A joint site inspection with a representative of the Town Engineer's office is scheduled for October 22, 2021.
- f. 2. We have added a note to sheet 1 indicating the application as a 'Minor Subdivision.
- g. No comment necessary
- h. We will request a public hearing at the next planning board meeting
- i. No comment necessary

- j. We performed soil tests on Lot #2 on January 19, 2021. We found soils adequate for a conventional subsurface sewage disposal system. A joint site inspection with a representative of the Town Engineer's office is scheduled for October 22, 2021.

2. Subdivision Plan: We have revised the plans to eliminate the proposed lot and dwelling that gained access from NYS Route 94. We provided a driveway profile for Lot #2, which shows very minor cut and fills. Fox Road is paved and has a width of 18.5 +/- feet along that portion of the property line. There is approximately 17 +/- feet between edge of pavement of Fox Road and the property line, which gives plenty of room to widen Fox Road to 20 feet if necessary.

3. We added Construction note 14 indicating 'The sewage disposal system has not been designed to accommodate garbage grinders, water softeners or spa tubs over 100 gallons. We have added required OCDOH sewage disposal system designs notes to sheets C-3 and C-4. We have soil tests scheduled to be witnessed by a representative of the Town Engineer's office on October 22, 2021.

4. The only ground disturbance will occur if / when the dwelling on proposed lot #2 is built. The approximate limit of disturbance is 1.32 +/- acres.

5. Proposed lot #2 has an existing wooded buffer, approximately 200' + deep. The proposed driveway will be paved for the first 25', then gravel. We revised the plans to show a paving and gravel driveway detail to sheet C-5. We removed the 'Driveway Notes' from the plans.

We would like to be placed on the next available Planning Board Work Session agenda.

We have enclosed the following information for your review:

- Three copies of our plans (5 sheets), revised 10/12/21.
- One digital copy.
- Short Environmental Assessment Form, revised 10/12/21.

Sincerely  
Engineering Properties, PC



Brian Friedler  
Project Engineer

Cc: *Pete Kimiecik*



**M E M O R A N D U M**

**TO:** Lee Bergus, Chairman & Planning Board  
**FROM:** Sean T. Hoffman, PE, Town Engineer  
**SUBJECT:** Kimiecik Subdivision  
3 Lot Small-Scale Development Subdivision – **Revised Plans**  
File No. 18-1-22.14; Memo No. 83-21-021

**DATE:** September 10, 2021

**CC:** Neal Halloran, Building Inspector, Broderick Knoell, Highway Superintendent  
Kelly Naughton, Esq., Brian Friedler (for applicant)

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The following are our comments on a proposed small-scale development subdivision to create two (2) new lots from a partially developed 44.153-acre tract in the RU district within the AQ-3 overlay zones, having frontage on New York State Route 94, Clarke Road and Fox Road.

**Background** – This matter was initially considered during your April 15, 2021 meeting. At that time, you declared your intent to be lead agency and classified this as an Unlisted SEQRA action. Subsequently, the applicant applied to the ZBA to appeal an interpretation and two (2) area variances. During their July 27, 2021 meeting, the ZBA granted the applicant’s request for an area variance for the maximum lot size for small-scale development. Additionally, the ZBA upheld Building Inspector Halloran’s interpretation regarding the requirement to perform a hydrogeological study consistent with the Town’s Water Testing Protocols and denied the applicant’s request for a variance from performing well testing. This is listed to continue SEQRA, review the revised plans and well pump test protocol and consider the applicant’s request to schedule a public hearing.

**A) Materials Reviewed**

1. Correspondence prepared by Engineering & Surveying Properties, PC dated September 1, 2021;
2. Environmental Control Formula Calculations prepared by Engineering & Surveying Properties, PC (undated);
3. Pump Test Protocol prepared by Engineering & Surveying Properties, PC dated August 5, 2021; and
4. Plans prepared by Engineering & Surveying Properties, PC consisting of the following:

<u>Sheet No.</u>	<u>Title</u>	<u>Last Revised</u>
C-1	Subdivision Plan	8/26/2021
C-2	Subdivision Plat	8/26/2021
C-3	Grading & Utility Plan – Lot 1	8/26/2021
C-4	Grading & Utility Plan – Lot 3	8/26/2021
C-5	Details/Soil Test Results	8/26/2021
C-6	Driveway Profile – Lot #1	8/26/2021
C-7	Driveway Profile – Lot #3	8/26/2021

**B. Review of Submitted Materials –**

1. **Zoning** – The Applicant is proceeding in accordance with the provisions of your Code for *small-scale development*, per §97-19. This permits the creation of no more than four (4) new residential lots (excluding the parent parcel) based on the parcel size as it existed June 1, 2004 [§97-19(A)(4) & §97-19(B)]. The applicant is proposing a three (3) lot subdivision (Lot No. 2 includes an existing residential dwelling). [Informational].

- b) Lot Access – The plan indicates Lot No. 1 will obtain access from NYS Route 94 and Lot No. 3 obtain access from Fox Road. New York State Route 94 is a State road under the jurisdiction of the New York State DOT and the applicant has indicated the driveway location has been reviewed by DOT. Fox Road is a Town road. The Code requires new driveways on Town roads, including the conversion of farm roads into residential driveways to require permission from the Town Superintendent of Highways [§97-52A].

Pursuant with our request, the applicant has revised the plan to include profiles for the proposed driveways. The profiles indicate conformance with the Code requirements for a -2% slope for the first 25-feet from the edge of the existing street pavement [§83-15D(2)] and 10% maximum slope. We recommend the applicant confirm the proposed vertical curves for the driveway are adequate for large trucks (e.g., delivery vehicles) and fire apparatus. Additionally, we recommend revising the plan to include Town driveway entrance details for Lot No. 3.

The plan indicates the driveway for Lot No. 1 will be gravel, between 10-feet and 12-feet wide and approximately 1,500 feet long. We understand the 2020 Fire Code of New York State requires dwellings greater than 300-feet from a public street to include a driveway with a minimum unobstructed width of 12-feet and a minimum unobstructed height of 13-feet, 6-inches. The plan has been revised to include circular gravel turnarounds in the vicinity of each residential dwelling and turnouts (20-feet wide by 50-feet long) along the driveway. We note the 2020 Fire Code of New York State does not provide specific requirements for turnarounds and recommend the applicant confirm the adequacy of the proposed with Building Inspector Halloran.

Pursuant to the NYS DOT Local Roads Listing, Fox Road has a pavement width of 18-feet. This is narrower than the lowest class of Town Road (i.e., Rural Street) which requires a width of 20-feet within a 50-foot right-of-way. Where a subdivision borders an existing narrow road, and the Planning Board finds widening is necessary to accommodate the additional lots, the applicant is required to show areas for widening or realignment [§83-13]. We note the ability to widen Fox Road may be limited by existing topography. We recommend the applicant confirm the road width and, if portions are less than the Town minimum, identify on the plan areas for widening.

3. Utilities – The applicant is proposing individual onsite wells and sewage disposal systems. Realty Subdivision Review is not required due to the number of lots.
- a) Water – The Code requires all proposed uses within the AQ Overlay District, except for small-scale residential developments in the RU District to be subject to the AQ Overlay requirements [§97-27]; however, Appendix C Water Testing Protocols, requires all subdivisions including three (3) or more lots, which include lots with on-site private water wells, to perform a hydrogeological study and associated testing to confirm reliable onsite water and minimal impact on adjacent parcels. The applicant sought an interpretation from Building Inspector Halloran regarding this conflict in the Code. Building Inspector Halloran determined the Water Testing Protocols contained in Appendix C requires all subdivisions having three (3) or more lots to perform a hydrogeologic study. The applicant appealed to the ZBA who upheld Building Inspector Halloran's interpretation. Subsequently, the applicant sought a variance from the ZBA for relief from the requirement to perform well testing. The ZBA denied this request. As such, the applicant submitted an Aquifer Test Plan Proposal (i.e., Pump Test Protocol) which has been referred to the Town Hydrogeologist, Bill Canavan, for review and comment.

6. SEQRA – During your April 15, 2021 meeting, you declared your intent to be lead agency and classified this as an Unlisted action. We believe you may assume lead agency status at this time and authorize preparation of a Part 2 EAF.

**C) Referrals –**

1. Goshen Department Referrals
2. Orange County Referrals – GML 239 Review – Local Determination May 6, 2021<sup>1</sup>
3. Florida Fire Department
4. Emergency Service Organizations [§83-130]

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<sup>1</sup> The Orange County Department of Planning provided advisory comments regarding the avoidance of steep slopes and environmental constraints including potential impacts to the Upland Sandpiper and Northern Cricket Frog.

# Short Environmental Assessment Form

## Part 1 - Project Information


### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: KIMIECIK SUBDIVISION			
Project Location (describe, and attach a location map): 142 CLARKE ROAD			
Brief Description of Proposed Action: THE APPLICANT PROPOSES TO SUBDIVIDE THE 44.1+/- ACRES PROPERTY INTO TWO LOTS. ONE LOT WILL CONTAIN AN EXISTING DWELLING AND THE OTHER LOT WILL CONTAIN NEW SINGLE FAMILY HOME WITH INDIVIDUAL WELL AND SEPTIC SYSTEM.			
Name of Applicant or Sponsor: PETER KIMIECIK		Telephone: 845-742-0178	
Address: 10 FOX ROAD		E-Mail:	
City/PO: FLORIDA		State: NEW YORK	Zip Code: 10921
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?			44.153 acres
b. Total acreage to be physically disturbed?			1.3 +/- acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			44.153 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ INDIVIDUAL WELL _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
Upland Sandpiper, Northern ...	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>BRIAN FRIEDLER</u> Date: <u>10/12/21</u>		
Signature: <u></u> Title: <u>10/12/21</u>		



