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### **PROJECT ANALYSIS**

MUNICIPALITY: Town of Goshen                      OUR PROJECT NO. 07-3-37  
PROJECT NAME: Hratch Kaprielian Enterprises  
LOCATION: Farmingdale Road at Woodcrest Lane (4-1-9) 7.85 acres  
TYPE OF PROJECT: Small Scale Minor Two Lot Subdivision  
DATE: April 13, 2012  
REVIEWING PLANNER: Edwin J. Garling, AICP

#### **PROJECT SUMMARY:**

Approval Status: Submitted July 9, 2007, resubmitted February 9, 2009, resubmitted January 2012 after a three year hiatus  
SEQRA Status: Unlisted, coordinated. Planning Board is Lead Agency as of April 10, 2008; Lead Agency confirmed for two lot subdivision on February 16, 2012  
Zone/Utilities: RU/AQ3 and all of the site lies in a County Agricultural District and in a Scenic Road Overlay District. Individual wells and septic areas.  
Map Dated: March 15, 2012  
Site Inspection: July 20, 2007, January 14, 2008, January 30, 2012  
Planning Board Meeting: February 16, 2012, April 19, 2012  
Staff Meeting: February 2, 2012, April 5, 2012  
Consultant/Applicant: D.J. Egarian & Associates  
Copies have been sent to: Neal Halloran, Richard Golden, Kelly Naughton, Sean Hoffman, Dennis Lindsay and Planning Board on April 16, 2012, and to the applicant on April 17, 2012

#### **BACKGROUND OF CURRENT RE-SUBMISSION**

This subdivision was last reviewed on May 15, 2009. Later that year on October 15, 2009 the 1.8589 acre corner parcel was approved as a lot line change, and that map was filed. The lot line change was actually approved on October 1, 2009, subject to review and approval of a resolution on October 15, 2009. A copy of that map was submitted along with the two new lots on Woodcrest Lane. The differences between the 2009 plan and the current submission are that lot 9.01 is about a half acre larger, at 3.27 acres, and lot 9.02 is very slightly larger, at 4.58 acres. Also, the driveway on lot 9.01 was shifted about 50 feet to the south, and the houses were shifted, with the house on lot 9.01 now about 170 feet back from the road and with a roof line that would likely be just at or above the elevation of Woodcrest Lane. Proposed septic and well areas were also relocated.

The proposed property lines are the lines that divide lots 9.01 and 9.02 and the line along Farmingdale Road. The line along the easterly boundary of existing tax lot 4-1-7.1 was established when that lot was created by the earlier lot line change in October 2009.

#### COMMENTS ON RE-SUBMISSION:

1. The Planning Board has been Lead Agency for this action as of April 10, 2008 and reconfirmed that decision on February 16, 2012. A new Full EAF was provided, and a new Ag Data Statement will be provided.
2. The Orange County Planning Department was notified on March 10, 2008. I don't know if the Board ever received a response, but OCPD has been renoticed on February 3, 2012.
3. Because of the proximity to the Town of Blooming Grove, their Town Clerk must be noticed at the time of a public hearing.
4. We had a general discussion at our February 2012 work session regarding the need to tie this subdivision into any further re-subdivision of the remainder 67.32 acres across Farmingdale Road. The Board should also discuss with the applicant an offer of dedication of the right-of-way for Farmingdale Road as part of this two-lot subdivision. This was discussed with the applicant.

At the February 2012 work session David Egarian, engineer for the project, stated that the Kaprielian properties extend from Farmingdale Road to Craigville Road over the 68 acre remainder portion of lot 4-1-9 and onto tax parcel 4-1-14.1 for a total of approximately 207 acres. The properties have been subject to a conservation analysis that shows steep slopes, wetlands, wetland buffers and usable areas. A concept sketch of about 60 clustered units is shown with access from Craigville Road east of the Rieger parcel. This area will be developed in the future and we suggested that he contact the Riegers relative to using their facilities in the future. It was clear, however, that the vast bulk of the 68 acre remainder parcel would be open space and that there is not likely to be a connection with the two lots facing Woodcrest Lane.

For that reason, and to avoid any segmentation issues relative to SEQRA, it was suggested that the applicant acquire a new tax parcel number for the 68 acres across Farmingdale Road since the Town of Goshen's subdivision regulations already consider that portion of tax parcel 4-1-9 to be subdivided by Farmingdale Road from the two proposed lots.

Rather than show only one new lot line 25 feet from the centerline of Farmingdale Road, there should be two lines 50 feet apart, each 25 feet from the centerline of Farmingdale Road which could be offered for dedication at this time.

5. The lots all lie in the Scenic Road Corridor Overlay District and are subject to the conditions of that district. Viewsheds are obvious on site, and are the view to the east. The houses now proposed are only located along Woodcrest Lane which is designated as a Scenic Road and subject to the 500 foot area of concern cited in Section 97-29B. Under D. of this section site plan approval is required for both proposed dwellings. These requirements are:
  - A. Construction of **any** structure on lots 9.01 and 9.02 requires site plan approval.
  - B. Grading or clearing more than 5,000 square feet in a single one year period also would require site plan approval.

- C. A 50 foot buffer must be shown along both roads with the limitations as spelled out in Section 97-29 G(1), shade trees as required in G(2) and the 50 foot area preserved as specified in G(3). The buffer is now shown along Woodcrest, but not along Farmingdale. Section 97-29 G must be referenced on the plan set. (See also comment 10 below.) This was discussed with the applicant.
  - D. Architecture of proposed structures shall be reviewed and they will be required to adhere to the requirements of Section 97-29-H at the time of application for a building permit.
  - E. Chain link and stockade fences are prohibited.
6. The farmhouse on site is shown in the town's list of historic dwellings as the Horton Homestead which dates back to 1750-1792. A Cultural Resource Investigation was provided by an Architect who further describes the adjacent historical residence and who contacted Town Historian Michele Figliomeni in this regard.
  7. Stone walls on site and tree lines have now been located. Tree lines along the road will be required to remain as part of the approval. The location of the driveways should be staked as well as clearance areas for trees.
  8. The viewshed issue has been considered to some degree, and the houses are located so as not to seriously interfere with any view of the hills which extends from Warwick north east to the Hudson River area. The houses will be at least twenty feet below any line of site and twelve feet or more below the road.
  9. Trees in the 50 foot wide scenic road corridor are to be provided at a rate of up to one per 1,000 square feet of floor area. Assuming that these houses could be between 2,500 and 3,000 square feet, that is six trees. The Planning Board should determine how many trees should be planted and where in this scenic corridor, since the scenic corridor's prime purpose is to allow views of the hills to the east both for local residents and others driving along these roads. This decision can be made subsequent to the public hearing, but should not include the very heavily wooded Farmingdale Road frontage.

Additional Comments based on Review of Applicant's Letter:

We have reviewed the letter from D.J. Egarian and Associates dated March 15, 2012 and amended subdivision plans dated March 15, 2012. Both were received by the Planning Board on March 22, 2012. These plans were on the Staff Meeting agenda and discussed on April 5<sup>th</sup>. Our comments on the plans and Full EAF are as follows:

1. The plans (sheet 4 of 6) shows the 50-foot Scenic Road Buffer for both Woodcrest Lane and Farmingdale Road. Along Farmingdale Road is a tree line and no development or disturbance is proposed or anticipated from this area. The trees and steep grades will help to screen the two proposed residences from Farmingdale Road. Woodcrest Lane will be impacted by the two proposed driveways and grading for the driveways, septic area for lot 9.01 and both houses. However, because of a small retaining wall for lot 9.01, the disturbances to the wall along Woodcrest Road are about 50 to 60 feet for each lot.

As we stated in prior letters, we will review the tree lines in leaf-on conditions in the upcoming weeks in order to determine if tree clearance and dead trees may require additional foliage in this area. Typical street trees are not required due to the

existing conditions. This is our recommendation and the determination of the Planning Board.

2. A note should be added to the map that both proposed houses lie within the 500-foot scenic road corridor and are subject to site plan approval. The houses will have to address the criteria established in subsection 97-29-H(1), (2) and (3).
3. The posted speed limit in the Town of Goshen is 35 MPH unless otherwise noted. While there are no speed limit signs on Woodcrest Lane or other shorter subdivision streets, all surrounding streets have the speed limit clearly posted. The maps need to be corrected to reflect the appropriate prevailing speed limit; 25 MPH is the standard local speed limit in New Jersey.
4. We have reviewed the Full EAF Part 1 prepared by the applicant.. The only issue on Part 1 is that the site does lie in a County Agricultural District. Therefore, the applicant will need to complete and submit an Ag Data Assessment, if that has not yet been done.
5. We also reviewed the Part 2 EAF in preparation for completing a Draft Negative Declaration, and discuss the Part 2 issues below, followed by a Draft Negative Declaration (attached) that is different from the one that was prepared and submitted earlier:
  - a. Impacts on Land – There is development on grades in excess of fifteen percent which will require review of the development on site by the engineer and building inspector. Specifically, the natural grade in the location of a septic area is modified, and there is a 35 percent grade behind the house on lot 9.01, making the rear yard virtually unusable. The lot buyer may want to consider a retaining wall or extended deck, which will require a more detailed review of site plan for a building permit if it differs from what is shown on the plans.
  - b. Impacts on Water – Water testing will be required and may be discussed at the April 19 meeting.
  - c. Historical , Agricultural and other issues should be discussed at the Planning Board meeting.

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The above comments represent our professional opinion and judgment, but may not necessarily, in all cases, reflect the opinion of the Planning Board. Please revise your plans to reflect these comments with the understanding that further changes may be required. In all cases the requirements of the Zoning Law and Subdivision Regulations shall be adhered to by the applicant and shall be shown on the plans. Where variances to the Zoning Law are required or where waivers from the Subdivision Regulations are needed, specific requests shall be made to the Planning Board for a waiver or for referral to the ZBA.

These comments are prepared based on current zoning and subdivision regulation requirements. Any change in those regulations prior to final approval of these plans could require revisions beyond the scope of our existing comments.

**REVISED DRAFT**

**NEGATIVE DECLARATION  
TOWN OF GOSHEN PLANNING BOARD**

**Prepared April 13, 2010**

**HRATCH KAPRIELIAN ENTERPRISES**

**Determination:** Please take notice that, according to the provisions of NYCRR, Part 617.7, the Town of Goshen Planning Board, as Lead Agency, having reviewed and considered an environmental assessment form and plans, has determined that the actions as cited and described below will not have an adverse impact on the environment and the Planning Board has therefore adopted a resolution to this effect.

**Lead Agency:** Town of Goshen Planning Board

**Contact Person:** Ralph Huddleston, Jr., Chairman  
Town of Goshen Planning Board  
41 Webster Avenue  
Goshen, New York 10924  
(845) 294-6430

**Name of Project:** Kaprielian Two-lot Subdivision

**Location:** Farmingdale Road at Woodcrest Lane

**Tax Map Parcel:** Section 4, Block 1, Lot 9, Town of Goshen, County of Orange

**SEQRA:** Unlisted, Coordinated

**Action:** Preliminary and Final Approval of a residential two-lot subdivision

**Project Description, Background and Reasons Supporting the Negative Declaration:**

The site is a 7.85 acre parcel and is proposed to be divided into a 3.27 acre lot and a 4.58 acre lot. The site was the subject of an earlier lot line change in October of 2009.

Based upon a review of plans, a site visit, review of the previous plans and additional new submissions as well as both a Full and Short EAF it has been determined that the project will have no significant adverse environmental impact. The following addresses the environmental concerns from Part II-C of the Short EAF:

**C1. Impacts on Air Quality, Surface or Groundwater Quality or Quantity, Noise Levels, Existing Traffic Patterns, Solid Waste Production or Disposal, Potential for Erosion, Drainage or Flooding Problems?**

The proposal is to develop two residential dwelling lots larger than three acres in size fronting on both Woodcrest Lane and Farmingdale Road. The dwellings will face and will access Woodcrest Lane. The two dwellings that would result from this subdivision will have no significant adverse effects on air quality or noise levels, as they would be

consistent with surrounding residential uses when completed. Short term temporary impacts of dust and noise would be created during the construction of these new lots, but this is not significant due to the small area that would be disturbed and the small number of lots. No significant harmful impacts on existing traffic patterns are expected, as adequate sight distances along the road are available for safe driveway access. With regard to waste disposal, no significant harmful impacts are anticipated as there are only two dwellings proposed with minor waste generation patterns. The proposed dwellings will make use of private carting facilities in the area just as existing residents do. With regard for potential for erosion, drainage or flooding problems, the plans avoid disturbing the most steeply sloped areas of the site, and both clearing and grading is limited to the minimum necessary in order to obtain access to the lots and to construct the necessary appurtenances, and erosion control measures are incorporated into the plans. Surface water flows from the site naturally run downgradient, towards Farmingdale Road opposite the site driveways. These flows will continue to run across vegetated ground and the pattern of site drainage will not be altered nor will it be concentrated in a way that would cause or exacerbate flooding.

Grades and grading of lots will be required to be reviewed by the Building Inspector and prior to construction.

With regard to the groundwater quantity and quality, the proposed wells and septic systems are designed to meet State Health Department standards and the septic percolation and soil tests must be witnessed by the Town engineer. The proposed subdivision meets the requirements of the Town's zoning law for the AQ-3 district, but well testing is required due to the water problems that have occurred in the past on parcels of land located to the northwest of the site. Such testing results will be reviewed by the Town Engineer.

## **C2. Impacts on Aesthetic, agricultural, archeological, historic, or other natural or cultural resources; or community or neighborhood character?**

The site is located fully in two Scenic Corridors, for Woodcrest Lane and Farmingdale Road. The house sites, as shown on the plan, will not adversely impact the scenic road corridors which optimize distant views. Agricultural uses are located on the adjacent parcel, but there are no other major agricultural activities adjacent to these lots, and the new lots will not interfere with any ongoing agricultural activities. Though a portion of the site has recently been used as pasture land for sheep, the site constitutes only a small portion of the land available for the adjoining agricultural use which will continue. The houses will fit into the neighborhood character of large lot subdivisions to the northwest and northeast. A Phase I Cultural Resource Investigation was conducted in regard to the adjacent 260-year old house, originally built in 1752. The Phase I analysis was done along with a site inspection and discussion with Town Historian Michele Figliomeni, who is also President of the Orange County Historical Society. No further site analysis was suggested. Based on the distance between the proposed homes and the need to have architectural plans for these homes approved prior to their construction, no significant adverse impacts are expected to affect the historic residence from this subdivision.

## **C3. Impacts on vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?**

The site has been used recently as pasture land for sheep, and the steeply sloped areas are heavily wooded. There is no on site habitat for or indication of threatened or endangered species, and no significant potential adverse impacts on flora or fauna are anticipated.

**C4. Impacts on a community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?**

The proposed uses are in keeping with both town and county plans and the Town's Zoning Law.

**C5. Impacts on growth, subsequent development, or related activities likely to be induced by the proposed action?**

No growth, subsequent development, or related activities are anticipated as a result of the proposal nor is further development likely to be induced by the proposed action. The action does not create any change on any future potential uses of the remaining land pursuant to the zoning law.

**C6. Long term, short term, cumulative or other effects not identified in C1-C5?**

Because the action does not create any change on the future potential use of the land pursuant to the zoning law, nor does it create facilities that would promote future development of the remaining property, no other impacts including cumulative impacts are anticipated.

**C7. Other impacts, including changes in use of either quantity or type of energy?**

The two lot residential subdivision will result in only a negligible increase in energy consumption.

**D. Impacts on characteristics of Critical Environmental Areas?**

The Town of Goshen contains no Critical Environmental Areas and this is not proximate to a municipal boundary where any designated CEA is located. Therefore there is no impact in this subject area.

**E. Is there, or is there likely to be, Controversy Related to Potential Adverse Environmental Impacts?**

There are no significant anticipated controversies related to the project.

Based on the foregoing, this Negative Declaration has been issued.

**Date of Action:**