

**DRAFT - UNAPPROVED**

**Town of Goshen Planning Board  
Town Hall  
41 Webster Avenue  
Goshen, NY 10924  
January 4, 2007**

**MEMBERS PRESENT**

Reynell Andrews  
Lee Bergus  
Susan Cleaver  
Mary Israelski  
John Lupinski  
Ray Myruski

**ALSO PRESENT**

Neal Halloran, Bldg. Insp.  
Joe Henry, Engineer  
Graham Trelstad, Planner  
Rick Golden, Attorney

**ABSENT**

Ralph Huddleston, Chairman

**I. CALL TO ORDER**

In the absence of Mr. Huddleston, Mr. Andrews called the regular meeting of the Town of Goshen Planning Board to order at 7:30 pm at Town Hall.

**II. PUBLIC HEARINGS**

**Traskus (a.k.a. – Elm Hill Farms) 18-1-8.22 – 114.54 acres, 38 lot subdivision**  
Located on Arcadia Road in the RU zone with an AQ3 overlay. Preliminary Subdivision approval – continued public hearing.

Present for Applicant: Steve Esposito

PB Attorney Rick Golden explained that the public hearing had been continued from the December 7, 2006 meeting because some of the notices required to be sent out, through no fault of the applicant, were not sent out due to a problem with the listing. He said that the applicant will explain the project again for the benefit of those who were not at the public hearing in December.

Mr. Esposito said the site consists of 114.5 acres, off Arcadia Road, in the RU zone with an AQ3 overlay. The overlay district in this case is an R3 which sets the base acreage per unit as 3 acres per unit, he said.

He explained the first step as a Constraints Analysis, mapping all existing on site and off site primary resources of any regulated wetlands, flood sites, or areas that exceed

25% slopes or greater. He said this project contains federally regulated wetlands and small areas that are in excess of 25% slope. The total of that constraint area is about 21.9 acres, for a net buildable acreage of 92 acres, and using the AQ3 multiplier, a base density of 46 units. The proposal is for 38 units, he said. The Constraint Analysis was submitted, the PB walked the site with the applicant, the Analysis was adopted by the PB and in its findings outlined the primary resources that should be considered in the layout.

Mr. Esposito said the PB expressed their concern with the wetlands and retaining the farm like look along Arcadia Road. They asked that the applicant keep the units back off Arcadia Road and maintain a large segment of the farm so that there would be potential for agricultural uses to continue. He said the PB also asked the applicant to put the houses on the down side of the slope and utilize the back fields for the balance of the development. The developer agreed to do that, Mr. Esposito said, and will be building 7-800 feet of road before getting to the first lot. Mr. Esposito called the project an “open area development” or “cluster plan”. He said Town Code requires that 50% of subdivision development be preserved as open space, and said that the applicant is proposing to preserve approximately 56% of the site, or 64 acres.

He said the applicant has prepared a boundary survey, topographical map, identified trees to preserve and had the wetlands delineated and verified. The site was evaluated for the Indiana Bat and the Bog Turtle. The applicant has agreed to limit the clearing to the off season so as not to interfere with the Indiana Bat and determined that the site was not a habitat for the Bog Turtle, he said. The applicant has prepared the Environmental Assessment Form, Part 1&2 and the PB identified a scope upon which to report. An existing family cemetery will be protected with an perimeter easement and an access easement that will be dedicated to the Town.

Mr. Esposito said the applicant prepared a work plan for a well testing program, which was submitted to the Town, developed on the basis of the Town’s protocol, and approved by the Town’s hydrogeologist. Before the tests were conducted the applicant met with the Orange County Health Department, the ultimate regulator of wells and septic, he said. The OC Health Dept. directed the applicant to drill four wells for testing (one well for every 10 lots). “In the Town protocol we are required to do a minimum of a 48 hour pump test, twice what the County would require. Also we are required to do off site monitoring and we monitored six wells offsite to determine how the aquifer responded to the testing. We tested at a rate 10 times what the daily pumping rate would be during that test. After testing, the report was submitted to the PB in August, 2006,” he said.

There have been numerous plan reviews, soil tests, septic system designs, wells, road, drainage systems, he said. The applicant has designed a drainage system involving retention basins. He said the plans have to meet federal storm water standards and the applicant has prepared a storm water pollution prevent plan. The applicant has

prepared and submitted that plan to the Town Engineer for review, he said. If preliminary approval is granted, the plan will be submitted to NYS Dept. of Environmental Conservation with a cover letter from the PB listing their concerns about the drainage, he said. There are also erosion and sediment control plans and a landscape plan, as requested by the PB, he said. The plan calls for hedge rows to help screen some of the houses from Arcadia Road and from the existing houses.

Mr. Andrews asked for public comments on the application.

Maureen Destefano of Long Meadow Way stated that her chief concern is the wells and asked how 14 houses can be supported by one well when her own well is probably not even producing enough. She asked how four wells right behind her property are going to impact her well and those of her neighbors. She said she was also concerned with the clustering of houses, saying she thought there were 2 or 3 acre lot minimums and stated other concerns including where the septic will be draining into and the effect it may have on her in-ground pool, as well as the visual appearance of the clustered housing, which she termed “a monstrosity”. She asked how large the houses were going to be and if their deeds would contain restrictions, like no above ground pools. Mr. Halloran responded that the Town Code does not require minimum lot size of 2-3 acres. Mr. Esposito responded that each house is going to have its own individual well and septic system, and that the houses would be between 2800 and 3000 square feet. “The goal of the community in adoption of the new zoning code is that open space and preservation of agricultural resources is important so in developing this plan we take the average density of 3 acres per unit and cluster it on the site in order to preserve a minimum of 50% of the site and the agricultural resources that are on site. We are doing what the book says and responding to what our perception is of what the community’s goal and objective were when they adopted the master plan and zoning code,” he said. The approximate size of the lots is three-quarters to one acre per unit, he said.

Joe Gerasolo, 333 Arcadia Road, said he was concerned about water and septic issues. He said he supported the green concept and open space but asked “how do you put a 3000 square foot house on  $\frac{3}{4}$  acre and expect the septic to work in a cluster like that, it doesn’t make sense to me.” He said there appears to have been restrictions against things like that in the past, but stated, “While the zoning has changed, the ground hasn’t changed and so I have a great concern about the septic and water issues.”

Linda Marvin, of 1 Long Meadow Way, said that she has learned that her well, one of six offsite wells tested, was affected by 10 feet in April, stating she was concerned what that will mean in August. She said she is very concerned about not having enough water and also about run-off from the development and the effect it may have on a pond she built in front of her house. She passed out photographs showing the topography of her property.

Mark Stamm of 4 Long Meadow Way, said he was concerned with the natural flow of water. He has a large run-off pond on his property that supports a lot of wild life, he said, and is concerned that any disturbance is going to have an impact on his pond and the wildlife it supports. He questioned if there will be any guarantee from the builder or the Town that his pond will not be disturbed.

Elizabeth Gerasolo, 333 Arcadia Road, said she too was worried about not having enough water and cited other developments that have had problems with the water, Hamiltonian Park, Arcadia Hills, Goshen Hills, stating it took years to find solutions. She asked who would maintain the retention basins and said she thinks there won't be enough of the farm property remaining to have an operating farm. She said she thought the wetlands acreage should have been taken out of the equation when determining the open space.

Susan Russo of Clark Road asked about the access roads to the property. Mr. Esposito answered that the main access is off Arcadia Road and a stub road to the northwest is being proposed, if and when there is future development and a right of way to the farm to the southeast for any future development there, "so that if any of these do develop, they will be able to connect to this proposal," he said.

Patricia House, 358 Arcadia Rd., asked what six offsite wells were tested. Mr. Esposito answered that the wells that were monitored were Marvin, Sparacchio, Gross, Daly, Traskis and Wesolowski. He said they ran continually for 48 hours and never ran out of water. Mr. Esposito said the average daily demand of a 4-bedroom home is .5 gallons per minute, stating that they pumped 5 gallons a minute, ten times what is needed. They went down 300 feet.

"The Town water testing protocol requires the developer to prepare a work plan. That plan shows the wells that will be monitored, the Orange County Health Department selected the wells to be tested, based on topography, soil, layout, common knowledge of the area. The applicant did not select the wells to be tested. The applicant prepared a work plan based on the Town protocol that was developed by a town wide water study. The density being proposed here is significantly below what was identified and established by the Town water study. We submitted a work plan, got it approved and conducted a test. The applicant went above and beyond what is required from an applicant. If something should have been done or addressed at the time of the work plan, no one suggested that we go test that well," Mr. Esposito said.

Ms. Marvin said, "It doesn't make sense to us, my well is the one that is closest, these other wells tested were further away and up hill. I wouldn't have expected them to be effected.

Dr. Stamm said he also had concerns about effluent flowing down from the top of the ridge. He said he'd encourage the Town to look at requiring some sort of perc tests during the wet season if the County Health Department does not.

Mr. Ken Marvin, of 1 Long Meadow Way, asked if a bond would be required of the applicant to protect them if their well is affected by the development. Mr. Golden said the issue of a bond has been discussed by the PB, and that if the PB gets to the position of approving the development, it was discussed that it would be a condition of that approval, but, added that they haven't gotten that far yet.

Mr. Henry told the PB that because the applicant proposed density that was less than they are permitted by the Code, the applicant wasn't required to perform testing in accordance with the Town well testing protocol. He said the Town was not notified as to the locations of the wells that the County Health Dept. picked and has not yet seen a copy of the well testing report. He said basically the Town is relying on the Health Department to verify the validity of their well testing report.

Jerry Boss asked if future homebuyers are notified of certain issues. Mr. Golden responded that in addition to recorded notes on filed maps, the PB has discussed having as a condition of any approval, that there be notes in the deeds that their property borders not only open space but an active farm with all of the attendant noise, odor, etc.

There being no further public comment, Mr. Andrews asked for PB member comment:

Mr. Myruski asked the applicant if he had adjusted the setbacks to protect the farm. Mr. Esposito answered that the applicant agreed to a 50 foot setback around the entire perimeter.

Ms. Cleaver said she wanted to go on the record stating that she disagreed to what Mr. Esposito said about meeting our Town protocol. "I believe the Town tests are for 72 hours, not 48 and involve a lot of other things that as a Board Member I have not seen, so maybe you met the Department of Health protocols but I think you mentioned at a previous public hearing that you have met the Town protocol but I personally don't think that is the case. I think there are a lot of issues that have been brought up on this site. I still have a couple pages of questions that I think need to be answered."

Mr. Lupinski asked if the 50 foot buffer is a "no build" or a "non-disturbance". Mr. Esposito said the applicant was calling it a no build setback which would restrict sheds, buildings, fences, play structures. There will be disturbance because there are a few lots that have septic systems within that 50 foot setback, so there will be pipes under the ground, he said. Mr. Myruski said he understood that it would be natural

and could not be mowed. Ms. Cleaver said that at the December ERB meeting, it was discussed that the perimeter buffer should be natural, undisturbed, with no mowing and no building. Mr. Myruski said he was looking at 50 feet of undisturbed land, no leech fields, or anything else. Mr. Esposito said that was not how the applicant is looking at it, stating that they were willing to restrict it, and have offered screening, buffering and plantings but don't see that putting a septic system in a field that is mowed, or plowed right now, is objectionable. Mr. Golden said that up to this point in time the PB has not made a determination as to what specifically can and can't be allowed in this 50 foot perimeter buffer, but that the PB has the ability to make a determination on it, if in fact, it is tied to mitigation of some environmental factor.

Mr. Andrews asked Mr. Henry whether he has any comments about whether the applicant has followed Town water protocols. Mr. Henry replied that because the applicant has not asked for density bonuses under the Town Code he is not required to meet the Town well testing protocol. Mr. Andrews then asked if he thought a 48 hour pump test is satisfactory. Mr. Henry replied that is something the applicant decided to do, that is not required by the Town Code, saying the applicant themselves decided to be more conservative and rather than pump for 24 hours, they pumped for 48 hours.

Mr. Bergus asked where the four test wells were located on the property and if there was significant drawdown on the other wells. Mr. Esposito located them on the drawings as Lot 8, 16, 24 and 29. Of the offsite wells, the only one affected was the Marvin well, he said. He said each of the four wells was pumped for the full 48 hours for a minimum rate of 5 gallons per minute and all four wells recovered within 24 hours. "For the record, I personally hand delivered two copies of this report to the Building Department on August 16, 2006," Mr. Esposito said. Mr. Halloran verified that he did have record of having received the report.

Ms. Israelski asked if there was anything the Town could do to prevent a problem from happening with other wells, since the Marvin well had a significant drop, or require other testing.

Mr. Golden replied that the Department of Health is overseeing the water testing right now, and that the PB has the right to simply rely upon the Department of Health and their conclusions as to what is and what is not appropriate, but it doesn't mean the PB has to rely upon the Health Department, he said. If the PB believes there is a significant impact, it can require further testing in order to determine the impact differently than what was shown in the report, but the PB should be reviewing the report and getting some advise on the report to determine whether or not the report is enough information for the consultant to go ahead and give professional advise as to whether or not the impacts need additional testing or whether the impacts are of a certain degree that the PB may want to have further protections or mitigations, he said..

Ms. Israelski said she wished to go on record as saying she'd like the Town's consultants and engineer to look at the well testing to see if it is going to cause a problem for the existing homeowners and future homeowners and to address the question of whether there will be enough water. She also said she has concerns about the ponds on the adjoining properties and asked the applicant to look at Jim Nash's recommendations. She said she wants to see alternatives for the storm water detention, and look into the flow of water into those ponds existing on Long Meadow Lane. She also asked the applicant to do a detail on the split rail fence and to determine whether a dairy farm can be sustained on that size property.

Mr. Bergus said that the perc tests didn't indicate which tests were done which time of year. Mr. Esposito said he'd make sure that it is in the field notes and drawings.

Mr. Halloran brought the PB's attention to the 12/13/06 ERB meeting minutes which highlighted their concern about the water and the impact on the wetlands and suggested having the well testing re-done and the buffer area and road layout reviewed.

Ms. Israelski said she'd like the PB to draft a letter to the County Health Dept. asking them to take a harder look at the soil percolation.

Mr. Andrews asked the attorney for recommendations. Mr. Golden said the PB is at a cross roads in the process. If the PB determines there is no significant environmental impacts to the site, it issues a negative declaration and has 62 days to act upon the preliminary subdivision approval. If the PB thinks it needs more information from the applicant then it can ask for more information before making a determination of significance, including having information from the consultants with respect to various issues. If the PB determines there is positive declaration then it would ask for a scoping document and an Environmental Impact Statement.

Mr. Halloran verified that at this time all the property owners were sent notices of the public hearing as required by law..

**VOTE BY PROPER MOTION**, made by Mr. Lupinski, seconded by Mr. Myruski, that the Planning Board of the Town of Goshen, closes the Public Hearing on the Traskus application. Passed unanimously.

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

Mr. Golden asked the applicant if he was willing to waive, if it is applicable, the 62 day limitation on making a decision after closing a public hearing. Mr. Esposito agreed.

Mr. Golden said the next step was for the PB to put together a list of the additional information they need from the applicant and decide whether it wants the Town consultants to look at certain information to advise them at the same time.

Ms. Cleaver said she would like the consultants to look at her list of 20 items of environmental issues and concerns and have the Town hydrogeologist review and give an opinion on the impacts on the farm well and the Marvin well. She said she'd like a consultant to witness the testing. Mr. Andrews stated that the hydrogeologist should take a careful look at the report.

It was agreed that PB members would send their requests for more information to Mr. Trelstad who will put together that list and send it to the applicant and PB members, and that requests for the Town engineer or hydrogeologist to look at the water testing should be coordinated through Mr. Halloran.

**Hendler – 10.1-56.2 & 56.3 – 77.06 +/- acres** located on 6-1/2 Station Road and Cheechunk Road in an RU & CO zone with an AQ6 and scenic road overlay, for a Planned Adult community with 154 units and 7-lot residential subdivision.

Mr. Golden said this is a public hearing to discuss the issues in the DEIS, the site plan and the 7 lot subdivision. At the end of the public hearing period, it will be left open for 10 days to receive any written comments and the applicant will then be on its way to come back with a FEIS to address all of the comments raised in the DEIS process.

Present for the Applicant: Jane Samuelson and Ross Winglovitz  
of EP Engineering

Ms. Samuelson stated that most of the public comments that have been received were relative to the visual impacts of the project. She said the applicant has a letter from Mr. Trelstad identifying 4 or 5 more locations that he wants the applicant to look at. "For the record we'd like to say we object to doing these additional studies because in our opinion we have not changed the layout nor have we identified any extenuating impacts in the DEIS which PB did accept. However, in good faith, we will take a look at those additional view sheds and address them in the FEIS. We also have the comments from the ERB which we will respond to in writing in the FEIS as well".

Mr. Andrews asked for comment from the public. There was none.

Mr. Andrews asked for comments from the PB members.

Mr. Lupinski said he'd like to see some alternative to the way the water tower is shown, saying he thought the color was an eye sore. Ms. Samuelson said the applicant was trying to match the style of the neighboring water tower, at the County jail, but said they were open to suggestions. Ms. Cleaver said she agreed with Mr. Lupinski and both asked to see alternatives and asked the Town consultants for recommendations.

Ms. Israelski said she wants the plans to be more specific about caliber of the plants and she'd like to see detail on all products that are going to be used, stressing longevity. She also wants details on the storm water management pond plantings, saying she was looking for a positive visual impact year after year. She said she'd like the consultants to comment about what the plantings will look like after time and wondered if there was an appropriate place for waterscapes. Ms. Samuelson said they can look at the pond at the entrance or behind the clubhouse for visual appeal.

Ms. Cleaver asked if someone could contact the State about putting in plantings between Route 17 and Cheechunk Road. Mr. Myruski said there needs to be a natural barrier to protect the houses, "eventually this will be Interstate 86 and they will put concrete slabs up as barriers," he said.

Mr. Halloran said that some PB members who were at the site expressed concern that significant trees would be eliminated. Ms. Samuelson said we have discussed that we wouldn't do a tree survey in the beginning but would do it when we knew where the limits of disturbance would be and at that point we would look along those edges and see where the trees were that we could save. Mr. Golden responded that where there are significant trees, the PB wants you to address in the FEIS how those trees can be identified and how the plan can be adjusted to keep those, it may be that you have to reroute the road into a different area. They were talking about saving some of the trees in the interior, not just the perimeter, he said.

Mr. Winglovitz said he doesn't have a problem with looking at the plan but doesn't want to get carried away at having to re-design the whole site around a few trees. Mr. Golden replied that is what this process is for - to take environmental impacts and determine how they can be mitigated which sometimes includes a re-design of the project. "The tree survey requirements in the Code are not identical to the issues a Board may have with respect to visual impacts of an environmental nature generally with a particular project and at a particular location and that is what I think the PB is getting at with respect to this project," he said.

Town Supervisor, Doug Bloomfield, said the question of recharge came up at the last public hearing, when talking about the sewer system, "it is a question that has to be addressed in regard to the density of this project," he said.

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Mr. Myruski, that the Planning Board of the Town of Goshen, closes the Public Hearing on the Hendler application. Passed unanimously.

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

**III. AGENDA ITEMS**

**Orleans/Makuen – 13-1-10.1-87.05 acres**, 185 units, planned adult community located on Route 17A in the RU & CO zone with an AQ6, AQ3 and scenic road corridor overlay.

For the applicant: Steve Esposito

Mr. Esposito said that the scoping for the Orleans/Mckuen project was adopted at the PB’s December 21, 2006, meeting. Mr. Golden said then the applicant is on their way to come back with the DEIS. A public hearing will be scheduled after the DEIS is received by the PB.

John and Joan Downey of Peach Tree Lane asked to speak for the record. They said that a year ago there was a limit put on the land behind them that it would not be developed and there would not be a road there for a commercial site. They said now they are seeing that this project is proposing a single road behind their homes with no buffer. Ms. Cleaver encouraged them to attend the ERB meeting that takes place the 2<sup>nd</sup> Wednesday of each month. She said they were welcome to come to express their concerns.

**W.G. Farms – 19-1-124.93.1, 93.2 & 95.1, 224.19 +/- acres** located on Maple and Celery Avenues, in the A1 zone with an AQ3, stream & reservoir and flood plain overlays. Proposed 2 lot subdivision and lot line consolidation.

Present for the applicant: Jeff Chumard, Clark Patterson Assoc.

Applicant is proposing a two lot subdivision and lot line consolidation. Proposal is to separate the tax lot 19-1-124 and extend the property line along the commissioner’s ditch and at same time provide a consolidation of each lot along each side of the ditch. There is no activity regarding development or construction, this is simply a two-lot subdivision and W.G. Farms plans to retain Lot #1 and sell Lot #2, Mr. Chumard said. There are two tax lots that extend to Celery Ave., the applicant wants to take those two lots and consolidate them and make them the same property as the main parcel (Lot #2), Mr. Chumard added.

Mr. Henry said he needs a metes and bound descriptions for the entire parcel.

**VOTE BY PROPER MOTION**, made by Ms Israelski and seconded by Ms. Cleaver, that the Planning Board of the Town of Goshen, sets the Public Hearing on the W.G. Farms subdivision application for January 18, 2007. Passed unanimously.

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

**Mahoney’s at Goshen – 11-1-28 & 11-1-30.1 – 3.65 +/- acres**, Special Use Permit located on Rte 17M in the RU zone with an AQ6 & scenic road corridor overlays. Seeking sketch plan approval.

Present for the applicant: Applicant, John Whyte

Mr. Halloran said we have been concerned with the size of the septic system and whether it was adequate. Applicant has a letter from the Department of Health stating that it will handle 410 customers. The question is whether the PB is satisfied with the Department of Health’s limits.

Mr. Myruski said he was satisfied with the Department of Health but asked if there is sufficient water. Mr. Bergus said it is his understanding that the applicant is trying to re-develop the well and if they can’t they will be drilling an additional well.

Mr. Whyte was asked if there was room if they had to expand, he replied that there was room for additional leech fields

Mr. Henry said the site plan being proposed has to be reviewed by the Health Department. He said his concern was the location of the existing septic system and layout of the proposed driveways and said they haven’t yet resolved the issues regarding storm water management. Mr. Whyte said he has new drawings as result of the work session and that he would see that Mr. Henry receives them. Mr. Henry said he had no objection to setting a public hearing. Mr. Andrews said if Mr. Henry hasn’t received the information he requested of the applicant by the public hearing, the hearing would be adjourned.

**VOTE BY PROPER MOTION**, made by Ms Israelski and seconded by Ms. Cleaver, that the Planning Board of the Town of Goshen, sets the Public Hearing on the Mahoney’s at Goshen application for January 18, 2007. Passed unanimously.

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

**Items for Planning Board Discussion**

**Normil – 27-9-1** located at the corner of Lindenwood & Gumwood Drive in Arcadia Hills in the HM zone with an AQ6 overlay.

Mr. Halloran said he and Ms. Cleaver visited the site and a neighbor told them that 15-20 truck loads of fill had previously been brought in and the wetland flags were moved 10 to 15 feet. I'd like the PB to ask its consultant/biologist to view the site and issue an opinion, Mr. Halloran said.

**VOTE BY PROPER MOTION**, made by Ms Cleaver and seconded by Mr. Bergus, that the Planning Board of the Town of Goshen, instructs its biologist to to view the site and issue an opinion. Passed unanimously.

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

The meeting adjourned at 9:55 p.m.

Reynell Andrews, Acting Chairman

Notes prepared by Susan K. Varden  
1-10-07