

**DRAFT - UNAPPROVED**

**Town of Goshen Planning Board  
Town Hall  
41 Webster Avenue  
Goshen, NY 10924  
December 7, 2006**

**MEMBERS PRESENT**

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

**ALSO PRESENT**

John Cappello, Attorney  
Richard Golden, Attorney  
Neal Halloran, Bldg. Insp  
Joe Henry, Engineer  
Susan Roth, Planner  
Graham Trelstad, Planner

**ABSENT**

Ray Myruski

**I. CALL TO ORDER**

Chairman Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 6:30 pm at Town Hall.

**II. ITEMS FOR PLANNING BOARD ACTION**

**New Horizons (Sunset Ridge II) -10-1-28 – 54.2 acres**, located on Hampton Rd. in the RU zone with an AQ6 and Stream & reservoir overlay.

VOTE by Proper MOTION, made by Mr. Andrews, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby declares it intent to be the lead agency on New Horizons (Sunset Ridge II) subdivision. Passed unanimously.

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

**III. AGENDA ITEMS**

**Heritage Estates – 8-1-9.22 – 249.76+/- acres, 92 dwelling units** located on Old Chester Rd. & Brookside Dr. in the HR & RU zone with an AQ6, AQ3, scenic road and stream & reservoir overlays.

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Present for the applicant

Jim Sweeney, Esq.  
Tom Cusack  
Steve Esposito

Mr. Sweeney said the applicant has been waiting for two years, stating that the plans have not changed in that time and reminding the Planning Board of the time lines for preparation of the EIS. He said the Board had gone beyond both the 30-day rule from filing of the document by the applicant and the 45-day rule set forth in SEQRA regulations. He read a SEQRA provision relating to time lines stating that in the case of an action involving applicant, the lead agency's filing of a written finding statement and decision on whether or not to approve an action must be made within 30 calendar days after filing of the final EIS.

Mr. Cappello, Planning Board Attorney on the project, stated that in terms of preparation of the final EIS, the time line provisions contain a caveat that states 30 days "or as much time as the lead agency needs to complete the documents". He explained that the Board scheduled an early meeting to try to give the applicant a time frame as to when it would be finalized, making sure that it addresses everyone's comments to the applicant's satisfaction and the board's satisfaction. This is our document and we want to make sure that all of the concerns are addressed, he said.

Mr. Tom Cusack, hydrogeologist for the applicant, stated that he was present to address a continued outstanding issue relating to the Town of Goshen pump test protocol which indicates that no pump test will be conducted if there is more than 3.7 inches of precipitation 30 days prior to the test and the utilization of the Middletown weather station for the test. Mr. Cusack stated the problem as being that the Town protocol requests that a weather station be monitored where the required data is not available to execute the test. He said the applicant has been following both NYS DEC and Town of Goshen protocol with respect to what is required in bedrock wells. He also said that he had a conversation with John Simon of Schoor de Palma two years earlier wherein it was stated that the Middletown precipitation data was not available, and it was agreed to use the weather station at the Flannery School.

Mr. Huddleston asked Mr. Cusack to get a written statement from the consultant stating that the Flannery School was agreed upon.

Mr. Cappello suggested going through the major issues and outline how the Town wants them handled. The point is to clarify the information, he said, discuss what was done, the protocols, take the information from the applicant, have the town's hydrogeologist discuss the impact and give a course of action of what needs to be done to ensure compliance.

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Mr. Huddleston said he believed the Town's consultants, with the Town Planning Board's guidance, should complete the EIS themselves, because of the time issue.

In regard to the water issue, Mr. Huddleston said the PB will investigate the monitoring station, instructed Mr. Cusack to get documentation of the previous conversation, and said the Planning Board will determine its significance and take a position on it. The fact that the property is partly in the AQ6 and partly in the AQ3 with different aquifers will also be addressed in the FEIS, he said. Mr. Cappello stated that we'll include where the wells are, what water sheds they are in and where the unit are, to make sure the Town protocols are being met and if the guidelines are not strictly followed, to explain why an alternative course is being taken.

Ms. Cleaver suggested that the Planning Board should receive copies of everything that goes to the hydrogeologist and written opinion letters from the Planning Board's hydrogeologist on all applications, not just the Heritage Estates project, so that the Board has something to base its discussions on.

Ms. Israelski stated she'd like the FEIS to discuss the specific products applicant plans to use for the trails and near the stream and that the products should be specifically for long-term maintenance free trails so the Town does not incur any costs. From the savings to the developer from cluster developments, we'd like to see applicants make improvements to the land so that the land dedication the applicant is proposing can be actually be used for the public's benefit, she said, adding that she'd like the planners to send her the products they will be recommending so she can participate in the discussion. She also said she wanted the document to show an analysis of the cost of cluster development compared to conventional development.

Ms. Cleaver suggested that the Town's hydrogeologist show the water quality and biodiversity impact of the development on Black Meadow Creek. Mr. Huddleston cautioned the Town's professionals to stay within the scope of the DEIS.

Ms. Cleaver said that plans for emergency vehicles to get in and out of the development will have to be addressed.

Mr. Cappello said that this would be the first drainage district for the town and that some guidelines will have to be set. He added that the Planning Board would have to look at the traffic and transportation plans in relationship to the Town's traffic study.

Mr. Huddleston stated that at the December 21<sup>st</sup> meeting the Town Board will have an outline to discuss, review, and hand to the consultants to address, and that the

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consultants will be instructed to present the PB with an approvable document by its January 18<sup>th</sup> meeting with final comments so that the PB can act upon it at its February meeting.

Mr. Cappello said that the Findings should be ready for the last meeting in February or the first meeting in March.

Public Comment:

Mr. Perry, of Brookside Drive, stated that he had submitted a series of questions in late July and wondered if they'd be addressed. Mr. Cappello replied that the questions are being reviewed by the PB and stated that once the EIS is accepted as complete in February, it will be available to the public and that 10 days after acceptance of the FEIS, the PB will issue a Finding Statement. The public can present its comments on what they think should be in the Finding Statement during this ten day period.

**Lone Oak – 11-1-58 & 11-1-49.2 – 217.4 +/- acres**, located on Harriman Drive and Arcadia Rd. in the HR zone with an AQ6 & stream and reservoir overlays. Design questions.

Present for the applicant

Steve Esposito

Mr. Steve Esposito said that the plan has been reviewed several times by the Planning Board and its consultants but that he wanted to get the feel of the PB in regard to rotaries or roundabouts for traffic. He described the rotary as containing yield signs, an interior center consisting of plantings and an inner-outer band of cobbles. He said that a boulevard will be the main entrance coming into the development and that the streets will be the standard 24 foot wide with parking on only one side of the street. Every unit will have a two car garage and a driveway to support two cars, he said. Mr. Bergus asked about snow removal and Mr. Andrews asked if the Town Highway Department had been shown the design. Mr. Halloran said that a Conservation Analysis will be needed.

**IV. 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. Continued public hearing on preliminary subdivision approval.

Present for the Applicant:

Steve Esposito

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Mr. Esposito stated that the first step is the conservation analysis which requires the applicant to map certain primary resources and in this project there are federally regulated wetlands, areas of steep slopes, rock walls, trees and a cemetery. He said that all significant trees have been mapped and a base density (the number of units the applicant is entitled to) established. The applicant is below the base density, he said. He added that the site has been walked with the Planning Board. He said the applicant will preserve approximately 55-65% of the site in open space and will maintain the farm front on Arcadia Road. A long environmental assessment form has been prepared, well tests conducted and storm water pollution prevention plan submitted to the Town engineer. Houses are supported on individual septic, he said and added that once it receives Town approval, it will go to the Health Department for approval.

Public Comment:

Ms. Linda Marvin of 1 Long Meadow Way stated that she didn't receive notification from the Town about the public hearing, although her property borders the property. She gave permission to have her well tested and was told that her well was affected but hasn't been told how it is affected. She said this is the first time she had heard about the meeting.

It was determined during the meeting that no property owners on Long Meadow Way were on the list which generates the notices. Planning Board Attorney for the project, Richard Golden, said this would be rectified, that the applicant will have to notify these residents and the public hearing will have to be continued to a later date in order to give the people who were not notified, proper notification.

Mr. Esposito responded to Ms. Martin by saying that the Town, an engineer and the hydrogeologist reviews the report which is public record and said that he would make sure the hydrogeologist sends her the information about her well.

Dr. Mark Stamm, 4 Long Meadow Way questioned how the wells passed the perc tests. Mr. Esposito responded that some did well, others didn't and it took a lot of shifting to find the spot. All of the perc rates will be on the plans and is public information, he said. He also told Dr. Stamm that all of the homes are 3 or 4 bedroom single family homes. Dr. Stamm said he'd like assurance that an adequate barrier is provided along the backs of the seven existing houses. Mr. Esposito said the applicant has agreed to put a 50-foot buffer of non-disturbance along the entire perimeter. There will be plantings on the right side where the houses are and they will fill in the tree line break near the Martin property.

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Mr. George Woodall, 356 Arcadia Road, asked how the wells were pumped, stating that he walks the farm and never saw anyone. He asked why the houses are set in the back. Mr. Esposito replied that the houses are behind the hill to minimize the impact on Arcadia Road and repeated that well tests followed Town protocol, are documented and made part of the public record.

Mr. Huddleston stated that the public hearing will be continued to January 4, 2007 and Mr. Golden said the Building Inspector will notify all who weren't previously notified and should have been. Mr. Golden said the applicant will need to address the well that the Martins said they were told will be affected, stating that one way to address it would be for the applicant to put up a bond in order to ensure that when the project gets built, if in fact it does affect the well, there are monies in a bond that can be assessed by the Town in the event that the builder did not correct it on its own.

**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 and scenic road corridor overlay. Public Scoping Session.

For the applicant:

Steve Esposito  
Alan Lipman, Esq.

Mr. Huddleston explained the purpose of the public hearing as taking comments from the public on the draft scoping document. Ms. Cleaver emphasized that this was early in the process and public input on what should be studied was welcomed.

Mr. Esposito explained that the applicant is responsible for preparing a draft scoping outline and has identified the primary resources on the site as federally regulated wetlands and areas prone to flooding. The net developable acreage has been determined at 87 acres with a total constraint area of 15 acres of wetlands and 6 acres of sloped land for a total of 21 acres of constrained lands. The Conservation Analysis was submitted to the Planning Board and the Board inspected the site, with Findings adopted by the PB. The next step is to prepare a sketch plan based on the Conservation Analysis, he said. The main entrance road is off 17A, and the development will consist of single family lots, detached, with a variety of different type of housing. There will be both open market and affordable housing units. There will be a loop road going back out of the site. The contract purchaser is Orleans Homes, a national building firm doing a similar project in the Town of Wallkill, called "Wildflowers of Wallkill".

Town Engineer, Joe Henry, stated that the Town needed input from the DOT as to what they want studied. Mr. Huddleston said that the PB wanted to take into consideration the traffic study being done by the Town which is expected to be completed December 14<sup>th</sup>.

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Ms. Israelski said she believes the marketability of planned adult communities should be part of the scoping document. Applicant Attorney, Mr. Alan Lipman commented that the developer doesn't build on speculation.

Mr. Bergus said he's like to see more gathering areas for the adult population, such as picnic areas, tennis courts, bus shelters and said that the lower culdesac should include a 50 foot right of way, which isn't shown. Mr. Esposito replied that the applicant is proposing pathways and walkways, and probably a pavilion in the middle of the meadow.

Ms. Israelski said she has concerns about traffic patterns, saying that right now everything spills out onto 17A. She said she'd like to see an alternative. She said she believes the plan lacks design and amenities for people who would be living there.

Susan Roth, planner, suggested that a set of design guidelines for senior communities be developed, because they function in a different way. Mr. Esposito said he didn't disagree, that this is a first step. Ms. Cleaver suggested the applicant look at the basic design guidelines that were included in the Conservation Analysis. Mr. Golden described the document as generic and lacking in specifics with respect to the particular environmental issues present on the site.

Ms. Cleaver said the property looks like it may retain flood waters and asked the applicant to explore the possibility of DEC wetlands being on the site. She said because the property is going to be very visible to Goshen, the applicant should preserve as much green as can be preserved.

Mr. Huddleston said that the vegetative and wildlife evaluation will have to be broadened and that the Planning Board will be looking at that in more detail than has historically been done in the past.

Public Comment:

Mr. & Mrs. John Downey, 16 Peachtree Lane, said they didn't believe the site should accommodate the number of houses proposed and said the existing neighbors on Peachtree Lane should have a 50 foot buffer separating them from the development, like the buffer around the Makuen farm.. They said they object to having the development's road positioned against all of their backyards and that they want to prevent the developer from stripping the land. They presented the PB with two pages of written comments.

Mr. Golden said that in the scope and the DEIS, detailed calculations will be set forth explaining how the number of housing units was reached, keyed into specific provisions of the Code, so it can be clearly understood.

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Susan Bloom, 10 Hillcrest Avenue, said the traffic causes her concern, stating she believes the present traffic off 17A is out of control.

There being no further comments, Mr. Huddleston said the scoping hearing will be closed, with the understanding that we will include the ERB comments from its December 13<sup>th</sup> meeting and the final draft will be considered at the Planning Board's January 4<sup>th</sup> meeting. Mr. Huddleston asked the applicant to agree that the PB has until the January 4<sup>th</sup> meeting to agree on the final scope with the actual final scope to be submitted within a week thereafter. Mr. Esposito said "yes".

VOTE by Proper MOTION, made by Mr. Bergus, seconded by Mr. Andrews, to close the scoping hearing with the understanding that the Town Planning Board has until its January 4<sup>th</sup> meeting to agree on the final scope.

**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. Review of DEIS & consultant responses due

Present for the applicant:

Ross Winglovitz, P.E., EP Engineering  
Jane Dally

Mr. Winglovitz stated that this is a public hearing for the draft Environmental Impact Statement of the subdivision and preliminary site plan. He said the process began in December, 2004. Seventy-seven acres were divided into two parcels by Cheechunk Rd. There was a Conservation Analysis resulting in a subdivision of seven lots and 154 planned adult community units. The scoping session was held in October. A draft EIS was prepared and reviewed by the Planning Board and determined to be acceptable and released for public comment. He said that 15% of the planned adult units will be affordable in accordance with the Town Code. There will be a large boulevard entrance with extensive greenway, leading up to a clubhouse. There are several pockets of parks within the development as well as walkways and street trees providing a pedestrian friendly development. There is a walkway proposed to go out to 6 1/2 Station Road and the Audubon property. There will be central water with two wells on site, both pumped extensively in accordance with the Town's newly adopted protocol, he said. The sewer will be central, with two options being considered, a plant located north of Cheechunk Road collecting centrally at a pump station or pumping to the Village which would require Town and Village action. Drainage will flow basically to the west and north, with ponds located at the bottom of development to collect the storm water. One of biggest concerns is the visual impact of the development, Mr. Winglovitz said and the Planning

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Board has asked for a visual analysis which was prepared by Steve Esposito of Esposito & Associates.

Mr. Esposito presented the landscape plan and visual assessment of the site. He said the focus of developing the site was to minimize the visual impact on the scenic road of 6 1/2 Station Road. He said the existing topography was used to screen the development from view along 6 1/2 Station Rd., and that existing vegetation along Cheechunk Road and 6 1/2 Station Road will not be disturbed.. He added that there will be additional plantings along Cheechunk. Street tree plantings, plantings around the units, and the use of earth tones will all be used to soften the visual impact of the project, he said.

Public Comment:

Ms. Susan Bloom, of 10 Hillcrest Avenue, asked about the entrance road and what time of the year the wells were tested, making reference to 1996 when the County Department of Health stated that wells near the proposed new jail site needed to be checked during the height of the dry season. Ms. Bloom submitted letters referencing the Department of Health's statement for the record.

Mr. Victor Ceachi, who operates a 48 acre horse farm at 51 Hampton Road, said he was concerned about not having enough water and the development effecting the value of his own property.

Mr. Keith Roddy of 107 Webster Ave., suggested that the option of using the village's new sewer system be explored.

Mr. Jim Carroll of 112 Cheechunk Rd. whose property abuts the seven-house subdivision, stated that his well wasn't tested although his house is the most impacted by it. He asked about the square footage of the houses and the acreage. Mr. Winglovitz said the lot sizes range from one-half acre to one acre, and the houses from 3,000 to 3,500 square feet.

Mr. Ken Newbold, of 220 Arcadia Rd., expressed concern with the height of the water tower, and suggested that the applicant might dig it down to lower the impact, much as the County did for its jail water tower.

Mr. Golden, Town Attorney for the project, said the parcel to be given to the Audubon Society that was originally a part of the initial proposal, was used in connection with the recharge for the drainage and that there needed to be sufficient agreements in place to ensure that it will be able to be used for the recharge, if needed. Mr. Winglovitz agreed, stating that the applicant is looking at the analysis to see if it needs to be included in the

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analysis and if it does it will be part of the application. If it does not need to be in the calculation because we have excess, we will remove it from the document, he said. Ms. Jane Dally stated that they had used it in the recharge calculation in the DEIS, but are recalculating it because those numbers also included the offices.

Mr. Golden re-stated four particular comments that he thought were of significant importance for the Board to give guidance to the applicant. (1) That the water should be re-tested during the dry season. The board should indicate in the FEIS whether they want the applicant to test it or leave it up to the applicant as to why they don't think it needs testing, he said. (2) The well at the home adjacent to the subdivision that wasn't tested. If the PB thinks it should be tested, they should indicate to the applicant to do so (3) With respect to the subdivision, the tree line now runs through the middle of that subdivision portion and serves some noise abatement purpose. The PB should indicate whether they want the applicant to address the noise abatement issue (4) There has been no visual impact analysis done with respect to the water tower. If PB wants the analysis done, they should indicate to applicant that they want a visual impact analysis done.

Mr. Doug Bloomfield, Route 17A, said that the impact of taking the recharge away from the parcel by hooking up to the village sewer, should be addressed.

Mr. Bergus stated concerns with respect to the water issue, saying he would support doing another test to justify the supply of water. The pump test on well No. 2 recovered to 90% within 72 hours, while it should be 90% recovery within 24 hours, he said, and so it is concerning relative to the recharge back into the well. He also said odor levels on the two wells should be addressed.

Ms. Cleaver suggested that a more in-depth visual impact study was needed. Ms. Roth agreed that this will be a very visible project and the FEIS should expand upon appropriate mitigation since it is going to be seen from a distance.

Mr. Huddleston said the Planning Board will wait for the ERB comments so will hold the public hearing open until the January 4, 2007 meeting.

The Meeting was adjourned at 9:45 p.m.

Ralph Huddleston, Chairman

Notes prepared by Susan K. Varden