

**APPROVED MINUTES**  
**Town of Goshen Planning Board**  
**Town Hall**  
**41 Webster Avenue**  
**Goshen, NY 10924**

**JULY 15, 2010**

**Members Present:**

Reynell Andrews  
Lee Bergus  
Susan Cleaver  
Mary Israelski  
Ralph Huddleston, Chair  
John Lupinski  
Ray Myruski

**Also Present:**

Neal Halloran, Building Inspector  
Dennis Lindsay, PB Engineer  
Kelly Naughton, PB Attorney

**Minutes** – The Planning Board approved the minutes of its June 17, 2010 meeting with a correction.

**Javelin – 11-1-7 Requesting extension of preliminary approval.**

Ms. Naughton said that the applicant requested a six month extension of preliminary approval in February 4, 2010, bringing it to Aug. 4, 2010 and are requesting another six month extension to February 4, 2011. It was noted that there is no limit on the number of preliminary extensions that can be granted.

**VOTE BY PROPER MOTION**, made by Mr. Myruski, seconded by Ms. Israelski, the Town of Goshen Planning Board approves the request for a six month extension on the preliminary approval granted Javelin to February 4, 2011. Approved unanimously.

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

**Zalunski – 20-1-8 Possible extension of Conditional Final approval (Phase 1)**

Ms. Naughton said that the applicant is asking for its first 90 day extension on its Conditional Final Approval for Phase 1, bringing it to November 5, 2010. They are only allowed one more 90-day extension, she said. The applicant has already obtained a 90 day extension on Phase 2 & 3 to October 28, 2010.

**VOTE BY PROPER MOTION**, made by Mr. Myruski, seconded by Mr. Lupinski, the Town of Goshen Planning Board approves the request for a 90 day extension on the Conditional Final Approval of Phase 1 on the Zalunski application. Approved unanimously.

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

**Persoon – 17-1-4 & 36 Possible extension of Conditional Final Approval.**

Ms. Naughton said the applicant is seeking its first 90 day extension which, if granted, will run until Nov. 5, 2010.

**VOTE BY PROPER MOTION**, made by Mr. Myruski, seconded by Mr. Bergus, the Town of Goshen Planning Board approves the request for a 90 day extension on the Conditional Final Approval on the Persoon application. Ms. Israelski recused herself from the vote. Approved unanimously.

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

**New Horizon – 10-1-28 Possible extension of preliminary approval.**

Ms. Naughton said the PB granted a six month extension which runs to Aug. 20, 2010 and that the applicant is back for another six month extension of its preliminary approval which will run to Feb. 20, 2011.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Myruski, the Town of Goshen Planning Board approves the request for a six month extension on the preliminary approval of New Horizon. Approved unanimously.

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

**Heritage Custom Homes – 18-1-127.21 – 59.6 +/- acres, 5 lot subdivision** located on Clark Rd. in the RU zone with an AQ3 overlay. Archeological study, possibly set public hearing.

Representing the applicant: Brad Cleverley, PE

Ms. Naughton said that the application is a “small scale development” and Mr. Lindsay said the applicant has met the Environmental Control Formula.

Mr. Cleverley said that an archeological study came up “totally empty” with “no evidence of anything”. It was determined that neither the PB nor its consultants had seen the study so it hasn’t been reviewed. Ms. Naughton said the PB may have requested the study to make its determination of significance.

Ms. Israelski said that the layout showing all of the homes placed exactly 50 ft. off the road is unattractive and that the applicant should consider the curb appeal of the development. She said that the gravel driveways are coming out onto an existing road and that there should be pavement at the end of each driveway so there isn’t a lot of loose gravel. She also suggested a low lying entrance design on each side of the driveways. Mr. Lindsay said he isn’t sure the developer will do that since the PB would be asking them to put shrubs on a public right of way.

Mr. Cleverley said the driveways slope away from the road. He said the applicant’s intention is to leave the driveways on Arcadia Road as 20 ft. paved with the remainder as gravel.

Mr. Lindsay described the property as an “open field” and Ms. Israelski suggested that planting trees will give it a finished look.

Mr. Lindsay said that the Town Code refers to an exemption of small scale developments from water testing based on a presumption of density. This is five lots on 59 acres, he said. Mr. Halloran determined there is no need for water testing at this time, but said that the next lot will require the applicant to take into account these lots being developed now and will trigger other requirements.

Mr. Lindsay said that a concern about the safety of the access point for Lot #2 caused them to request the applicant to push the access to the far end of the lot. A number of options were discussed but the only other possible option would be to have it joined with Lot #3 and put in a shared driveway, he said, but added that the Town doesn’t want shared driveways.

Ms. Cleaver questioned which fire company will serve Lot #4 since the proposed house is located in both the Chester and the Goshen Fire Districts. Mr. Lindsay said he isn't worried about both fire companies responding but said the issue is taxes which the Tax Assessor said will be worked out.

Mr. Lindsay said that water and septic tests are not required under a small scale development application. The applicant has done deep tests but no percs nor anything in regard to water supply testing, he said. He suggested a condition requiring the applicant to drill a well and do a perc before obtaining a building permit. "They have complied with the Environmental Control Formula and comply with the minimum area so they have met your presumptive requirements for water and sewer and that would allow them to get a subdivision but before they get a building permit, I think those presumptive requirements should be proven," he said. Mr. Huddleston told Mr. Cleaverley that before the applicant gets a building permit, a witnessed perc must be done.

Ms. Cleaver asked if a cricket frog study was done. Mr. Halloran said the study was done but he doesn't know if the DEC has approved it yet.

**VOTE BY PROPER MOTION**, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board sets a public hearing on the application of Heritage Custom Homes for August 19, 2010. Approved unanimously.

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

**Battiato – 18-1-13 – 8.8 acres, 3-lot subdivision** located on Arcadia Rd in a RU Zone with an AQ3 Overlay. Water testing, requirement for paving, SEQRA. Possibly set public hearing.

Representing the applicant: Brad Cleaverley, Project Manager

Mr. Lindsay said that while the PB decided that a gravel road is appropriate, he is recommending paved driveways for safety and emergency access since the driveways range from 10.9% grade to 12% grade. He said that his experience with 12% gravel driveways is that they wash out. He also recommended stone swales at the sides of the road to handle the runoff from the pavement.

Ms. Naughton suggested that a common driveway maintenance agreement would be appropriate and Ms. Israelski said she wants the maintenance agreement referenced in the deed.

Mr. Lindsay said that the applicant did water testing in 2007 under the old protocols. The applicant tested it at 13 times their average demand for the subdivision and had a 10 gpm well with a small draw-down and fast recovery, he said. At that time Mr. Lindsay concluded that it was acceptable and done in accordance with the Town's requirements. But since that time, the protocols have changed, he said, and he talked with the Town's hydrologist Bill Canavan about it. Mr. Canavan said it was operating at a high rate and in excess of the requirements but that he wanted to see a water budget for the site and noted that the applicant didn't look at off site contaminant sources, minimal fracture trace analysis nor provide nearby surface water information. The fact that the applicant didn't do the 72 hour test was the big deficiency, he said. Mr. Canavan concluded that this missing information needs to be reviewed prior to approval of the test conducted. "I'm not sure what he meant," Mr. Lindsay said, but added that he sees three options for the applicant: To reduce the number of lots so that the protocol doesn't apply, to do the testing according to the current water protocols and re-submit the tests or go to the ZBA for relief. He reminded the applicant that this is not a "small scale development" so the water protocols apply here. "The applicant's hands are tied, it has to be one of the three options," Mr. Lindsay said. Ms. Naughton added that "this is not something that the PB can waive (the water testing protocols) it is part of the zoning code." Mr. Huddleston instructed Mr. Cleverley to determine what is his best option.

Ms. Naughton told the PB that the current design and slope of the driveways is in excess of what is permitted in the code. This is something that the PB has authority to waive under the subdivision regulations (Section 83.32) but it has to fall within one of three categories, she said, and read the three acceptable reasons to grant a waiver.

Mr. Lindsay said he has seen private driveways done successfully that are steeper than the 10% maximum grade called for in the Town Code so he wouldn't have a problem if the PB decides to waive the requirement.

Mr. Lindsay asked the applicant for a profile of the driveways for Lots #1 and #2.

Mr. Huddleston told Mr. Cleverley that the burden of proof is on the applicant who should make an argument to the PB as to why this should be waived. He referred Mr. Cleverley to Section 83.32.

Mr. Cleverley asked the PB to set a public hearing.

**VOTE BY PROPER MOTION**, made by Mr. Myruski, seconded by Ms. Cleaver, the Town of Goshen Planning Board sets a public hearing on the application of Battiato for August 19, 2010. Approved unanimously.

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

**VOTE BY PROPER MOTION**, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board types the application of Battiato as an Unlisted Action under SEQRA and assumes lead agency status. Approved unanimously.

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

**Hudson Valley Nursery – 12-1-113 & 12-1-45.2 – 48.82 +/- acres** located at 2709 Route 17M in the HC and RU zones, with an AQ3 & AQ6 overlay. Lot line change, discuss need for a public hearing.

Representing the applicant: Karen Emmerich and Mark Press

Mr. Halloran explained that this is an application for a lot line change which would take two acres off one piece of property and add it to the rear of the applicant’s property. Mr. Halloran said the applicant will be taking property from the RU zone and therefore will be limited as to what they can use it for as to their current operation, absent a change in zoning by the Town Board. The PB is not being asked to do any site plan review, this is just about the applicant acquiring the property, he said.

Ms. Naughton said the PB has the ability to approve the lot line change without a public hearing. She said the PB can decide to schedule a public hearing if there is a site plan in the future. She said this is not an action under SEQRA and does not require a 239 M or 239F.

**VOTE BY PROPER MOTION**, made by Ms. Israelski, seconded by Mr. Bergus, the Town of Goshen Planning Board determines that a public hearing is not necessary for the Hudson Valley Nursery’s lot line change application. Approved unanimously.

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

**ADJOURNMENT:** A motion to adjourn the meeting at 8: 40 p.m. was made, seconded and approved unanimously.

Ralph Huddleston, Chair  
Notes Prepared by Susan Varden