

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

**OCTOBER 7, 2010**

**Members Present:**

Reynell Andrews  
Lee Bergus  
Ralph Huddleston, Chair  
John Lupinski  
Raymond Myruski

**Also Present:**

Neal Halloran, Building Inspector  
Sean Hoffman, PB Engineer  
Rick Golden, Esq. PB Attorney  
Kelly Naughton, Esq. PB Attorney  
Ed Garling, Planner  
Karen Schneller-McDonald, Consultant

**Absent:** Susan Cleaver

**Kimiecik – 18-1-27 & 18-1-69 – 15.5 +/- acres**, located on Durland Road and NYS Route 94 in the CO zone with an AQ3 overlay. Lot Line Modification.

Mr. Golden read the specific conditions of the draft resolution approving the lot line modification that was discussed at the last meeting of the PB. The specific conditions were: (1) Prior to the signing of the plat, the Applicant shall comply with the August 27, 2010 memorandum of the Town Engineer (2) The Applicant shall, prior to the Chairperson signing the plans, offer to dedicate the land measuring twenty-five (25) feet from the center line of Durland Road, including portions of Durland Road, to the Town of Goshen for highway purposes. Such documents shall be in a form acceptable to the Town Attorney.

**VOTE BY PROPER MOTION**, made by Mr. Myruski, seconded by Mr. Andrews the Town of Goshen Planning Board accepts the Resolution, with the conditions as read, on the application for a lot line modification of Kimiecik. Approved unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Myruski	Aye
Mr. Huddleston	Aye		

**Meadows of Goshen – 12-1-86.1 – 97.8 acres – 37 lot subdivision**, located on Gate School House Road & Maple Ave. in the RU zone with an AQ3 & AQ6 overlays.

Representing the applicant: Burt Dorfman

Mr. Golden said that the applicant is requesting an extension of their Conditional Final Approval. Previously, he said, state law required that conditional final approval was only

good for 360 days and that if all of the conditions were not complied with in that time, then conditional final approval was lost. On September 17, 2010 the NYS Legislature approved, effective immediately, that there is no longer a 360 day sunset provision for conditional final approvals. Applicants can be granted 90 day extensions, with no limit on the number of times, provided that the PB believes there is good cause to continue with the extension, Mr. Golden said.

Mr. Dorfman said the applicant is moving forward with this project and in fact is almost finished and is requesting a 90 day extension.

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Mr. Myruski, the Town of Goshen Planning Board grants a 90 day extension on the Conditional Final Approval of the application of Meadows of Goshen. Approved unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Myruski	Aye
Mr. Huddleston	Aye		

There was a discussion about the bond amount of \$1.2 million. Mr. Hoffman said that some of the work completed could not be fully accessed because the area is overgrown. He said his office is not ready yet to set a bond amount. It was noted that there are still issues to be addressed between the PB engineers and the applicant's engineers. Mr. Hoffman said he will be meeting with the applicant in the field. Mr. Dorfman requested to be put on the agenda for the PB's next meeting.

**Cimino – 11-1-48.221 – 13.2 acres**, 2 lot subdivision located on Duck Farm Road and Old Chester Rd in the RU zone with an AQ6, stream and reservoir and scenic road corridor overlays. SEQRA, set public hearing

Representing the applicant: Kirk Rother

Mr. Rother provided the history of the application. He said there is currently no proposed development for Lot #1 of the two lot subdivision but that the applicant is proposing a residence on Lot #2, which is a two acre lot. He said that when he was before the PB last year, a proposed pump plan was approved. The test well was pumped and three adjoining wells were monitored as were some existing wells on site. A report was prepared and reviewed by the PB's consultants. Mr. Rother said he would like the PB to schedule a public hearing.

Mr. Golden said the PB needs to type the action under SEQRA and make a determination of significance before setting a public hearing.

Mr. Garling said that after reviewing the plans and addressing some issues he recommends that the project be typed an Unlisted Action and given a negative declaration. He said that the well, septic and the curb cut need to be placed on the site plan before the public hearing. He said he doesn't think there will be a sight distance issue.

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board types the application of Cimino as an Unlisted Action under SEQRA and issues a negative declaration indicating there are no significant adverse environmental impacts associated with the project as proposed. Approved unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Myruski	Aye
Mr. Huddleston	Aye		

Mr. Halloran said that there will be a 239 Referral to the County Planning Department due to the parcel's proximity to the Heritage Trail.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Lupinski, the Town of Goshen Planning Board sets a public hearing on the application of Cimino for November 4, 2010. Approved unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Myruski	Aye
Mr. Huddleston	Aye		

**Persoon – 17-1-4 & 36** - Possible extension of Conditional Final Approval (First 90 day extension granted on 7/15/10).

Mr. Halloran said the applicant has been doing work at the site. It was noted that the application received its Health Department approval this week. The applicant requests a 90 day extension of its Conditional Final Approval.

Mr. Golden said that the extension granted the Conditional Final Approval on July 15, 2010 lasts until November. 5. If another 90 day extension is granted it will continue to February 3, 2011.

Mr. Golden said that while the conditional final deadline was going to be November 5, the 18 months for purposes of protecting their pre-zoning status runs out on January 27, 2011 so that if the PB grants the conditional final approval, but the applicant doesn't

comply by January 27, 2011 or doesn't get the Town Board to extend it, the application will be subject to the new zoning.

**VOTE BY PROPER MOTION**, made by Mr. Myruski, seconded by Mr. Bergus, the Town of Goshen Planning Board grants a 90 day extension on the Conditional Final Approval of Persoon effective Nov. 5, 2010 and to expire Feb. 3, 2011. Approved unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Myruski	Aye
Mr. Huddleston	Aye		

**Zalunski – 20-1-8** Possible extension of Conditional Final Approval Phase I (Lots 1-7)

Mr. Halloran said the applicant is requesting a 90 day extension on their Conditional Final Approval.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Myruski, the Town of Goshen Planning Board grants a 90 day extension on the Conditional Final Approval of Zalunski effective Nov. 5, 2010 and to expire Feb. 3, 2011. Approved unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Myruski	Aye
Mr. Huddleston	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. Public hearing closed on 8/19/10.

Mr. Halloran said that the applicant is here to waive the required 62 day deadline.

Patrick Hutton of MJS Engineering said that the cemetery is the only outstanding issue that needs to be done on the application and the applicant will try to locate the cemetery this week. He asked the PB to put the application on the agenda next month.

Mr. Golden said the PB needs an affirmative statement from the applicant's representative that, "in fact on behalf of the applicant you are waiving the state law's 62 day time period in which this board needed to make the determination after the close of the public hearing." Mr. Hutton agreed that he was in fact waiving the 62 day time period on behalf of the applicant.

**Maplewood – 8-1-45 – 94+/- acres, 103 units**, residential and open space subdivision in the RU zone with an AQ6, scenic road and stream corridor overlay. Discussion of scoping document.

It was noted that the applicant had given the PB a draft scope in September and that PB members reviewed it and gave their comments to Ms. Naughton who compiled all of the PB's comments into a draft which was made available to the applicant and the PB this day.

Mr. Golden said that the deadline for finalizing the scoping document is November 18. Mr. Huddleston said that all of the PB members have not had time to review the draft of the comments and the application will be put on the agenda for the next PB meeting.

Applicant's representative Christine O'Donnell told the PB that she did review the comments and wants the PB to know that the applicant intends to study the visual impacts of the water tower, although they don't need the water tower to supply water to the site. She said the study will be done in case the Town decides at a later date that they want to connect the two systems. She questioned the request for studies to include the Bald Eagle, Indiana Bat, Bog Turtle and Peregrine Falcon. The PB agreed to eliminate the Peregrine Falcon study from the request, determining there is no reason to study it.

Mr. Halloran said the scoping document was posted on the Town's website and advertised in the newspaper, along with an explanation of the restrictions placed on the scope relative to the legal settlement between the Town and the applicant.

Mr. Garling suggested that the PB think about which roads need to be studied. He said that there should be no need to study the impact on Bridle Path which has no traffic and that he doesn't see the need to study Duck Farm Road and Route 17M because he doesn't believe residents of the proposed development will utilize the roads to any degree. He also said he doesn't expect much of an impact on the Route 17M westbound and eastbound ramps. Mr. Garling stated that the intersections of Craigville and Knoll Roads and Knoll Road and 17M should be studied because he expects a lot of people will travel that way to get to the highway or the store.

### **Non-Agenda Item**

Mrs. Kay Myruski of Brookfield Farm, told the PB that she is upset about the new house that is only 30 feet from her lot line and said she deserves to know how this happened and who allowed it. She is concerned that other houses will be built in the new development equally close to her farm property. Mrs. Myruski said she was told there would be a 60 ft. buffer from her property line and that somehow got changed. She said that the final approval was signed in January, 2008 but somehow it got "tweaked". She said she

worries about the other homes that will be constructed and feels that there is nothing to protect her.

Mr. Golden said there were discussions about changing the plans and putting in a 60 ft. buffer, the applicant volunteered to do it and the PB did not make that a condition of approval. When the final plans came in to be signed several years later, for some unknown reason, the plans did not include a 60 ft. setback. It wasn't picked up that this 60 ft. setback was not properly addressed in the plans and the plans were signed without the setback, he said. Once the plans are signed and filed that gives the applicant certain legal rights to that approval as signed, Mr. Golden said. The PB cannot now take that approval away from them, he added.

Mr. Golden said that the process currently followed is that the PB's Consulting Engineer, Riddick Associates, goes through the plans and the resolution of approval and then prepares a letter to the P.B. chairperson that states it believes, according to the review, that everything is in order and the plans can be signed or, lists the items that have not yet been completed and recommends that the plans not be signed at that time. He said the current process allows for more accountability, but wasn't in place before.

Mr. Halloran said he is working with the developer to get him to voluntarily put back the 60 ft. buffer and said that the developer has agreed that when he builds the second house, it will be in excess of 60 ft. Mr. Halloran said he will be talking to the developer about future houses beyond the next one.

**ADJOURNMENT:** A motion to adjourn the meeting at 8:35 p.m. was made, seconded and approved unanimously.

Ralph Huddleston, Chair  
Notes Prepared by Susan Varden