

**Town of Goshen  
Planning Board  
MINUTES OF THE  
WORK SESSION MEETING  
January 13, 2005**

**MEMBERS PRESENT**

Ralph Huddleston, Chairman  
Reynell Andrews  
Lee Bergus  
Susan Cleaver (late arrival)  
Mary Israelski

**ALSO PRESENT**

John Cappello, Attorney  
Neal Halloran, Bldg. Insp  
Joe Henry, Engineer  
Michael Marrello, Planner

**ABSENT**

John Lupinski  
Raymond Myruski

I. CALL TO ORDER

Chairman Huddleston called the work session meeting of the Town of Goshen Planning Board to order at 7:35 pm. This meeting was originally scheduled for January 6, 2005, but was postponed date due to inclement weather.

I. Agenda Items

**Schuster** 15-1-17,1 47.6 acres located on Arcadia Rd & Conklingtown Rd. in an RU zone with AQ3 overlay for a 2-lot subdivision.

No one is present for the applicant.

Mr. Halloran explained that the applicant has submitted the updated information and is now ready for a Public Hearing. They were not present at the December work session and are not here tonight. The Chairman stated we would move this applicant down on the agenda to see if they come in later.

**Dally 4-1-64** - 13- acres located on Ridge Road & Hasbrouck Road, in RU with AQ6 and scenic road overlay permit for mobile home interim dwelling permit 69-5 B(1).

Present for the applicant: Jerome Dally

Mr. Halloran explained that the applicant would like to have a mobile home on the property while building his new residence. The code allows this for six months, with one renewal for 6 months. Mr. Dally stated that he would rather use a Travel Trailer as it would be more attractive. It is self-contained and he would place it in the wooded area, so it would not be too obtrusive. He does not plan to commence until April and by then his well and septic should be installed and he could hook up. Mr. Halloran thought it would be at the site of the permanent home. An interim dwelling does require well and septic.

Mr. Dally is planning to construct a 1000sq. ft. accessory building and they will live in that building while they are building the new log home. This new home is very labor intensive and will take quite a while to finish. Mr. Huddleston asked if the accessory building would become a rental unit. Mr. Dally explained that he plans to work the property as a farm growing organic vegetables and he wants to live on the land while building. Mr. Huddleston stated that the applicant would have to hook into an acceptable water and septic system. Ms. Israelski expressed concern regarding the length of time. Mr. Dally stated that he does not plan to take more than six months to construct the accessory building if at all possible.

Mr. Henry will need to see the sanitary design plans. The applicant will be on the agenda for next week.

**Markoff & Sagafi 18-1-74 & 75**, located on Southgate in the RU zone with an AQ 3 overlay, modification of lots line between two existing parcels.

Present for the applicant: Dave Zuckerman

Mr. Halloran explained that at the December 16 meeting, a Public Hearing was set for January 20. However, upon further review, it was discovered that the septic system for the Markoff property is actually on another lot. Mr. Zuckerman explained that the property, originally owned by Mr. Muhlrud, was all one parcel. It was subsequently divided into three parcels. Mr. Sagafi (who owns the two flanking lots) has entered an easement agreement with Mr. Markoff, which allows for this septic system. It does not appear to be a major encroachment and this agreement will allow Mr. Markoff the ability to maintain the system as necessary.

Mr. Henry feels that the well and septic information on all three lots should be shown on the plans. Mr. Zuckerman stated that it should all be in the files and he feels that, if the PB is provided the actual easement agreement, that should be sufficient. He will supply copies of this agreement. Mr. Cappello noted that this is a fairly significant issue and it would be best to correct it now, as it will create problems in the future, when or if the properties are sold. Ms. Israelski agrees that it should be recorded on the map.

Mr. Andrews asked the age of the system. Mr. Zuckerman stated that it is approximately 15 years old. He re-iterated that this application involves two of the three lots. The third lot is the one with the septic system and it is not part of this application. He does not want to have to re-draw the maps. Mr. Cappello asked if they could put the septic on this lot or could they change the lot line to have it shown on the correct property. Mr. Bergus pointed out that a portion of the system is on the proper lot. They are only talking about approximately 20 ft. Mr. Zuckerman pointed out that the properties have all been sold and the new buyer is approved.

Mr. Cappello stated that the applicant needs to indicate the location of the septic system and the easement on the map. Some research needs to be done and there needs to be information from the Dept. of Health.

**Houston Subdivision- 17-1-5.24-** 24 lot open space subdivision on 97 acres, located on Route 17A and Houston Road in the Rural zone, with an AQ3, Stream corridor, and (2) Scenic road corridor overlays.

Present for the applicant:     Dave Higgins  
  Joe Distelburger  
  Burt Dorfman  
  Steve Esposito

Mr. Distelburger gave a brief history of the project, which has been before this Board for approximately 4 years. They have presented a clustering plan, which they feel preserves as many of the natural resources as possible. The Public Hearing in December was continued. They have reviewed the planner's comments since that time and have considered moving the road. Revised plans have been submitted, which the planner and engineer have not yet reviewed.

Mr. Higgins presented three possible scenarios. In the original plan, the PB was concerned with the preservation of the tree line. They looked at using the old farm road, as the PB had suggested. They took that road straight through with one turn off to a cul de sac. After speaking with Mr. Esposito, they realized that they had to move the road out from the canopy of the tree line, at least 30ft. They then moved the road further up Houston Road. This would put lots 23 & 24 on the tree line side. The applicant prefers this plan as the soils are better and they can still protect the tree line.

At this point, they walked the property to see what specimens would be important to save. Mr. Esposito presented a series of photos to illustrate the rationale behind the plan. By moving the entrance road up they would lose approximately 5 trees, but the larger trees would be preserved as well as the hedgerow. On the interior

portions of the property, they tried to work around the most significant trees on the site. The cul de sac was shortened and the entrance road was curved (rather than the straight road suggested by the planner) thereby saving some large trees. Mr. Marrello has not had an opportunity to review this new plan, and asks that the Board not act tonight. Mr. Higgins stated that when they laid this plan out, they wanted the road to have some character, which is why they curved it rather than staying with the straight version. Mr. Bergus noted that the curve in the roadway, would also help to control speeds.

Mr. Higgins explained that they were able to move the entrance up Houston Rd. more than originally proposed as the grade is not as steep as he thought. This alignment is very close to the original plan. Mr. Huddleston noted that in one lot the septic system is in the middle of the hedgerow. Mr. Higgins replied that this could be moved, as the soils are good in this area. Mr. Marrello asked where the plan stands in the SEQRA process. At this time they have presented an expanded Part 3, which includes a traffic study and storm water management plan. The studies have been updated.

Mr. Huddleston asked for public comment. Ms. Kay Myruski, neighboring farm, asked why the road had to come right up to her property line. She has had many problems with quad riders etc. coming over from Sawyers Peak. She feels this will create an attractive nuisance. Mr. Huddleston stated that this would provide access for the future. Mr. Cappello suggested that they could stop the road short and provide an easement for a connection in the future. Ms. Myruski also noted that the vegetation is very sparse in the area and she would like to see this supplemented. She noted that not all people respect the fact that this is her back yard. Mr. Dorfman stated that the applicant would have no problem moving the T-turn and setting up an easement agreement.

Mr. Douglas Bloomfield, a neighbor, spoke on behalf of Ms. Myruski's problem. He also noted that it has been mentioned that the railroad bed, which is in the front yard of her property, might be considered as part of a "trail system". He feels that this would be extremely inappropriate in this area. Ms. Jean Ryan asked the Board if all of these new residents would be made aware that this is an agricultural area and there are certain aspects that may be unpleasant, i.e., noise, smells etc. Mr. Huddleston explained that there are extensive Ag notes required on the plans.

Ms. Debra Corr asked if there would be proper buffering between the agricultural and residential areas. She requested that the applicant review §25AA of the NYS Ag & Markets code.

**Sagafi 2-1-61-** Two lot open space subdivision located on 13 acres, located on Scotchtown Road, in the RU zone with an AQ6 overlay,

Mr. Halloran stated that this has been removed from the agenda.

**Prochaska 22-1-61,** 17.2 acres, 4 lot subdivision, located on McNamara Lane in the AI zone with an AQ-3 overlay.

Mr. Halloran stated that a Public Hearing has been set for February 17. Well testing needs to be completed.

**Lands of Makuen, S.B.L. 13-1-10.1 & 10.2** 4-lot open space subdivision located on Route 17A in the RU and CO zones with the AQ3 and SR overlay zones.

Present for the applicant: Tom DePuy

Mr. Halloran stated that a Public Hearing has been set for next week. His office has had some inquiries regarding the access road to the rear of the property. There is concern that this access road will be used for commercial access.

Mr. DePuy explained that they have gone back to a regular subdivision plan under AQ 3. They have 9.003 acres with an average of 3 acres per lot. They are showing 50% of the property as open. Mr. Huddleston noted that the road along the back yards of Peach Tree Lane might become an access to expand the commercial area. Mr. Cappello explained that this was shown as commercial specifically with the idea that it be accessed through the Village property. They need to contact the Village to be sure that this will be possible.

Mr. Marrello has prepared a Conservation Analysis. There are small pockets of wetlands in the CO zone, but it does not affect this residential area. Ms. Cleaver noted there are mature trees in the rear along lot #1. These should be mentioned in the Conservation Analysis. Ms. Israelski also noted that the need for street plantings with regard to sight distances also needs to be mentioned. Mr. Marrello will modify the Conservation Analysis for next week's Public Hearing.

**Gary Job, S.B.L 20-2-16,** 2 acres located on Industrial Drive in a Commercial Office zone with an AQ 3 overlay, site plan approval for a warehouse.

Present for the applicant: Lou Powell – Eustance & Horowitz

Mr. Halloran explained that the applicant has submitted a Part 3. He has moved the building forward on the property as requested and updated information on the storm water quality treatment was submitted. The Board considered a neg dec conditioned on obtaining a DEC permit.

Mr. Henry has further questions on the storm water treatment plan. Ms. Israelski asked when they would submit to the DEC. Mr. Powell stated that there is an old plan before the DEC at this time. This plan is considered incomplete by the DEC under SEQRA. They are requesting a holding tank. Mr. Huddleston noted that this is not satisfactory to the PB. Mr. Henry feels the septic system as proposed will work. He will work with the applicant to confirm the perc's. Mr. Huddleston stated that they would consider a neg dec pending the modified application to the DEC. The County DOH has approved the original septic system.

This project will be on for the February 3 work session.

**Hendler – 10-1-51.2, 52.3 & 52.4 – 91.1** acres located on 6 ½ Station Road and Cheechunk Road, in an RU and CO zone with an AQ6 and scenic road overlay, for a Planned Adult Community and 8-lot residential subdivision.

Present for the applicant:        Ross Winglovitz  
   Jane Samuelson

Mr. Cappello is recused from this application. Mr. Golden could not be present to represent the PB due to a scheduling conflict. The Conservation Analysis is being worked on for this project.

Mr. Winglovitz explained that two uses are planned for this project. There will be an 8-lot subdivision along the north side of Cheechunk Rd. and the remainder will be a planned adult community. There will be public sewer and water. There are two wells on site noted on a previous application in the '80's. There will be three access points with the main entrance on Cheechunk. The subdivision will be on a short cul de sac. They have met with the Village Mayor to discuss hooking up to the Village Treatment Plant.

They have begun work on a conservation analysis. There is an open field in the front. The lower portion is wooded with older trees. The adult community will consist of two-story townhouses/condos. Ms. Israelski commented that she is in favor of providing an adult community but emphasized that we need to have a plan that protects the natural resources. Mr. Marrello had several comments. He feels that this is a difficult topo for seniors as there are steep slopes. The visibility of the homes is quite significant. He suggested that since there are two different zoning districts, the applicant might consider making two separate applications. However, that might be considered segmentation. With more creative planning, some of the adult homes could be shifted into the RU section.

Mr. Winglovitz emphasized that they wanted to place the adult homes in the trees rather than out in the field in order to decrease the visual impact. Mr. Henry noted

that because of the public water and sewer the plan becomes a single project rather than two separate ones. In the planned adult portion he would like to see a constraint analysis, which covers soils, slopes and wetlands. Mr. Marrello favors the traditional hamlet concept. He feels this plan lacks a community focal plan, lacks street connectivity and streetscape definition. The plan needs to address the scenic corridor on 61/2 Station Rd. and Cheechunk Rd. The rear of the units are visible with this plan. Mr. Winglovitz disagrees that this topo will be difficult as this is designed to be a community for active adults. Ms. Israelski emphasized that they need to look at the total picture.

Ms. Cleaver noted that in the previous application in the '80's, there was a question of radon and that is why the project failed to proceed. Mr. Winglovitz noted that the project actually failed due to the economy at the time. Ms. Cleaver also asked about the possibility of well contamination. The jail has had trouble with its' wells and she feels the wells for this project could be subject to cross contamination. She also noted that there has been dumping in the area and the applicant should be aware of this.

Ms. Israelski stated that she likes the concept, but would like to see it re-worked. Mr. Winglovitz emphasized that they are not looking at the idea of a traditional neighborhood. Mr. Marrello noted that the town code states that the applicant must comply with the hamlet design guidelines. The applicant will work with the planner at the next staff meeting and be on the agenda for the February work session.

**Amelia Acres – 13-1-78** located on Rte 17A & Lower Reservoir Road in a RU zone with AQ3, scenic road overlay and reservoir overlay for conservation analysis.

Present for the applicant: Steve Esposito

This is an existing horse farm consisting of 96.4 acres. A constraints analysis has been prepared. The applicant has reviewed the wetlands, watercourses, steep slopes and stream corridors. Mr. Marrella has prepared a draft Conservation Analysis. The streams, steep slopes and the existing pond make up the primary areas, which need to be permanently preserved. The secondary areas consist of the mature wooded areas, existing hedgerows, the area within the scenic road overlay and the active horse farm and paddocks. These should be avoided during design and construction. The design of the development should consider narrow interior streets, street tree planting, landscaped entrances. There is a possibility of a vehicular connection to the South, which should be considered.

Ms. Cleaver suggested the possibility of a trail connection. Mr. Halloran also noted that vehicular traffic could be accommodated via a "paper road" to the Kamalian property. Mr. Marrello agreed that access from Route 17A is not desirable, nor is the

connection to Lower Reservoir Rd. Mr. Henry noted that they could look at an access on Lower Reservoir Rd closer to Route 17A.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Ms. Cleaver, the Planning Board of the Town of Goshen hereby adopts the Conservation Analysis Findings for the Amelia Acres site plan application with modifications to change a date and to add the trail connection. Passed unanimously.

Mr. Andrews	In Favor	Mr. Huddleston	In Favor
Mr. Bergus	In Favor	Ms. Israelski	In Favor
Ms. Cleaver	In Favor		

**CONSERVATION ANALYSIS FINDINGS  
TOWN OF GOSHEN**

NAME OF PROJECT: AMELIA ACRES  
S/B/L: 13-1-78  
DATE: January 13, 2005

RESOLUTION TO APPROVE THE “CONSERVATION ANALYSIS” FOR AMELIA ACRES:

WHEREAS, the Planning Board reviewed the “Conservation Analysis” map prepared by Esposito & Associates (dated 12-02-04) per the requirements of § 97-20B of the Town Code.

WHEREAS, the Planning Board’s professional staff conducted a site walk on December 28, 2004, confirming natural and cultural resources depicted in the “Conservation Analysis” map.

WHEREAS, the Planning Board discussed the conservation analysis at its meeting on January 6, 2005.

WHEREAS, the Planning Board finds that the following features contribute to the Primary Conservation Area:

- the streams located on the site, though not fully depicted on the site constraints map.
- the areas of slope greater than 25%
- The existing pond located on the northwestern portion of the property.

WHEREAS, the Planning Board finds that the following features contribute to the Secondary Conservation Areas:

- Mature wooded areas.

- The existing hedgerows
- The area located within the Scenic Road Corridor Overlay District
- The active horse farm and paddocks.

NOW THEREFORE BE IT RESOLVED, that the Planning Board determines that based on its preliminary review, the "Conservation Analysis" does adequately identify the sites natural resources and therefore the applicant is advised to proceed with the application with the following considerations:

- 1) The areas identified above as Primary Conservation Areas should be permanently preserved by a conservation easement.
- 2) The areas identified above as Secondary Conservation Areas should be avoided during the design and construction of the proposed development.
- 3) The design of the proposed development should consider the following:
  - A. The layout of roads, lots, and houses should preserve existing trees.
  - B. Low Impact Development including narrow interior streets, stormwater management techniques, street tree planting and landscaped street entrances.
  - C. Vehicular connection to the property to the south.

This review is based on preliminary analysis and should not be construed as a final approval of any kind. Upon further analysis of the proposed subdivision application the Planning Board may find it necessary to modify its findings with respect to the Conservation Analysis.

**Persoon Subdivision S.B.L. 17-1-36 &**, 67.50 acres located on Maple avenue, Winners Circle and Breezeway Lane in the RU Zone with an AQ 3, scenic road overlays, sketch plan.

Present for the applicant: Steve Esposito  
Steve Kunis

Lead Agency was declared at the December 16 meeting and the board is still waiting for responses. Modifications dated December 17 have been submitted. The cul de sac has been shortened and some of the lots have been widened. Mr. Esposito stated that the traffic study has been completed and they did take into account the future growth in the area. They plan to have 22 single-family residences with 4 duplexes. The duplexes will be on Maple Ave. They would use

the existing drive as a common drive. The units would be rear loaded. They are planning on making these “affordable” units. The applicant is not asking for any bonus points.

Ms. Israelski asked if pedestrian access could be provided from the rear of the homes on Maple to Winners Circle. She also noted that while undergoing construction, Winner’s Circle and Breezeway would suffer. She proposed that some of the street plantings be carried over to the older streets and that any trees removed should be replaced. Since there will not have to be an entrance design for this project, they could fix the entrances to Winner's Circle and Breezeway.

Mr. Esposito replied that this is a high-end subdivision and the owner will replace anything that is disturbed. Limits of disturbance will be delineated. Mr. Huddleston emphasized that this should blend from one subdivision road to the next. It should appear to be continuous. Ms. Israelski also asked that pools not be visible from the road. There should be no side yard or above ground pools. This could be implemented via a deed restriction. Mr. Marrello commented that it appears that the open space requirement has been met. Mr. Esposito stated that the other side of the road would be the major portion of the open space. The possibility of using this area for parklands was discussed.

Ms. Israelski suggested that a consortium of developers be established to identify which parcels would be used to solve this need. Mr. Esposito noted that in reality it would be difficult to bring this about. Mr. Marrello suggested the professionals meet with the developers, but they would need a directive from the Board. Mr. Kunis suggested that they continue the application process and establish separate meetings for the parkland subject.

Mr. Henry's comment memo has been issued and Mr. Marrello will be issuing his comments. He is waiting for direction from the Board in regard to the use of the open area. Mr. Cappello suggested that the members submit their comments on the Part 3 EAF. Mr. Esposito would like to request that they be on the agenda for the Jan. 20 meeting, to discuss the members comments on the conceptual sketch plan and to discuss any environmental concerns. The applicant will look at alternatives for the area across the street and they would like permission from the PB to meet informally with the Chairman and others to discuss the future needs of the community.

Ms. Cleaver brought up some of her environmental concerns. Some of the septic leach fields are in the tree conservation area and some homes are in the hedgerow areas. The applicant will move them out of these areas. She also suggested that some means to delineate the wetlands be employed, i.e., tasteful signs, so that the homeowners are aware of the limits.

**Heritage Estates, S.B.L. 8-1-9.2 & 11-1-98.6**, 256 acres located on Old Chester Road and Brookside Drive in the HR and RU zone with an AQ6, AQ3, scenic road, and stream overlay.

Present for the applicant: Steve Esposito

Lead Agency was declared at the December meeting and the PB is waiting for responses. A full EAF has been submitted. The board plans to issue a pos dec and a public scoping is planned for February 3. This information was included in the lead agency notice. The EAF was reviewed at the staff meeting. The draft scoping was just received and has not been reviewed yet. Mr. Marrello noted that connecting through on Brookside Dr. has been mentioned in the past. Should this be shown on the plan? Mr. Esposito has also spoke to the developers of Hambletonian Park about a connection with Bridle Path. He plans to extend the analysis to include intersections that would be affected. The two developments will coordinate their efforts and all the pertinent intersections including Main St. will be reviewed. They will consider the impact of both projects at total build out.

Mr. Cappello feels they should consider the connection via Brookside as an alternative. The alternatives should be specified in the scoping document. This information needs to come from the professionals.

**Kimiecik – 18-1-69 & 21-1-11** – 14.6 acres located on Durland Rd, Fox Rd and Rte 94, in the CO and RU zone with an AQ 3 overlay, special use permit for processing firewood, storage and wholesale of landscape supplies.

Present for the applicant: Steve Esposito

Mr. Halloran stated that the Public Hearing has been closed and the necessary variance was granted by the ZBA. The County Planning Dept. has reviewed the project. Mr. Myruski stated at last month's that, while he could not be present tonight, he would be in favor if a vote is taken. Ms. Israelski asked if the buffer and entrance design were being done as requested. They are. Mr. Esposito emphasized that no neighbors were present at the ZBA meeting. Mr. Cappello stated that they could approve the plan subject to Mr. Henry's acceptance of the drainage plan.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen hereby declares that the Kimiecik application for special use permit for processing firewood, storage and wholesale of landscape supplies will not have a significant impact on the environment under NY SEQRA. Passed unanimously.

Mr. Andrews	In Favor	Mr. Huddleston	In Favor
Mr. Bergus	In Favor	Ms. Israelski	In Favor
Ms. Cleaver	In Favor		

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Andrews, the Planning Board of the Town of Goshen hereby grants site plan approval to the Kimiecik application as all adverse impacts have been mitigated conditioned upon the inclusion of the notes on the plan regarding the height of the stockpiles and final sign off from the Town Engineer. Passed unanimously.

Mr. Andrews	In Favor	Mr. Huddleston	In Favor
Mr. Bergus	In Favor	Ms. Israelski	In Favor
Ms. Cleaver	In Favor	Mr. Myruski	In Favor
		(in absentia)	

Adjournment: The meeting adjourned at 11pm upon motion made by Ms. Cleaver, seconded by Ms. Israelski.

Ralph Huddleston, Chairman

Notes Prepared by Linda P. Doolittle