

**APPROVED MINUTES**  
**Town of Goshen Planning Board**  
**Town Hall**  
**41 Webster Avenue**  
**Goshen, NY 10924**  
**March 21, 2013**

**Members Present:**

Reynell Andrews  
Lee Bergus  
David Gawronski  
John Lupinski  
Giovanni Pirragalia

**Also Present:**

Sean Hoffman, PB Engineer  
Richard Golden, PB Attorney  
Kelly Naughton, PB Attorney  
Kathleen Krutki, PB office

**Absent:** Ralph Huddleston  
Susan Cleaver

The PB meeting was opened at 7:30 p.m. by Acting Chair Lee Bergus.

The minutes of the meetings of January 17, 2013 and February 21, 2013 were approved

**Possible Extension or Abandonment of Application pursuant to Town Code**

Mr. Golden said that Heritage Estates is seeking a 180 day extension and that it included a summary of activity that has taken place in the last year in its March 8<sup>th</sup> letter of request. Mr. Golden read the letter.

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Pirragalia, the Town of Goshen Planning Board approves the requested extension on the application of Heritage Estates to the PB's September 19, 2013 meeting. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

**PUBLIC HEARING**

**Woodland Estates – 17-4-20** for amended subdivision plat to relocate drainage easement located on Abbe Road and Betsy Court.

Representing the applicant: David Higgins, P.E.

Mr. Higgins gave a brief description of the project. It is a 25 lot subdivision filed in 2008, the road and storm water management facilities have been built and some of the lots have

been sold and built upon. The applicant is looking for a modification of the subdivision plan to relocate a drainage easement, Mr. Higgins said. He said the applicant wants to abandon a previously filed easement and in its place create a new 20 ft. wide easement along the south side of Abbe Road.

Mr. Hoffman said that it is simply moving a 24 inch pipe from the south side of Betsy Court to the north side of Betsy Court. There were two crossings under Abbe Rd. and now there will be one crossing, he said.

Mr. Bergus asked for public comment. There was none.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Pirragalia, the Town of Goshen Planning Board closes the public hearing on the application of Woodland Estates. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

**VOTE BY PROPER MOTION**, made by Mr. Pirragalia, seconded by Mr. Gawronski, the Town of Goshen Planning Board reaffirms its prior SEQRA Finding of a negative declaration on the application of Woodland Estates. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

Mr. Golden read the Finding for PB approval as follows:

“The original project presented a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but suitable parks or recreation areas of adequate size to meet this requirement could not be properly located on the site, requiring a payment of a parkland fee to be determined by the Town Board in lieu of providing such parkland. The Planning Board recognizes that said fee was required to be paid prior to the signing of the original plat on January 25, 2008 and this amended application creates no new lots. Therefore no new parkland fee is required in connection with this amended approval.”

**VOTE BY PROPER MOTION**, made by Mr. Lupinski, seconded by Mr. Pirragalia, the Town of Goshen Planning Board approves the Finding, as read by legal counsel, in the application of Woodland Estates. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
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Mr. Bergus	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

Mr. Golden read the five specific conditions as follows:

1. Portions of Lots 7, 8, 9, 13, 15 through 22, and 24, are hereby designated as open space areas. These areas shall remain undisturbed and forever wild, with the exception of Lots 20 through 24 which are permitted to contain drainage facilities consistent with the approved plans, with the concomitant repair and maintenance of such facilities permitted. Appropriate deed restrictions to accomplish these restrictions must be filed with the Orange County Clerk in such form as is acceptable to the Planning Board attorney. The filing of the deed restrictions must be accomplished prior to the issuance of any Building Permits.
2. A general deed restriction shall be filed simultaneously with the subdivision plat filing, with proof to the Building Inspector and to the Planning Board Attorney noting that the subdivision is "Subject to any easements, restrictions and covenants of record and all wetland notes and other notes on Filed Map No.s \_\_\_\_ and \_\_\_\_, and all conditions in the Town of Goshen Planning Board Resolution of Approval for the subdivision."
3. Prior to the signing of the plat, the applicant shall offer an easement over that portion of Lot 6 designated as a drainage easement in favor of the Town granting the Town the right, but not the obligation to enter upon the property to maintain the drainage facilities. Proof of filing of the easement with the Orange County Clerk's Office shall be provided to the Building Inspector prior to a building permit being issued.
4. Prior to the signing of the plat, the applicant shall field verify the elevations used for the hydraulic calculations (culvert inverts, road elevation, etc.) to the satisfaction of the Town Engineer.
5. Prior to the issuance of a building permit, the applicant shall construct a shallow grassed swale to direct any storm water to the treatment pond to avoid ponding or any impact to the proposed sewage disposal system to the satisfaction of the Town Engineer.

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Pirragalia, the Town of Goshen Planning Board approves the Amended Resolution of Conditional Final Approval Major Site Plan (Lots 6, 19 & 20) for Woodland Estates, LLC. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

**Tortilleria/Northern Bear – 20-1-39 3.58 +/- acres** located at 1722-1724 State Route 17A, Florida, NY in the CO with AQ3 overlay. Possibly set public hearing.

Representing the applicant: Anthony Trigliano, Pietrzak & Pfau

Mr. Trigliano said that the only revision on the plan was the revision of some of the grading on site. He said the parking has been moved from the front of the building to the back, behind the front line extension. This has not yet been shown on the site plan, he said. He said the goal is to have the parking area completed by July, with repaving, re-striping, a new curb line and the construction of a wall in the rear of the property. The owner doesn't intend to construct a terraced wall on the hillside in the rear, but wants to construct a 4 ft. wall. He has done some excavation on the back of the hillside and installed a large curtain drain, which isn't shown on the site plan yet, Mr. Trigliano said. He said he met recently with the Orange County Health Department on the location of the well and design of the septic and learned that the minimum separation was 200 ft. between the two. Mr. Trigliano said there is only 130 ft. separation now and so the well or the septic will have to be relocated.

Mr. Golden said that there are substantial modifications that will have potentially significance impacts. He recommended that the PB close, and then re-notice the public hearing, when the new information is available to the public.

Mr. Bergus asked if there were any comments from the public. There were none.

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Andrews, the Town of Goshen Planning Board closes the public hearing, but not completed, on the application of Tortilleria/Northern Bear and the applicant is required upon re-submittal of revised plans to come before the PB and the PB will then set a new public hearing. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

**5 Sisters Properties – 2-1-25 8.4 +/- acres** located on Greencrest Rd. and NYS Route 207 in the RU, AQ3 and AG6 overlay. 3-lot minor subdivision.

Representing the applicant: Albert Fini, applicant

This is a 3-lot subdivision, with one existing lot and the remaining lands cut into two. Mr. Fini said he did testing on the septic and the well separation. He said he is re-locating the driveway from the existing house to one of the new proposed lots and constructing a new driveway to the existing house. The third lot will have a driveway coming off onto Greencrest Rd., he said.

Mr. Hoffman said the applicant adopted the water testing protocol in the summer, did testing in November and December and submitted their report in February. He said the applicant exceeded the pumping rate and that the length of time pumped exceeded what was required.

Mr. Golden said that the 239 Report came back from the County Planning Department with a “local determination”.

Mr. Begus asked for public comment. There was none.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Pirragalia, the Town of Goshen Planning Board closes the public hearing on the application of 5 Sisters Properties. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

**VOTE BY PROPER MOTION**, made by Mr. Pirragalia, seconded by Mr. Andrews, the Town of Goshen Planning Board issues a negative declaration stating that the application of 5 Sisters Properties will have no significant adverse impact on the environment. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

Mr. Golden read Finding #1 of the draft resolution as follows:

“The Planning Board hereby waives the Environmental Control Formula as permitted by Section 97-18(D)(3) because the applicant demonstrated, through site-specific soils testing and analysis to the satisfaction of the Planning Board and the Town Engineers, that the lots were appropriately sized and designed to accommodate the individual septic systems proposed.”

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Pirragalia, the Town of Goshen Planning Board adopts the Finding as read by legal counsel on the application of 5 Sisters Properties. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

Mr. Golden read Finding #2 as follows:

“This project presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes to address their recreation needs, but suitable parks or recreation areas of adequate size to meet this requirement cannot be properly located on the site. This Planning Board finds that this project requires the payment of a parkland fee to be determined by the Town Board in lieu of providing parkland adequate to suit the Town’s needs for this development.”

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Lupinski, the Town of Goshen Planning Board adopts the Finding regarding parkland fees as read by legal counsel on the application of 5 Sisters Properties. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

Mr. Golden read the specific conditions as follows:

1. Prior to the signing of the plat, the applicant shall revise the plat to include the density calculation on the plat, to graphically depict the setbacks for each proposed lot, and to revise the bulk table to confirm the overall site impervious surface coverage is less than 10%.
2. Prior to the issuance of a building permit, the applicant must demonstrate to the satisfaction of the Building Inspector that the plan fully complies with Section 97-41(F) of the Goshen Town Code.
3. Prior to signing the plat the applicant shall place a Conservation Easement over a minimum of 50% of the property, in accordance with Section 97-20(G) and Section 97-21 of the Town Code, enforceable by the Town, which shall be drafted to the satisfaction of the Town Attorney as to form, including ongoing maintenance standards that will be enforceable by the Town against an owner of open space land to ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials.
4. Prior to the issuance of a building permit, the limits of clearing and disturbance shall be shown on the plat, and shall be identified in the field with appropriate signage, flagging and/or fencing. The signage, flagging and/or fencing of the limits of clearing and disturbance shall be posted conspicuously on the site.
5. Prior to the signing of the plat, the applicant shall offer to dedicate the land measuring twenty-five (25) feet from the centerline along the southwesterly side of Greencrest Road to the Town for highway purposes. Such documents shall be in a form acceptable to the Town Attorney. Prior to signing the plat, the applicant shall revise the plan to show this dedication.

6. Prior to the signing of the plat, the applicant shall supplement the Well Test Report to address the technical concerns of the Town Engineer and Town Hydrogeologist, contained in the Town Engineer's February 19, 2013 memorandum and the Town Hydrogeologist's February 12, 2013 memorandum.
7. Prior to the signing of the plat, the applicant shall confirm the existing wastewater disposal system on Lot No. 1 is appropriately designed for the anticipated flow and site conditions and is functioning properly as demonstrated by a dye test and visual inspection to the satisfaction of the Town Engineer. If the Town Engineer determines that the existing wastewater disposal system is not appropriately designed for the anticipated flow conditions, or is not functioning properly, the applicant must return to the Planning Board for further action.
8. Prior to the issuance of a building permit, all existing accessory structures on the property shall be removed.
9. Prior to the signing of the plat, the applicant shall confirm that the sight distances for the Lot No. 3 driveway complies with AASHTO standards. Prior to the issuance of a Certificate of Occupancy the applicant shall trim and maintain any roadside vegetation adjacent to the driveway to improve sight distance along Greencrest Road in the westerly direction to the satisfaction of the Town Engineer and Highway Superintendent.
10. Prior to the signing of the plat, the applicant shall revise the plat to indicate the type and dimensions of surface course for the driveways to the satisfaction of the Town Engineer. The applicant shall pave the driveway entrance from the edge of the travel lane to the right-of-way line or a minimum of the first ten (10) feet of each driveway along Greencrest Road.
11. Prior to the issuance of a Certificate of Occupancy, the applicant shall take all reasonable and diligent efforts to obtain the removal of the existing overhead utility lines on Lot No. 3 if they are inactive.
12. Prior to the signing of the plat, the applicant shall revise the plat to show the location of the existing monitoring well on Lot No. 1. Prior to the issuance of a Building Permit the existing monitoring well should be properly capped and decommissioned.
13. Prior to the signing of the plat, the plat shall be revised to show the small intermittent ponding area and all trees over 12 inches dbh in the area of disturbance. Trees to be preserved within the area of disturbance should be marked in the field prior to the issuance of a Building Permit.
14. Prior to the signing of the plat, the applicant shall comply with the memorandum of the Town Engineer dated February 19, 2013 to the satisfaction of the Town Engineer.
15. The applicant shall plant shade trees at forty (40) foot intervals along Greencrest Road and Route 207. The locations of the shade trees shall be verified in the field prior to the issuance of a Certificate of Occupancy to confirm there is no interference with driveway sight distances. This condition shall also be included as a note on the final plans submitted for the Chairman's signature.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Pirragalia, the Town of Goshen Planning Board adopts the Resolution of Conditional Preliminary and Final Approval Minor Subdivision for 5 Sisters Properties. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

**Kaprielian – Craigville – 4-1-9.122 & 14.1 – 206 +/- acres** subdivision located on Craigville Rd. in the RU zone with AQ3 and AQ6 overlay. Conservation analysis findings.

Representing the applicant: Steve Esposito

Mr. Esposito said he has reviewed the conservation analysis and has no issue with it. Mr. Hoffman said he has no issue with the Resolution to Approve the Conservation Analysis.

Mr. Golden said that with respect to the tree issue, all trees over 12” dbh in the areas of potential disturbance will be marked and preserved to the greatest extent practicable and the applicant will prepare a tree survey after determining the developable area of the property, which will include the trees inside the developable area and those within 100 feet of the boundary of that developable area. Mr. Golden said the PB is adequately protected with respect to the tree issue because there will be a survey of all of the significant trees within the area that the applicant determines will be developed, plus the buffer.

Mr. Golden said that the applicant needs to submit a long form EAF. Mr. Esposito said that will be done at sketch plan. Since PB members had been given copies of the Resolution and had reviewed it, it was not read aloud.

**VOTE BY PROPER MOTION**, made by Mr. Lupinski, seconded by Mr. Pirragalia, the Town of Goshen Planning Board adopts the Resolution to approve the “Conservation Analysis” for the Lands of Kaprielian-Craigville Project. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

**Kimieck Application**

Representing the applicant: Steve Esposito

Mr. Golden said the applicant was before the Town ZBA for a variance to move the building closer to the road than is permitted under the zoning code so that it can provide parking in the rear. The applicant is seeking relief from the front yard setback. He said that the ZBA has declared its intention to be lead agency and the PB is an involved agency. However, the ZBA has indicated that it would not be displeased if the PB took over lead agency status, Mr. Golden said. There was a lengthy discussion.

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Pirragalia, the Town of Goshen Planning Board objects to the Town ZBA being the lead agency on the project of Kimieck and directs its attorney to draft the necessary notices. Passed unanimously.

Mr. Andrews	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

**ADJOURNMENT** - The Planning Board adjourned at 9:10 p.m.

Lee Bergus, Acting Chair  
Notes Prepared by Susan Varden