

**APPROVED MINUTES**  
**Town of Goshen Planning Board**  
**Town Hall**  
**41 Webster Avenue**  
**Goshen, New York**  
**May 1, 2014**

**Members Present:**

Reynell Andrews  
Lee Bergus, Chair  
Susan Cleaver  
Phil Dropkin  
John Lupinski  
Giovanni Pirraglia

**Also Present:**

Sean Hoffman, PB Engineer  
Kelly Naughton, Esq. PB Attorney  
Neal Halloran, Building Inspector

**Absent:** David Gawronski

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

The minutes of the meeting of April 3, 2014 were approved with corrections.

**Kolk – 11-1-98.6 10+/- acres**, 3 lot subdivision located on Old Chester Rd in RU, AQ6 and Scenic Corridor Overlay.

Representing the applicant:

Nicholas Rugnetta of Pietrzak & Pfau

Mr. Rugnetta gave a brief description of the project and its location. He said that because the project is an Open Space Subdivision the applicant will leave more than 50% of the site as open area. He said that all three lots will be served by private wells and septic.

Mr. Hoffman explained that the open space is located on the eastern portion of the site and is adjacent to the Heritage Trail. He said the open space will be privately held. There is a required 50 ft. landscape buffer along the front, he said. The utilities will be private wells and septic systems. Mr. Hoffman said that most of the septic testing has been completed. The Code requires that it be witnessed. The site is unique, Mr. Hoffman said, as Arcadia Hills is to the south and Heritage Estates is to the north. We may request a possible water easement, if possible, for future use, he said. Mr. Rugnetta said he hasn't yet spoken to the applicant about it. Mr. Hoffman said that sight distance measurements were completed and are adequate. He said it has been suggested that the westerly house be moved back a little and the applicant has said he will attempt it.

Ms. Naughton said the PB must make a determination of significance.

Mr. Hoffman said the well testing has been reviewed by Town Hydrologist Bill Canavan who has said that everything is according to Code. However Mr. Canavan has asked the applicant for some clarification, he said.

Mr. Halloran said that a septic system is allowed in the conservation easement as long as it does not impair the conservation value of the land. The PB had a lengthy discussion about the conservation easement, mowing, and installing ESA signs. Ms. Cleaver made a motion that there be a 50 ft. buffer along the conservation easement along the Heritage Trail. Following discussion, Ms. Cleaver withdrew the motion.

Ms. Naughton said the applicant is restricted as to what they can do in the conservation easement. She said the Code is "very, very detailed" about what they can and cannot do. It cannot degrade the conservation value of the easement, she said. Mr. Hoffman suggested that the conversation about the conservation easement continue after the applicant is consulted.

Mr. Bergus opened the meeting to public comment.

Robin and Alvin Burgos, of 142 Old Chester Rd., both spoke. Mrs. Burgos said their home is adjacent to one of the new lots. She said she is concerned about the sight distance between her house and the next lot and the distance between her driveway and the proposed driveway. She said she is concerned with drainage as her property slopes and the three proposed lots are higher than hers and all slope toward hers. Mrs. Burgos said she is also concerned with the site of the septic and also with the conservation area. Mrs. Burgos said that currently there are drainage difficulties, calling the property saturated. She asked about the perk tests. She also asked who will be responsible for the upkeep of the conservation area.

The consultants answered Mrs. Burgos questions. Ms Naughton said that the conservation area will be the responsibility of the person who owns the lot and Mr. Hoffman added that Lot #3 is almost half conservation easement. He said that the applicant proposes a side yard setback of 30 feet so the minimum setback will be 60 feet and 120 feet from one side of the house to the other side of the house. Mr. Hoffman said there is a code requirement for the driveways to be 10 ft. off the lot line and that these driveways are 60 ft. apart

Regarding drainage, Mr. Hoffman said that the property slopes towards the Heritage Trail and that the applicant has been asked to provide dry wells to mitigate the drainage. Regarding the septic system, Mr. Hoffman said that the perk on Lot 1 was 8 minutes and 5 minutes, that is how fast water travels through the soil, he explained, and called those results "pretty good". If it was greater than 60 minutes, then you couldn't put a septic there, he said.

Mr. Rugnetti said that the longest perk on the property was 12 minutes. He said the perks were done by the applicant in the summer. Mr. Hoffman said that the Town requires witnessed

perks and said he can witness all of the perks and that if there is a problem he will come back to the PB. The PB members agreed that all three lots will have perk tests observed by Mr. Hoffman and one lot will have a deep pit test observed.

Mrs. Burgos said she is concerned because her well is located in the rear of her property and the applicant’s septics are going in the rear of the proposed lots. Mrs. Burgos told PB members that her septic is in her front yard, with the well in the back yard. The applicant’s survey did not show that. After reviewing other surveys, Mr. Hoffman confirmed that Mrs. Burgos was correct. He said the applicant will have to plot it on the map and determine the separation between her well and the proposed septics. He said it looks like the well is 50 feet off the lot line.

Mrs. Burgos asked if the applicant will consider switching the driveway to the other side of the lot. Mr. Rugnetta said that they have sight distances of 481 feet looking west and 395 feet looking east and that 330 is the minimum. Mr. Hoffman suggested he will look at the possibility but that he doesn’t know if the sight distances will be the same.

Ms. Naughton said that she wants the PB to understand that when the resolution is prepared, it will be for both preliminary and final approval.

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Dropkin, the Town of Goshen Planning Board closes the public hearing on the application of Kolk. Approved Unanimously.

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|-------------|-----|---------------|-----|
| Mr. Andrews | Aye | Mr. Dropkin   | Aye |
| Mr. Bergus  | Aye | Mr. Lupinski  | Aye |
| Ms. Cleaver | Aye | Mr. Pirraglia | Aye |

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board declares the application of Kolk to be an Unlisted Action with a Negative Declaration of Significance (SEQRA). Approved Unanimously.

|             |     |               |     |
|-------------|-----|---------------|-----|
| Mr. Andrews | Aye | Mr. Dropkin   | Aye |
| Mr. Bergus  | Aye | Mr. Lupinski  | Aye |
| Ms. Cleaver | Aye | Mr. Pirraglia | Aye |

Mr. Hoffman told the PB that his office will confirm that the “as built” next to the Kolk property were built per the plans. He said his office will re-evaluate the septic system on Lot #1 and that the revised plans will be brought back to the PB for review.

The PB meeting was adjourned at 8:25 pm.

Lee Bergus, Chair  
Notes prepared by Susan Varden