

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

**OCTOBER 6, 2011**

**Members Present:**

Reynell Andrews  
Lee Bergus  
Susan Cleaver, Acting Chair  
David Gawronski  
John Lupinski  
Giovanni Pirragalia

**Also Present:**

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

**Absent:** Ralph Huddleston

**Minutes** – The Minutes of the Planning Board Meeting of September 15, 2011 were approved.

**Persoon** – **17-1-36** located on Maple Ave. and Sunset Court. Conservation easement change.

Representing the applicant: Jerome Fine

Mr. Fine said he was appearing before the PB to get clarification as to what can and cannot be done in the conservation easement on the large lot. He said the applicant has a pending sale on the lot and the purchaser wants a modification of the conservation easement.

Ms. Naughton read a summary of the changes the applicant is seeking:

1. The erection of any structures, including buildings and fences is specifically prohibited. The Applicant is requesting that prohibition be amended to include “except as provided herein, *e.g.* fences to support agricultural operation”.
2. The alterations of ponds, wetlands, etc. outside of those regulated by the ACOE or DEC is prohibited. The Applicant is requesting the following language be included, “Except for cleaning up existing ditches and adding new ditches as deemed good agricultural practices.”
3. The building of roads or driveways is prohibited. The Applicant is requesting the following language, “except for construction of an access road to allow tractor accessibility to support agricultural operation.”

- 4. Hunting, bicycling, operation of mountain bikes, dune buggies, etc. is prohibited. The Applicant is requesting the following language at this time “Except for non-recreational use, e.g. use of bicycles to support agricultural operation”.
- 5. The Applicant wants the ability to remove weeds harmful to growing crops.
- 6. Concerning the Grantee’s Reserved Rights, the Applicant is requesting the following language be included: “Engaging in, and permitting tenants or licensees to engage in any and all forms of farming and agricultural operations, including, but not limited to the extension of utility lines to conserved premises, drilling of water wells for irrigation as permitted by the New York State Department of Environmental Conservation, if applicable, and soil cultivation.”

The PB modified #4 to read: “Hunting, bicycling or operation of mountain or other bicycles, snowmobiles, dune buggies, motorcycles, all-terrain vehicles, hang gliders, aircraft, or any other types of motorized recreational vehicles, except for hunting, as regulated by State and local law, to protect agricultural operations on-site and the non-recreational use of utility vehicles and non-motorized bicycles to support agricultural operation.”

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Mr. Gawronski, the Town of Goshen Planning Board approves the changes, as suggested by the applicant and modified tonight, to the conservation easement on the Persoon application. Passed unanimously.

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

**Valden – 11-1-28 & 11-1-30.1** (formerly known Owen Murphy), 3.6 acres located at 1700 Route 17M, Goshen NY in the HC zone and intended use as restaurant/banquet hall. Amended site plan and special use permit.

Representing the applicant: Amador Laput, Project Manager  
Fellenzer Engineering

Mr. Laput gave an overview of the project for the public. He said the applicant proposes to continue the pre-existing use as a restaurant and banquet hall. There will be modifications of the interior but the building footprint remains the same. Previously unpaved parking areas will be paved and there will be a complete replacement of the septic system. The applicant is now completing tasks with the Department of Health and the occupancy that is allowed by DOH standards. There will be a number of landscaping

features on the hillside and rain garden areas to take runoff from the paved parking. In the future there may be a possible water feature, Mr. Laput said.

Ms. Cleaver asked for public comment. There was none.

Mr. Halloran said that the building footprint will actually be smaller as the applicant tore down the atrium in front. The area may be replaced with a patio and fountain.

Mr. Hoffman told the PB that the parking stalls around the well have been eliminated and the landscaping extended, to protect the well. He said that the emergency access road is shown on the plans as gated, but added that it goes in at an awkward angle to the state highway. He said the applicant will ask all emergency services if they have a need for the access road, adding that if they are disinterested, he doesn't see a reason to use it and that it should then be eliminated from the plan. Mr. Laput said he will check with the police, fire and ambulance services. Mr. Laput said that he pulled accident reports and found that over the past 11 years there have been 41 accidents, but only one could be attributed to restaurant traffic.

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

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

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Mr. Lupinski, the Town of Goshen Planning Board issues a Negative Declaration relative to SEQRA on the application of Valden. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Susan Cleaver	Aye	Mr. Pirragalia	Abstain

Ms. Naughton said that the 239 Referral was received in 2009 and contained three comments which were included in the resolution.

Ms. Naughton read the Finding which the PB must make, as follows:

“The Planning Board has found that due to the location and topography of the property, and its existing improvements, compliance with the requirements in § 97-14(D)(1) regarding building placement would discourage the Applicant from developing the property, and was not practical and feasible for the screening required.

The Planning Board has also found that due to location and topography of the property, compliance with the requirements in § 97-14(D)(3)(a) for a bike path and/or sidewalk to be constructed within the landscaped buffer would impose an unnecessary economic hardship on the Applicant, and would discourage the Applicant from improving the property.”

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Pirraglia, the Town of Goshen Planning Board accepts the Finding as read by PB attorney on the application of Valden. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Susan Cleaver	Aye	Mr. Pirragalia	Abstain

Ms. Naughton read the specific conditions for the Conditional Resolution of Approval.

1. Prior to the signing of the plan, the Applicant shall provide an easement, subject to the satisfaction of the Planning Board attorney, adequate to accomplish the emergency access over the neighboring parcel, subject to Specific Condition No. 11.
2. Prior to the signing of the plan, the Applicant shall correct the bulk table to correspond to the requirements of the HC district along a State highway.
3. Prior to the issuance of a Certificate of Occupancy, proof of the lot merger must be submitted to the Building Department.
4. Prior to the signing of the plan, the Applicant shall revise the Note on Sheet S-101 to state that three variances were received from the Town of Goshen Zoning Board of Appeals, subject to certain landscaping requirements.
5. Prior to the signing of the plan, the Applicant shall revise the plan to show the lot lines being removed by the lot merger.
6. All light levels for lighting proposed on the Lighting Plan must be limited to 0.1-foot candles at the property line so no offsite glare will result. The fixtures shall meet IDA, LEED or Green Globes criteria for Nighttime Friendly or Dark Sky lighting.
7. Prior to the signing of the plan, the Applicant shall comply with the memorandum of the Town Engineer dated September 30, 2011, to the satisfaction of the Town Engineer.
8. Prior to the signing of the plan, the Applicant shall comply with the memorandum of the Town Planner dated September 29, 2011, to the satisfaction of the Town Planner.
9. Prior to the signing of the plan, the Applicant shall remove Note 16 on Sheet S-501, unless required by the Orange County Department of Health.
10. Prior to the signing of the plan, the Applicant shall revise the design flow calculations on Sheet S-504 to be consistent with the information contained on Sheet S-501.

- 11. Prior to the signing of the plan, the Applicant shall provide comments from the Town’s Emergency Services (police, fire and ambulance) as to whether emergency service personnel desires emergency access to the site via the driveway on the west side of the property. If access is not requested by emergency service personnel, the access shall be closed by the Applicant. If the access is requested by emergency service personnel, the access shall remain as shown on the plan. *See also*, Specific Condition No. 1.
- 12. Prior to the signing of the plan, the Applicant shall revise the plans to include the proposed sign for the operation of the business in the building, which shall comply with the Town Code.

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board approves the Resolution of Conditional Approval as modified on the application of Valden, Inc. Major Site Plan and Lot Merger. Passed unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Susan Cleaver	Aye	Mr. Pirragalia	Abstain

**Dickerson – 13-1-69.2 – 83.6 +/- acres**, revised plans for final approval for 6-lot subdivision located in the RU zone.

Representing the applicant: Amador Laput, Project Manager  
Fellenzer Engineering

Mr. Halloran said the application has been before the PB for a long time and that it has been reduced to six lots from its previous submission. The lots are along Gibson Rd.

Mr. Laput said that the previous holdup was the well testing, that the reports have been submitted and that he believes the water test results are all acceptable.

Mr. Hoffman said that there was a public hearing on the application in May of 2010 and that at that time neighbors expressed concern with the well testing and how the project would impact their wells. He said the applicant did the well testing and met the requirements of the water testing protocols.

Mr. Gawronski asked if there were areas of excessive draw downs. Mr. Hoffman said that the on-site wells tested 9 gallons a minute when they only needed 4 gallons. He said the impact to off-site wells was minimum and under the code thresholds. There were seven off-site wells tested in addition to the on-site wells. Regarding the impact to neighboring wells, Mr. Hoffman said there were two non-detects, two were 1 ft. or less, two were 3 ft or less and the greatest was the Nutley well. He said the testing rate is greater than the

normal usage rate and added that at the normal usage rate, it is anticipated that all, including the Nutley well, will be non-detects.

Ms. Naughton said that SEQRA is completed and read the one Finding that needs PB approval as follows.

“This Project proposes to add approximately 25 new residents, 12 of which would be under the age of 21 years, to the Town of Goshen. It 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. Lupinski, seconded by Mr. Pirraglia, the Town of Goshen Planning Board accepts the Finding as read by the PB attorney on the application of Dickerson. Passed unanimously.

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

Ms. Naughton said that the 239 Report from the Orange County Planning Department was received in 2010 and it determined that the application should be a local determination but had three comments which Ms. Naughton read to the PB.

Ms. Naughton also read the following conditions of approval needing PB approval.

1. The Applicant must comply with all the requirements of the Goshen Town Code including, but not limited to, §§ 97-29(G) through (J) except where site features are screened from the road.
2. All wetland delineations and concomitant impacts to the application are subject to all regulating authority that exists at the time of the consideration of the signing of the plat, including but not limited to the jurisdiction of the New York State Department of Environmental Conservation. To the extent that any such new delineation or regulation impacts the proposed plan as approved herein, the Applicant must conform its application accordingly prior to the signing of the plat by the Chairman.
3. Prior to the signing of the plat, wetlands and any required buffers are to be marked on the plat, identifying such individual lots affected. The Applicant must use proper Environmentally Sensitive Area (“ESA”) signage consisting of green fiberglass posts and orange stickers with black lettering stating “Environmentally Sensitive Area”, spaced at distances of no less than 25 feet

nor more than 100 feet as determined by the Building Inspector in the field and have such signage in place prior to any site disturbance.

4. Prior to the signing of the plat, the limits of clearing and disturbance shall be shown on the plat, and the posting of appropriate signage, flagging and/or fencing during construction indicating such limits. The signage, flagging and/or fencing of the limits of clearing and disturbance shall be posted conspicuously on the site prior to any site work or other disturbances to the site.
5. The Applicant shall place a Conservation Easement over a minimum of 50% of the acreage involved (59.921 acres), not including any drainage facilities, 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.
6. The Applicant shall provide deed restrictions, acceptable to the Planning Board attorney as to form and proof of filing for Lot 6, which incorporate by reference the Scenic Road Corridor Overlay restrictions contained within § 97-29 of the Town Code.
7. Prior to the signing of the plat, the Applicant shall submit plans showing all tree varieties, condition and quality proposed for the street trees required along the side of the existing roads, subject to the satisfaction of the Town Planner. These trees must be bonded to guarantee survival of at least one growing season. The precise placement of trees in relation to road pavement, sidewalks, and utilities shall be approved in the field by the Town Engineer and Highway Superintendent prior to placement.
8. Prior to the signing of the plat, the Applicant shall comply with the memorandum of the Town Engineer dated September 30, 2011 to the satisfaction of the Town Engineer.
9. Prior to the signing of the plat, the Applicant shall comply with the memorandum of the Town Planner dated September 29, 2011 to the satisfaction of the Town Planner.
10. Prior to the signing of the plat, the Applicant shall submit the final report prepared in accordance with the Town’s water testing protocols to the Town Building Department.
11. Prior to the signing of the plat, the Applicant shall clarify the note on Sheet D-1 regarding the 1.5” cleanout detail to the satisfaction of the Town Engineer.

**VOTE BY PROPER MOTION**, made by Mr. Bergus, seconded by Mr. Andrews, the Town of Goshen Planning Board approves the Resolution of Conditional Final Approval on the application of Dickerson. Passed unanimously.

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

**Goshen Sports Complex – 11-1-25.22 – 10.120 +/- acres**, located on 17M in the CO zone. Modification to site plan for parking, addition for new indoor pool, new soccer field, three outdoor tennis courts, new volleyball court replace existing sign. Revised plans.

Representing the applicant: David Getz, Engineer

Ms. Naughton told the PB that the revised plans will need variances from the Town Zoning Board of Appeals and thus the PB will not take action tonight.

Mr. Getz showed the PB the major features of the proposal. He said the new addition is mostly in the northwest corner of the site and that there will be a small addition proposed to the building including a swimming pool. There will be a new soccer field near the pool, three tennis courts and a volleyball court. There will also be an increase in parking from 87 to 157 spaces. The applicant is also proposing a new sign near the entrance to replace the existing sign. No lighting is being proposed for the outdoor courts at this time, Mr. Getz said. There will also be changes to the utilities to allow for the new facilities.

Mr. Hoffman said that if there is an increase in the usage the applicant may need to expand the septic system. He said that will be reviewed and that the PB engineers will also make sure the well has the appropriate capacity to serve the domestic needs of the building and back-wash the pool filters.

It was noted that the Goshen Sports Complex was originally approved in 2005.

Mr. Getz said he is hoping to appear before the ZBA on Oct. 17. It was noted that the applicant won't return to the PB until they receive ZBA approval.

**Bristol Motors – 20-1-25.11 – 4.10 +/- acres**, site plan located on State Route 94 in CO zone with an AQ3 overlay.

Representing the applicant: Edward Bochman, Rick Fitzganhammer  
Charles Straub, Property owner

The applicants are proposing an automotive repair shop at the site, which is currently being used for landscaping. The applicants will be renting a 46 x 80 ft. building from the owner. The applicants are re-locating their automotive repair shop to this site from a site in the Town of Chester.

Mr. Hoffman said that the proposed use requires site plan approval. This is an automotive repair facility to work adjacent to the landscape wholesale business. He said the applicant is looking to move quickly.

Mr. Hoffman said one concern is whether the applicant will be allowed to store cars in the front yard. “We need to segregate the two uses so the public can circulate through this site without any potential conflicts,” he said.

Ms. Naughton said that the applicant wants to go through the list of what is required of a site plan to determine what exactly the PB will require of them. Mr. Halloran said that the PB can waive certain requirements of the site plan.

The PB discussed what they will require of the applicant for site plan approval and provided the applicant with some direction.

Mr. Hoffman said the PB will have to look at the topography and Ms. Naughton said one of the concerns is traffic flow and that it will be helpful to the PB to have an existing conditions map. Ms. Cleaver said she wants to see the aquifer.

Mr. Hoffman wants the applicant to address their water usage, and how much they anticipate using.

Mr. Naughton said that a short memo outlining what will be required will be prepared for the applicant. She said the site plan will need a public hearing.

**ADJOURNMENT** - The Planning Board adjourned at 10:20 p.m.

Susan Cleaver, Acting Chair  
Notes Prepared by Susan Varden