

**Town of Goshen  
Planning Board  
MINUTES OF THE  
REGULAR MEETING  
March 17, 2005**

**MEMBERS PRESENT**

Ralph Huddleston, Chairman  
Reynell Andrews  
Lee Bergus  
Susan Cleaver  
Mary Israelski  
John Lupinski

**ALSO PRESENT**

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

**ABSENT**

Raymond Myruski

**I. CALL TO ORDER**

Chairman Huddleston called the regular meeting of the Town of Goshen Planning Board to order at 7:30 pm.

**II. APPROVAL OF MINUTES**

The minutes of the January 13, 2005 meeting were approved as submitted upon motion made by Ms. Israelski, seconded by Mr. Andrews.

The minutes of the March 3, 2005 meeting were approved as corrected upon motion made by Ms. Israelski, seconded by Ms. Cleaver.

**III. AGENDA ITEMS**

**Goshen Self Storage – 12-2-37** for site plan approval, located on 17M in an I zone with an AQ 6 overlay. Mr. Golden is acting as counsel to the PB for this project.

Present for the Applicant:     Burt Dorfman  
  Joe Pfau

Mr. Halloran explained that the applicant is presenting an amended site plan for the storage facility alone, which has to stand on its own merits. The facility shows more coverage than is allowed, but the Planning Board can waive this requirement under an amended application. Mr. Dorfman stated that this applies to an existing use.

Mr. Henry noted that at the consultant's work session, other issues were mentioned that needed to be addressed, i.e., drainage. The storm drainage is not within the easement. Mr. Dorfman stated that the 22,000 sq. ft. building was approved before the zoning code was changed and it was established at that time that the storm water issue had been met.

Mr. Pfau noted that the drainage pipe etc. is on the adjacent lot. Mr. Dorfman also explained that the subdivision as planned does not work under the new zoning as it has been changed to an Industrial zone. This site has small lots and in the I zone, 5 acres are required with a setback of 200' from a state road. Consequently, all the lots will need variances. The revised plan does not meet code either. This property does not fit the I zone designation. Mr. Dorfman suggested that the plan would work if it were changed back to the HC zone.

Mr. Huddleston stated that the board needs to see that the storm water plan works. Then the coverage requirement can be waived because there is no other use for the property. Mr. Marrella noted that one additional storage building may limit what is located on the remainder of the subdivision. Ms. Cleaver pointed out that there is very minimal planting and she would like to see a planting plan. Mr. Pfau noted that due to the drainage issues, they could not proceed with the plantings. Ms. Israelski reminded the applicant that the view from 17M is important. She asks if Cannon Hill South will ever be built. The applicant answered that it would not.

Ms. Cleaver stated there appears to be a great deal of outdoor vehicle storage. Is this part of the plan? Mr. Halloran explained that the ZBA stated that plantings could serve as the "opaque fencing" required by code. Mr. Huddleston stated that the vehicles can be seen at this time and they must be shielded by code. If they are shielded by plantings, the applicant needs to be aware that the vehicles should not be seen from the adjacent properties either. The applicant agreed. Mr. Golden asked if this would be a condition of the building permit. No, it will be needed prior to the issuance of a CO. Mr. Huddleston reminded the applicant that the board needs to see the planting plan to be sure it is adequate. Mr. Bergus asked if they could have some plantings on the left side. Mr. Marrella noted that there are drainage problems in this area, so a new plan is needed.

Mr. Henry noted that the drainage easement had to be moved, so the paperwork to modify the easement needs to be re-drafted. Mr. Dorfman would like this Board to recommend to the Town Board that they look at this section of the zoning code and consider changing this area back to HC. Mr. Marrella stated that the code is being reviewed.

In regard to the PB's authority to waive the setback requirement, Mr. Golden does not read the code this way. Mr. Dorfman asked that the PB make a positive recommendation to the ZBA. Mr. Lupinski asked what is currently existing and what is proposed in regard to lot coverage. The applicant is proposing 69% total coverage and 30% is allowed. Currently, approximately 50% is covered which is permitted under the old code. Mr. Huddleston explained that the project was approximately 80% complete under the old code. With the implementation of the new code, the project does not fit.

The members agree that Mr. Golden should draft a recommendation to the ZBA, stating that given this application in context it is appropriate for the use as proposed.

**Traskus 18-1-8.22** – for sketch plan approval & declare lead agency, located in the RU zone with an AQ 3 overlay. Mr. Golden is acting as counsel to the PB for this project.

Present for the applicant: Steve Esposito

Mr. Esposito has submitted a sketch plan for the applicant. The location of wells and septic systems still needs to be addressed, however they would like a lead agency designation so that the SEQRA process can begin.

VOTE By Proper MOTION, made by Mr. Bergus, seconded by Ms. Israelski, the Planning Board of the Town of Goshen hereby declares Lead Agency under NY SEQRA in regard to the Traskus application. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye

Applicant will draft the lead agency notice and e-mail to Mr. Golden for approval.

**Matchpoint Sports - 11-1-25.22** for conditional approval, located on 17M in the CO zone with an AQ 6 and scenic road corridor overlay.

Present for the applicant: Karen Emmerich  
Bruce Roberts  
Harry Pharr

Mr. Halloran reported that the Public Hearing was held in November and a conditional neg dec was issued pending, C&D review, and well testing. The applicant did receive a variance to allow parking in front of the building. Ms.

Emmerich presented a more detailed revised plan. The building and parking are closer to Route 17M. They are waiting for completion of DOH, DEC and DOT reviews. The ACOE has declared that the wetlands are an isolated system. Mr. Huddleston advised the applicant that if they have this documentation, they should take the wetlands area off the plan.

Mr. Cappello stated that the PB can adopt an amended neg dec if the new plans show no more impact than the original plans. Mr. Henry and Mr. Marrella have reviewed these revised plans and find that the impacts have actually been reduced.

Mr. Pfarr presented a rendering, which was reviewed. It will be a metal building and since it is so large, they have used color panels to break up the mass of the building and bring the scale of these large walls down. The building is set back into the grade. Ms. Israelski asked Mr. Marrella for his opinion on the rendering. He replied that he felt the contemporary design is suitable for this use. It would be difficult to try to mask this large a building as a "barn". He further noted that landscaping would help with the visual effects. Mr. Bergus asked if the roof is also metal and if skylights will be used. Yes, it is metal, but there will be no skylights. Mr. Huddleston asked what is on the roof. There are no HVAC units on the roof. They are using pitched shed roofs. The main roof is pitched back toward Route 17, the one over the soccer/roller hockey areas will be pitched to the side and the front roof is pitched toward the front. Mr. Bergus asked if anyone could get onto the roof from the rear. The applicant replied they could not. The siding colors will change as the roof lines change.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Andrews, the Planning Board of the Town of Goshen hereby amends the negative declaration granted on 2/19/04 to include the revision to the plan reviewed by the Planning Board and their consultants and notes that this revision further reduces the impacts from the original. Therefore, the Board confirms and adopts a revised negative declaration under NY SEQRA. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye

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

Present for the applicant: Jim Ramos

This application is for a 2-lot subdivision of approximately 13 acres. Mr. Ramos stated that the notes requested by the Town Engineer have been added and the

septic issue on lot 2 has been reviewed and approved by the town Engineer. Mr. Henry stated that he has no other outstanding issues. Ms. Cleaver noted that there had been an issue with the road and the neighbors. Mr. Ramos responded that an agreement has been reached. Mr. Cappello has reviewed the agreement and it needs to be signed and filed.

VOTE By Proper MOTION, made by Mr. Andrews, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby grants preliminary and final approval to the 2-lot subdivision for the Lands of Sagafi, plans prepared by Kirk Rother 2/25/03 latest revision date of 1/7/05 subject to the signing of the agreement with the neighbors and presentation of evidence of the filing for the shared driveway mutual agreement. The Board finds that the additional lot creates a need for recreational facilities. No suitable land is available, therefore a fee must be paid in the amount of \$2000/lot to the Town and all other fees must be paid. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye

**Slesinski – 19-1-121** - 2 –lot subdivision located off of Chestnut Lane in RU zone, with a AQ 3 overlay.

Present for the applicant: Robert Marshall

A variance was needed for setback from a town road. This was granted. One of the conditions of the variance was that there would be "no further development". This should be noted on the plan. A 50' easement for a r.o.w. is needed to provide access to Chestnut Lane. Chestnut Lane is part of Sawyer's Peak. The improvements have been made to this road and it has been offered for dedication to the Town. Mr. Henry explained that the applicant is offering the 50" r.o.w. to give access for the farm to Chestnut Lane. Mr. Marshall explained that the Slesinski's hope to put the farm into the Open Space Plan. They have no intention of developing the farm.

Mr. Henry pointed out that the drive would be at the end of a town road. If the town takes over the road, snow would be piled up by that driveway. Mr. Marshall would like to meet with Mr. Henry and Mr. Andryshak on that issue. Mr. Huddleston asked if Lot #1 is satisfactory. Mr. Henry replied that he needs the sanitary design for lots 1 & 2. Applicant needs to show the septic and possible location of a residence on Lot 2 just to prove it could support a residence. They need to show that they are not creating a lot that is unbuildable. The applicant needs to show they have the room and the soils to support a residence. Mr. Henry

noted that this has been the law for the last 5-6 years. The applicant will need to supply this information for the Public Hearing.

VOTE By Proper MOTION, made by Ms. Israelski, seconded by Mr. Bergus, the Planning Board of the Town of Goshen hereby sets a Public Hearing in regard to the Slesinski application for May 19, 2005. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye

**Dysinger Excavation -24-1-63.2** for a special use permit 97-13 C(3) for storage of non farm equipment and (7) repair garage for non farm related vehicles. Located on Pulaski Highway and Big Island Road in the AI zoning with an AQ3 overlay.

Present for the applicant: Ray Dysinger

Applicant presented a conceptual plan for a storage facility for equipment storage and repair of that equipment. Most of the equipment will be inside. A truck and trailer will be outside on occasion. The building will be approximately 30 x 120. Code requires that the building contain a rest room. Ms. Israelski asked what type of soils were on the property. They are upland soils. Ms. Cleaver asked if street trees would be planted along Big Island Rd. The applicant is planning to have extensive landscaping. He is also considering a berm along the road with trees on top as well as a hedgerow. Mr. Dysinger suggested evergreens to provide maximum screening. Ms. Israelski noted that he should check the code for exactly what types of trees are required. He should also check with the Building Inspector to be sure he puts in the most resilient varieties.

Mr. Lupinski noted that there are two other barns on the property. They are used for storage of materials. The parking area will be gravel surface. Mr. Henry needs to see the sanitary design for the septic system and well. Soil and perc tests will need to be done. Mr. Dysinger noted that there is an existing well, but he knows very little about it. If the well is not usable, then it should be abandoned. Applicant also is proposing a second driveway and should meet with Mr. Andryshak. Once the engineering and design are completed a public hearing can be set.

**Healey 9-1-16 & 18.3** for a two lot subdivision located in and RU with an AQ 6 overlay.

Present for the applicant: Steve Esposito

Mr. Halloran explained that there are two existing lots and the applicant wishes to move the line to make two compliant lots. Mr. Esposito is present tonight to request sketch plan approval. He stated that when the applicant purchased the house there were two tax parcels of approximately 5 acres each. This subdivision received approval in the past. This is for a lot line change.

Mr. Esposito noted that there are some deed restrictions in the original subdivision. Mr. Cappello noted that a Public Hearing will be required.

VOTE By Proper MOTION, made by Ms. Cleaver, seconded by Mr. Israelski, the Planning Board of the Town of Goshen hereby sets a Public Hearing for April 21, 2005 for the Healy application. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Ms. Israelski	Aye
Ms. Cleaver	Aye	Mr. Lupinski	Aye

**Owens Road Associates 10-1-8 & 10.22** for sketch plan modification, located Owens Road in an RU zone with and AQ 6 overlay.

Present for the applicant: Steve Esposito

Mr. Halloran explained that the lead agency designation was sent out, but the 30 days has not yet elapsed. He also noted that the Town Board may want to consider the area in the rear of this property for parkland. Mr. Esposito stated that they have re-located one of the lots to provide an area 70' wide for access to the possible parkland area.

Ms. Israelski asked why all the septic systems were located in the rear and in the wooded areas. Mr. Esposito replied that they had to take advantage of the grading of the land. Mr. Huddleston requested that the applicant note limits of disturbance and expect to leave the mature trees. The applicant agrees to this request. Ms. Israelski asked Mr. Marrella about the house placement. He stated that placement will be dictated by the topography and the septic placement.

Mr. Esposito stated that they need to move ahead as the next steps are very expensive. Ms. Israelski stated that they need to tweak the placement of the septic fields. Mr. Henry emphasized that this is a conceptual layout. Ms. Cleaver asked

the applicant to consider placement for garbage, i.e., a “garbage box.” Mr. Esposito responded that these will be fee simple lots and there will be no HOA. To implement a central garbage facility an association would have to be responsible.

Ms. Israelski asked if the applicant has studied the possibility of a pedestrian trail. Has the applicant considered the former trolley line? This would take the trail under the PASNY line. Ms. Cleaver noted that they are asking for two 4’ lanes on the main roads. Ms. Esposito noted that if you add bike lanes you will increase the amount of paving. The Town has been trying to reduce the amount of paving. Mr. Huddleston noted that this is a contradiction. The Town’s intent in the Comprehensive Plan was to narrow the roads to decrease the amount of impervious surface. Adding 4’ of paved area to the roads would contradict this intent. Ms. Israelski pointed out that there is now a new trail map which needs to be adopted. Mr. Esposito stated that the Town will have to be financially committed to maintain and to take on the liability for these trails.

Mr. Huddleston stated that the board does not want to plan for this if the Town does not want it. Ms. Israelski stated that this needs to be brought to the Town Board. She and Ms. Cleaver were asked to set up this trail system and she notes that they are not asking for every road to have these trails, only the connecting ones. Mr. Halloran asked if the PB wants to make a recommendation to the TB. Mr. Cappello stated that the Town Board has discussed this topic and will continue to do so.

The members agree with the concepts presented in this sketch plan. However, the applicant needs to work on the septic placement, the saving of the mature trees, the placement of the homes and the inclusion of some type of connection to the trail system.

**Lone Oak – 11-1-58** continuation of SEIS review.

Present for the applicant: Steve Esposito

A letter has been drafted detailing the items that are needed for the SEIS. It is being submitted tonight. The applicant will receive his copy and the members are asked to work on their comments. Comments will be e-mailed between the members and the consultants. The applicant has agreed to a 45-day waiver. Mr. Andrews asked which figures were used to deduce the negative impact on the schools. Were they from this year or last? Mr. Esposito will research this.

III. **OTHER BUSINESS**

**HERITAGE ESTATES** – The neighbors have submitted a letter regarding the water testing. Mr. Esposito noted that they submitted their water testing plan two weeks ago and it was reviewed by Mr. Henry. He stated that they are not testing anything other than what is necessary. They have tested three wells and all have tested at three times what the average need will be. They do not feel they need to test more than required. Mr. Henry would like to see testing to determine what the safe yield will be. The applicant's consultants stated that this is inappropriate. Mr. Henry asks that they tell the board what the safe yield is. Mr. Cappello will review the code to be sure that the applicant is compliant. Mr. Esposito stated that this is the first of these types of projects. This is an individual septic and well project and they are not quite sure how the well testing model fits into this project. Schoor DePalma set up the original testing protocols. A meeting will be set up with them, the Board's consultants and the applicant.

Adjournment: The meeting adjourned at 10:15 pm upon motion made by Ms. Israelski, seconded by Mr. Andrews.

Ralph Huddleston, Chairman

Notes Prepared by Linda P. Doolittle