

**APPROVED MINUTES**  
**Town of Goshen Planning Board**  
**Town Hall**  
**41 Webster Avenue**  
**Goshen, New York**  
**May 21, 2015**

**Members Present:**

Reynell Andrews  
Dr. Kris Baker  
Lee Bergus, Chair  
Phil Dropkin  
David Gawronski  
John Lupinski  
Giovanni Pirraglia

**Also Present:**

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

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

The minutes of the meeting of May 7, 2015 were approved with corrections.

**Public Hearing**

**High Ground Realty – 20-2-7:** Site plan application for a contractor storage and office facility on 2.0+/- acres on Industrial Drive in the CO District with AQ-3 overlay.

Representing the applicant:

David Hoehman, Owner  
Karen Emmerich

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

Mr. Bergus asked for comments from the PB. There was a lengthy discussion concerning whether or not offsite water testing is needed. Mr. Hoffman said that the Town Code has a requirement for well testing for residential properties, but for non-residential properties, it is on a case by case basis. Mr. Hoffman said that the applicant has said he doesn't expect to use more than 225 gallons of water a day which is far less than one residence would use per day.

Owner David Hoehman said that the test doesn't make sense for "our usage", and that he believes it would be a frivolous expense. Mr. Hoehman said it becomes expensive when you test the wells around you and said that estimates he has gathered range from \$15-17,000.

Mr. Halloran said he expects that 225 gallons a day is probably higher than what the owner will use as he expects to have only three employees.

Ms. Naughton said that the Code requires that the PB evaluate well testing for non-residential properties on a case by case basis and that there has to be enough evidence for it to make an evaluation. She said that whatever decision the PB makes under these circumstances will be precedential.

Mr. Bergus suggested that to reduce the cost, the Town could monitor the applicant's well by doing a five gallon a minute test for 24 hours and looking at the drawdown to see where it stabilizes. If the water table is not moving at all then it shouldn't be influencing any other well, but if there is a significant drawdown then offsite wells will have to be monitored, he said.

Mr. Halloran suggested putting a meter on the applicant's well and monitoring it for three months to determine if it is reasonably within the low amount of water usage projected. Mr. Andrews made a motion to approve Mr. Halloran's suggestion and Mr. Gawronski seconded the motion. The motion was discussed and later withdrawn by Mr. Andrews and Mr. Gawronski.

PB members discussed the fact that the applicant has a limited water demand for his site (225 gallons a day), the fact that there are no residential developments in the nearby vicinity of the site, and that there was recent well testing done on a nearby commercial property, located within 1,000 feet of the site, which showed no adverse impacts on the water supply.

The PB then discussed requiring the applicant to test his onsite well for drawdown and recovery over a 12 hour period, rather than 24 hours, which will be less expensive. The testing will verify whether the well can satisfy the proposed demand at a rate of five gallons a minute and if the testing shows significant drawdown, then the applicant would have to include offsite testing and monitoring.

Ms. Naughton said that there is no need to make and approve a motion. She said she will include the PB's decision and reasoning on the water testing plan as a condition of approval of the resolution.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Dr. Baker, The Town of Goshen Planning Board closed the public hearing on the application of High Ground Realty. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Ms. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Gawronski, The Town of Goshen Planning Board assumes lead agency status on the application of High Ground Realty. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Ms. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Pirraglia, The Town of Goshen Planning Board issues a negative declaration in terms of SEQRA on the application of High Ground Realty. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Ms. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Ms. Naughton read the proposed Findings as follows:

“Town Code Section 97-14(D)(6) requires that the minimum distance between curb cuts be at least 600 feet, “unless the configuration of a parcel in relation to adjoining parcels makes this requirement impossible to satisfy.” In connection with this project, the Building Inspector has made the determination that the configuration of the parcels adjacent to and across from this property, having road frontage of approximately 200 feet each, makes this requirement impossible to satisfy. This is a legally pre-existing nonconforming condition, and no variance from the Zoning Board of Appeals is necessary.”

In accordance with Town Code Section 97-27C, the PB hereby finds that the onsite well be tested pursuant to Specific Condition No. 14 on the basis that: (i) There are no residential developments in the nearby vicinity (within 1500 ft.) of the project site; (ii) the project has a limited water demand (225 gallons a day; and (iii) there is evidence of the well testing of a nearby property containing a commercial, non-residential use, located within 1000 feet of the project site, having no adverse impacts on the groundwater supply and quality.

In accordance with Section 97-14(D)(5) (“Outdoor storage and enclosed buildings.”), the Planning Board finds that this site plan provides for the outdoor storage of materials and equipment in an orderly and attractive manner, and hereby waives the requirement for additional screening, as the location of the building will provide sufficient screening of the equipment. Additionally, the Planning Board has determined that the use proposed in this application requires the outdoor storage of equipment, and waived the restriction on outdoor

storage of 10% of the area of the lot, but limited the outdoor storage to a maximum of 15% of the lot.

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Andrews, The Town of Goshen Planning Board accepts all three findings on the application of High Ground Realty. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Ms. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Ms. Naughton read the specific conditions of approval as follows:

1. The applicant shall comply with the following condition contained in the decision of the Town Zoning Board of Appeals, dated May 5, 2015: the roof of the structure shall be of earth tone colors that will blend in with the surroundings. Prior to the signing of the plans, the applicant shall revise the plans to include a note referencing the variance and indicating the roof will be earth tone colors.
2. Prior to the signing of the plans, the applicant shall revise the plans to include a calculation of the impervious surface coverage.
3. Pursuant to Town Code Section 97-14(D)(2), this project shall comply with the requirements for window proportion.
4. Prior to the signing of the plans, the applicant shall revise the plans to delineate the proposed storage area to verify compliance with the Code related to the percentage of lot area permitted to be used for the outdoor storage of materials.
5. The plan includes ten (10) set aside parking stalls within the interior of the proposed garage. If the Building Inspector determines additional parking is necessary, the applicant will be required to utilize these interior stalls or return to the Planning Board for approval to develop additional onsite parking. Until such time, the areas within the garage that have been set aside for future parking shall remain available for such and shall not be used in a manner that would prevent future interior parking.
6. Prior to the signing of the plans, the applicant shall revise the turning analysis, to the satisfaction of the Town Engineer, demonstrating how anticipated equipment and/or large trucks will access the rear of the site through the area at the end of the paved driveway adjacent to the easterly parking stalls. If necessary, the applicant shall relocate the proposed landscape islands and drywell to the front of the building to facilitate vehicular access to the rear of the site.
7. The proposed parking and equipment storage area shall be Item 4 (except the ADA compliant parking area which shall be paved) as shown on the plan. If the Building Inspector determines the stone surfaces create unanticipated nuisance conditions (dust,

ponding, excessive maintenance, etc.) the applicant will be required to pave these areas to the satisfaction of the Town Engineer and the Building Inspector.

8. The applicant shall not use any water from this site for vehicles, equipment washing or offsite use, or any other uses not directly related to the necessary operations of the applicant's facility as described in the plans.
9. The applicant shall not store any construction or demolition materials onsite, and shall not store any hazardous wastes on site.
10. Prior to the signing of the plans, the applicant shall shift the proposed well easterly to reduce impact to the adjacent lot as well as runoff from the parking lot, to the satisfaction of the Town Engineer.
11. Prior to the signing of the plans, the applicant shall comply with the memorandum of the Town Engineer dated April 10, 2015, to the satisfaction of the Town Engineer.
12. All light levels must be limited to 0.1 foot candles at the property line so no offsite glare will result. New fixtures shall meet IDA, LEED or Green Globes criteria for Nighttime Friendly or Dark Sky lighting. Any wall pack fixtures shall include non-glare shields.
13. Prior to the signing of the plans, the applicant shall confirm whether the existing curb cut location corresponds with the proposed driveway location. If the proposed driveway location requires relocation or expansion of the existing curb cut, the applicant shall revise the plan to include construction detail of the curb/road restoration to the satisfaction of the Town Engineer and Town Highway Superintendent.
14. Prior to issuance of a Certificate of Occupancy the applicant shall perform well testing to measure draw down and recovery for 12 hours and to verify the existing water supply well will satisfy anticipated demand at a rate of five (5) gallons per minute. Prior to performing any well testing the applicant shall submit a well testing and monitoring plan to the satisfaction of the Town Engineer and Town Hydrogeologist. The well testing plan shall not require any offsite testing/monitoring. If the well testing results in significant drawdown in the opinion of the Town Hydrogeologist, then the applicant shall be required to resubmit a well testing plan to include offsite testing/monitoring, and perform the well testing in accordance with the revised testing plan to verify the existing water supply well will satisfy the anticipated demand.
15. Prior to the issuance of a building permit the limits of disturbance shown on the plan shall be identified in the field with appropriate signage, flagging and/or fencing. The applicant has indicated the proposed area of disturbance to be 42,479 square feet (0.98+/- acres) which is under the one (1) acre threshold for coverage under the NYSDEC SPDES General Permit for Construction Activities. If site conditions require additional soil disturbance in excess of the one (1) acre threshold, the applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit a Notice of Intent (NOI) to the NYSDEC for permit coverage.

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Andrews, The Town of Goshen Planning Board approves the Resolution of Conditional Approval Major Site Plan for High Ground Realty, LLC. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Ms. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

**Other Business**

It was noted that Amy's Kitchen is moving forward and is set for a staff meeting on June 3.

**Adjournment** – The Town of Goshen Planning Board adjourned at 9:03 p.m.

Lee Bergus, Chair  
Notes prepared by Sue Varden