

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

**OCTOBER 20, 2011**

**Members Present:**

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

**Also Present:**

Neal Halloran, Building Inspector  
Dennis Lindsay, PB Engineer  
Ed Garling, PB Planner  
Richard Golden, PB Attorney  
Kelly Naughton, Esq. PB Attorney

**Minutes** – The Minutes of the Planning Board Meeting of October 6, 2011 were approved.

**Zalunski – 20-1-8 - 5 Spoke Creamery** – Possible extension of Conditional Final Approval.

Mr. Golden said the applicant wants a further extension of its conditional approval. Ms. Naughton said the applicant wants to keep the approval for Phase I in place while further developing the design of the dairy cheese factory, part of which will include the subdivision on the factory side of the street.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board extends the Conditional Approval 90 days to January 19, 2012 on 5 Spoke Creamery (Zalunski) Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

**Northern Bear – 20-1-39 – 3.50 +/- acres**, located on 17A in HC zone with an AQ3 overlay for special permit and site plan approval.

Representing the applicant: Ryan McGuire, Pietrzak and Pfau

Mr. Halloran said that Northern Bear has purchased the entire strip mall on 17A where they have their business.

Mr. McGuire said the applicant will be moving from two retail uses to three retail uses and a service business in the rear. Currently the applicant is proposing a landscaping business in the rear to be used for the storage of landscaping materials, not a wholesale or retail business.

Mr. McGuire said the applicant has abandoned the pursuit of using the rear building for warehouse use in favor of the landscaping business, to eliminate the need for a variance. They have added planters in the rear to protect the septic system, he said.

The applicant proposes to limit the number of parking spaces to what is currently approved in the front of the building (15) and provide additional spaces to the side and in the rear for employees to park. The applicant is requesting a waiver of approximately eight parking spaces currently shown in the rear. They could be constructed in the future if they are needed, Mr. McGuire said.

Mr. Lindsay said that the applicant has a prior approved plan showing 15 parking spaces in the front and that the Building Inspector has deemed it appropriate to maintain those spaces and so they won't need a variance. The applicant is re-arranging them slightly to improve the traffic flow. The applicant is stating that the landscaping business is a service use business which is permitted under the code and the Building Inspector agrees.

Mr. Lindsay said that this is a major project, the alteration of 10,000 sq. ft. of land, and so a public hearing is required.

Mr. Lindsay said the applicant is proposing outdoor storage in the rear, which is permitted up to 10%, and the applicant proposes less than 10%. However storage is not permitted in the side yard area, he said. He said he would prefer a small fence around the septic area, instead of the planters. He suggested testing of the existing septic systems and a permanent barrier constructed around it to protect it. Mr. Lindsay said the rear has one on one slopes and he proposed stepping, or making a change to the grading to ensure it has a reasonable chance of success. The lighting should be minimum light levels with no glare off site. He also suggested that the applicant provide a narrative of the anticipated truck traffic, if any.

Mr. Garling said that the applicant is requesting a waiver of landscaping plans, the rear is heavily wooded, he said, and while there would normally be landscaped screening of the front parking, most of the land lies within the state right-of-way for 17A. There is very little land where the applicant could put shrubs and the applicant is requesting a waiver of that, he said.

Mr. McGuire said he will submit an updated architectural plan.

Mr. Golden said there is a full EAF so the PB can declare a Notice of Intent to be lead agency and type the application as Unlisted.

PB members decided to do individual site visits to look at the need for landscaping and traffic circulation issues.

It was noted that the applicant needs to submit a full set of drawings, listing the tenants and provide a revised narrative before the public hearing.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Ms. Cleaver, the Town of Goshen Planning Board types the application of Northern Bear as an Unlisted Action in terms of SEQRA. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

**VOTE BY PROPER MOTION**, made by Mr. Pirragalia, seconded by Ms. Cleaver, the Town of Goshen Planning Board declares its Intent to be Lead Agency on the application of Northern Bear. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Gawronski, the Town of Goshen Planning Board sets a public hearing on the application of Northern Bear for November 17, 2011, subject to the PB's receipt of the necessary revised materials in time to notice the public hearing. Passed unanimously.

Mr. Andrews	Aye	Mr. Huddleston	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Ms. Cleaver	Aye	Mr. Pirragalia	Aye
Mr. Gawronski	Aye		

**Hudson River Healthcare Inc. – 22-1-150.31 .92+/- acres**, site plan modification for additional parking in the AI zone. Possible conditional final approval.

Representing the applicant:

Tim Gottlieb

It was noted that there had been concern about adequate parking but Mr. Lindsay said the applicant now shows additional parking in the rear. He said that there is a wall along the rear of the property that is approximately 9 feet tall and a swale along the back of the wall. He said he would prefer to get a steeper slope back there if possible. The applicant is proposing a total of 25 parking stalls.

He said the water supply is adequate as there is no change to the building. He recommends a dye test be conducted and the septic tank inspected. He said there is no new lighting proposed but he wants to make sure the existing lighting is adequate for people parking there. Mr. Garling said the site is totally hidden from the road, so there is no need for landscaping.

Mr. Golden said that while he sent the PB a draft of the Resolution of Approval, there will be additional changes to the plans in accordance with Mr. Lindsay's suggestions. PB members agreed that they want to wait for the modifications to be made to the resolution before they consider it for approval.

### **Zoning Changes**

#### **Kerr – 12-1-2.3 (Property is on Hartley Rd.)**

The applicant is requesting a change in the zoning on this site from the RU and CO zone to I (Industrial Zone), Mr. Golden said. The petitioner recently found an interested party to use the property as a composting facility which is allowed by the Special Permitted Use with an I zone. The Town Board is doing the SEQRA on this and they are required to submit it to the PB for their suggestions and recommendations, he said. The property was described as abutting the Orange County Jail and being adjacent to the former Al Turi Landfill.

There was a lengthy discussion. Mr. Huddleston said it doesn't look like the property has much use as RU or CO from the list of uses. He said the I zone will give the applicant additional possibilities. He said he doesn't see a detriment to the environment if the zoning is changed, but does see some benefit to the property owner.

Mr. Huddleston polled the PB members. They said they have no objections to the parcel being rezoned as requested but do have concerns about access to the site. All were in agreement except Ms. Cleaver who abstained.

#### **NU III – 12-1-47 (Property is on the westerly side of Gate Schoolhouse Road and NYS Route 17M.)**

The owners are asking that approximately four acres of the parcel, currently zoned RU, be rezoned HC (Highway Commercial).

Mr. Garling said that the vacant parcel is all hill, with a 15% grade or better and heavily wooded and would be difficult to develop commercially because it is so steep. It was noted that having the entire property zoned Highway Commercial means you wouldn't have to worry about the 100 ft. buffer from a residential property for the other half of the use of that same lot. But it was added that the lot behind it is still residential so there would still have to be a 100 ft. buffer from the next property.

Mr. Golden said that one of the problems is that now the owners have to have the 100 ft. buffer internally within their own property. If it is all zoned HC, it will allow them to develop it as one parcel and do away with the limiting aspect of the 100 ft. buffer. Mr. Lindsay said that some of the property is zoned HC now and some RU. Mr. Halloran said there is a two-family house on the property.

Ms. Cleaver said that over the years the property has been filled in a couple feet and said she believes there is a stream bordering the property. There is no map provided and that information is needed, she said. Mr. Lindsay said that the wetland regulations will apply no matter how it is zoned, but the buffers may change.

Mr. Garling said that the biggest obstacle to developing the rest of the property to commercial will be the slopes.

Mr. Golden said the parcel is small and that is difficult with a small parcel to have it covered by two zones especially when one of the zones requires the owner to have a buffer between one part of the property and the other part of the property.

There was a lengthy discussion and Mr. Huddleston polled the PB members. All favored the change in zoning with the exception of Ms. Cleaver and Mr. Lupinski. The vote was five to two.

The decision said that "given the size and configuration of the parcel the PB believes it makes most sense to have a single zoning designation and Highway Commercial seems appropriate as a single zoning designation." Mr. Golden said.

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Gawronski, the Town of Goshen Planning Board determined to go into Executive Session at 8:45 p.m. to discuss the personnel issue of designating a deputy chairman of the PB and who would be an appropriate deputy chairman. Passed unanimously.

Upon entering the public meeting from its Executive Session, the Town of Goshen Planning Board:

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Andrews, the Town of Goshen Planning Board authorizes its attorney to notify Town Attorney Dennis Caplicki that the Planning Board thinks it is a positive idea to appoint a Deputy Chairperson, and that it is a positive idea to appoint Lee Bergus to that position. Passed unanimously.

**ADJOURNMENT**

Upon motion made by Ms. Cleaver and seconded by Mr. Bergus, the PB voted to adjourn the meeting. Passed unanimously.

Ralph Huddleston, Chair  
Notes Prepared by Susan Varden