

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York
September 18, 2014

Members Present:

Reynell Andrews
Lee Bergus, Chair
Phil Dropkin
David Gawronski
John Lupinski
Giovanni Pirraglia

Also Present:

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

Absent: Susan Cleaver

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

The minutes of the meetings of August 7, 2014 and September 4, 2014 were approved with corrections.

Possible Extension or Abandonment of Applications pursuant to Town Code

New Horizon

Mr. Bergus said that the PB received a letter from the applicant stating that the Preliminary and Conditional Final Approval given by the PB expires Oct. 14, and requesting an extension of time to complete well testing and other conditions.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Lupinski, The Town of Goshen Planning Board extends approval on the application of New Horizon to March 19, 2015. Approved. One abstention.

Mr. Andrews	Aye	Mr. Gawronski	Abstain
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

Items for Discussion/Action

17A Warehouse (aka Jem Lane) – 20-1-48.21: Site plan application for warehouse and office facility on 23.98 +/- acres on Pumpkin Swamp and Jessup Switch Roads in the CO District with AQ-3 and Floodplain & Ponding overlays. SEQRA and possibly schedule public hearing.

Representing the applicant:

Ross Winglovitz, Engineering Properties
Owner: Elias Muhlrاد

Mr. Winglovitz said that he was last before the PB in December, 2013 and that additional detail has been added to the plans since that time.

Mr. Winglovitz said the property is located at the rear of Reme Plaza on a paper street labeled as Jem Lane. He said an existing driveway services the property. He said that the applicant proposes to extend the driveway to serve the proposed 40,000 sq. ft. warehouse, including an 8,000 sq. ft. office. He said the warehouse/office building is being built on speculation. The loading docks will be at the rear and parking will be on the north side and at the front of the building.

Mr. Hoffman said he did a technical review of the plans. He said the Code design standards require that buildings with a footprint larger than 10,000 sq. ft. be broken up into generally smaller volumes. He said the Code also requires the construction of bike paths or sidewalks within the required landscape buffer along the road. The applicant is developing the rear of the property, about 1,700 linear feet from Jessup Switch Road and a bike path or sidewalk may be impractical, he said. Mr. Hoffman also said that access to the warehouse will be provided through the rear of the site to NYS Route 17A and will require access through several privately held lots within the Village of Florida and Town of Goshen.

Mr. Golden said that with respect to the lands of others which will be traversed, it will have to be determined if the owners and the County have conflicting rights in their easements.

Mr. Golden said that the PB cannot waive the Code requirement stating that buildings larger than 10,000 sq. ft. must be broken up, but that the PB and applicant can work within the Code's flexible language. In the past, he said, certain architectural exterior designs made it look like the building is broken up into smaller volumes while in actuality it is not. It would be at the discretion of the PB, he said.

Mr. Muhlrاد protested the regulations, saying that to him they don't make sense and questioning the effect the regulations have on businesses.

Mr. Golden replied that the PB doesn't write the regulations but must follow them. Other options for Mr. Muhlrاد include seeking a variance from the Town Zoning Board of Appeals or addressing the Town Board who sets the regulations. Mr. Muhlrاد said he may have an exterior design that will satisfy the requirement. Mr. Golden added that the same applies to the Code requirement of a bike path or sidewalk. "When it doesn't make any sense, then it is

up to the ZBA to review it and they can waive it for particular circumstances in which case the PB doesn't have to require it, Mr. Golden said.

Mr. Winglovitz said the applicant doesn't think there is a need for a traffic analysis. Mr. Golden said the PB can base a decision on whether a traffic analysis is needed on the intensity of use and suggested that the applicant submit sufficient information so that the PB can determine whether there is a need for further study.

Mr. Wingovitz said that his wetlands consultant wrote a letter stating that there are no wetlands that are going to be impacted by the project. He also asked that a public hearing be set.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Andrews, The Town of Goshen Planning Board sets a public hearing on the application of 17A Warehouse for October 16, 2014. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

Amy's Kitchen, Inc. 12-1-24.2 – 212.27+/- acres. Site plan and special use permit for a manufacturing facility on NYS Route 17M/Echo Lake Road in the CO, I & RU districts with an AQ 3 overlay. Revised EIS Scope.

Representing the applicant: Kristen O'Donnell, Turner Miller Group
John O'Rourke, Lanc & Tully

Ms. O'Donnell said that the EIS Scope was amended to reflect the removal of the Science of the Soul conference center and that she was present to discuss any additional comments on the scope from the PB.

The PB members discussed the revised EIS Scope and made several changes.

Mr. Hoffman said that the traffic consultant has reported that there is no need to study the intersections on the weekends because of the elimination of the Science of the Soul conference center.

Mr. Gawronski asked if the applicant will consider a rear access onto Echo Lake Rd. to alleviate traffic on 17M. Ms. O'Donnell replied that they are looking at 17M only as an access road and said there are deed restrictions that would restrict general traffic out onto Echo Lake Rd.

Mr. Bergus read a written statement from absent PB member Susan Cleaver who wrote that she wants the Scope to include not just the Turi Landfill but also the Orange County Landfill for the following reasons: "The Orange County landfill is unlined and based on looking at the OCWA map, the applicant's property appears to sit over the same aquifer as the Orange County landfill; A hazardous waste landfill that appears, I believe, to be currently leaking leachate impacted waters; Part of the landfill appears to drain on the old Wallkill River that also appears to run through and near the applicant's wells, as the Turi Landfill only appears to drain towards the Cheechunk canal as well as the Orange County Landfill also drains; I also feel that the draw from the aquifer of the applicant may possibly draw pollution over time from the Orange County landfill. The PB should be looking at possible impacts from this as well as mitigation."

Mr. Golden said that he doesn't think the PB needs to identify both landfills. He said that the applicant is in the position that if it studies only one, there is a risk that that PB may believe, based on subsequent information, that the other landfill should have been studied as well for a potential containment source and then the applicant will have to go back to study it. He said that it places the burden on the applicant, where he thinks it should be, with the applicant bearing the risk.

Mr. O'Rourke said he has no problems doing these studies and doesn't see it as an issue right now.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Pirraglia, The Town of Goshen Planning Board adopts the scoping document of Amy's Kitchen as prepared and revised. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

New Cingular Wireless PCS, LLC (aka AT&T 6-1/2 Station Road) – 10-1-56.2: Application for site plan and special permit for a wireless telecommunications facility on 49.80 +/- acres on 6-1/2 Station and Cheechunk in the CO District with AQ6 and Scenic Road Corridor overlays. Discuss telecommunications consultant's report and possibly schedule public hearing.

Representing the applicant: Anthony Morando, Esq.

Ms. Naughton said that the telecommunication's consultant's report is not yet complete. Mr. Golden said that federal law requires the PB to move with dispatch with respect to wireless communications. He said he thinks a public hearing can be scheduled.

Mr. Morando reported that since the last meeting there has been a site visit by the applicant and the consultants. He said that the applicant will soon complete its response to Mr. Hoffman's comments and said they have completed the wetland delineation, but now have to map it. He said he doesn't think the site is in the Scenic Corridor Overlay District. It was noted that the Building Inspector will look at it and report back to the PB.

Mr. Dropkin asked again about co-locating on the county tower. Mr. Morando said they have tried and that there is no indication that the County wants to.

Mr. Morando said the applicant is looking at changing the driveway route at the suggestion of the PB.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Dropkin, The Town of Goshen Planning Board sets a public hearing for October 16, 2014 on the application of New Cingular Wireless. Approved unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

It was noted that the consultant's report must be completed and circulated before the public hearing.

ADJOURNMENT

The Planning Board went into Executive Session at 8:50 p.m. after doing the public's business and Mr. Bergus said that when they come out of the Executive Session they will not be conducting business but will close the meeting.

Lee Bergus, Chair
Notes Prepared by Sue Varden

