

**TOWN OF GOSHEN PLANNING BOARD**

**Town Hall**

**41 Webster Avenue**

**Goshen, New York**

**August 4, 2016**

**Members Present:**

Lee Bergus, Chair

Reynell Andrews

Giovanni Pirraglia

Phil Dropkin

John Lupinski

Dr. Kris Baker (8:41 arrival)

**Also Present:**

Sean Hoffman, PB Engineer

Richard Golden, Esq., PB Attorney

Kelly Naughton, Esq., PB Attorney

Neal Halloran, Building Inspector

**Members Absent:**

David Gawronski

David Crawford

The Planning Board meeting was opened with the Pledge of Allegiance at 7:30 p.m. by Chair Lee Bergus.

The minutes of the meetings of June 16, 2016 were approved.

**Possible Extension or Abandonment of Applications pursuant to Town Code** – None

**Public Hearings** - None

**Items for Discussion/Action**

**Chaffee Pools – 11-1-20.21:** Site plan application for retail and apartment with accessory warehouse and office on 2.49 +/- acres on NYS Route 17M and NYS Highway 17 in the CO District with AQ-6 and Scenic Road Corridor overlays. **Consider Scheduling a Public Hearing**

**Representing Applicant:**

Nick Rugnetta, Pietrzak & Pfau

Mr. Rugnetta stated the application received a negative declaration for SEQRA and was referred to the Zoning Board. The Zoning Board granted several area variances due to the configuration of the setback lines.

For this board a storm water pollution prevention plan was submitted and responded to the outstanding comments from the comment letter. An updated landscaping plan has been provided as well as a lighting plan and erosion plan with associated details. The only outstanding item is a submission to the DOT regarding the entrance and that is for the design portion of the review stage.

Chairman Bergus polled the Board for questions and comments.

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Mr. Bergus commented on the well detail, the applicant should specify the minimum well depth is 300 feet. He also stated he did not see a detail for the pump station.

Mr. Rugnetta stated he has yet to design that.

Mr. Andrews asked what is the fill that is being brought into the location.

Mr. Rugnetta stated the applicant is bringing in fill from other sites that he has installed a pool for.

Mr. Dropkin asked if someone was walking the Heritage Trail, what would they see on this site.

Mr. Rugnetta asked what portion.

Mr. Dropkin stated he is really asking if the landscaping is sufficient.

Mr. Rugnetta stated initially the trees will not be mature, but after several years the trees will mature and there is an existing tree line between the Heritage Trail and 17M.

Mr. Pirraglia asked how large the tree will be.

Mr. Rugnetta stated they start out as seven-to-eight feet spruce trees. There is a cherry tree close to the entrance.

Mr. Pirraglia stated the northern parking lot has no lighting plan. He is concerned that six parking spaces have no lighting and should be more than one-foot candle spill that is currently shown. He suggests lighting along the parking lot.

Mr. Hoffman stated the applicant received 10 area variances and has reviewed the plans to make sure what was submitted complies with the variances and they have satisfied a number of previous comments. He says the application is ready for a public hearing.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Pirraglia, The Town of Goshen Planning Board moved to set the public hearing for September 1, 2016. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye		

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**Verizon Wireless – 12-1-113.2:** Application for special permit for major wireless telecommunications facility on NYS Route 17M in the HC & RU District with AQ-3/AQ-6 overlays. **Commence SEQRA & Referral.**

Representing Applicant:

Eric Goldberg

Ms. Naughton stated the applicant needs to go to the Zoning Board. They need a referral to the Board's wireless consultant. The Planning Board should declare its intent to be lead agency and type it as a Type I action so the process can begin.

Mr. Goldberg stated this application is for a Verizon telecommunications facility. Mr. Goldberg also stated that Verizon has a significant coverage gap in this area and they are looking to fix it. There is one existing structure and it always Verizon's preference to go onto an existing structure. Unfortunately, the only one in the area is not leasable.

The zoning code prefers the towers to be in an HC, C or I zone. In this particular case the property is split zoned. A portion of it is RU and a portion is HC. The applicant elected to place the facility in the RU portion. The HC portion is closer to the frontage of the property and so from an aesthetic point of view it makes sense to put it farther back. The RU zone will also need a different variance relief dimensionally. The RU zone calls for a 2:1 setback ratio.

Mr. Pirraglia stated he thinks the applicant for setback purposes should consider 180 feet.

Mr. Golden stated it makes more sense to plan to 180 feet to encourage co-location.

Mr. Goldberg stated they can adjust to 180. He has prepared a one-sheet site plan to show if the tower were to go in the HC zone and the need for additional variances for frontage and setback issues. He reiterated that it makes more sense to put the tower in the RU zone.

Mr. Bergus stated the fall zone falls outside of the lease area and asked if that was typical. Mr. Goldberg stated it was very typical. The equipment cabinets would fall within the 40 x 40 compound. Mr. Bergus asked if whoever owns the balance of the property that the lease is coming from, will it be restricting their use of the property outside of the 40 x 40 should the tower come down. Mr. Goldberg stated the lease would not.

Mr. Golden stated the Planning Board could not enforce private easement issues or private fall zones.

Ms. Naughton stated the application has not yet been referred to the wireless consultant.

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Mr. Pirraglia asked if there would be a microwave antenna on the monopole. Mr. Goldberg stated there would be a dish antenna at about 100 feet.

Ms. Naughton stated to start SEQRA the board will have to declare itself as lead agency and type the action as a Type 1 action.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Lupinski, The Town of Goshen Planning Board moved to declare itself lead agency on the project. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye		

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Dropkin, The Town of Goshen Planning Board moved to type this action as a Type 1 Action. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye		

**VOTE BY PROPER MOTION**, made by Mr. Lupinski, seconded by Mr. Pirraglia, The Town of Goshen Planning Board moved to refer this application to the telecommunications consultant. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye		

Ms. Naughton stated she needed the EAF from the applicant.

**Orchard at Towner Farms, LLC – 12-1-103:** Application for amended special permit and site plan for expansion of existing storage dock and additional storage tanks at the intersection of NYS Route 17M and Musket Court in the I District with AQ-3 overlay. **Draft Resolution.**

Representing Applicant: John Petroccione, PE

Mr. Petroccione stated at his last presentation before the board he received a negative declaration subject to a sign off from SEQRA. That negative declaration allowed him to go to the ZBA where he received the necessary variances for the project.

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Tonight Mr. Petroccione is requesting site plan approval. The last remaining issue is in regard to the visibility of the site due to the previous berm removal. The ZBA designated the type and number of plantings they want along Rt. 17M as well as a wildflower mix for lower branch screening.

Ms. Naughton said one of the findings the Planning Board has to make on the Draft Resolution goes to Section 97.14 (d) about the design elements and visibility of the building. The applicant was asked to include those on the plans. Ms. Naughton read into the record the draft resolution.

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Andrews, The Town of Goshen Planning Board accepted the finding in the draft resolution prepared by Ms. Naughton. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye		

Ms. Naughton stated the ZBA put in nine conditions to the granting of the variances. Supplemental plantings are required and are to be maintained in a good and healthy condition.

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Dropkin, The Town of Goshen Planning Board moved to approve the amended conditional special permit and major site plan approval document. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye		

**Taylor – Empire Vent, Inc. – 20-2-17:** Application for amended special permit and site plan for new warehouse on Industrial Drive in the CO District with AQ-3 overlay. **Initial Presentation & Commence SEQRA**

Representing Applicant: James Clearwater, MJS Engineering

Mr. Clearwater stated the applicant, Mr. Taylor and his family, run a business on Industrial Drive that makes roof vents and ventilation sheet metal parts. They have consolidated their business to this site exclusively. They wish to add onto the building again. The applicant is proposing a 30 x 60 Morton Steel Building. It will be built separate from the existing building. The use is for warehousing of materials for the business. There is no plan to hire any more people or need of any more parking. This is simply for work space.

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The location of the building requires disturbing 2737 square feet of fresh water wetlands. The applicant applied to the Army Corps last September for the disturbance and they are required by statute to reply with comments within 45 days and have heard nothing, so there is a default approval.

Approximately 250 yards of material will have to be brought in to raise the area for the building. There will also be a 2 ½ foot retaining wall. The building color will match the existing building. The roof is also the same and same pitch.

Chairman Bergus polled the Board for questions and comments.

Mr. Pirraglia asked if there were any facilities or offices intended for the building. Mr. Clearwater said no. The floor is concrete.

Mr. Dropkin asked what the porch roof was. Mr. Clearwater stated it is for porched area for employees can go outside and eat lunch. Mr. Dropkin asked if any additional parking would be required.

Mr. Hoffman stated the code has requirements for parking. The applicant was before the Planning Board previously in 2012 for a shop expansion, the Board required set aside parking. The applicant stated the employee levels will remain the same so no additional impact to parking from this addition. Additional parking would require a DEC permit because it is in a DEC buffer.

Ms. Naughton stated for SEQRA purposes the Board can declare itself lead agency and type the action as unlisted.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Pirraglia, The Town of Goshen Planning Board moved to declare itself as Lead Agency. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye		

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Lupinski, The Town of Goshen Planning Board moved to type the project as an unlisted action. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye		

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Dropkin, The Town of Goshen Planning Board moved to set a public hearing for September 15, 2016. Approved unanimously.

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Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye		

**Battaglia – 18-2-9:** Site plan application for a service business on Quarry Road (County Route 68) in the Highway Commercial (HC) Zone with AQ-3 and Scenic Road Corridor overlays. **Assume Lead Agency, Review EAF Part 2 & Consider Scheduling a Public Hearing**

Representing Applicant: Brian Friedler, Lehman & Getz

Mr. Friedler stated the applicant is looking for site plan approval for a 7200 square foot building for a service business and office space. The plans have been revised for the comments that the engineer had at the July 1, 2016 meeting.

Mr. Hoffman stated the size of the building has been somewhat reduced to meet the roof pitch requirements. The access has also been changed to the rear of the building. He asked the board to have some flexibility for eaves and cornices that may extend over into the setbacks.

Mr. Hoffman stated the applicant will be providing some storage outside, which is allowed in the code if it's less than 10 percent of the area and screened.

Mr. Bergus stated the well should be 300 feet deep. Mr. Hoffman stated the code requires water testing. This application has a very low water use.

Ms. Naughton stated at the June meeting the Board declared itself to be lead agency and there were no objections so the Board can assume lead agency status.

**VOTE BY PROPER MOTION,** made by Mr. Dropkin, seconded by Pirraglia, The Town of Goshen Planning Board assumed Lead Agency Status on this project. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye		

Ms. Naughton stated she also sent the Board a Draft Part 2 EAF for this project. She said that if there are no other issues the Board can issue a negative declaration stating there are no significant adverse environmental impacts on this project.

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**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Lupinski, The Town of Goshen Planning Board moved to issue a negative declaration on this project. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye		

Dr. Kris Baker arrived at 8:41 p.m.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Pirraglia, The Town of Goshen Planning Board set a public hearing for September 1, 2016. Motion granted.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye	Dr. Baker	abstained

**Aurora Innovations – 24-1-100, 108.2,112 & 113:** Site plan and lot line adjustment application for a fertilizer and potting soil processing facility on 141.2 +/- acres on Pulaski Highway (Country Route 6) in the Agricultural-Industrial (AI) District with AQ-6 and Flood Plain & Ponding Overlays. **SEQRA Negative Declaration, Discuss Site Plan & Consider Scheduling a Public Hearing**

Representing Applicant: Nick Rugnetta, Pietrzak & Pfau Engineering

Mr. Rugnetta stated the site is located off of Pulaski Hwy and contains 140 +/- acres over four different tax parcels. All parcels are in the AI Zone. The company is from Oregon and are a manufacturer of specialty fertilizers and organic potting soils. They bring in off-site raw materials and make mixtures.

Mr. Rugnetta stated there is an existing on-site well that is in the process of being approved by the Health Department. There is an existing septic system on the southern side of the building which is not large enough for the proposed use. The applicant is proposing a new location for a replacement septic system. There is a bio retention basin on the northern side of the property and a retention pond on the southeastern side.

The applicant had a site meeting with the Orange County DPW and discussed redoing the entrance off of Pulaski Hwy. They are working on a submission for that entrance redesign. The DEC is also involved and there was a pre-application meeting and a submission is being worked on to address their comments as well. The applicant is working with the Health Department for well siting. The parking is a gravel lot with no curbs.

Mr. Hoffman stated he requested the applicant provide details on parking space allocation criteria.

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Mr. Bergus asked what the floor of the building will be. It was answered concrete.

Mr. Pirraglia stated he would like to see a lighting plan for this project.

Dr. Baker asked what the hours of operation will be. It was answered it is a three-shift operation.

Ms. Naughton stated at the last meeting the Planning Board assumed Lead Agency status and reviewed the Part 2 EAF. The Board requested to see a draft of the negative declaration which was e-mailed to the Board for their consideration.

Mr. Bergus asked about ground water.

Ms. Naughton stated she could modify it that the applicant has indicated that the proposal will likely be considered a non-transient, non-community public water supply which requires approval from the Orange County Department of Health. As a result, no significant impacts to groundwater are anticipated. If the application is not considered a non-transient, non-community public water supply, the Planning Board will require water testing per the Town's code.

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Andrews, The Town of Goshen Planning Board moved to accept the negative declaration as modified. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye	Dr. Baker	aye

Mr. Hoffman advised the Board to wait to schedule a public hearing until other requirements are demonstrated regarding property access and easements on the plans with setbacks.

**Introductory Local Law No. 4 of 2016 – Wind and Solar Energy Systems in the Town of Goshen – Referral for Review and Report**

Ms. Naughton state that when there is a proposed change to the Zoning Code it has to be referred to the Planning Board for report. The Planning Board can provide comments and a letter provided with such for the Town Board

Mr. Golden stated comments were received from Mr. Bergus and Mr. Dropkin.

Mr. Bergus made the following comments:

- Under Applicable Definitions there should be a definition of a Small Solar Energy System based on the rating of the system.

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- There should be a definition of a qualified solar or wind power installer, perhaps NYSERDA listed.
- The law should be consistent with the zoning code as it applies to location of fencing around perimeter of solar farms.
- Sections in the local law should have no contradiction as far as grading requirements.
- A decommissioning plan should be in place as well as the party who is responsible and the time afforded to decommission and restoration of land.
- Solar energy systems and equipment should be marked accordingly for emergency responders.
- Solar arrays should be arranged so they don't create glare or distraction.
- Roof mounted panels should be parallel with the roof, not angled or raised.

Mr. Dropkin stated he sent his comments to Ms. Naughton. One of the big issues Mr. Dropkin has is he recalls that there is a general prohibition on the energy from solar and wind that may be created by a facility that any excess capacity would be available to uses beyond the particular site on which the facility is located.

Mr. Golden stated the companies buy back the excess to sell back to the grid. This local law will allow facilities to sell it back to the grid.

Dr. Baker asked if the local law is delineating the type of solar and wind or is it a blanket solar/wind.

Mr. Golden stated that solar energy is defined as direct radiant energy received from the sun and a solar energy system is a solar energy system and all associated equipment including any generator, base foundations, structural support, wire, batteries or other components necessary to convert solar energy into usable electrical energy through the use of solar panels.

Dr. Baker asked if the wind would be fan-type or helix-type.

Mr. Golden stated a vertical access wind turbine which utilizes vertical panels as opposed to horizontal propellers. A large wind energy system is a wind energy conversion system consisting of a wind turbine, a tower, associated control conversion electronics producing more energy than consumed on site. A small wind energy system consists of a wind turbine, a tower, associated control conversion electronics producing the same or less energy than consumed on site. A wind generator is blades and associated mechanical and electrical conversion components mounted on top of a tower.

Mr. Bergus asked who does the study to determine whether there is sufficient wind and at what elevation.

Mr. Dropkin said the height is limited to 120 feet in the code.

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Mr. Dropkin said that he read that landscaping had to be within 10 feet of the solar panels. His thought is as trees grow it may cast a shadow making the system less effective on ground mounted panels. He thinks the Planning Board should have some flexibility in this area.

Mr. Golden read into the record the purpose of the screening and stated he believed flexibility was already built in for the Planning Board to choose the type of plantings most appropriate for each site.

Mr. Lupinski stated he was at a meeting and an assessor asked if a farmer put a facility on his farm, would he lose the AG exemption on the whole parcel or just that part of the parcel. He also said he didn't understand the distinction between leasing and owning the area. He asked if the law dealt with this.

Mr. Golden stated it the law does not. This is a way to allow people to put in solar. Whether it's beneficial to that person or not, the law does not speak to that.

Ms. Naughton said it does put in the local law that the farms, if it is a commercial farm, it does need to comply with all the rules of the Department of Agriculture.

Mr. Lupinski asked if someone could have a facility on poles and still be able to pasture cattle underneath them or would you lose the exemption on that area.

Mr. Golden stated this local law does not deal with that issue and does not know the answer to that question.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Pirraglia, The Town of Goshen Planning Board moved to draft a letter to the Town Board by the Planning Board outlining their comments. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye	Dr. Baker	aye

**Upcoming Meetings**

Mr. Hoffman asked the Board to consider setting a special meeting due to the length of tonight's agenda. The Board had received two additional applications with timely submissions that there was no room for on the agenda, as well as another new application.

The next meeting is August 18, 2016 but is set for the LEGOLAND Scope and a public hearing for Quickway Imports.

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The Board discussed possible dates for a special meeting.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Dr. Baker, The Town of Goshen Planning Board set a special meeting date for Wednesday, August 24, 2016 at 7:30 p.m. in Town Hall. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye	Dr. Baker	aye

Mr. Golden also asked the Board to consider relocating the August 18, 2016 meeting to the CJ Hooker Middle School in order to accommodate an anticipated large public turnout for the LEGOLAND Scoping session. The Board is required to allow the public accommodations to see and hear the meeting.

**VOTE BY PROPER MOTION**, made by Dr. Baker, seconded by Mr. Dropkin, The Town of Goshen Planning Board moved to relocate the August 18, 2016 Planning Board meeting to the CJ Hooker Middle School. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye	Dr. Baker	aye

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Andrews, The Town of Goshen Planning Board closed the meeting at 9:43 p.m. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Lupinski	aye	Dr. Baker	aye

**Adjournment** – The Town of Goshen Planning Board adjourned at 9:43 p.m.

Lee Bergus – Chair

Notes respectfully prepared by Tanya McPhee