

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

January 17, 2019

Members Present:

Lee Bergus, Chairman
David Crawford
Phil Dropkin
Cynthia Hand
Frank Leva
Diana Lupinski
Giovanni Pirraglia

Also Present:

Richard Golden, Town Attorney
Sean Hoffman, PB Engineer
Neal Halloran, Building Inspector
Douglas Bloomfield, Town Supervisor
George Lyons, Councilman
Melissa Gallo, Councilwoman
Kenny Newbold, Councilman

The Planning Board Meeting was opened with the Pledge of Allegiance at 7:30 pm by Chairman Lee Bergus.

Approval of Minutes -

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Leva, the Town of Goshen Planning Board moved to approve the January 3, 2019 minutes as modified. Approved unanimously with one abstention.

Mr. Bergus, Chairman	Aye	Mr. Crawford	Aye
Mr. Dropkin	Abstention	Mrs. Hand	Aye
Mr. Leva	Aye	Mrs. Lupinski	Aye
Mr. Pirraglia	Aye		

Possible Extension or Abandonment of Applications pursuant to Town Code -

Davis Solar - Mr. Hoffman informed the Board that Davis Solar had been granted an extension to appear before the Town Board for a conservation easement, they no longer are seeking the easement. Mr. Hoffman requested a six month extension to review the plans.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Pirraglia, the Town of Goshen Planning Board granted a six month extension to applicant Davis Solar to July 18, 2019. Approved unanimously.

Mr. Bergus, Chairman	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Leva	Aye	Mrs. Lupinski	Aye
Mr. Pirraglia	Aye		

Public Hearings -

A Combined Goshen Town Board and Planning Board Public Hearing for Glenmere Lake Solar

Glenmere Lake Solar -17-124.11: Application for site plan and special permit for a solar energy system on 129.2 +/- acres on Pulaski Highway/County Route 6 and Valley View Road in the RU Zone with AQ-6/AQ-3 and Floodplain & Ponding Stream Corridor & Reservoir and Scenic Road Corridor Overlays.

VOTE BY PROPER MOTION, made by Councilman Newbold, seconded by Councilman Lyons to open the Public Hearing for Glenmere Lake Solar. Approved unanimously.

Mr. Bloomfield	Aye	Mr. Lyons	Aye
Mr. Newbold	Aye	Mrs. Gallo	Aye

Whereupon, Chairman Bergus opened the Public Hearing.

Joel Thomas, Community Energy Solar, introduced the project and summarized the project.

Erik Boe, LAN Associates, went over the visual assessment.

Mr. Hoffman reviewed his report and comments. Mr. Hoffman stated the decommissioning bond would be reviewed by the Town Board. This would be a 150% cash bond. He suggested that the Planning Board ask for additional planting at the end of Remington Ridge. He advised the Board the code gives them the discretion to require more planting.

Whereupon, there was a discussion by the Boards. In summary, discussed the panels, the project would serve approximately 400 homes in the Orange & Rockland territory, a 10% discount is offered to customers, if the cash bond can be placed in an interest bearing account, the maintenance of the project, the buffer, and discussed flipping the project and all obligations and permits being transferred. It was discussed where the panels are manufactured. It was noted that those made in China may leak and be unrecyclable. Mr. Thomas stated they had some panels American made, but can't say a year from now where they will come from. The fencing was discussed. It was noted that if a deer fence was used, they would defer to the building inspector for code regulations. The fence will have to meet the requirements of a security fence. The proposed plantings were discussed. The applicant was asked to reconsider the type of trees being planted, Arborvitae (deer candy). How the applicant was going to market was discussed. Mr. Thomas stated direct mailings and social media was going to be used, along with billboards and may do door to door. Security and maintenance was discussed. Safety issues concerning the composition of the batteries. There was concern over too many solar projects in the area. Mr. Thomas explained the process of applying to Orange and Rockland. The noise level was discussed. It was noted that a glare analysis was done.

Supervisor Bloomfield asked about Ags and Market and the different categories for farmland. He noted there were certain categories you couldn't build on. Was that all looked at, and is this being built on farmland suitable for this project.

Mr. Thomas responded he was not aware of the specifics of the Ag and Markets or any prohibitions for building this type of project.

Supervisor Bloomfield suggested he talk with John McCarey.

Chairman Bergus stated the issue was if the soil is permanently taken out of inventory for agricultural purposes or if it could be reclaimed if the project closed or failed.

Mr. Hoffman, stated this was referred to the county last week and they would comment on any county prohibitions.

Whereupon the Public Hearing was opened to the public.

Karin Hablow, 6 Royal Vista Drive, in summary was concerned that her back deck was 200 feet from the solar panels. Concerned for safety, quality of life, financial impact on homes, feels there should be a balance, and questioned whether a landscape architect did an impact study on surrounding properties. Possible heavier plantings along the buffer. Due to the elevation of the homes, doesn't believe that the proposed planting will block the view of the solar panels. Asked for more studies of the ambient noise. Worried about fires. Wanted to know if they go out of business, who is responsible?

Attorney Golden stated the landowner would have to clean the site up.

Mr. Halloran suggested that the Board go out to the homes and take a look at the buffer line.

Michael Zambetti , 34 Valley View Road, wanted to know what happens if the bond wasn't enough money.

Attorney Golden stated a judgement would be placed.

Karin Hablow asked if an analysis of the environmental impact on wildlife was done. She asked if the project was consistent with the comprehensive plan adopted by the Town. She requested the Board consider enhanced bordering around the project.

Mr. Hoffman responded that is a major component of the SEQRA analysis.

Michael Zambetti, 34 Valley View, wanted to know how they plan on controlling the weeds and grass around the panels; concerned about his well, five feet from the property line. Asked about the glare study, the recycling of the panels, batteries, decommissioning plan, concern about safety of batteries, fires, property values, and homes sit considerable higher than the project. Believes the trees would have to be 40 to 50 feet to cover.

Mr. Hoffman informed town code requires applicant to install a native nonevasive species that doesn't require a lot of maintenance. The Town Board will be making a decision on the bond.

Mr. Thomas stated studies did not show any effect on home values, but no study was done in Orange County specifically.

Attorney Golden stated that 150% of decommissioning costs would be estimated by the town engineer and has to include the removal of all equipment, foundation, fencing and panels, restore land, and dispose and recycle all materials in an environmental responsible manner. The costs would be revisited every five years.

Shaun Scheurer, 2 Royal Vista Drive, concerned about the wind, potential hazard to the water table, toxicity of the battery if they catch on fire.

Mr. Hoffman stated this project is in the Florida Fire Department and the decommissioning bond would cover any damage caused by a fire. Either it would go through a court or the DEC.

Attorney Golden stated there were remedies under the law and insurances that are required.

Mr. Zambetti asked if the battery could be relocated closer to the Pulaski Highway.

Angela Christino asked if the Town of Goshen was receiving any incentives.

Attorney Golden responded no, other than property taxes.

Whereupon, there was a discussion on the composition of the batteries.

Ms. Hablow inquired if there was any study on the health effects of long term exposure to solar panels. There was no response.

Mr. Zambetti asked if the project could be moved.

Mr. Irwin responded because of the topography and farming operations, there was reasons they chose this part of the site.

Matt O'Riley, 3 Chestnut Lane, asked about the landscaping. He also asked for more screening.

Mr. Zambetti asked if the Board had inquired of other Boards whether they had buyer's remorse in developing these projects, specifically in Minisink.

Attorney Golden explained the law and permissible use for solar projects.

Whereupon, there was a discussion on the possibility of moving the panels back from the homes. Mr. Thomas stated the storage can be relocated, but doesn't think moving the panels back as a possibility.

Attorney Golden stated it would be several months before the Boards are ready to make a decision. He explained how there are conditions attached to the approvals. The public was informed they can submit issues in writing to the Town Board and Planning Board. The Town Engineer will go through the decommissioning plan.

Written comments can be submitted to the Building Department and they will distribute to the Boards.

VOTE BY PROPER MOTION, made by Mr. Crawford, seconded by Mrs. Lupinski, the Town of Goshen Planning Board moved to adjourn the Public Hearing to February 21, 2019. Approved unanimously.

Mr. Bergus, Chairman	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Leva	Aye	Mrs. Lupinski	Aye
Mr. Pirraglia	Aye		

VOTE BY PROPER MOTION, made by Mr. Lyons, seconded by Mrs. Gallo, the Goshen Town Board moved to adjourn the Public Hearing to February 21, 2019. Approved unanimously.

Mr. Bloomfield	Aye	Mr. Lyons	Aye
Mr. Newbold	Aye	Mrs. Gallo	Aye

VOTE BY PROPER MOTION, made by Mr. Leva, seconded by Mr. Crawford, the Goshen Town Board moved to declare the Board's intent to be lead agency on this project. Approved unanimously.

Mr. Bergus, Chairman	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Leva	Aye	Mrs. Lupinski	Aye
Mr. Pirraglia	Aye		

Items for Discussion/Action -

833 Pulaski Highway Goshen Solar -24-1-76.12 & 101: Application for site plan and special permit for a solar energy system on 73.438 +/- acres on Pulaski Highway/County Route 6 in the AI Zone with AQ-3 Overlay. Initial Presentation & Commence SEQRA

David Albrecht, Civil Engineer on behalf of Borrego Solar Systems, Inc., appeared before the Board for applicant 833 Pulaski Highway Goshen Solar. Mr. Albrecht reviewed the project with the Board. In summary, is a fixed tilt, had a glare study, panels made in China, and staying within the tree line. They're not removing any trees on the site. Access point is an existing gravel driveway off Pulaski Highway. Proposing a 7 foot high chain link fence, raised up 6 inches for smaller animals. No barbed wire. It is a 1.65 megawatt system. Highest 9 feet high, 25 degree tilt. At least a football field away or more from the residences. He went over the topography. He stated this is a system they build for someone else. They don't own it. Talked about the racking, no concrete footings, will have a geo tech study done, four main gates around the system, and two central inverters.

Mr. Hoffman reviewed his report and comments with the Board. Waiting on the noise study, habitat study, the mapper, conservation easements, and deed restrictions. There are provisions in the code that prohibit development in those areas, a title search should be done. The owner's endorsement said it was not applicable.

Attorney Golden stated they had a lease agreement, if it's drafted correctly and it's clear, it satisfies the owner's endorsement. However, the intial option period expires March 23rd, unless it's exteneded they,

don't have the authorization to proceed with the application. They have to submit proof on or before March 23rd that they have extended the lease.

This project will be put on the February 7th agenda pending the receipt of the EAF with the mapper.

RDM Goshen 17M - -12-1-116: Application for site plan, special permit and subdivision for a warehouse and single-family dwelling on two (2) lots totaling 61.59 +/- acres on NYS Route 17M in the CO Zone with AQ-6 and Floodplain & Ponding Overlays. Initial Presentation & Commence SEQRA

Jay Samuelson, Engineering & Surveying Properties, appeared before the Board for applicant RDM Goshen 17M. In summary a 61 acre parcel subdivided into two lots, lot one 58.8 acres with a proposed 300,000 square foot warehouse, in the rear there is approximately 30 acres of wetlands, estimate 175 to 200 employees, 242 parking spaces up front, and 66 loading docks. A variance for parking in the front will be necessary. One access out to 17M. Lot 2 consists of an existing residential house which is intended to stay on a lot of 2.1 acres. Will have well and septic for the warehouse. There are several variances required. The warehouse will be built on spec.

Whereupon, there was a discussion with the Board and Mr. Samuelson on parking, stacking of trucks on the access road, turning radius, and fire protection code.

Mr. Hoffman reviewed his report and comments.

Mr. Samuelson will resubmit the EAF with the volume for grading, and the amount of truck trips. This will be placed on the February 7th agenda pending submission of the EAF.

Mr. Halloran requested applicant check the code, the fire department may need access to the back of the building also.

SLK Ranch, LLC Lot Line Adjustment -22-1-13.1 & 14.2: Application for lot line change along Maloney Lane in the AI Zone with AQ-3 and Floodplain & Ponding Overlays. Initial Presentation & Commence SEQRA

Mrs. Hand stated she spoke to counsel before the meeting and was making the Board aware that Bill Grohoski was related to her. He is her father's first cousin.

Attorney Golden stated the disclosure should be in the minutes and Mrs. Hand stated that it's not going to color her decision in any way, therefore, she is allowed to continue on the Board.

Nick Rugnetta, Pietrzak and Pfau Engineering & Surveying, PLLC, and Louis Myruski, owner of SLK, appeared before the Board. Stated this was a lot line change between SLK Ranch and Mr. Grohoski. They want to move 2.1 acres from lot 14.2 over to lot 13.1. The lots are in the agricultural industrial zoning district.

Mr. Hoffman reviewed his report and comments. Stated the applicant cannot satisfy impervious surface, because of the floodplain and would have to go to the ZBA. Existing parcel 13.1 does not

have frontage on Maloney Lane, they would be increasing the nonconformity and need a variance with the ZBA.

Attorney Golden advised the Board to wait for the determination of the ZBA.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Crawford, the Town of Goshen Planning Board moved to type this project as a type 2 action under SEQRA. Approved unanimously.

Mr. Bergus, Chairman	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Leva	Aye	Mrs. Lupinski	Aye
Mr. Pirraglia	Aye		

VOTE BY PROPER MOTION, made by Mr. Crawford, seconded by Mr. Dropkin, the Town of Goshen Planning Board moved to go into executive session to discuss the hiring of a particular position with the intent not to take any action when they return. Approved unanimously.

Mr. Bergus, Chairman	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Leva	Aye	Mrs. Lupinski	Aye
Mr. Pirraglia	Aye		

Meeting adjourned 11:20 pm