

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

April 18, 2019

Members Present:

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

Also Present:

Kelly Naughton, PB Attorney
Sean Hoffman, PB Engineer

Members Absent:

Giovanni Pirraglia

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. Crawford, the Town of Goshen Planning Board moved to approve the April 4, 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

Public Hearings -

Cavallaro -24-2-32.2 & 51: Application for lot line change along Big Island Road in the AI Zone with AQ-3, Floodplain & Ponding and Stream Corridor & Reservoir overlays.

John Lavelle, RJ Smith Realty, appeared before the Board for applicant Cavallaro.

Chairman Bergus opened the public hearing for applicant Cavallaro. No one from the public appeared.

Attorney Naughton prepared a long EAF parts 1 and 2 which were distributed to the Board. Stated the Board needs to make a determination of significance and issue a negative declaration. The application was referred to the County for a 239 review, but have not received comments back.

No comments from the Board.

VOTE BY PROPER MOTION, made by Mr. Leva, seconded by Mrs. Lupinski, the Town of Goshen Planning Board moved to close the public hearing. Approved unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Leva, the Town of Goshen Planning Board moved to declare negative declaration on this project. Approved unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Crawford, seconded by Mr. Leva, the Town of Goshen Planning Board moved to authorize counsel to prepare a resolution in anticipation of approval of the project. Approved unanimously.

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

Items for Discussion/Action -

Glenmere Lake Solar – 17-1-24.11: 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. Extension for Site Plan Decision

Attorney Naughton informed the Board the applicant wrote a letter to the Board asking to extend the timeframe in which the Planning Board has to make a decision on their application after the close of the public hearing. They are still working with SHPO.

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Crawford, the Town of Goshen Planning Board moved to extend, at applicant's request, the timeframe from 62 days for an additional 30 days to May 16. Approved unanimously.

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

833 Pulaski Highway Goshen Solar – 24-2-76.12 & 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. Discuss Revised Plans

David Albrecht, P.E., with Borrego Solar Systems and Lyndsay McIntyre, project developer with Borrego appeared before the Board for applicant.

Mr. Albrecht reviewed the revisions to the plans. In summary, the revisions were based on comments

made by the town engineer and the board. A landscape plan in detail adding the changes. Better defined where the wetlands are with a 20 foot buffer around it. Army Corp letter stating there is no impact. Reviewed the grading and the slope of the roads proposed. Natural heritage, the potential habitat for the Northern Harrier and Short-eared Owl. Submitted the habitat study to the DEC back in January. The DEC responded and asked for the schedule for construction. Looking to start the project April 1, 2020. Supplied the Board with the March 26th letter with the schedule that was sent to the DEC. Mr. Albrecht reviewed the access road plan with the Board. He will provide a title search and survey report to Attorney Naughton. He reviewed the geometry of Lawrence Lane, proposed species of landscaping, and parking during construction. Mr. Albrecht also provided a copy of the extension to the lease for another 365 days. Stated there was no plan for expansion. The utility agreement only allows for what is shown on the plan.

Whereupon, there was a discussion with the Board on the Florida fire department visiting the site, the hammer head, maintenance of the road, emergency access during construction, sight distance from Indiana Road, regrading and smoothing out Lawrence Lane, parking, fencing, and battery safety.

Mr. Albright described the fencing as a 7ft high galvanized chain link fence surrounding the project, no barb wire, gates with lock box for emergencies. Whereupon, there was a discussion about the fencing. Mr. Albrecht stated that the national electric code requires a 7 ft. high fence.

Mr. Hoffman stated that the Town zoning code has a provision in it that fencing would generally be limited to six feet, the national electric code does not trump the zoning code. If the building inspector determines that six feet is the limit, it would require an area variance. The building inspector will have to provide an interpretation to the Board.

Mr. Hoffman reviewed his report with the Board. In summary, access, sight distance, plowing and maintenance of road, and the grades. Mr. Halloran was concerned about the width and turning radiuses. Applicant should show a turning analysis. The ownership and right to access on Lawrence Lane is not clear, applicant needs to demonstrate their right to use that road for access. Something more than just a deed.

Attorney Naughton addressed the confusion regarding a letter from Ag and Markets. She spoke with them and discussed the section they were referring to, section 305§4 and concluded it doesn't apply here. The reason being that the Town is not funding the project. The project requires a public hearing, when scheduling will try to make it a joint meeting with the Town Board.

VOTE BY PROPER MOTION, made by Mrs. Hand, seconded by Mr. Crawford, the Town of Goshen Planning Board moved to schedule a public hearing on May 16th conditioned upon receiving the materials discussed by May 2nd. Approved unanimously.

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

Mr. Albrecht has to provide the Board with the response from the DEC and the title by May 2nd.

Davis Solar – 10-1-97: Application for site plan and special permit for a solar energy system on an 84.88 +/- acres on Owens Road in the RU District with AQ-6 and Scenic Road Corridor Overlays. Amended application

Sazzy Gourley, Cypress Creek Renewable, appeared before the Board for applicant Davis Solar. Mr. Gourley reviewed the project and stated applicant was looking for an amended site plan and special permit approval to include an onsite energy storage system.

He stated battery storage is a standard piece of equipment on solar projects. Handed out a power point to the Board and reviewed the battery storage. He reviewed the safety features of the battery storage.

Mr. Gourley stated in conclusion given the only change is the slight expansion of the equipment pad he is proposing that this be considered a minor site plan change that would not trigger a public hearing.

Attorney Naughton stated that in the prior approval the applicant stated there would not be battery storage on site. The code says if you find that the proposed amendment is consistent with the terms of any applicable special permit approval and does not represent a substantial change from the approved site plan, then no public hearing is required. If you do think it's a substantial change from what was previously approved by the Board, then the Board can require a public hearing.

Whereupon, there was a discussion on the location of the battery on the site plan.

Mr. Gourley stated that the company has a battery engineer that can be present if this goes to a public hearing.

Whereupon, there was a discussion whether the addition of the battery storage would be a substantial change to the site plan. Mrs. Hand stated she did not consider it a substantial change.

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Crawford, the Town of Goshen Planning Board moved to schedule a public hearing on May 16th. Approved unanimously.

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

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mrs. Lupinski, the Town of Goshen Planning Board moved to adjourn the meeting. Approved unanimously.

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

Meeting adjourned at 9:34 pm