

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

June 20, 2019

Members Present:

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

Also Present:

Kelly Naughton, PB Attorney
Sean Hoffman, PB Engineer
Neal Halloran, Building Inspector

Members Absent:

Phil Dropkin

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 Mr. Pirraglia, seconded by Mr. Crawford, the Town of Goshen Planning Board moved to approve the June 6, 2019 minutes as modified. Approved unanimously.

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

Possible Extension or Abandonment of Applications pursuant to Town Code-

Persoon – Attorney Naughton stated that they owe fees. Postpone the extension to next meeting.

Traskus – Chairman Bergus read a letter dated June 12, 2019 from Bob Green, Attorney at Law, requesting an extension to fulfill the conditions in the Conditional Final Approval for new owner Goshen Estates LLC.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Leva, the Town of Goshen Planning Board moved to grant a six month extension to applicant to December 19, 2019. Approved unanimously.

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

Public Hearings – Foxfire La Colina, LLC – 12-1-45.222: Application for special permit and site plan for a bed & breakfast and catering facility on 46.1 +/- acres on NYS Route 17M in the RU & HC Zones with AQ-3 & AQ-6 overlays

Jay Myrow, Esq, Steve Esposito, Design Engineer, and Rob Osterman co-counsel, appeared before the Board for the applicant. Tim Trojian and Eliza Clark, applicant, were also present.

Attorney Myrow reviewed the project with the Board. Stated applicant had applied for site plan approval in November. Close to complying with all the regulations.

Mr. Esposito, reviewed the site plan with the Board and the public. In summary, a proposed 5 room bed and breakfast, which is a special use permit, also proposing a service use, event space, also requires a special use permit. In summary, the maximum capacity of the tent is 150, recommending 59 parking spaces, proposing 33 spaces and 2 handicap. Applicant is trying to minimize the footprint. Require a bank of 26 spaces to the East of the construction. Offsite parking is available for 25 spaces plus. Guests will be shuttled from Hampton Inn by Hilton and Courtyard by Marriot. Applicant will get clarification in writing from hotel, whether this was for hotel guests. Applicant is trying to minimize traffic in and out of site. Would like to use shuttle buses. Doing lighting in the parking lot, between the house and tent, low mount lighting. Constructed a 26 foot wide driveway.

Attorney Myrow stated he will provide a boiler plate contract with the hotels as part of the approval for the Board.

Mr. Hoffman reviewed his report with the Board. In summary, went over major points, zoning, special permit for catering business, residential appearance, the handicap ramp, new parking, some photographs of the site vegetation requested, recommended a site visit, applicant is proposing a conservation easement of 100 feet, environment performance standards, noise, parking inconsistencies and some typographical errors in the parking plan. In terms of the access, 26 feet necessary for emergency service and the DOT will be an involved agency.

Mr. Esposito responded they already made the application to the DOT.

Mr. Hoffman stated the turning analysis was not on the current plan. Stated the plan should be revised to show how fire apparatus will negotiate the turnaround. Recommends the applicant consider paving or a permeable pavement in the parking lot for pedestrians. He has not seen the well test, would like to see that. Fire sprinklers would be a determination by the building inspector. Reviewed storm water and lighting. If there is permanent lighting in the parking lot, it should be on the plan.

Whereupon, Chairman Bergus opened the public hearing at 8:16 pm.

John Kennedy, 54 Dzierzek Lane, New Hampton, in summary, dealing with run off from widening of the road, the water is redirected, and his property is below it. He has thick heavy ruts from all the rain. He stated the numbers don't add up with the parking. Ubers will be coming up my driveway. Have to listen to the music. On the 7th and 8th of June he had uber cars up his road. It's wooded and beautiful, when the leaves go down I can see everything. How do you do test pits after building a road.

Disagrees with the 26 foot drive.

David Gordon, Esq. represents the Pskowski's. Stated he had sent in comments to the Board. He stated that Mr. Pskowski and some other neighbors did not have satisfactory notification of the meeting. It's a matter of law and need more time and he asked the Board to hold the hearing over.

Attorney Naughton stated there was proof of mailing.

Attorney Gordon stated that the B&B is an accepted use here, but that it's an event venue. Stated one of the issues is the square footage of the facility. The main residence is 4200 square feet, the side building is 1600 square feet, and total for the whole is 5800 square feet.

Mr. Esposito stated he will provide architecture.

Attorney Gordon, in summary referred to Exhibit A, and stated in total 8600 square feet including the event space. They stated there's no catering on site, so it's not a catering facility. Stated it's an event facility, which is not allowed. The road frontage, requirement here is 300 feet, they have 52 feet, serious safety issue.

Bob Garlock, Gateschool House Lane. Stated he didn't receive the notice. Inquired to the lighting being directional. Concerned about the hours of operation. Paper show 8 am to 11 pm and 8 am to 8 pm, which one is the event going to be at. If the guests are renting the entire place using the swimming pool, is there a requirement to provide a lifeguard. Retention pond down the road, the water from their lot will never make it to pond unless they use pipes. Concerned about Uber drivers and the noise. He can hear it 2000 feet away.

Chairman Bergus asked about signage.

Mr. Esposito stated it would be a free standing sign at the entrance. It would be under a separate application.

Ron Korickyi, Korickyi Lane, asked if water testing was done.

Mr. Esposito responded it was Part 5

Mr. Hoffman stated that Part 5 testing is the water quality testing performed when connecting to a public water supply

Debra Corr, Goshen, was concerned about the noise. It will affect the wildlife and the residents that moved into this area. It's not an approved use. Need to protect the residents of this town. Wanted to know if there was going to be fireworks.

Applicant responded there were no fireworks.

Chris Pskowski, in summary, was concerned about noise, outside speakers, square footage, and parking area. Was concerned about violations. Spoke of them booking weddings. Stated he went to Mount

Tremper, went there and no one was policing the parking lot. He stated he drove right into a wedding. Spoke to neighbors, they hate the guy. Accidents two minutes apart. The guardrail is smashed up. It is promoting drinking and driving. Neighbors complained about noise from deliveries.

Robert Osterman, counsel for the applicant, stated the police reports were not relevant to the Board's focus. Any issue occurring at Mount Tremper is not relevant. The grading done on the property has been done by lawful permit. Applicant has been compliant with the requests from the town engineer, inspector and board. The use issue, there is no use issue here it is a permitted use in the zone. This is a catering facility permitted under the code and the determination was previously made. He requested the board take action tonight or as soon as possible.

Brad Barnhorst, Maple Avenue, in summary stated the business plan contained violations, dj's playing outside, and the noise. Special use permit, should not be granted. It shows you can rent 8 rooms, not 5 like they said. Not an appropriate use of this property. Put an event facility high up there the whole area is going to hear it. This facility does not belong there.

Beth Pskowski, stated that Priscilla, the Town Clerk, on Gateschool House Lane, mentioned she heard the noise at her home.

Sandra Rothenberger, 340 Sarah Wells Trail. Wanted to point out the statement that Mount Tremper problems were not relevant, the applicant keeps referring back to it. There's a lot of problems there.

Nick Gallo, Goshen, stated the five parking spots for staff sounds insufficient. It doesn't add up.

Jess Gocke, works in Goshen, lives in Crawford, in summary discussed the zoning, the use is weddings not bed and breakfast. Stated it was not properly advertised or described. She questioned whether the road was approved by the inspector and drainage on the road done properly. When you take trees out, water flows downhill, adversely affect the people downhill. The temporary sign, what is a free standing sign? Hope the sign is not lit at night. She didn't think it meets the town code. The noise is really clear from the distance that people are hearing. The value of their homes will go down.

John Kennedy was concerned that signs aren't going to help drivers locating the facility and they will follow the GPS to his house.

Bob Garlock wanted to know if the parking lot driveway was permitted by the Town and if so, was the engineer given a chance to inspect it.

Mr. Halloran responded they have a permit for the grading, not inspected yet.

Sandra Rothenberger asked if there were restrictions on the size of the sign.

Mr. Halloran replied yes in the code.

Sandra Rothenberger stated it's a 55 mph road, if the sign is not big enough to see, you're not going to know it's there.

Dave Gordon responded to the justification for looking at Mount Tremper. Pointed out Exhibit B in his packet shows eight rooms for rent not five. None of the promises are credible. Mr. Osterman dismissed the idea of the violations. Pointed out even though the applicant had a town permit to do clearing, it's still illegal. Under the DEC rules, page 7 of his letter, the applicant has no right to do site preparation during the SEQRA review. They are clearing 60,000 square feet and don't have storm water retention. Requested the Board keep the hearing opened.

Jay Myrow, attorney for applicant, put on the record anyone suggesting they're not truthful, that they haven't been truthful, that they're lying, he takes exception to that. Stated they've been in touch with the building department, counsel for the Town, and haven't touched any part of this property without a valid permit being issued. Stated they have been forthcoming with the town and counsel. As to what happened or may have happened in Mount Tremper he is taking a plead exception to the characterization of the events. He stated he would get the correct data to show it's a properly run facility and not a problem facility. Any of the public comments here, we'll address them. Stated there were gross mischaracterizations made, for the record, they're not stated correctly.

Mr. Golden stated they could close the public hearing. The public had time to speak. Mr. Gordon submitted detailed information to you dated today. There is proof that letters were sent out. It's up to the Board if they want to close the public hearing.

Whereupon, there was a discussion and it was determined that the public hearing would be closed. Written comments would be accepted to the close of business on Monday for the Board's consideration.

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

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

Whereupon, there was a discussion on the DJ setup, operation of the pool, no fireworks, uber drivers, preparation of food, and the catering tent not to exceed 6 months. The Board requested a drawing of the handicap spots. The building inspector will have to interpret Chapter 70 the noise ordinance for amplified outdoor music. The floor under the tent is asphalt. Discussed the pool is private, and only available to the residents of the dwelling, and the guests staying at the bed and breakfast. The pool will be fenced and locked. The Board requested that the applicant provide a drawing of the layout for the proposed plan. It was discussed that the portion used for the small scale business would be 5000 square feet. The determination is to be made by the building inspector.

Attorney Naughton stated she had just received the noise report and had not looked at it yet.

Whereupon there was a discussion on previous events on this property. A notice of violation was issued. Legal action was authorized by the Town Board. It was noted that it was separate and apart from what the Planning Board was considering. It was determined that this was considered a service business which is permitted in the code.

Items for Discussion/Action-

Young's Grove/Reiger -9-1-8,452 Application for 105 lot residential subdivision on 384 +/- acres on Craigville Road (County Route 66) and Broadlea Road in the RU Zone with AQ-3, AQ-6, with Floodplain & Ponding, and Scenic Road Corridor Overlays. Discuss Proposed Modifications to Water & Wastewater Systems.

Steve Esposito, Esposito Associates, for applicant. Stated previously had submitted a request for an extension and submitted to the Board preliminary concept plans. The project had two alternatives, either an onsite wastewater treatment plant or a pump station with a force main into the Village. The Town preferred the onsite wastewater plant which is an expensive and complicated facility. They are working with a utility company, Natural Systems (NSU). The domestic system, some issues with the preliminary approved plan. About a month ago he had a workshop with Sean, Kelly and Neal. At this time would like to request two 30 day extensions. Require some amendments to the plan.

Mr. Hoffman stated at the May 2 meeting the Board granted the applicant an extension to October 17. Mr. Hoffman reviewed the project with the Board. The applicant is looking for alternative to the water and sewer system. Applicant is looking to eliminate the water tank. In reviewing the application, it was determined that SEQRA may have to be reopened, and possibly have a supplemental environment impact statement.

Whereupon, there was a discussion on the water tank. It was determined that someone from NSU should be present to address the issues.

Munzer -4-1-63.4: Application for site plan for a swimming pool on 2.11 +/- acres on Hasbrouck Road and Ridgeview Terrace in the RU one with AQ-6 and Scenic Road Corridor Overlays. Initial Presentation & Commence SEQRA

The applicant wasn't present.

Attorney Naughton stated that generally the Board doesn't consider the applications without the applicant. However, this is a pool and Mr. Hoffman can give a brief summary to determine if a public hearing is required.

Mr. Hoffman reviewed the plan with the Board. It's considered a minor site plan and a public hearing is not required but at the discretion of the Board.

Attorney Naughton stated it was a type 2 action under SEQRA and does not meet any of the triggers for a GML.

Whereupon, Chairman Bergus polled the Board on holding a public hearing for applicant Munzer.

Chairman Bergus	No	Mr. Leva	No
Mr. Crawford	No	Mr. Pirraglia	No
Mrs. Hand	No	Mrs. Lupinski	No

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Leva, the Town of Goshen Planning Board moved to authorize the drafting of a resolution for applicant Munzer. Approved unanimously.

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

Mr. Hoffman reviewed the agenda for the next meeting on June 27th.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Crawford, the Town of Goshen Planning Board, moved to go into executive session to discuss board consultants with the intention of taking no action coming out of it. Approved unanimously.

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

Meeting adjourned at 10:00 pm