

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

August 29, 2019

Members Present:

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

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 August 8, 2019 minutes as modified. Approved unanimously with one abstention.

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

VOTE BY PROPER MOTION, made by Mrs. Hand, seconded by Mr. Pirraglia, the Town of Goshen Planning Board moved to approve the August 15, 2019 minutes as modified. Approved unanimously with two abstentions.

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

Items for Discussion/Action -

Sunset Ridge Subdivision Lot 2 – 10-2-2: Application for amended approval for driveway relocation on 1.491 +/- acres on Sutton Lane in the RU District with AQ-6 overlay. Draft Resolution

Attorney Naughton reviewed the draft resolution with the Board.

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Pirraglia, 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
Mrs. Hand	Aye	Mr. Leva	Aye
Mrs. Lupinski	Aye	Mr. Pirraglia	Aye

Attorney Naughton stated the Planning Board determined that the proposed amendment to Lot 2 involving the relocation of the dwelling, the septic system and the driveway to the dwelling is not a substantial change from the approved site plan, therefore no public hearing on the application is required.

VOTE BY PROPER MOTION, made by Mr. Crawford, seconded by Mr. Pirraglia, the Town of Goshen Planning Board moved to approve the amended resolution of conditional final approval major site plan of lot 2 for Sunset Ridge as modified. Approved unanimously.

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

Foxfire La Colina, LLC – 12-1-45.222: Application for special permit and site plan for a bed & breakfast and service business on 46.1 +/- acres on NYS Route 17M in the RU & HC Zones with AQ-3 & AQ-6 overlays. Discuss revised materials, draft negative declaration & draft resolution.

Present for the applicant were Jay Myrow, Esq., Bluestein, Shapiro, Rich & Barone, LLP; Steve Esposito, Esposito & Associates; and Tim Trojian, applicant.

Attorney Myrow introduced Danna Cuneo and Taylor Storm from WBL and Associates, LLC.

Attorney Naughton reviewed the redlined draft negative declaration with the Board.

Danna Cuneo stated at this point they had submitted three reports. Initial June 15 report was a qualitative effort, followed by a July report, which provided some on site data taken during the day. There were comments to take measurements during the evening, took additional measurements August 15 and those measurements were provided in the August 21 report. Ms. Cuneo reviewed the report with the Board.

Mr. Hoffman stated the report satisfied his concerns.

Whereupon, there was a discussion on the lighting plan.

Attorney Naughton reviewed the negative declaration with the Board.

VOTE BY PROPER MOTION, made by Mr. Crawford, seconded by Mrs. Lupinski, the Town of Goshen Planning Board moved to approve the negative declaration. Approved unanimously.

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

Attorney Naughton reviewed the draft resolution with the Board.

VOTE BY PROPER MOTION, made by Mr. Crawford, seconded by Chairman Bergus, the Town of Goshen Planning Board moved to approve the resolution of conditional approval special permit and major site plan for Foxfire La Colina, LLC as modified this evening. The motion failed.

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

Attorney Myrow requested that the Board reconsider the motion and wait for Mr. Dropkin. He also asked for some guidance on where they were short on the application.

Attorney Naughton advised the Board they didn't have to provide that information right now. The next meeting would be September 19th when Mr. Dropkin would be back.

Attorney Myrow agreed to waive the time restriction to September 19, 2019.

Whereupon, the Board went into attorney client session with Attorney Naughton at 9:21 pm.

The Planning Board returned to the dais at 9:56 pm.

Attorney Naughton stated the Board will wait and take a vote in the next meeting with a full panel. Stated there would be no further discussion on this matter tonight.

Attorney Myrow asked if they would be given an opportunity to supplement the record to consider why there are no votes.

Attorney Naughton responded that the Board had a lengthy discussion and they were not going to discuss it further tonight. They will discuss it again at the meeting on the 19th.

Attorney Myrow stated he was not sure where the fairness was in that. Stated the Board was an administrative board that is applying the code to the site plan and he would like to know what the shortcoming is so he could correct the record. He stated the Board was voting no because they didn't feel applicant was complying with the code and are not meeting certain provisions of the code. He would like to know where the short fall is.

Attorney Naughton responded that Attorney Myrow cannot say the Board is not fair when they specifically called this special meeting for the applicant. The Board is being extremely fair when they say they will revote when they have a full panel. The Board is not saying anything further on this application tonight.

Mr. Hoffman went over the agenda for the next meeting.

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

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

Meeting adjourned at 10:08 pm.