

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York
September 1, 2016**

Members Present:

Lee Bergus, Chair
Reynell Andrews
Dr. Kris Baker
Phil Dropkin
David Gawronski
John Lupinski
Giovanni Pirraglia

Also Present:

Sean Hoffman, P.E. PB Engineer
Kelly Naughton, Esq. PB Attorney
Neal Halloran, Building Inspector
David Crawford, Alternate Member

The Planning Board meeting was opened at 7:30 p.m. by Chairman Lee Bergus.

Minutes:

VOTE BY PROPER MOTION, by Mr. Pirraglia, seconded by Mr. Dropkin, to approve the minutes of the August 4, 2016 meeting, subject to modifications discussed by Mr. Bergus and Mr. Dropkin.

Mr. Andrews	Aye	Mr. Gawroksi	Recused
Dr. Baker	Recused	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Persoon

Chairman Bergus read aloud a letter received from Pietrzak & Pfau requesting an extension of the Applicant's final approval.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Gawronski, the Town of Goshen Planning Board grants two 90-day extensions, to March 2, 2017, to its approval of the application of Persoon. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroksi	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	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.

Representing Applicant:

Brian Friedler, Lehman & Getz
Mr. Battaglia

Mr. Friedler noted that the Applicant's property is located in the Highway Commercial zone, and he is looking to construct a building to be used in connection with Mr. Battaglia's service business, which will also contain an office.

Mr. Hoffman stated that the matter was last before the Planning Board on August 4, 2016, and that there have been no new submissions by the Applicant since then. At that time, the building size had been reduced and shifted slightly. The Planning Board had discussed access to the property, and Mr. Hoffman noted that the Orange County Department of Public Works responded to the referral from the Planning Board, but it has not provided detailed comments on the driveway yet. Water testing is a very low anticipated water use – approximately 45 gpd, and Mr. Hoffman recommended that the Resolution of the Planning Board include a condition concerning water testing. There is no existing well on site.

Mr. Dropkin asked if the updated map, dated July 1, 2016, was showing overhead doors on the structure. Mr. Friedler stated that there are overhead doors proposed, and they will provide easier access for ingress and egress of the storage.

Mr. Hoffman stated that when this project was reviewed initially, the use of the property was noted as an offsite insulation installation service. This is not a warehouse; it is storage for Mr. Battaglia's business. Because this is service business, it requires site plan approval. If the application was for a warehouse use, it would require a special permit.

Mr. Lupinski stated that he would like to see a rendering of the proposed building. Mr. Bergus stated that the proposed building must be compliant with the Town Code. Mr. Dropkin noted that the map shows five parking spaces, with an additional area for extra parking, set aside parking, if needed. Mr. Hoffman stated that the consideration of the set aside parking is typically a requirement of the Planning Board. Mr. Pirraglia stated that if the Applicant is setting aside an area for potential future parking, that area should be delineated on the plan. Mr. Hoffman informed the Applicant that more information on the internal use of the building was needed.

Mr. Andrews asked the Applicant where he stores materials currently. Mr. Battaglia responded that he rents space now, about 1,000 square feet.

Mr. Dropkin stated that Mr. Hoffman had indicated that the Applicant should advise whether vegetative clearing would improve site distances. Mr. Hoffman commented that the site distances provided meet the requirements, but that he is looking to increase the site distance if at all possible. What has been provided is close to the AASHTO minimum. Mr. Hoffman stated

that he also requested a turning analysis. The dimensions and location of the building look sufficient, but an analysis should be provided. Mr. Battaglia commented that he uses box trucks.

Mr. Dropkin noted that the Applicant had stated that the dumpster would be located indoors, but that Mr. Hoffman recommended that the dumpster be shown outdoors. Mr. Hoffman recommended this in case the owner of the property was to change; there is nothing in the Town Code that addresses this issue. It is a suggestion by Mr. Hoffman to confirm that if the dumpster were located outside, it can be accessed.

Mr. Pirraglia stated that this seems like a tight area for a 50-foot box truck. Mr. Battaglia stated that he needs enough room to get in and out of the property; he does not use tractor trailer trucks.

Ms. Naughton informed the Planning Board that SEQRA was completed on August 4, 2016, and that the GML referrals were also completed. Tonight's meeting is scheduled for a public hearing on the application.

Mr. Bergus asked if anyone present at the meeting wished to speak. Mr. Bergus stated that if no one wishes to speak, the Planning Board will be closing the public hearing. No one from the public wishes to speak.

VOTE BY PROPER MOTION, by Mr. Lupinski, seconded by Dr. Baker, to close the public hearing. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

The Planning Board requested that the Applicant provide a truck turning analysis and an architectural rendering, and noted that the County would be involved with the clearing along the road.

Mr. Gawronski asked if the vegetation along the road shielded the building. Clearing the vegetation seems to be a competing interest with increasing the sight distance. Mr. Hoffman commented that it would not be the vegetation in front of Mr. Battaglia's property, but further down the roadway within the right-of-way.

VOTE BY PROPER MOTION, by Mr. Pirraglia, seconded by Mr. Andrews, to authorize the drafting of a Resolution by the attorney. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye

Mr. Bergus
Mr. Dropkin

Aye
Aye

Mr. Pirraglia

Aye

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.

Representing Applicant:

Nick Rugnetta, Pietrzak & Pfau
Charlie and Kelly Chaffee

Ms. Naughton noted for the Planning Board that the Zoning Board of Appeals granted the area variances requested, and the public hearing on this application is scheduled for tonight.

Mr. Hoffman stated that this application was last before the Planning Board in April, at which time SEQRA was concluded and the Planning Board issued a Negative Declaration. In May, the Zoning Board issued a decision, which granted multiple variances. Subsequently, revised plans were submitted by the Applicant, and Mr. Hoffman has a number of comments on the plans. In terms of zoning, there were a number of variances requested and granted. Mr. Hoffman asked if the shed and vinyl fence were considered as part of the variance granted for the front yard setback. Ms. Naughton will review the plans that were before the ZBA. Mr. Hoffman stated that he would need to see some dimensions to confirm that those items comply with the variances. The application requires approval from the New York Department of Transportation, which the Applicant indicated was forthcoming. Mr. Hoffman commented that the chemical storage list, application and revised plans should be referred to the Fire Department again, and that he had some technical comments on water and sewer contained in his memorandum to the Planning Board.

Mr. Dropkin stated that Mr. Hoffman was looking for detail of gravel area. Mr. Hoffman responded that there was nothing provided concerning the thickness and type of gravel; he is looking for a detail or a note. It should be added to the plans.

Dr. Baker asked if there was an apartment proposed as part of this application. Mr. Rugnetta stated that there is an apartment proposed; it is in the second story of the building. The entire apartment is on the second story.

Mr. Pirraglia asked the Applicant about the lighting plan because there are parking spaces by the pool display that will not be lit. Mr. Rugnetta stated that the lighting plan needs to be redone because the height of the pole was too tall, and so additional lights will be added. Mr. Hoffman agreed that the lighting analysis needs to be redone.

Mr. Chaffee stated that in the shed/cabana area there would be lights with fans. The building is designed to be light blue, gray and cultured stone along the bottom.

Mr. Pirraglia asked if there were any details provided for the signs proposed. Mr. Rugnetta stated that there are two signs proposed out front along Route 17M – one is just the address and the other will say “Chaffee swimming pools”.

Mr. Gawronski asked if was there an existing tree line along the side of the property, and how a diversion swale goes through that tree line. Mr. Rugnetta responded that because they are filling in the site, they will be creating a natural swale at that time.

Mr. Dropkin stated that he had previously asked for vegetative screening for the Quonset hut. Mr. Hoffman stated that the area that Mr. Dropkin was indicating was the top left corner along the adjacent property line, and the analysis provided by the Applicant was looking at the property from Route 17. The ZBA required that the hedge line be retained as much as possible. There does exist vegetative screening, so they do not want to remove those existing trees to plant new trees. Mr. Dropkin asked that the Applicant extend the vegetation down the property line to the extent that it does not interfere with existing vegetative screening.

Mr. Pirraglia asked how the underground waterline would impact the stormwater retention pond. Mr. Rugnetta responded that the site has been brought up quite a bit. The pond in the front is so shallow that it will not look like a pond. In the rear, there will be organic filter material, but will not touch the existing contour. Mr. Hoffman stated that there are some utility poles in that location, so as you raise the ground you will reduce the separation distance to the wires. Mr. Pirraglia asked what the general elevation of the property was before the Applicant started filling it in. Mr. Rugnetta stated that what is shown on the plans are the pre-filling contours. Mr. Hoffman stated that the center of the site was raised by almost ten feet.

Mr. Hoffman stated that there is a comment in the Negative Declaration that the information concerning construction and colors of the Quonset Hut be submitted. The Planning Board received a photograph, and Mr. Hoffman asked the Planning Board if that was sufficient. Mr. Chaffee stated that the Quonset hut is proposed to be matte fabric material that will be tan or green. The hut will be used to store things like wheelbarrows to keep the lot clean.

Mr. Dropkin stated that the Planning Board had asked to be shown on the map the bollards or some other protective device for the storage tank of diesel fuel.

VOTE BY PROPER MOTION, by Mr. Andrews, seconded by Mr. Pirraglia, to close the public hearing. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

VOTE BY PROPER MOTION, by Dr. Baker, seconded by Mr. Lupinski, to authorize the drafting of a Resolution by the attorney. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

MilMar Food Group – 12-1-13.2: Application for amended site plan and special permit approval for an expansion to an existing food production facility on 6½ Station Road and NYS Route 17M in the CO District with AQ-6 and Flood Plain & Ponding overlays. **Initial Presentation and Commence SEQRA.**

Representing Applicant: David Higgins, Lanc & Tully

Mr. Higgins stated that this is an application for property located along 6½ Station Road and New York State Route 17M. There was an application for an expansion back in 2013, which has been pulled. Those engineers are no longer the engineers for the project now. Currently, the Orange County Partnership and County Executive are allowing the Applicant to utilize the County water and sewer line. However, the Town Board expressed a concern about the Applicant tying into that line, as the line was approved for only providing service for the County facilities on 6½ Station Road. It was suggested that the Applicant talk to the Village of Goshen about tying into Village water and sewer system. The Village has indicated that it would allow the connection; however, the sewer connection has not been shown on the plans yet because it is 6,000 feet away on Heritage Trail, and water is 1,700 feet away on Police Drive.

Mr. Bergus asked if this is going to be a dedicated service line or a water main. Mr. Higgins stated that it needs to be discussed with the Village. Healey has expressed interest, but that needs to be discussed as well. Mr. Bergus asked if crossing Route 17M is acceptable to the State. Mr. Higgins stated that it needs to be worked out yet, and they still need to coordinate with various agencies. Mr. Higgins stated that the Town Board strongly recommended that they do that, but it will cost significantly more for the Applicant to do that. Mr. Higgins stated that he met with the consultants at the Staff Meeting, and he made some of the suggested changes to the plans. They currently have three access points to the site and are looking to change that to two access points. There is a 60,000 square foot expansion proposed to the building. Currently, a lot of employees are bussed into the site and are carpooling. Based on the square footage of the building, the application requires 250 parking spaces. Mr. Higgins stated that the Applicant is proposing to provide 137 parking spaces, and to bank the remaining 118 spaces required for the size of the building shown. Mr. Higgins noted that the Planning Board attorney might want to review a few items relating to variances.

Ms. Naughton stated that the ZBA will be included as a SEQRA Involved Agency, and that she is working with Mr. Halloran regarding several items that may or may not require variances.

Mr. Higgins stated that the view of the site is largely from Route 17M, but that the roof and equipment on top of the building can be seen. The architect is going to look into a facade to block that, and possibly a chain link or fabric facade because the current view does not look good. Mr. Bergus noted that the Applicant should look into that, but also not items that obstruct the wind.

Mr. Higgins stated that whatever it is will target the view leaving Goshen on Route 17M and entering the intersection from 6½ Station Road. Mr. Hoffman noted that the new expansion wraps around the building, so that may be able to be designed to block it.

Mr. Higgins stated that the Village of Goshen had a meeting, and he spoke with Jim Farr, the Village's engineer for water and sewer. Right now, the Village gave its intent to allow the connection, but they have not finished the minutes yet. Mr. Higgins submitted to SHPO and they had no concern with cultural resources.

Mr. Bergus noted that item H on EAF page 13 had no response, and that it should state the Heritage Trail and Audubon on 6½ Station Road. Dr. Baker stated that on page 5, item D, the Applicant needs to provide the gallons per day as well. Mr. Higgins stated that they project usage at 40,000 gpd.

Mr. Pirraglia asked what the one story building being relocated is currently, and Mr. Higgins replied that it is a pre-treatment for wastewater treatment. Portions of the building will probably continue to be used.

Mr. Gawronski stated that the proposed sewer pump station is close to the pond. If there is some sort of failure, the septic material is going to get into the pond. Mr. Higgins stated that there will be two pumps and a generator, and there will be alarms, so there should be adequate protections from a failure.

Mr. Dropkin asked, relative to page 4 of the EAF, what the height of the building is. Mr. Higgins replied that he did not know, and that it must be coordinated with the architect. Ms. Naughton stated that the building must comply with the Town Code, which provides for a maximum of 35 feet high, or obtain a variance from the ZBA.

Mr. Higgins stated that the Town Board was concerned with the growth inducing impacts of connecting to the County water and sewer line.

Mr. Hoffman stated that, regarding parking, in this instance, if carpooling and bussing is used, the Planning Board needs more information on shifts, bussing, etc. to justify the reduction of the number of spaces.

Mr. Bergus asking if any hydrants were being proposed on the property. Mr. Higgins responded that there probably will be, but the Applicant is still in talks with the architect on fire protection/supply in the building. Preliminarily, the Applicant would likely put in an 8-inch line. Mr. Bergus stated that if the Applicant has a hydrant, that makes it a water main, rather than a service line.

Mr. Hoffman stated that the Planning Board would need to see a will-serve letter from the Village of Goshen and a calculation from the Applicant. He also commented on access and parking on the corner. A lot of the parking is in the front yard, which is prohibited unless it is screened. The Planning Board will want to see some cross-sections to confirm screening is acceptable.

Ms. Naughton stated that, under SEQRA, the Planning Board could type the action as a Type I action and declare its intent to serve as Lead Agency.

VOTE BY PROPER MOTION, by Mr. Pirraglia, seconded by Mr. Dropkin, to type this action as a Type I action under SEQRA. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

VOTE BY PROPER MOTION, by Dr. Baker, seconded by Mr. Andrews, to declare the Planning Board's intention to serve as Lead Agency under SEQRA. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroski	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Mr. Halloran stated that Amanda Dana of the Orange County Partnership has been working on this project since we last saw it. Ms. Dana stated that the Orange County Partnership has been working with this client for about 2 years. It is unfortunate that the Applicant cannot access that County line. She stated that there is a temporary agreement with the Village of Florida, so that only commercial applicants would be able to tap into that line, however, that was not sufficient for the Town of Goshen. The Applicant looked towards the Village of Goshen, whose rates are much higher and a connection is much more costly. Ms. Dana stated that they are trying to work this out. Ms. Dana stated that Milmar is not familiar with this process, so they have hired local engineers and attorneys. She requested that the Planning Board please have patience with the Applicant as they do not always understand what is being asked of them. This project will bring 57 new jobs.

Mr. Lupinski asked where the employees are from, and Ms. Dana replied that the workers are from all over, but a lot of workers are from Middletown, Rockland County and other metropolitan areas. Milmar gives them the incentive of carpooling. Mr. Halloran asked if Milmar provides the vans for the carpooling. Ms. Dana stated that they provide the transportation and provide some kind of stipend for that as well.

Mr. Dropkin asked if it would be possible to relocate parking to the rear of the building. Mr. Higgins stated that there are currently plantings shown to screen the parking. This would be a big hit to them. Mr. Halloran stated that the process is such that the employees have to get dressed before they enter the building, and all of that is set up in the front of the building, so that would then need to be relocated. Mr. Dropkin asked what landscaping is required. Mr. Hoffman stated that the plan is representative. The Town Code has very specific requirements.

**RVH Mulch Supply, LLC – 12-1-17.2: Application for site plan approval for mulch processing facility on Hartley Road and NYS Route 17M in the HC & I Districts with AQ-3/AQ-6 overlays.
Review draft Resolution of Approval.**

Representing Applicant:

No one present for the Applicant.

Ms. Naughton reads the proposed Findings in the Resolution as follows:

1. In connection with this project, the Building Inspector has made the determination that the location of the existing scales and scale house on the plans are legally pre-existing nonconforming conditions, and no variances from the Zoning Board of Appeals are necessary.
2. In connection with this project, the Building Inspector determined that the use of chain link fencing, visible from Hartley Road and New York State Route 17M, is a legally pre-existing non-conforming condition. However, if any portion of the existing fence is to be replaced in the future, the Town Code requires the use of a dark non-reflective coating, or that the fence be screened by landscaping. No variance from the Zoning Board of Appeals is necessary.
3. The Planning Board has determined that the following elements of the site plan application are not necessary and are hereby waived: § 97-75(B)(7) and (8), relating to lighting and signage, as neither is proposed for this project.

VOTE BY PROPER MOTION, by Mr. Pirraglia, seconded by Dr. Baker, to approve the Findings as read. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroksi	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

The Planning Board reviewed the Specific Conditions of the Resolution. Mr. Bergus asked if the Planning Board needed to specify the water testing being required in Specific Condition No. 8. Mr. Hoffman stated that the Applicant previously performed some testing, and it was NYS 360 testing – this is NYCRR Part 360. The Applicant would repeat those tests performed, and the condition as written is in the discretion of the Engineer and Hydrogeologist for the specific testing required.

Mr. Dropkin suggested three minor changes to the proposed specific conditions.

VOTE BY PROPER MOTION, by Mr. Gawronski, seconded by Mr. Pirraglia, to approve the Resolution of Approval as modified at this evening’s meeting. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroksi	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

Ms. Naughton informed the Planning Board that a letter was received from Amy’s Kitchen concerning the project dated August 30, 2016, and that the Applicant was requesting that the Planning Board acknowledge receipt of the FEIS from the Applicant. The Planning Board so acknowledged receipt of the letter and FEIS.

VOTE BY PROPER MOTION, by Mr. Pirraglia, seconded by Dr. Baker, to adjourn the meeting. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroksi	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

ADJOURNMENT – The Town of Goshen Planning Board adjourned at 9:09pm.