

**Town of Goshen Planning Board Meeting
Emergency Call Center
22 Wells Farm Road
Goshen, NY 10924**

June 7, 2018

Members Present:

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

Also Present:

Kelly Naughton, Esq., PB Attorney
Rick Golden, Esq., PB Attorney
Sean Hoffman, PB Engineer
Neal Halloran, Building Inspector
Carlito Holt, Traffic Consultant

The Planning Board meeting was opened with the Pledge of Allegiance at 7:33 pm by Chairman Lee Bergus.

Approval of Minutes –

May 17, 2018 minutes deferred to next meeting on June 21, 2018.

Public Hearings –

Stewart's Shops Corp. - 12-1-8.3 & 61: Application for amended site plan for a proposed addition to the existing retail store on 1.436 +/- acres along NYS Route 17M and Maple Avenue (County Route 31) in the HC Zone with AQ-6 overlay.

Mr. Tyler Fronte, appeared before the Board. Mr. Fronte reviewed the project and the modifications made by the applicant.

Whereupon, the Board asked the applicant questions on the exterior lighting, parking, canopy, intent during construction. Mr. Fronte advised the Board that work would be done at night when the shop was closed. They reviewed the back retaining wall. It was noted that there were no additional staffing needed. Whereupon, there was discussion on the leach field and traffic patterns. Mr. Fronte stated the project increased storage space, and thus not going to increase traffic.

Mr. Hoffman reviewed the analysis of the parking spaces. Mr. Hoffman advised the Board on the background of the site. He stated they received a variance in 2008 for the front yard setback and canopy. As a condition of the variance the ZBA requested the applicant not sell diesel on site. In addition, there was a variance in 2008 for a sign on the side of the building. He stated the plan should be revised to reference the building sign rather than the free standing sign and the applicant should confirm compliance with the variance conditions.

Chairman Bergus opened the hearing to the public.

Nick Gallo, Goshen, inquired as to why there was a public hearing for this applicant.

Chairman Bergus explained that due to the square footage being over 1,000 square feet it required a public hearing under Town Code.

Debra Corr, Goshen, stated she fully support him being able to put in a freezer.

Brad Barnhorst, Goshen, was concerned about earth movement during the day, construction noise at night for the neighbors, and wanted to know Town Code regarding the regulations.

Attorney Naughton replied they would be required to comply with Town Code regarding noise.

Mr Barnhorst inquired as to whether the building inspector would be required to be there at night during construction to enforce the code.

Mr. Halloran replied he had absolutely no plan to work at midnight. They will have to comply with noise ordinance and if there is an issue, the police will be called. All outside work was to be done during the day and inside when the store is closed.

Len Berger, Goshen, expressed concern about waste water leaking into the nearby waterways, if any.

Mr. Hoffman replied this was under the one acre threshold by the DEC. He explained there are general site practices that are followed such as the installation of a silt fence, covering exposed soil, and seeding following excavation. The applicant will be required to comply with local code. This is typically enforced by the building department.

Mr. Leva inquired as to during th construction how to monitor the placement of dumpsters and equipment.

Mr. Hoffman replied those issues would be addressed during the site plan and the Board could assign conditions.

Chiarman Bergus asked if there were any other comments.

No response.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mrs. Lupinski, the Town of Goshen Planning Board moved to close the public hearing for applicant Stewart Shops. 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. Dropkin, seconded by Mrs. Hand, the Town of Goshen Planning Board moved to authorize counsel to draft a resolution. 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 –

4390 Rt. 94, Inc. (aka Hillcrest Entertainment, Inc.) - 20-1-26.212: Application for Clearing & Grading Permit for an earth berm on 21.89 +/- acres along NYS Route 94 and Durland Road in the CO Zone with AQ-3 and Floodplain & Ponding Area overlays. **Discuss Revised Plans**

Brian Friedler, Lehman & Getz, appeared for applicant before the Board. Mr. Freidler stated the applicant revised the plans to show topography, added in the flood plain information, provided some drainage calculations, information on the fill material, and environmental assessment form.

Mr. Hoffman reviewed his report with the Board.

The Board inquired about the swale, disturbance to the neighbors parcel, how the materials are carried on site, type of trees on the berm, drainage and the type of fill material.

Attorney Naughton stated in reviewing Mr. Hoffman's memo she recommends the Board could waive the depth to bedrock, and depth to permanent groundwater aquifers. A public hearing is required, but doesn't consider it ready to be scheduled.

Mid-Hudson II Holding Co., Inc. – 2-1-5.2: Application for small-scale subdivision on 16.86 +/- acres along Scotchtown Road (County Route 83) in the RU Zone with AQ-6 overlay. **Initial Presentation and Commence SEQRA**

Applicant requested to be taken off agenda.

LEGOLAND – Merlin Entertainments Group/LEGOLAND New York – 11-1-46.2, 49.22, 49.23, 49.24 & 15-1-59.4: Application for amended site plan for a commercial recreational facility on 513.3 +/- acres (total holdings) along Harriman Drive, Arcadia Road and Conklingtown Road in the RU and HR Zones with AQ-3, Scenic Road Corridor, Floodplain & Ponding, Stream Corridor & Reservoir and Commercial Recreation overlays. **Initial Presentation and Commence SEQRA**

Mrs. Lupinski recuses herself and leaves the dais.

Let the record reflect a stenographer was present for this portion of the meeting.

John O'Rourke, Lanc and Tully appeared for the applicant before the Board. Mr. O'Rourke reviewed the project with the Board, in summary he stated there were slight modifications to the day guest parking area and arrival plaza to avoid the two town owned parcels. Merlin has agreed to grade and maintain the town parcels and will submit a revised plan.

Mr. Hoffman reviewed the project with the Board and his recommendations.

Mr. Holt stated he had reviewed the amended site plan and issued a memo dated June 6th. Mr. Holt stated the first half of the memo revisited the prior site plan comments which would still be applicable to the amended site plan. The applicant, as a condition of the original site plan, will have to prepare a transportation management plan. Second half of the memo deals with parking.

Whereupon, there was a discussion on the parking plan and the Town owned parcels with the Board.

Attorney Naughton stated the applicant would be submitting additional plans showing the grading of the Town lots, the code requires a public hearing where the change in the site plan represents a substantial change from which you previously approved. When the new plans are submitted they will be referred to the County.

Chairman Bergus stated at this time there is no further action for Board to take.

Mr. Pirraglia inquired as to what necessitated the change to the plan.

Whereupon, there was a discussion between the Board and counsel. In summary, there was a lawsuit that came down to a permissive referendum to be held. Prior to that occurring Merlin withdrew their request to purchase the property. It was discussed the effect this had on Arcadia Hill. It was discussed that the Town would get the two wells for Arcadia, but not the funds to develop those wells. They further discussed the Town getting the land around the well heads to provide adequate protection for the wells.

Attorney Golden explained the license agreement between the Town Board and Merlin.

Mr. Pirraglia inquired if the actions of this Planning Board precipitated or impacted a DEC violation on Science of the Soul property and Merlin property.

Whereupon, there was a discussion with counsel. Counsel advised the Board there was nothing alleged in the DEC notice of violation on either project. The main objection DEC had was more than five acres was being disturbed at one time. No enforcement action was taken and the Town is in discussion with the DEC.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Crawford, 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	Mr. Pirraglia	Aye

Meeting adjourned at 9:00 p.m.