

TOWN OF GOSHEN PLANNING BOARD

Town Hall

41 Webster Avenue

Goshen, New York

July 7, 2016

Members Present:

Lee Bergus, Chair
Reynell Andrews
Giovanni Pirraglia
Phil Dropkin
David Gawronski
David Crawford
John Lupinski

Also Present:

Sean Hoffman, PB Engineer
Richard Golden, Esq., PB Attorney
Kelly Naughton, Esq., PB Attorney
Neal Halloran, Building Inspector

Members Absent:

Dr. Kristopher Baker

The Planning Board meeting was opened with the Pledge of Allegiance at 7:30 p.m. by Chair Lee Bergus.

The minutes of the meetings of May 19, 2016 and May 30, 2016 were approved with corrections.

Possible Extension or Abandonment of Applications pursuant to Town Code – None

Public Hearing

Orchard at Towner Farms, LLC – 12-1-103: Application for amended special permit and site plan for expansion of existing storage dock and additional storage tanks at the intersection of NYS Route 17M and Musket Court in the I District with AQ-3 overlay. SEQRA Determination of Significance.

Ms. Naughton stated that she submitted to the Board a Draft Part 2 of the EAF. If the Board felt it appropriate, they could make their determination.

Mr. Bergus stated he had one comment. On page 6 of 10, 10B states it could have a small impact. Ms. Naughton stated that item was tripped by the EAF mapper. John Petroccione, engineer representing the applicant, stated he did not have anything from SHIPPO and there were no changes from the time of the last application and he didn't see any evidence of endangered species or wildlife on the site. It also didn't require any changes to the existing wetlands.

Mr. Bergus stated this item was specific to sensitive archeological sites. Mr. Golden stated it was tripped by the DEC's database and there may be something nearby and deemed it appropriate that the applicant should determine what that is. Mr. Golden also stated that many of the boxes are automatically filled in on the form by the DEC once an address is entered. It is unclear how far from an address triggers the box to be checked.

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Mr. Petroccione stated that the site had previously been substantially disturbed and mined. This current proposal is limited to disturbance of previously disturbed and mostly currently impervious surfaces.

Mr. Dropkin asked about item 9F and if that was also another automatic trigger. Mr. Naughton stated it was not. In the applicant's response it was stated a small impact may occur because the applicant had checked that there are other industrial and commercial uses near the site that may be visible within the distances.

Mr. Golden advised the Board that the one issue outstanding on the archeological item should not necessarily hold up the determination of significance even if it's a negative declaration. He advised though that the project should not be approved until a response is received from the applicant on that issue. If something is found of significance on the site, the Board can open up SEQRA at that time.

Mr. Pirraglia asked about item 6C on the Type 2. He asked about what air registration may be required for the addition of the tanks. Ms. Naughton stated that was checked as small impact because the response was marked yes for one or more sources of air emissions including fuel combustion, waste incineration or other processes for operations. The applicant was then to identify it and stated both delivery vehicles and distribution delivery vehicles. Mr. Petroccione stated those were referring to the operation of heavy vehicles on site such as tractor trailers. He stated that he was trying to be thorough and conservative.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Andrews, The Town of Goshen Planning Board moved to make this application a negative declaration for SEQRA. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Gawronski	aye	Mr. Crawford	aye
Mr. Lupinski	aye		

Mr. Bergus asked if there was anyone from the public who wished to make a comment regarding this application. There were no comments.

Mr. Bergus asked the consultants if they had any comments. There were no further comments.

Mr. Dropkin asked if there were any waterbodies that could be affected by the bleach storage tanks.

Mr. Petroccione stated there are wetlands with a drainage swale running through it. The applicant is not proposing any changes to the storage building and there have been no problems with it. The fuel storage is regulated by the DEC and they require the two fuel tanks be installed on a pad which could

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catch any spillage as secondary containment. The reason the applicant is requesting an addition to the storage dock is it will allow trucks to be filled indoors which will provide an even better level of containment.

Ms. Naughton stated ESA signs were previously required and installed as well.

The application has been referred to the fire department and County and so far there has not been a response yet, although the County is still within the time limit in which to respond.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Gawronski, The Town of Goshen Planning Board moved to close the public hearing. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Gawronski	aye	Mr. Crawford	aye
Mr. Lupinski	aye		

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Pirraglia, The Town of Goshen Planning Board moved to allow the attorney to prepare a draft resolution of the application. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Gawronski	aye	Mr. Crawford	aye
Mr. Lupinski	aye		

Items for Discussion/Action

Quickway Imports, Inc., 24-1-109: Application for a commercial warehouse on 9.1 acres along Pulaski Highway, County Route 6 in the AI District within AK-3 and Flood Plain Ponding Overlay Zone. Initial Presentation

Appearing for the applicant was Nick Rugnetta of Pietrzak & Pfau. Mr. Rugnetta stated this is a special permit application. The business is for home décor and garden products for resale on Amazon and to other wholesale clients. The company was founded in 2011 and is searching for more storage space for their product. The facility is existing and they will be a tenant of the building on the property.

The site is on the northwest side of Pulaski Hwy in the Agricultural Industrial District on 9.1 acres. The building was previously used for storage of produce and sod. Nothing new is proposed in this application. Everything is existing except for a proposed dumpster for broken or returned items. The

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building is serviced by an existing well pit which services an existing dwelling as well. There is an existing septic field and septic tank location which have been tested and found suitable for this use.

The applicant is requesting a special permit for storage, warehousing and wholesale of non-farm products in the district.

Mr. Bergus asked how many employees there are. The answer was four to six.

Mr. Crawford asked if it is rack or pallet storage. The answer was rack storage.

Mr. Hoffman stated a narrative was submitted at the May 19, 2016 staff meeting and since there was a cancellation of application this evening and the next meeting is closed, this application was put on the agenda at the last minute. The Board would receive the narrative. Mr. Hoffman stated he just received the plans on Friday.

Mr. Halloran stated to the Board that this was the same building that was proposed for the marijuana project next to Aurora Industries.

Stanley Nowak, representing Gurda Gardens the owner of the building, addressed the Board. He thanked the Board and stated that the warehouse is approximately 30,000 square feet and 2/3 steel construction. It was previously used to store onions but that use was now obsolete. He stated he is a former farmer, turned real estate broker and felt that this lessee would bring the least impact to the warehouse. The proposed racking system would be in three lines. The goods were non-combustible items imported mainly from China and overseas. There is sufficient room for truck turn around. He did mention there is no sprinkler system. He believed dry good storage has a lesser impact than onions or produce.

Mr. Golden stated the Board had sufficient information and ample time to review materials to set a public hearing. If the Board felt at that time that they needed more information they could adjourn the public hearing to another night.

Mr. Hoffman stated the next available meeting would be August 18, 2016.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Andrews, The Town of Goshen Planning Board moved to type this application as an Unlisted Action. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Gawronski	aye	Mr. Crawford	aye
Mr. Lupinski	aye		

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VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Gawronski, The Town of Goshen Planning Board moved to declare itself as Lead Agency. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Gawronski	aye	Mr. Crawford	aye
Mr. Lupinski	aye		

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Gawronski, The Town of Goshen Planning Board moved to set the public hearing for August 18, 2016. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Gawronski	aye	Mr. Crawford	aye
Mr. Lupinski	aye		

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Dropkin, The Town of Goshen Planning Board moved to enter into executive session to discuss potentially employing Planning Board consultants. Approved unanimously.

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Gawronski	aye	Mr. Crawford	aye
Mr. Lupinski	aye		

The Board entered into Executive Session at 8:12 p.m. with no intention to return to a public meeting.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Pirraglia, The Town of Goshen Planning Board moved to come out of Executive Session. Approved 6-0-0. (Mr. Gawronski had left.)

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Crawford	aye	Mr. Lupinski	aye

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Crawford, The Town of Goshen Planning Board moved to schedule a special meeting to discuss Planning Board Consultants. Approved 6-0-0. (Mr. Gawronski had left.)

Mr. Dropkin	aye	Mr. Andrews	aye
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Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Crawford	aye	Mr. Lupinski	aye

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Pirraglia, The Town of Goshen Planning Board moved to close the meeting. Approved 6-0-0. (Mr. Gawronski had left.)

Mr. Dropkin	aye	Mr. Andrews	aye
Mr. Bergus	aye	Mr. Pirraglia	aye
Mr. Crawford	aye	Mr. Lupinski	aye

Adjournment – The Town of Goshen Planning Board adjourned at 9:30 p.m.

Lee Bergus – Chair

Notes respectfully prepared by Tanya McPhee