

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

**Members Present:**

Lee Bergus, Chair  
Reynell Andrews  
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  
Cynthia Hand, Alternate

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

**Young's Grove/Reiger**

Representing Applicant:

No one present for applicant.

Mr. Bergus read aloud the letter received from the Applicant requesting an extension.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Andrews, the Town of Goshen Planning Board hereby extends the approval of the Young's Grove/Reiger subdivision to June 15, 2017. Unanimously approved.

|             |     |               |     |
|-------------|-----|---------------|-----|
| Mr. Andrews | Aye | Mr. Gawronski | Aye |
| Mr. Baker   | Aye | Mr. Lupinski  | Aye |
| Mr. Bergus  | Aye | Mr. Pirraglia | Aye |
| Mr. Dropkin | Aye |               |     |

**Javelin**

Representing Applicant:

David Higgins, Lanc & Tully

Mr. Bergus read aloud the letter received from the Applicant requesting an extension.

Mr. Higgins stated that he met with Neal Halloran to discuss the Applicant's desire to proceed with the construction of the road. His understanding is that the Applicant will need to get to final conditional approval from the Planning Board first. With that, the Applicant could proceed

with the construction of the road without posting a bond. If so, the Applicant would probably start clearing the trees this season, and install stormwater management facilities. Mr. Higgins spoke with Ms. Naughton about being placed on a staff meeting agenda.

Ms. Naughton stated that she spoke with Mr. Higgins regarding the next staff meeting agenda, and informed the Planning Board that an extension for this project would bring the application to the June 15, 2017 meeting.

Mr. Andrews asked, wasn't there a problem with the connection there? Mr. Higgins responded that the issue was resolved when the application received preliminary approval. There is an easement that gives the project access, but that may need to be discussed during the technical work session. Mr. Hoffman stated that he would perform a calculation to determine an estimate for the bonding, but the bond would not be posted until after the work. The reason he does that is because the bond ties in with the maintenance bond at the end, and that is based on the whole cost.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Pirraglia, the Town of Goshen Planning Board hereby extends the approval of the Javelin subdivision to June 15, 2017. Unanimously approved.

|             |     |               |     |
|-------------|-----|---------------|-----|
| Mr. Andrews | Aye | Mr. Gawronski | Aye |
| Mr. Baker   | Aye | Mr. Lupinski  | Aye |
| Mr. Bergus  | Aye | Mr. Pirraglia | Aye |
| Mr. Dropkin | Aye |               |     |

**Hudson Valley Welding – 12-1-104:** Application for site plan and special permit for a commercial welding business on 1.85 +/- acres along Musket Court in the I District with AQ-3 overlay.

Representing Applicant: David Niemotko, Architect

Mr. Niemotko stated that he is the architect and design professional for the project. This is a 7,200 square foot building, with an industrial use and a service component. He has addressed Mr. Hoffman's comments and has revised the plans accordingly.

Mr. Hoffman stated that this application was initially discussed at the September meeting. Since that meeting, the Planning Board received various correspondence on the project. Department of Health approval is not required. Initially, Mr. Hoffman did not look at the septic design, but he will review it now as part of the revised plans.

Ms. Naughton stated that she distributed the part 2 of the EAF to the Planning Board. Mr. Niemotko has not submitted revised plans. Mr. Hoffman had asked him not to, so as not to cause any confusion.

Mr. Bergus asked about the response to No. 7 on the EAF, and Ms. Naughton responded that the response was based on the response to E2o in Part 1 submitted by the Applicant. Mr. Hoffman stated that the Planning Board received a letter from DEC stating that there may be Indiana bat on the project site. Mr. Hoffman also stated that DEC's letter said there were no freshwater wetlands on site, but there may be ACOE wetlands.

Mr. Lupinski stated that Musket Court is a private road. If it were accepted by the Town Board, would the Applicant need a variance? Ms. Naughton responded regarding the applicable provisions of § 97-14 of the Town Code, and noted that the Applicant would have to comply with the minimum front yard setback and road frontage for properties located along a Town road, as well as compliance with the design standards in § 97-14(D).

There were no comments received from the public as part of the public hearing.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Baker, the Town of Goshen Planning Board closed the public hearing. Unanimously approved.

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|-------------|-----|---------------|-----|
| Mr. Andrews | Aye | Mr. Gawronski | Aye |
| Mr. Baker   | Aye | Mr. Lupinski  | Aye |
| Mr. Bergus  | Aye | Mr. Pirraglia | Aye |
| Mr. Dropkin | Aye |               |     |

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Gawronski, the Town of Goshen Planning Board hereby issues a Negative Declaration on this project under SEQRA. Unanimously approved.

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|-------------|-----|---------------|-----|
| Mr. Andrews | Aye | Mr. Gawronski | Aye |
| Mr. Baker   | Aye | Mr. Lupinski  | Aye |
| Mr. Bergus  | Aye | Mr. Pirraglia | Aye |
| Mr. Dropkin | Aye |               |     |

Ms. Naughton stated that she could draft a resolution for the next Planning Board meeting if the Board so desired. Mr. Niemotko stated that he made the lighting night-sky compliant, and did an erosion control plan. The septic remains, but the engineer needs to review that. Mr. Hoffman stated that the Planning Board could authorize the drafting of the resolution simultaneously, or it could hold off on the resolution, view the revised plans, and then authorize the drafting of the resolution.

Mr. Bergus stated that the Planning Board will wait for the plans and will consider a resolution after that.

**Meadows of Goshen (aka The DM Equities of New York, LLC) – 12-1-86.1:** Application for amended site plan and subdivision for 34 single family units on 98.394 +/- acres on Maple Avenue (County Route 31) and Gate School House Road in the RU District with AQ-3 and AQ-6 Overlay Districts. **Consider draft Resolution & reaffirm SEQRA Findings.**

Representing Applicant: No one present

Mr. Hoffman stated that he had no new comments, and he did not provide a new technical report. Ms. Naughton stated that she distributed a draft Resolution, and the Planning Board could reaffirm the SEQRA Findings Statement for this application.

**VOTE BY PROPER MOTION,** made by Mr. Pirraglia, seconded by Mr. Lupinski, the Town of Goshen Planning Board reaffirmed its Findings Statement on this project under SEQRA. Unanimously approved.

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|-------------|-----|---------------|-----|
| Mr. Andrews | Aye | Mr. Gawronski | Aye |
| Mr. Baker   | Aye | Mr. Lupinski  | Aye |
| Mr. Bergus  | Aye | Mr. Pirraglia | Aye |
| Mr. Dropkin | Aye |               |     |

Mr. Dropkin had several revisions to the draft Resolution.

**VOTE BY PROPER MOTION,** made by Mr. Dropkin, seconded by Mr. Gawronski, the Town of Goshen Planning Board hereby approves the Resolution for the Meadows of Goshen project, as modified this evening. Unanimously approved.

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|-------------|-----|---------------|-----|
| Mr. Andrews | Aye | Mr. Gawronski | Aye |
| Mr. Baker   | Aye | Mr. Lupinski  | Aye |
| Mr. Bergus  | Aye | Mr. Pirraglia | Aye |
| Mr. Dropkin | Aye |               |     |

**Hendler Lot Line Adjustment –** Application for lot line modification on Arcadia Road in the RU District, AQ-3/AQ-6 and Scenic Road Corridor Overlay Districts. **Consider Draft Resolution**

Representing Applicant: No one present.

Mr. Hoffman stated that this application is for a lot line adjustment between two parcels along Arcadia Road. The developer stated it was to locate the pool house on the same lot as the pool. There have been determinations of preexisting nonconforming conditions by the Building

Inspector. The Board wanted to look at the driveway in the field. Mr. Hoffman had felt that since the one house has a second access, it would be better to eliminate the parallel driveway.

Mr. Baker stated that he drives on that road everyday and likes the way it looks. Coming up the hill it is pronounced. The concern is not who is on the driveway, it is the loss of sight distance along the curve. The driveway isn't the issue it is the grade of the road. Mr. Hoffman stated that the Applicant is proposing an easement, and Ms. Naughton noted that the easement was included as Specific Condition No. 2 in the draft Resolution. Mr. Hoffman stated that the easement would be along the right-of-way, and the gravel drive would be contained within the easement.

Ms. Naughton reviewed the Resolution, findings and the conditions with the Planning Board.

Mr. Baker stated that given the 7 years he has traveled that road, the request of the surveyor, and the way it operates, he has not seen an issue. It should stay. The Planning Board agrees with the driveway remaining.

**VOTE BY PROPER MOTION**, made by Mr. Lupinski, seconded by Mr. Baker, the Town of Goshen Planning Board hereby approves the Resolution for the Hendler lot line adjustment application. Unanimously approved.

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|-------------|-----|---------------|-----|
| Mr. Andrews | Aye | Mr. Gawronski | Aye |
| Mr. Baker   | Aye | Mr. Lupinski  | Aye |
| Mr. Bergus  | Aye | Mr. Pirraglia | Aye |
| Mr. Dropkin | Aye |               |     |

**Amy's Kitchen, Inc.** – 12-1-1.222, 1.41, 19.2, 23.2, 24.2 and 10-1-11.2: Site plan, special permit and subdivision for a manufacturing and conference center on 395 +/- acres (total holdings) NYS Route 17M, Echo Lake Road, Hartley Road and Owens Road in the CO, RU and I Districts with AQ-3/AQ-6 Floodplain & Ponding Area, Stream Corridor and Water Supply Watershed and Scenic Road Corridor overlays. **Consider Draft Resolution**

|                         |                                     |
|-------------------------|-------------------------------------|
| Representing Applicant: | Larry Wolinsky, Jacobowitz & Gubits |
| Amy's Kitchen:          | Graham Trelstad, AKRF               |
|                         | John O'Rourke, Lanc & Tully         |

Mr. Dropkin recused himself; Mr. Crawford steps in.

Mr. Wolinsky stated that the Applicant is here to consider the draft resolution, which they received on Monday. They immediately circulated it to their client and the client has a very specific view that this is the guideline for going forward. In that light, the client had a number of comments. The resolution has 85 specific conditions, recognizing that this is a combined

application. The client was a little taken aback by that number of conditions, and Mr. Wolinsky has some comments about that. In the end, it was narrowed down to about 10-15 items that are of concern for the client that need to be discussed directly. Mr. Wolinsky stated that he did send back a redlined version to Ms. Naughton who reviewed his comments. The Planning Board and the Applicant proceeded to discuss the conditions contained in the Resolution and make several modifications.

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Gawronski, the Town of Goshen Planning Board hereby approves the Resolution for the Amy’s Kitchen/Science of the Soul application as modified. Unanimously approved.

|              |     |               |     |
|--------------|-----|---------------|-----|
| Mr. Andrews  | Aye | Mr. Gawronski | Aye |
| Mr. Baker    | Aye | Mr. Lupinski  | Aye |
| Mr. Bergus   | Aye | Mr. Pirraglia | Aye |
| Mr. Crawford | Aye |               |     |

**VOTE BY PROPER MOTION**, made by Mr. Baker, seconded by Mr. Pirraglia, the Town of Goshen Planning Board hereby schedules a public hearing on the application of Amy’s Kitchen/Science of the Soul for a clearing and grading permit for January 5, 2017. Unanimously approved.

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|--------------|-----|---------------|-----|
| Mr. Andrews  | Aye | Mr. Gawronski | Aye |
| Mr. Baker    | Aye | Mr. Lupinski  | Aye |
| Mr. Bergus   | Aye | Mr. Pirraglia | Aye |
| Mr. Crawford | Aye |               |     |

**New Cingular Wireless PCS, LLC (aka AT&T 6 ½ Station Road)** – 10-1-56.2: Application for site plan and special permit for a wireless telecommunications facility on 49.80 +/- acres on 6 ½ Station and Cheechunk in the CO District with AQ-6 and Scenic Road Corridor overlays. **Initial Presentation**

Representing Applicant: Anthony Morando, Cuddy & Feder

Mr. Dropkin returned to the Planning Board.

Mr. Morando stated that the Town Code limits the number of extensions available for a site plan approval. The Applicant here has this little window to perform a plant survey for the small whorled pogonia. Mr. Morando stated that he submitted new plans with this project, which demonstrate compliance with all other conditions for the approval. The JD from the Army Corps is still in the process. The plant survey is contained in the general conditions section of the Resolution. One other thing that the Planning Board is looking for is clarification going forward to give the Applicant more time so the plant survey can be performed, or stated that it does not need to be completed for the site plan to be signed.

Ms. Naughton stated that the Planning Board can look into tying the plant survey to the building permit, and also that a public hearing is required, which can be scheduled on January 5, 2017. Mr. Hoffman stated that he will prepare a technical comment report.

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Baker, the Town of Goshen Planning Board hereby schedules a public hearing on the application of New Cingular Wireless PCS, LLC for January 5, 2017. Unanimously approved.

|             |     |               |     |
|-------------|-----|---------------|-----|
| Mr. Andrews | Aye | Mr. Gawronski | Aye |
| Mr. Baker   | Aye | Mr. Lupinski  | Aye |
| Mr. Bergus  | Aye | Mr. Pirraglia | Aye |
| Mr. Dropkin | Aye |               |     |

**Wiegand Garage – 10-1-66:** Site plan application for a garage and associated improvements on a 5.0-acre tract along Owens Road and Cheechunk Road in the RU District, AQ-6, and Scenic Road Corridor Overlay Districts. **Review Revised Plans**

Representing Applicant: Nick Rugnetta, Pietrzak & Pfau

Mr. Rugnetta stated that he adjusted the proposed garage and moved it out of the buffer area. Mr. Hoffman stated that the Applicant pushed back the pavement and garage itself, which works very well.

Ms. Naughton stated that the Planning Board previously determined that this was a Type II action under SEQRA, and waived the public hearing. Additionally, all the required referrals have been made.

Mr. Baker stated that moving driveway satisfies the buffer requirements, and maintains the tree line. Mr. Rugnetta noted that the septic system is on the other side of the dwelling, so the garage could not be moved there.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Dropkin, the Town of Goshen Planning Board hereby authorizes the drafting of a Resolution for the Wiegand application. Unanimously approved.

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|-------------|-----|---------------|-----|
| Mr. Andrews | Aye | Mr. Gawronski | Aye |
| Mr. Baker   | Aye | Mr. Lupinski  | Aye |
| Mr. Bergus  | Aye | Mr. Pirraglia | Aye |
| Mr. Dropkin | Aye |               |     |

Administrative Business:

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Baker, the Town of Goshen Planning Board hereby approves the 2017 meeting schedule. Unanimously approved.

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|-------------|-----|---------------|-----|
| Mr. Andrews | Aye | Mr. Gawronski | Aye |
| Mr. Baker   | Aye | Mr. Lupinski  | Aye |
| Mr. Bergus  | Aye | Mr. Pirraglia | Aye |
| Mr. Dropkin | Aye |               |     |

Thereafter, a general discussion was had by the Planning Board regarding the lack of civility of members of the anti-Legoland groups at a prior Planning Board meeting, the concern for the safety of the Planning Board members, and the possibility of police presence at future meetings to ensure the civility of future meetings, and the safety of Board members.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Baker, the Town of Goshen Planning Board adjourned the meeting at 11pm. Unanimously approved.

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|-------------|-----|---------------|-----|
| Mr. Andrews | Aye | Mr. Gawronski | Aye |
| Mr. Baker   | Aye | Mr. Lupinski  | Aye |
| Mr. Bergus  | Aye | Mr. Pirraglia | Aye |
| Mr. Dropkin | Aye |               |     |