

APPROVED MINUTES
Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York
June 19, 2014

Members Present:

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

Also Present:

Sean Hoffman, PB Engineer
Dennis Lindsay, PB Engineer
Richard Golden, Esq. PB Attorney
Kelly Naughton, Esq. PB Attorney
Kathleen Krutki, Building & Zoning Office

Absent: Susan Cleaver

The PB meeting was opened at 7:30 p.m. by Chair Lee Bergus.

The minutes of the meeting of June 5, 2014 were approved.

Possible Extension or Abandonment of Applications pursuant to Town Code

Javelin

Mr. Golden read a letter to the PB dated June 17, 2014 from David Higgins of Lanc and Tully. The applicant was granted preliminary subdivision approval August 8, 2008 and there have been various extensions given with the present extension expiring June 19, 2014. The letter stated that the applicant is identifying appropriate plan adjustments that could possibility reduce construction costs and asks for a six month extension to allow time to do this work.

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Dropkin, The Town of Goshen Planning Board extends the conditional approval on the application of Javelin to December 18, 2014. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

A&L Acres

Mr. Golden read a letter from Steve Esposito dated June 16, 2014 asking the PB for two 90 day extensions of the project's Amended Conditional Final Approval. Mr. Golden read the attached

project status report which stated the applicant had completed 22 conditions and established a bond amount.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Pirraglia, The Town of Goshen Planning Board extends the Amended Conditional Final Approval on the application of A&L Acres to December 4, 2014. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

Heritage Estates

Mr. Golden read a letter from Steve Esposito dated June 16, 2014 asking for two 90 day extensions of the Conditional Final Subdivision Approval which expires June 19, 2014. Mr. Golden read a summary of what has occurred on the project during the past several months.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Gawronski, The Town of Goshen Planning Board extends the Conditional Final Approval on the application of Heritage Estates to December 4, 2014. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

AT&T

Mr. Golden said the application was granted Conditional Approval and the applicant is working on satisfying the conditions and asks for a six month extension to do so.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Pirraglia, The Town of Goshen Planning Board grants an extension of the Conditional Approval granted AT&T to December 18, 2014. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

Kolk – 11-1-98.6 - 3-lot subdivision on 10+/- acres located on Old Chester Road in RU zone with AQ-6 and Scenic Road Corridor overlays. Review Open Space and Consider Draft Resolution.

Mr. Hoffman said that at the last meeting the applicant discussed the Town’s requirement for open space. It was determined that the Town requires 50% of the open space prior to dedication of the right of way, he said. The applicant has revised the plans and also addressed all of the engineer’s technical comments, Mr. Hoffman said.

Mr. Golden said that a draft resolution of approval has been prepared and read the first Finding as follows:

“The Planning Board hereby waives the Environmental Control Formula as permitted by Section 97-18(D)(3) because the applicant demonstrated, through site-specific soils testing and analysis to the satisfaction of the Planning Board and the Town Engineer, that the lots to accommodate individual septic systems were appropriately sized and designed.”

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Andrews, The Town of Goshen Planning Board approves the Finding as read by counsel on the application of Kolk. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

Mr. Golden read the second Finding as follows:

“This project presents a proper case for requiring a park or parks suitably located for playgrounds or other recreation purposes to address the recreation needs, but suitable parks or recreation areas of adequate size to meet this requirement cannot be properly located on this site. This Planning Board finds that this project requires the payment of a parkland fee to be determined by the Town Board in lieu of providing parkland adequate to suit the Town’s needs for this development.”

VOTE BY PROPER MOTION, made by Mr. Gawronski, seconded by Mr. Dropkin, The Town of Goshen Planning Board approves the Finding as read by counsel on the application of Kolk. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

Mr. Golden read the third Finding as follows:

“In accordance with the requirements for the Scenic Road Corridor Overlay District, the Planning Board further finds that this project will not result in the degradation of scenic

character; will be aesthetically compatible with its surroundings; will minimize the removal of native vegetation, except where such removal may be necessary to open up scenic views and panoramas; and will locate and cluster buildings and other structures in a manner that minimizes their visibility from the road to the extent practical.”

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Lupinski, The Town of Goshen Planning Board approves the Finding as read by counsel on the application of Kolk. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

Mr. Golden read the ten specific conditions of approval as follows:

1. Prior to the signing of the plat by the Chairman, the applicant shall obtain a new section, block and lot number from the Orange County Office of Real Property for the portion of Section II, Block I, Lot 98.6 involved in this application.
2. Prior to the signing of the plat by the Chairman, the applicant shall place a Conservation Easement over a minimum of 50% of the property, in accordance with Section 97-20(G) and Section 97-21 of the Town Code, enforceable by the Town, which shall be drafted to the satisfaction of the Town Attorney as to form, including ongoing maintenance standards that will be enforceable by the Town against the owner of open space land to ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials. This Conservation Easement shall permit fences to be installed of earth tone colors, within the Conservation Easement, but shall prohibit chain link fences and stockade or other fence designs that block visual access to land. Prior to signing the plat by the Chairman, the plat should be revised to include the bearings and distances for the conservation easement to the satisfaction of the Town Engineer.
3. Prior to the issuance of a Certificate of Occupancy for any of the lots approved in this Resolution, the applicant shall locate by survey and install markers flush with surrounding grade at the locations indicated on the plat to identify the boundary of the conservation easement. These markers shall be at least a two (2) foot long aluminum pipe to be buried below-grade and include at least a three (3) inch diameter above-grade cap stamped with “Conservation Open Space.”
4. The limits of clearing and disturbance have been shown on the plat. Prior to the issuance of a building permit, the limits of clearing and disturbance shall be identified in the field with appropriate signage, flagging and/or fencing. The signage, flagging and/or fencing of the limits of clearing and disturbance shall be posted conspicuously on the site.

5. Prior to the signing of the plat by the Chairman, the applicant shall comply with the memorandum of the Town Engineer dated May 29, 2014 to the satisfaction of the Town Engineer.
6. Prior to the signing of the plat, the applicant shall offer to dedicate the land measuring twenty-five (25) feet from the centerline along Old Chester Road to the Town for highway purposes. Such documents shall be in a form acceptable to the Town Attorney.
7. The installation of all onsite sewage disposal systems shall be observed during construction by the Town Engineer if requested by the Building Inspector.
8. Prior to the signing of the plat by the Chairman, the Driveway Entrance Detail shall be revised to include a note indicating the driveway grade shall have a slope of -2% for the first 25 feet from the edge of the existing street pavement, and the maximum permitted driveway grade shall be 10%.
9. Prior to the signing of the plat by the Chairman, the applicant shall offer a twenty (20) foot wide utility easement to the Town for the purposes of eventually constructing a water distribution or transmission main crossing New York State Route 17. The easement shall be drafted to the satisfaction of the Town Attorney as to form. Prior to signing the plat, the applicant shall revise the plat to show the location of this easement to the satisfaction of the Town Engineer.
10. As the proposed dwellings are located within the Scenic Road Corridor Overlay District, should the applicant wish to relocate the dwelling onsite from where they are presently depicted on the plat, prior to the issuance of a building permit, an application shall be made to the Planning Board for site plan approval in accordance with Section 97-29 of the Town Code.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Pirraglia, The Town of Goshen Planning Board accepts as read and modified, the resolution of approval on the application of Kolk. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

Gerick Associates, LLC – 19-1-76 – Site plan application for produce processing and storage building on 12.9 +/- acres located on County Highway #37/Maple Avenue AI zone with AQ3, Scenic Road Corridor and Floodplain & Ponding overlays. Initial presentation and commence SEQRA.

Representing the applicant: Rick Minkus, Owner
Tim Gottlieb, Consulting Engineer

Mr. Gottlieb said that the application is for construction of a 42,000 square foot produce processing building with access off Maple Ave. and on-site water and septic. He said the applicant would like to start the SEQRA review process.

Mr. Hoffman said the PB engineers have reviewed the plan and documents submitted. He said that the large issue now is the flood plain and that the applicant plans to fill in the flood plain to construct the loading docks in the rear of the property. He said it will require a flood development permit. He said it should be shown on the plans as soon as possible. The fire department will want available water and access to property for fire-fighting, he said.

Mr. Hoffman said that there are some questions about the turning radius and interaction with the rain gardens at the rear of the property. He said water testing will need to be discussed. Mr. Hoffman said the plan shows 21 parking spaces which corresponds with the projected work force and the Town Code. He suggested that the applicant identify areas on the plan where additional parking can be added, if needed.

Mr. Minkus said that the property was previously a gravel bank.

Mr. Golden said that a curb cut from the County DPW will be needed and so the County will be an involved agency. He suggested that the PB declare its intent to be lead agency and said if there are no objections after 30 days, the PB can assume lead agency status and move forward with the SEQRA process. Mr. Golden added that eventually the application will require a public hearing.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Andrews, The Town of the Goshen Planning Board declares its intent to be lead agency on the application of Gerick. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

Amy's Kitchen, Inc. 12-1-24.2 – 212.27 +/- acres Minor subdivision, site plan and special use permit for a manufacturing and conference center on NYS Route 17M/Echo Lake Road in the CO, I & RU Districts with an AQ3 overlay. DEIS Scoping Session.

Mr. Bergus said that the PB is present tonight to acquire information for completeness to determine what items need to be studied within the scope of the Draft Environmental Impact Statement. The project has been identified as having potential adverse environmental conditions and an Environmental Impact Statement will be required, he said. The scope will set the framework for what gets studied in the draft EIS. This PB has reviewed the applicant's scope and has added comments to it and will further discuss it tonight.

Co-founders and owners of Amy's Kitchen, Andy and Rachel Berliner, provided an introduction of the family owned, organic frozen-meal manufacturing business which they began in 1988 with one food product, a vegetable pot pie. They now make 256 products. They have about 1000 employees at their Oregon facility and another 1000 at their California facility, Mr. Berliner said. Sixty percent of their sales are east of the Mississippi and they want to expand production. The average production line worker has been with them for 17 years, Mr. Berliner said. Last year the company donated over \$1 million in food and purchased over 140 million pounds of organic ingredients. He said the company supports over 17,000 acres of organic farm land. He said they will be opening their first fast food restaurant near one of their plants in the West. The company did \$430 million in business this year and is growing this year at a rate of 23%. Mr. Berliner said they are the only company that is growing in frozen foods and that they foresee a lot of good years ahead. He said they are serving and supporting both local and global communities. Rachel Berliner said they now make gluten free products and read letters from appreciative customers.

Tom Richman, Planner for Amy's Kitchen, walked the PB and audience through the site plan. He said that half of the site is zoned "commercial/office", with the remainder zoned "industrial". The site contains a former gravel quarry and an abandoned farm and is bounded by the Heritage Trail and the Walkkill River. Mr. Richman said that the site plan as proposed conforms to all of the setbacks, the bulk requirements, height requirements and everything in the zoning ordinance. He said that the site will house the Amy's facility, and up hill, a conference center. Mr. Richman said they will incorporate environmental features into the site plan, possibly rain water harvesting, storm water ponds, orchard parking, permeable pavements and the use of solar electricity.

Kevin Castlebacher, the Executive Vice President of Manufacturing for Amy's, said that the site will be entered from 17M. The facility will be 513,000 square feet with opportunities to expand to a total of 661,000 square feet. It will employ 700 persons, with employees coming and going throughout the day. The applicant expects about 15 trucks a day during a 12-13 hour period. In addition to the manufacturing plant, there will also be an office area, cafeteria and employee welfare area and a separate building for an employee and family health clinic. The applicant plans to have an on-site waste water treatment facility and on-site wells. He said that the two current plants, in California and Oregon, make 750,000 meals a day but the Goshen facility will make double that amount. The product mix will be canned soups, frozen entres and non-dairy ice cream. Photos of the Medford, Oregon facility were shown.

Mr. Richman said the conference center, to be used by Science of the Soul, is located on the uphill portion of the site. The conference center will be a 200,000 sq. ft. open air shed, with an earth floor. He described it as "just a big roof." It will accommodate 12,000 people and will be

used two to three days a year. There will be 500 all-weather parking areas, using “orchard parking” for two-thirds of the parking area. Cars will park in between the trees, situated about 60 ft. apart. Mr. Richman said that the conference center can also use the 700 parking spaces designated for Amy’s Kitchen. The planner said they will also identify off site land that can be made available for parking for the conference. They also plan to utilize buses. There will be two caretaker houses on the conference center site.

Mesh Tandon of Science of the Soul, said that the philosophy teaches a personal path of spiritual development including a vegetarian diet, abstinence from intoxicants, a moral way of life, and the practice of daily meditation. It is a registered non-profit and an international spiritual operation based in India, he said. They have been in the United States since 1911. They own property for Science of the Soul Centers throughout the world and hold meetings in over 90 countries. Mr. Tandon said that once a year they will have a three day special event, in a lecture format, which is free and open to the public. They expect 12,000 attendees. Mr. Tandon said he has been searching the East Coast for a location for the past decade.

Mark Rudolph spoke on behalf of Amy’s Kitchen about the economic value of the project on the community. He said that the 700 jobs will generate \$28 million in pay and benefits to employees within the first five years. The facility will support \$500 million in sales, representing \$190 million in organic raw materials all of which have the potential to be grown here, he said. The facility, its construction and equipment represents \$100 million. He said that approximately \$10 million will be spent locally in the area to run the facility. He said there will be some funding to support conventional farmers who want to convert to organic farming. He expects the Science of the Soul weekend event to generate \$4 million in economic activity.

The applicant’s attorney, Dominic Cordisco, Esq. said the applicant is committed to doing a complete Environmental Impact Statement. He introduced technical advisers for the project Phil Grealy, Kristen O’Donnell and John O’Rourke.

Mr. Bergus read written comments from PB members. Each were discussed for consideration in the scope. Among the comments were the need for: analyzing the potential use of Echo Lake Rd. as an emergency access; identifying ground water sources to be used and any known or unknown contamination issues; determining the quantity of water needed; determining impacts to the aquifer, exploring alternatives to onsite waste water treatment; if using onsite treatment, determining the feasibility, cost of maintenance, replacement and life expectancy; gauging the impact of a back-up power supply; providing more specifically the proposed hours of use; assessing the environmental impacts during construction, operation and maintenance of the facility, addressing plant and vehicular emissions; addressing the landscaping at the entrances; elaborating on potential recycling; analyzing potential changes to the local economy out 3, 5 and 10 years and analyzing geo-thermal or solar power options on the site for the walkways, parkways and road surfaces to reduce the amount of salt used in the winter.

Mr. Golden said that the scoping document is the PB's document, which will have to be adopted by the PB and then followed, as a blue print, by the applicant.

Mr. Hoffman said that the applicant should study the view impacts from several vantage points including: at the entrance at Route 17M, the proposed rear entrance at Echo Lake Road, the Heritage Trail 1200 feet west of the entrance, the Heritage Trail at the municipal boundary of Wawayanda, from the Mid-Hudson Psychiatric Center access road; from Golf Links and McVeigh Rd. Mr. Golden said that the purpose of the visual impact study is to determine the visual impact to the community at large.

Mr. Bergus said that the Goshen Fire Dept. had specific concerns about site access by fire trucks; the presence of hazardous materials in or created by the various processes used in the plant; the height of the buildings; the availability of water for fire-fighting; the number of people in a given structure at any one time and the nature of the alarm system; the construction of the roadway to support heavier vehicles and sufficient truck access around the orchard parking area. Mr. Golden said that some of these things should be included in the applicant's project description.

Mr. Bergus opened the scoping meeting to the public for comment.

Marcia Mattheus, resident of 11 Lincoln Ave. and a former mayor of the Village of Goshen, said she is concerned about water and sewer. She believes there should be an analysis done that includes a backup in case of emergency, and the type of back-up planned. She said she doesn't want the facility to rely on the Village of Goshen water supply stating that it has a "limited use". She said her concerns about the sewer system are the same and she asks that the applicant address whether they are looking to pair with the Village of Goshen or the City of Middletown. Ms. Mattheus stated that there are difficulties with the aquifer in that area historically and said she is concerned with the migration of pollution relative to the applicant relying on the Village of Goshen water supply. Ms. Mattheus said she wants to make sure that the Village of Goshen Board is listed as an interested agency. She complimented the applicant for putting forth a "lovely project."

Mr. Golden told the audience that currently the PB is suggesting the environmental impacts that need to be studied and that the applicant will come back with a draft EIS that identifies those and sets forth mitigation of any of those impacts to the extent that they can be mitigated. "At that point the public will have an opportunity to comment on the draft EIS" at a public hearing. He said that document will be on line and at various locations in the Town. All comments on the draft EIS will be addressed in the final environmental impact statement, he said.

Jerry Boss, a resident of the Village of Goshen, talked about the proximity of the site to what he said was a superfund site and its proximity to the Al Turi landfill site. He said he believes there

was an in-depth study done of all water sources in the Town and said there are discussions underfoot to clean the Walkkill River. He said his concern is the purity of the water that the site could possibly use.

Executive Director of the Goshen Chamber of Commerce Lynn Cione welcomed Amy’s and thanked the representative for addressing the economic impacts. She said that any properties that can be added to the tax base is “very welcome” as economic development and increasing the tax base is of primary concern. Ms. Cione said that over 100 business members from the community attended a meet and greet for Amy’s and that there is huge support for Amy’s in the community, among the politicians and the business members.

Orange County Executive Steve Neuhaus said that the county has been meeting with the applicant since the inception, and that he believes in the Berliners and Amy’s Kitchen. He said the project will be a great economic boom for Orange County, citing the 8,000 people unemployed in the county. He said the project has the county’s full support and that the county will be there as a resource for anything needed.

George Lyons of the Goshen Volunteer Ambulance Corp. said that emergency services needs two accesses open 24 hours for fire and ambulance. He also stated that he hopes local farmers will have opportunities afforded them to convert to organic farming if they desire.

Mr. Bergus asked if there were further comments and as there were none, he suggested closing the public scoping session.

VOTE BY PROPER MOTION, made by Mr. Andrews, seconded by Mr. Gawronski, The Town of the Goshen Planning Board closes the public scoping session on the application of Amy’s Kitchen. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

Mr. Cordisco said the applicant has no objections to any of the comments and asked the PB to authorize the final adoption of the scope so they can move forward.

Mr. Golden addressed the PB stating that it can adopt the document worked on tonight with the modifications made as the final scope or wait until the final scoping document is printed. He said that the PB has done it both ways in the past and that it is up to the discretion of the PB to adopt subject to the changes or postpone to the next meeting. Discussion followed. Mr. Pirraglia said he would like to read it to make sure it meets the intent of the PB but that he would follow the lead of the majority.

VOTE BY PROPER MOTION, made by Mr. Lupinski, seconded by Mr. Gawronski, The Town of the Goshen Planning Board adopts the proposed document with modifications made tonight, as the final scope for the application of Amy's Kitchen. Approved Unanimously.

Mr. Andrews	Aye	Mr. Gawronski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Pirraglia	Aye

The PB meeting was adjourned at 9:50 p.m.

Lee Bergus, Planning Board Chair
Meeting Notes prepared by Sue Varden