

**APPROVED MINUTES**  
**Town of Goshen Planning Board**  
**Town Hall**  
**41 Webster Avenue**  
**Goshen, New York**  
**October 16, 2014**

**Members Present:**

Reynell Andrews  
Lee Bergus, Chair  
Susan Cleaver  
Phil Dropkin  
David Gawronski  
Giovanni Pirraglia

**Also Present:**

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

**Absent:** John Lupinski

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

The minutes of the meeting of September 18, 2014 were approved with corrections.

The PB left the room for a client/attorney meeting after which they returned to the regular meeting. The regular meeting began at 7:55 pm.

**Possible Extension or Abandonment of Applications pursuant to Town Code**

**Hambletonian Park**

Applicant Joe Neuman wrote to request an extension of the preliminary approval given the application of Hambletonian Park. Mr. Neuman was present and said that to the best of his knowledge there has been no change to the town utilities (water district) and that he cannot begin his project without water. Mr. Golden said that with the PB's permission he can draft a letter to the Town Board asking if it has any intention of developing a water source that can be used by the applicant.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Ms. Cleaver, The Town of Goshen Planning Board grants an extension of the preliminary approval given to the Hambletonian Park application to April 16, 2015 and authorizes the drafting of a letter by the PB attorney to the Town Board. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

**Traskus – Section 18-1-1.2 on Arcadia Rd.**

Mr. Bergus read a letter from Mr. Catonia seeking an extension of the approval given to the Traskus application. Following discussion, the PB authorized its attorney to write a letter to the applicant requesting that they appear at the PB’s November 20, 2014 meeting.

**VOTE BY PROPER MOTION**, made by Mr. Gawronski, seconded by Mr. Dropkin, The Town of Goshen Planning Board grants an extension of its approval of the Traskus application to November 20, 2014. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

**Public Hearings**

**17A Warehouse ( aka Jem Lane) 20-1-48.21:** Site plan application for warehouse and office facility on 23.98 +/- acres on Pumpkin Swamp and Jessup Switch Roads in the CO District with AQ-3 and Floodplain & Ponding overlays.

Representing the applicant:	Ross Winglovitz Elias Muhlrاد, owner
-----------------------------	---

Mr. Winglovitz briefly summarized the project. There was no one present from the public for the public hearing.

Mr. Winglovitz said that the applicant will comply with the architectural requirements to have the building façade broken up into four sections. Mr. Andrews said the applicant should provide a rendering as to how that will be done. Mr. Golden said that is part of the site plan approval.

Mr. Golden said that the PB can now assume lead agency status and make a determination of significance. He said that regarding the applicant crossing over the water and sewer lines of the County of Orange, the applicant provided documentation indicating that the easement is a utility easement with no restrictions. Mr. Golden said that his office will check the maps provided but anticipates there will be no problem with the applicant crossing over those easements.

Mr. Winglovitz said the plan now shows the bike path as required but stated that the applicant may request a variance from the Zoning Board of Appeals.

Mr. Pirraglia said he wants to know the specific height of the utility lines, since there will be trucks traveling underneath the power lines. He said he believes there should be signage for the truck drivers. Mr. Golden said that can be included as a condition of approval.

Mr. Golden said that the County’s 239 Review remarks, dated Jan. 9, 2014, recommends “local jurisdiction” and includes three advisory comments which he read. The comments stated that before future construction occurs, a build-out plan should be contemplated; that the proposed project should contain the best available technologies to keep rain water on site, and that the proposed access road will need to be upgraded and if need be, surrounding parking spaces reorganized. Mr. Golden said that the comments are “just things to consider.” The PB discussed the County’s suggestions.

Mr. Bergus opened the public hearing to comments. There were none.

Mr. Winglovitz said that if the applicant can’t begin construction this year he may seek a variance from the Zoning Board of Appeals on the architectural design requirement. Mr. Golden reminded Mr. Winglovitz that the PB cannot approve the application without a rendering showing how the building facade will be compliant.

Mr. Muhlrاد asked if this design requirement will apply to all applications. Mr. Golden said that the PB will ensure that all applicants comply with all Code requirements. He reminded Mr. Muhlrاد that he can petition the Town Board to ask them to do away with the design standard.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Gawronski, The Town of Goshen Planning Board closes the public hearing on the application of 17A Warehouse. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Pirraglia, The Town of Goshen Planning Board assumes lead agency status in terms of SEQRA on the application of 17A Warehouse. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Pirraglia, The Town of Goshen Planning Board issues a negative declaration in terms of SEQRA on the application of 17A Warehouse. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Dropkin, The Town of Goshen Planning Board authorizes the PB attorney to draft a resolution pertaining to the application of 17A Warehouse to be ready for the PB’s second meeting in November. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

**New Cingular Wireless PCS, LLC (aka AT&T 6-1/2 Station Road) 20-1-56.2** Application for site plan and special permit for a wireless telecommunications facility on 49.80 +/- acres on 6-1/2 Station and Cheechunk in the CO District with AQ6 and Scenic Road Corridor overlays.

Representing the applicant: Anthony Morando, Esq.

It was noted that there was no one present from the public to speak to the application.

Mr. Morando provided the PB with an update and addressed the recent memos from the PB engineer and wireless consultant. Mr. Morando said that the wetlands report will be finalized by the end of the month.

Mr. Golden said that a 239 Review letter from Orange County dated October 16, 2014 stated that the application was “local jurisdiction” but added an advisory comment stating that the County is willing to discuss co-location.

Mr. Morando said that while the County has now indicated they are willing to revisit their original consideration, the applicant is concerned that at this late date it will cause a significant delay. Mr. Morando said that the applicant understands from discussions with the County that one of its towers is filled to capacity, and that the County’s other tower, at the County jail, is not structurally adequate.

Mr. Golden said he is troubled by the tenor of the County letter which said that staff has favorably revisited the potential. In other words, he said, the County hasn’t made a commitment that they will do this. He suggested that the PB keep the public hearing open and authorize him to draft a letter to the County requesting that a decision stating that they are willing to have the applicant co-locate on its tower be made and put in writing by November 20.

He told the applicant to send him the height they will need and he will include that in the letter.

**VOTE BY PROPER MOTION**, made by Ms. Cleaver, seconded by Mr. Gawronski, The Town of Goshen Planning Board authorizes the PB attorney to write such a letter to the County of Orange on the application of New Cingular Wireless. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Gawronski, The Town of Goshen Planning Board holds the public hearing open on the application of New Cingular Wireless. Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

Mr. Golden said that the PB is going to have to make a finding that the existing natural vegetative buffer is sufficient, or if not, then the PB will have to determine what the applicant must do to make it sufficient. He suggested that the PB may want to schedule a site visit.

Mr. Hoffman said he thinks that the buffer there now is sufficient to screen the security fence, but also added that the PB should make a site visit. After the applicant stakes where the security fence will be, the Building Inspector will schedule the site visit. It was noted that it should take place before November 20.

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Gawronski, The Town of Goshen Planning Board assumes lead agency status on the application of New Cingular Wireless PCS. Passed unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Ms. Cleaver, The Town of Goshen Planning Board issues a negative declaration relative to SEQRA on the application of New Cingular Wireless PCS. Passed unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

**Items for Discussion/Action**

**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. Discuss plan revisions, assume Lead Agency status, and consider scheduling a public hearing.

Representing the applicant: Steve Esposito  
Rich Minkus, owner

Mr. Esposito said that revised plans have been submitted. The site, on Maple Ave., includes a 35,500 sq. ft. warehouse plus a 3,500 sq. ft. office space. Mr. Esposito said that the applicant is developing only 14% of the site. He said there are few neighbors and he doesn't think there will be any drainage issues. The warehouse is for packing and there will be from 6 to 8 trucks entering and exiting per day during the season. Mr. Esposito said he will have a landscape plan prepared by the second meeting in November. He also stated that the applicant wants to start construction this year.

Mr. Hoffman said that Town Hydrologist William A. Canavan reviewed the applicant's well testing plan and said they can proceed. Mr. Hoffman said there is a flood plain issue on the site and that the applicant will seek a flood development permit from the Building Inspector. The PB is waiting for a landscape plan, a turning plan for trucks and a SWPPP, Mr. Hoffman said.

Mr. Golden said that the PB can assume lead agency status as there were no objections. He said that 239 Review reports from the County and the Goshen Fire Department were received in June. He said that the County's Department of Public Works has comments about the access.

Mr. Golden said the PB could set a public hearing conditioned upon the applicant having submitted a landscape plan and SWPPP in time for public review.

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Ms. Cleaver, The Town of Goshen Planning Board assumes lead agency status on the application of Gerick Associates. Passed unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Ms. Cleaver, The Town of Goshen Planning Board schedules a public hearing for November 6, 2014 on the application of Gerick Associates. Passed unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

**Amy’s Kitchen, Inc. 12-1-24.2 212.27+/- acres** Site plan and special use permit for a manufacturing facility on NYS Route 17M/Echo Lake Rd. in the CO, I & RU districts with an AQ3 overlay. SEQRA and DEIS.

Representing the applicant:	Dominic Cordisco, Esq. Kristen O’Donnell, Turner Miller Group John O’Rourke, Lanc & Tully
-----------------------------	---

Mr. Cordisco said that the applicant’s consultants were present to hear feedback on the Draft Environmental Impact Statement as it has been submitted to-date. He said that there are things still being worked on which are not yet part of the draft. He mentioned that the hydro-geological report is underway and that the archeological study is still being worked on. Mr. Cordisco said that initial reports turned up possible Native American presence and that currently a formal Phase II report is underway. All will be included in next draft, he said. Ms. Cleaver said she wants to make sure there is no ground breaking activities at the site until this is settled. Mr. Cordisco agreed saying that whatever report is generated from the Phase II work will have to be reviewed and signed off on by the State Parks office.

Mr. Golden said that the initial issue is whether or not the DEIS is adequate to go out to the public. The PB, the applicant and the consultants all recognize that the document is not ready to go out to the public yet, Mr. Golden said. He also said that if PB members have comments to make regarding whether the DEIS is responsive to the scope, then they should submit those comments to his office. He said that the PB is required to act upon whether or not it is adequate for the public, within 45 days of when it is submitted and that it was submitted last week. “The applicant has said it will submit a new draft for your consideration, and when you get that, you have 30 days to act. He said that if the PB makes a motion that it is not yet complete and adequate for public review, then the clock will stop and it goes back to the applicant and whenever they submit it again, the clock will start again.

Mr. Dropkin provided his comments verbally. Other PB members will e-mail their comments to Mr. Golden.

The PB’s Traffic Consultant, John Canning, PE, gave his comments.

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Gawronski, The Town of Goshen Planning Board does not believe that the DEIS on the application of Amy’s Kitchen as

submitted is adequate for public and agency review and asks the applicant to resubmit it.  
Approved unanimously.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Mr. Bergus	Aye	Mr. Gawronski	Aye
Ms. Cleaver	Aye	Mr. Pirraglia	Aye

**ADJOURNMENT**

The Planning Board adjourned at 9:30 p.m.

Lee Bergus, Chair  
Notes prepared by Sue Varden