

**Town of Goshen Planning Board Meeting
Town Hall
41 Webster Avenue
Goshen, New York 10924**

May 18, 2023

Planning Members Present:

Lee Bergus, Chairman
Phil Dropkin
Eric Fuentes
Marty Holmes
Diana Lupinski
Seamus Weir
Jeremy Zweig

Neal Halloran, Alternate
Giovanni Pirraglia, Alternate

Also Present:

Sean Hoffman, Planning Board Engineer
Kelly Naughton, Planning Board Attorney
Frank Leva, Building Inspector
Joseph Betro, Supervisor
Grace Avagnano, Planning & Zoning Clerk

The Planning Board meeting was opened with the Pledge of Allegiance at 7:30 pm.

Approval of Minutes –

The minutes of the April 3, April 20, and May 4, 2023 meetings were deferred.

Possible Extension or Abandonment of Applications pursuant to Town Code –

All One One All – A D’artagnan Foundation Regenerative Farm –

Engineer Higgins present. Chairman Bergus read Engineer Higgins’ May 8, 2023 correspondence into the record.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Fuentes, the Town of Goshen Planning Board granted an extension of Conditional Site Plan and Special Permit Approval until November 16, 2023. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

Handy Equip Material Handling –

Engineer Higgins present. Chairman Bergus read Engineer Higgins’ May 12, 2023 correspondence into the record.

Attorney Naughton advised this matter was initially approved June 3, 2021 and the extensions are exhausted except for a short extension until June 3, 2023.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Holmes, the Town of Goshen Planning Board granted an extension of Conditional Site Plan, Special Permit, and Lot Merger Approval until June 3, 2023. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

Public Hearing –

Freeman – Single Family Residence – 5-1-66: Application for site plan approval for a single-family dwelling on 138.9 +/- acres along Axworthy Lane in the RU Zone with AQ-6, Scenic Road Corridor and Stream Corridor & Water Supply Watershed overlays. **Draft Resolution**

Engineer Higgins present.

Attorney Naughton confirmed distribution of the public hearing notices.

Engineer Higgins reviewed the application and indicated there were prior unpermitted disturbances onsite associated with the driveway as well as wetland encroachments. Engineer Higgins estimated approximately 1.5 acres of total disturbances are indicated and the applicant will seek coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for stormwater discharges.

Engineer Hoffman reviewed his report with the Board.

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Weir, the Town of Goshen Planning Board classified this action as a Type II SEQRA Action. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Holmes, the Town of Goshen Planning Board opened the public hearing. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

Whereupon the Board discussed mottling, driveway requirements, revision of plan notes to eliminate typographical inconsistencies, automobile headlights disturbing neighboring properties, and existing encroachments.

Public comments included:

- Carl D’Aquino, 79 Axworthy Lane – Questioned whether the property has the required frontage and advised work had been done without a permit. Asked whether the second driveway would be abandoned and how many houses are ultimately proposed. Mr. D’Aquino expressed concern for the wetland and his happiness to have new neighbors.

Whereupon the Board discussed the wetlands, flooding, and driveway culverts.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Weir, the Town of Goshen Planning Board closed the public hearing. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

Attorney Naughton reviewed the draft resolution of site plan approval with the Board.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Fuentes, the Town of Goshen Planning Board adopted the Resolution of Site Plan Approval as modified. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

Items for Discussion/Action -

Bockman – 3 Car Garage/Carriage House – 13-1-6.2: Application for site plan approval for a garage/carriage house on 2.065 +/- acres along Houston Road in the RU Zone with AQ-3 and Scenic Road Corridor overlays. **Draft Resolution**

No applicant present. Moved to end of agenda.

Golden Stay Inn/Primrose Realty, LLC – 12-1-56: Application for site plan and special permit for lodging facility on 8.6 +/- acres along NYS Route 17M in the HC and CO Zones with AQ-6 overlay. **Revised Plans, SEQRA EAF Part 2 & Water Testing Protocol**

Engineer Morgante present.

Engineer Morgante discussed the plan revisions since applicant's last appearance. Fire storage, pool house, public supply well and traffic and water supply were discussed.

Engineer Hoffman reviewed his report with the Board.

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Weir, the Town of Goshen Planning Board assumed Lead Agency Status under SEQRA. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

Whereupon the Board discussed an evaluation of water demand and recharge, whether two (2) separate Wastewater Treatment Plans are proposed for Golden Stay Inn and Sunrise/Tivoli, whether emergency access may be coordinated with neighboring properties, confirm the number of units and beds, whether the unidentified area is a meeting space, and inconsistencies in the architectural floor plans.

Attorney Naughton reviewed the EAF Part 2 Responses with the Board.

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Fuentes, the Town of Goshen Planning Board adopted the EAF Part 2. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

Attorney Naughton will recirculate a clean copy EAF Part 2 to Board.

Engineer Morgante requested to submit an Expanded EAF Part 3 prior to the Board's determination of significance.

Board discussed the well testing.

Salomone Redi-Mix of NY – 12-1-102 & 106.2: Application for site plan for a light industry on 17.3 +/- acres on Musket Court in the I Zone with AQ-3 overlay. Revised Plans, SEQRA EAF Part 2 & Water Testing Protocol

Engineer O'Rourke, Attorney Cassidy, John Lynch and Salomone brothers present.

Engineer O'Rourke acknowledged receipt of technical reports including Town Traffic and Hydrogeological Consultants.

Engineer O'Rourke confirmed variances will be necessary for the silos and material storage bins.

Engineer Hoffman reviewed his report with the Board.

Whereupon Board discussed location of the water storage tanks, noncompliance of the existing well if this ever is considered a public water supply under Department of Health jurisdiction, whether crystalline silica or admixtures are hazardous substances, risk associated with silo explosion, possible well pump run times to meet daily demand, future of Korycki Lane, right hand turns existing Musket Court and slow acceleration, length of time concrete may be in transit, water recycling, and concrete truck speed.

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Holmes, the Town of Goshen Planning Board assumed Lead Agency Status under SEQRA. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

Attorney Naughton reviewed the EAF Part 2 responses with the Board.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mrs. Lupinski, the Town of Goshen Planning Board approved the EAF Part 2 as presented. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

Applicant to submit an Expanded EAF Part 3 prior to the Board's determination of significance.

Woodcrest Pool – 4-1-88: Application for site plan approval for a pool on 1.49 +/- acres along Woodcrest Lane in the RU Zone with AQ-3, AQ-6 and Scenic Road Corridor overlays. **Initial Presentation & Commence SEQRA**

Property owners, Lesia Lilitka and Paul Herasimchuk present.

At the request of Chairman Bergus, Engineer Hoffman presented the application and reviewed his report with the Board.

Whereupon Board discussed the stockade fence and applicant confirmed rendering rather than the annotated survey is accurate. Stockade fence will be installed along the side lot line.

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Dropkin, the Town of Goshen Planning Board classified this action as a Type II SEQRA Action. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Holmes, the Town of Goshen Planning Board waived the public hearing for this application. Approved with six ayes and one no.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	No
Mr. Zweig	Aye		

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Dropkin, the Town of Goshen Planning Board authorized the attorney to prepare a draft resolution of conditional approval. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

Attorney Naughton will refer the application to the Orange County Planning Department.

TAM Enterprises, LLC – 12-1-2.3: Application for amended site plan approval for storage warehouse on 31.2 +/- acres along Hartley Road in the HC and CO Zone with AQ-6 Floodplain & Ponding and Stream Corridor & Water Supply Watershed overlays. **Initial Presentation & Commence SEQRA**

Engineer O'Rourke, Tony Lasaponara, and Brian Cutler present.

Engineer O'Rourke summarized the previous and proposed applications.

Engineer Hoffman reviewed his report with the Board.

Whereupon Board discussed compaction of millings, snow storage, well and sewage disposal, and Orange and Rockland easement.

VOTE BY PROPER MOTION, made by Mr. Fuentes, seconded by Mrs. Lupinski, the Town of Goshen Planning Board declared its intent to be Lead Agency under SEQRA and classified this action as a Type 1 Action. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Holmes, the Town of Goshen Planning Board scheduled a public hearing for June 15, 2023. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Weir	Aye
Mr. Zweig	Aye		

Attorney Naughton will prepare the EAF Part 2.

Bockman – 3 Car Garage/Carriage House – 13-1-6.2: Application for site plan approval for a garage/carriage house on 2.065 +/- acres along Houston Road in the RU Zone with AQ-3 and Scenic Road Corridor overlays. **Draft Resolution**

No representative present on behalf of applicant.

Planning Board Member Zweig left the meeting at 9:43 pm and Alternate Member Pirraglia joined the dais.

Whereupon Board discussed addition and requested an “as built” survey before Certificate of Occupancy is issued.

Attorney Naughton reviewed the draft resolution with the Board.

VOTE BY PROPER MOTION, made by Mr. Pirraglia, seconded by Mr. Fuentes, the Town of Goshen Planning Board classified this action as a Type II SEQRA Action. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Pirraglia	Aye
Mr. Weir	Aye		

Board acknowledged receipt of Orange County Planning Department’s local determination.

VOTE BY PROPER MOTION, made by Mr. Holmes, seconded by Mr. Pirraglia, the Town of Goshen Planning Board adopted the Resolution as modified. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Pirraglia	Aye
Mr. Weir	Aye		

Future Agenda Items

Engineer Hoffman reviewed the agenda for the next regularly scheduled meeting June 1, 2023.

Board discussed possible recommendation to the Town Board to modify the Zoning Code to reduce the requirements of the Scenic Road Corridor Overlay District.

Adjournment

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Pirraglia, the Town of Goshen Planning Board moved to close the meeting. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Pirraglia	Aye
Mr. Weir	Aye		

Meeting adjourned at 10:03 pm.