

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

July 21, 2022

Planning Board Members Present:

Lee Bergus, Chairman
Phil Dropkin
Cynthia Hand
Diana Lupinski
Ken Tschan
Jeremy Zweig

Also Present:

Kelly Naughton, Planning Board Attorney
Sean Hoffman, Planning Board Engineer
Neal Halloran, Building Inspector
Frank Leva, Building Inspector

Members Absent:

David Crawford
Marty Holmes

Town Board Members Present:

Supervisor Joe Betro
Doug Bloomfield
Phil Canterino
Richard Flores
George Lyons

Also Present:

Rory Brady, Town Attorney
Mary Riso, Town Clerk

Zoning Board of Appeals Members Present:

Thomas Burnham
Joanne Donovan
Robert Farfalla

Also Present:

Rory Brady, ZBA Attorney

Zoning Board of Appeals Members Absent:

Chairman Charles VanHaaster
Trino Canton

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

Approval of Minutes -

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mrs. Lupinski, the Town of Goshen Planning Board approved the minutes of the June 29, 2022 meeting as modified. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Aye

The minutes of the July 7, 2022 meeting were deferred.

Public Hearings –

Owens Road Solar – 10-1-10.22: Application for subdivision, site plan and special permit for a solar energy system on 126.3 +/- acres along Owens Road in the RU Zone with AQ-6, AQ-3, Scenic Road Corridor, Floodplain & Ponding and Stream Corridor & Water Supply Watershed overlays. **Public Hearing & SEQRA Negative Declaration**

Town Board and Zoning Board of Appeals present for joint public hearing.

VOTE BY PROPER MOTION, made by Mr. Canterino, seconded by Mr. Lyons, the Town of Goshen Town Board opened the meeting of the Town Board for purposes of participation in joint public hearing of Owens Road Solar. Approved unanimously.

Supervisor Betro	Aye	Mr. Bloomfield	Aye
Mr. Canterino	Aye	Mr. Florio	Aye
Mr. Lyons	Aye		

VOTE BY PROPER MOTION, made by Mr. Burnham, seconded by Mrs. Donovan, the Town of Goshen Zoning Board of Appeals opened the meeting of the ZBA for purposes of participation in joint public hearing of Owens Road Solar. Approved unanimously.

Mr. Burnham	Aye	Mrs. Donovan	Aye
Mr. Farfalla	Aye		

Engineer ReJean DeVaux and Project Developer Steve Long present.

Engineer Hoffman reviewed his report with all boards and discussed the July 13, 2022 memo. Discussion items included potential variances, visual analysis, SWPPP specific to site, and wetland jurisdiction.

Engineer Hoffman noted the applicant was before the Town Board for a special use permit and no action would be taken tonight.

Engineer DeVaux presented a narrative of the application.

The Planning Board commented and questioned the following:

- Effectiveness of arborvitae screening and deer tolerance
- Sustainability of bare-root plantings
- Inconsistencies on the plans including sheet index, culvert sizes, light fixture height, access road width, tree clearing not listed, grading, and stormwater pond
- Submission of a MSDS (Material Safety Data Sheet) to verify no components with PFAS (per-and polyfluoroalkyl substances) permitted onsite
- The plans are unclear relative to tree clearing along Owens Road
- Landscaping plan is unclear and not specific as to what is illustrated. A key should be provided
- Request to provide a detailed landscaping plan
- Panel visibility relative to adjacent residential properties
- Status of US Army Corps of Engineers wetland disturbance approval and/or permit
- Restrictive covenant to preserve topographic buffers

The Town Board commented and questioned the following:

- Sustainability of bare-root plantings
- Need for landscape screening
- Questioned whether resolution conditions were binding on successor companies
- Reiterated no components with PFAS permitted onsite

The Zoning Board of Appeals commented and questioned the following:

- Questioned need for the proposed two-lot subdivision
- Questioned percentage of system components manufactured in China

Building Inspector Leva stated the caliper of trees were as important as height.

Attorney Naughton reviewed the SEQRA Draft Negative Declaration with the Planning Board.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mrs. Lupinski, the Town of Goshen Planning Board approved the SEQRA Negative Declaration as prepared and modified. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Aye

VOTE BY PROPER MOTION, made by Mrs. Hand, seconded by Mr. Zweig, the Town of Goshen Planning Board opened the public hearing for Owens Road Solar application. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Aye

VOTE BY PROPER MOTION, made by Mr. Canterino, seconded by Mr. Lyons, the Town of Goshen Town Board opened the public hearing for Owens Road Solar application. Approved unanimously.

Supervisor Betro	Aye	Mr. Bloomfield	Aye
Mr. Canterino	Aye	Mr. Florio	Aye
Mr. Lyons	Aye		

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mr. Burnham, the Town of Goshen Zoning Board of Appeals opened the public hearing for Owens Road Solar application. Approved unanimously.

Mr. Burnham	Aye	Mrs. Donovan	Aye
Mr. Farfalla	Aye		

Regina Tomlinson, 116 Owens Road –

- Questioned whether any improvements to Owens Road were proposed
- Questioned why the Owens Road speed limit was discussed in the application materials
- Confirmed fencing is proposed and that landscaping will be in front of the fence, rather than behind
- Asked about the proposed renderings
- Questioned the benefit of the project to residents of Owens Road

Steve Ibold, 109 Owens Road –

- Questioned the wetlands
- Questioned the watering of the proposed plantings and enforcement if they die
- Indicated the glare study did not include his or his neighbor's house
- Concerned with PFAS in the project
- Discussed the status of FOIL (Freedom of Information Law) requests with outside agencies

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Tschan, the Town of Goshen Planning Board closed the public hearing for Owens Road Solar application and will accept written comments submitted to the Building Department until close of business August 5th, 2022. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Aye

VOTE BY PROPER MOTION, made by Mr. Lyons, seconded by Mr. Bloomfield, the Town of Goshen Town Board closed the public hearing for Owens Road Solar application and will accept written comments submitted to the Building Department until close of business August 5th, 2022. Approved unanimously.

Supervisor Betro	Aye	Mr. Bloomfield	Aye
Mr. Canterino	Aye	Mr. Florio	Aye
Mr. Lyons	Aye		

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mr. Burnham, the Town of Goshen Zoning Board of Appeals closed the public hearing for Owens Road Solar application and will accept written comments submitted to the Building Department until close of business August 5th, 2022. Approved unanimously.

Mr. Burnham	Aye	Mrs. Donovan	Aye
Mr. Farfalla	Aye		

Milmar Food Group/Upstate Estates Corp. – 12-1-13.1 & 31.2: Application for site plan and special permit for expansion of the existing food production facility on 6 ½ Station Road and NYS Route 17M in the CO District with AQ-6 Floodplain & Ponding, Stream Corridor & Reservoir overlays. **Public Hearing**

Engineer Dave Higgins, Architect Cybul, and Principals Hoffman and Makinen present.

Engineer Higgins presented a narrative of the application and submitted new renderings of views.

The Planning Board commented and questioned the following:

- Acknowledge the need for the applicant to expand the facilities to provide additional room for employees
- Screening of rooftop mechanical equipment
- Parking stall compliance with Code
- Selling the existing on-site barn to be removed

- Architectural aesthetics of the proposed test kitchen along Route 17M
- Installation of a sidewalk and/or bike path
- Designation of banked parking areas
- Use of insulated jackets to deemphasize the rooftop mechanical units

Engineer Hoffman reviewed his report with the Board.

Attorney Naughton will prepare a letter to the Town Board regarding “Share the Road” signage regarding sidewalk and bike path.

Attorney Naughton reviewed the SEQRA Draft Negative Declaration with the Planning Board.

VOTE BY PROPER MOTION, made by Mrs. Hand, seconded by Mrs. Lupinski, the Town of Goshen Planning Board approved the SEQRA Negative Declaration as prepared and modified. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Aye

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Zweig, the Town of Goshen Planning Board opened the public hearing for Milmar Food Group/Upstate Estates Corp. application. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Aye

Kaitlyn Lancelloti (Orange County Partnership) – Indicated the Partnership supports this project since it will retain jobs.

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Tschan, the Town of Goshen Planning Board closed the public hearing for Milmar Food Group/Upstate Estates Corp. application. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Aye

VOTE BY PROPER MOTION, made by Mrs. Hand, seconded by Mrs. Lupinski, the Town of Goshen Planning Board authorized the attorney to prepare a Draft Resolution of Conditional Approval for Milmar Food Group/Upstate Estates Corp. application. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Aye

Attorney Naughton advised the Orange County Planning Department has not yet offered a decision and provided advisory comments of May 31, 2022. The project will be referred to the Planning Department.

Items for Discussion/ Action –

Broadlea Road and Vivian Lane Solar – 9-1-4 & 6.2: Application for site plan and special permit for a solar energy system along 297.2 +/- acres on Broadlea Road in the RU Zone with AQ-3, Scenic Road Corridor, Floodplain & Ponding and Stream Corridor & Water Supply Watershed overlays. **Consider Scheduling Public Hearing**

Engineer ReJean DeVaux and Project Developer Terrence Nolan present.

Attorney Naughton explained this application will have a joint public hearing with the Town Board and Zoning Board of Appeals and will coordinate with the Boards.

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Dropkin, the Town of Goshen Planning Board scheduled a joint public hearing for Broadlea Road and Vivian Lane Solar application for August 18, 2022. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Aye

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mrs. Hand, the Town of Goshen Planning Board authorized the attorney to draft a Negative Declaration on Broadlea Road and Vivian Lane Solar application. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Aye

Applicant discussed submission of a colored presentation map. Board advised this may be submitted and posted to the Town website.

All in Audio – 11 Gurda Lane – 9-1-124.1: Application for site plan and special permit for conversion of existing agricultural warehouses to non-agricultural warehouses on 43.2 +/- acres on Cedar Swamp Road in the AI Zone with A3, Floodplain & Ponding and Stream Corridor & Water Supply Watershed overlays. **Consider Scheduling Public Hearing**

Engineer James Martinez and John Lavelle present.

Engineer Martinez advised the applicant originally intended to abandon the farm labor housing since it would trigger the need for a SPDES permit. Subsequently, the applicant learned a SPDES permit is already in place. As such, the applicant wishes to maintain the housing as part of the application.

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Tschan, the Town of Goshen Planning Board scheduled a public hearing for All in Audio – 11 Gurda Lane application for August 18, 2022. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Aye

Legoland New York, LLC – 11-1-46.21: Application for amended site plan for a commercial recreational facility monument sign on 389 +/- acres along Harriman Drive, Arcadia Road and Conklingtown Road in the RU and HR Zones with AQ-3, Scenic Road Corridor, Floodplain & Ponding, Stream Corridor & Reservoir and Commercial Recreation overlays. **Draft Resolution**

Planner Kristin O'Donnell present.

Attorney Naughton reviewed the draft resolution with the Board.

VOTE BY PROPER MOTION, made by Mr. Zweig, seconded by Mrs. Hand, the Town of Goshen Planning Board approved the resolution as prepared and revised. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Aye

Serenity Acres – 9-1-6.1: Application for open space subdivision on 35.4 +/- acres along Broadlea Road in the RU Zone with AQ-3, Scenic Road Corridor, Stream Corridor & Water Supply Watershed overlays. **Draft Resolution**

Engineer Ryan Smithem present.

Attorney Naughton reviewed the draft resolution with the Board.

Engineer Hoffman reviewed his report with the Board.

Whereupon, there was a discussion about the condition regarding identification of the wetlands and relocation of the overhead wires through Lot No. 1.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mrs. Lupinski, the Town of Goshen Planning Board approved the draft resolution for conditional preliminary and final approval for major subdivision for Serenity Acres as modified. Approved with five ayes and one abstention.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Abstained

Future Agenda Items

Mr. Hoffman reviewed the agenda for the next meeting which will be held on August 4, 2022.

Adjournment

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mrs. Hand, the Town of Goshen Planning Board moved to close the meeting. Approved unanimously.

Chairman Bergus	Aye	Mr. Dropkin	Aye
Mrs. Hand	Aye	Mrs. Lupinski	Aye
Mr. Tschan	Aye	Mr. Zweig	Aye

Meeting adjourned at 10:38 pm.