

**Town of Goshen Planning Board  
Town Hall  
41 Webster Avenue  
Goshen, New York  
July 7, 2022**

**Members Present:**

Lee Bergus, Chair  
David Crawford  
Phil Dropkin  
Martin Holmes  
Diana Lupinski  
Jeremy Zweig, Alternate

**Also Present:**

Sean Hoffman, P.E. PB Engineer  
Kelly Naughton, Esq. PB Attorney  
Neal Halloran, Building Inspector  
Frank Leva, Building Inspector

**Members Absent:**

Cynthia Hand  
Ken Tschan (Alternate)

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

**VOTE BY PROPER MOTION**, made by Mr. Crawford, seconded by Ms. Lupinski, the Town of Goshen Planning Board hereby approves the June 16, 2022 minutes. Unanimously approved, one abstention.

Mr. Bergus	Aye	Mr. Holmes	Aye
Mr. Crawford	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Abstain	Mr. Zweig	Aye

The Planning Board deferred the approval of the June 29, 2022 minutes, as they were not yet received by the Board.

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

**Javelin:**

Chairman Bergus read the Applicant’s correspondence dated June 3, 2022 into the record. Ms. Naughton advises that the requested extension would bring the application to the Planning Board’s January 4, 2023 meeting.

**VOTE BY PROPER MOTION**, made by Mr. Holmes, seconded by Ms. Lupinski, the Town of Goshen Planning Board hereby grants an extension of the conditional approval until January 4, 2023. Unanimously approved.

Mr. Bergus	Aye	Mr. Holmes	Aye
Mr. Crawford	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Zweig	Aye

**Amy’s Kitchen:**

Mr. Dropkin recused himself from the application.

Chairman Bergus read the Applicant’s correspondence from Michael Cheng into the record. Mr. Hoffman informed the Board that there was nothing new with the project, other than what was contained in the letter. The Planning Board approved the third modification back in December. Mr. Halloran stated that they have heard from the owner of the company; the company is trying to pick a design/build group, and will be in the area to meet the new Supervisor on July 18, 2022.

**VOTE BY PROPER MOTION**, made by Mr. Crawford, seconded by Mr. Holmes, the Town of Goshen Planning Board hereby grants an extension of the conditional approval until January 4, 2023. Unanimously approved.

Mr. Bergus	Aye	Mr. Holmes	Aye
Mr. Crawford	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Recused	Mr. Zweig	Aye

**Items for Discussion:**

**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. **Initial Presentation and Commence SEQRA**

Planner Kristen O’Donnell and Representatives Stephanie Johnson and Ezra Monasebian were present for the Applicant.

Ms. O’Donnell stated that the Applicant is proposing a single monument sign. The sign is just on the outside of the NYS DOT right of way. She showed the Board the design of the sign. On the plans, a box has been drawn around the entire sign, and it will be approximately 75 sf. There will be a landscaped flower bed around it, both real and modeled.

Mr. Hoffman stated that originally the Applicant did not provide the Planning Board with sign details. In the approval, the Applicant had identified three possible locations for the monument sign. Mr. Hoffman stated that this proposal is reasonably in conformance with one of those proposed locations.

Mr. Crawford asked – the berm that it will be mounted on, how high is it? Ms. O’Donnell responded that the berm is not very high, but she does not have the dimensions. Ms. Naughton stated that the Applicant provided a graphic of the sign in the hill as part of their electronic submission. Ms. O’Donnell explained the allowable sign square footage, and the sign bonuses that are being sought – that last category for special aesthetic merit is what is being requested from the Board. Ms. O’Donnell informed the Planning Board that there was a staff meeting, and the Building Inspector’s interpretation was that the entire structure should be considered. The base square footage that is allowed for the sign is 50 feet. Mr. Hoffman stated that the other alternative/resource available is to reduce the square footage of the sign. Without the discretionary bonus the sign would get smaller. Mr. Halloran asked how the top of the sign compared to the hill behind it. Mr. Monasebian stated that the top of the sign will not be above the hill. Ms. O’Donnell noted that in the plan submitted, it is shown standing on Harriman Drive. The Applicant is contemplating one light facing towards the sign, and it would be dimmed to 50% two hours after the close of the park. There would be a cut off so that it is not shined up to the sky. It’s contingent upon getting electricity in this location.

Mr. Holmes asked where the light would be. Ms. O’Donnell stated that the light would be in the landscaping, tucked behind it, shining up. Mr. Halloran stated that when the sign was discussed at the staff meeting, the size of the sign was discussed, and what would be seen behind the “rectangle”. You will see grass; it won’t be like a billboard that you can’t see through. Mr. Hoffman said there were three questions initially: (i) does the model count as part of the structure – the Building Department says it does; (ii) what standard/type of sign is this in the Code – this is a freestanding sign; and (iii) how do we measure that, which Mr. Halloran just described for the Board. The only reason they are here is for the special aesthetic merit. Mr. Leva recited § 97-49(D)(3)(f) sets forth the five bonus bullet points. The last one is the one that is before the Planning Board.

- [1] Fifteen percent when the sign is made of wood. – not made of wood.
  
- [2] Fifteen percent if the sign is designed to contain only the identification of the establishment without advertising any products sold on the premises. – that’s achievable.
  
- [3] Twenty percent if the sign is the only sign identifying the establishment or its principal product. – this is the only sign at this time.
  
- [4] Twenty percent if the sign is not designed or used with illumination. – there will be illumination.
  
- [5] Thirty percent if the Planning Board finds that the sign has special aesthetic merit or that additional size is necessary or appropriate due to such circumstances as the sign's distance from the road, the design speed of the road, or the size of the building on which the sign is placed. In order to take advantage of this Subsection D(3)(f)[5], an applicant not otherwise

subject to site plan or special permit review may file a site plan application with the Planning Board. The content and review of such application shall be limited to consideration of signs.

The fifth element should be discussed with the Board. Mr. Bergus asked how this compares to the size of the sign at the top by the hotel. Mr. Monasebian said that he has not measured the sign, however, the estimation is that they are roughly the same width and height. Mr. Zweig asked if the back of the sign was visible from any of the neighboring properties. Ms. O'Donnell said that it was not, as grade increases behind the sign. There is a long distance between the sign and the actual building on the neighboring property. This is significantly lower in elevation. Mr. Dropkin asked if the goal to get the largest available sign? Mr. Halloran responded that this is not the entire square footage permitted. If you can get a bonus without a light, he does not understand why you are foregoing that. If it is made out of wood, an Applicant gets a 15% bonus allowance. Were it to be made out of wood, one of the goals was to make it a more attractive sign to preserve the rural character of the Town.

Ms. Naughton stated that this is not the maximum permitted – 75.51sf. They could have 82.5sf. Mr. Dropkin informed that Applicant that if they want to make it the biggest, they are missing out on the bonuses. Mr. Bergus stated that the Applicant wants to make it fit in with the area. Ms. O'Donnell responded that the largest sign is not always better; there is not an objective to be visible from Route 17. Right now, they have digital message boards, which are not aesthetically pleasing. The objective is to get rid of those, and to let people sitting at the light know that is where the turn is. The dragon needs to be made of Lego bricks. There's not much benefit to the Applicant if it is made out of wood. Mr. Bergus said that if he recalled correctly, the sign would be there if the park was maxed out, and asked what happens when the park is at capacity, and the Goshen residents want to attend. Ms. Johnson said that there is always capacity for walk ups.

Mr. Hoffman stated that if they would go with wood, they would not be able to get the same aesthetic. The hotel operates after hours, and they would want it lit for guests. Mr. Zweig noted that there will be people that will stop their car to take pictures of the sign. Mr. Halloran noted there is a minor shoulder on the boulevard going up. Mr. Crawford stated that the rendering shows a berm under the sign. He wants to know what that will be. The one picture shows it higher. He is curious about the final project.

Ms. Naughton stated that a public hearing is in the Board's discretion based on certain findings, and read the Board the provision from the Town Code. Mr. Dropkin stated that this change to the site plan was de minimum, and the Planning Board agreed.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Crawford, the Town of Goshen Planning Board hereby finds that the plan proposed is consistent with the site plan and special permit granted for the project and no public hearing is necessary. Unanimously approved.

Mr. Bergus	Aye	Mr. Holmes	Aye
Mr. Crawford	Aye	Ms. Lupinski	Aye

Mr. Dropkin                      Aye                      Mr. Zweig                      Aye

Ms. Naughton read the advisory comment from the Orange County Department of Planning GML 239 report. Ms. O'Donnell stated that the Applicant has no problem with that and will use landscaping already approved and located within the park.

Ms. Naughton advised that the Board could consider reaffirming the SEQRA Findings Statement.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Crawford, the Town of Goshen Planning Board hereby reaffirms the Findings Statement for the project. Unanimously approved.

Mr. Bergus	Aye	Mr. Holmes	Aye
Mr. Crawford	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Zweig	Aye

Ms. Naughton reads Subsection 5 from the Town Code related to sign bonuses. Mr. Bergus said that there is a blend of live and "Lego" landscaping. There is no issue in maintaining them. Mr. Bergus polled the Board concerning granting the sign area bonus. Mr. Zweig noted that the sign has aesthetic merit and is consistent with the scale of the park. The members of the Planning Board agreed.

**VOTE BY PROPER MOTION**, made by Mr. Holmes, seconded by Ms. Lupinski, the Town of Goshen Planning Board hereby authorizes the drafting of a Resolution consistent with the Board's discussions for the Planning Board's next meeting. Unanimously approved.

Mr. Bergus	Aye	Mr. Holmes	Aye
Mr. Crawford	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Zweig	Aye

**Milmar Food Group/Upstate Estates Corp. – 12-1-13.1 & 13.2:** Application for site plan and special permit for expansion of the existing food production facility on 61/2 Station Road and NYS Route 17M in the CO District with AQ-6 Floodplain & Ponding, Stream Corridor & Reservoir overlays. **Revised Plans and SEQRA EAF Part 2**

David Higgins (Lanc & Tully) was present for the Applicant. The Applicants wanted to be present, but were ill so could not attend. Mr. Higgins stated that "dry storage area B" has been updated, and the plans were updated to reflect that. He noted that the Board talked about landscaping at the last meeting, so he changed some deciduous trees to evergreens, and tried to buffer the back of the building with evergreens. The project did not have any rear landscaping last time, so there is new landscaping in that location shown. The Applicant does not intend to store trailers onsite,

and they cannot be seen from 6 ½ Station Road due to landscaping. Mr. Higgins does not think the Applicants plan on having the trailers on site. The Board also talked about parking areas. The Applicant made additional striping in the corners, and they will shade that in. The parking was also broken up for landscaping between the stalls. The retaining wall runs along the rear of the building and the access road. Most of the retaining wall is not going to be visible due to the terrain.

Mr. Bergus stated that it would likely shield the vehicles from visibility as well. Mr. Higgins said that there are sliding gates along the emergency access road. The idea is that the owners want to secure the building, so that people cannot simply come onto the property and walk in the back. They also are now showing the water storage tank and snow storage areas. They provided a zoning analysis, modified the traffic impact analysis, and provided renderings. There will be some screening located along the roofline.

Mr. Bergus noted that one issue that Mr. Halloran had raised regarding screening on the roof was the concern about snow loads. Has that been considered? Mr. Higgins said that he thought that the architect was considering the snow loads. The presumption is that there will be different sections removed so that the snow loads are capable of being handled.

Mr. Crawford asked, the area to the right of the new addition – are the facades going to be updated? Mr. Higgins was not sure, and would check with his client. Ms. Lupinski stated that the Applicant might not update it because there is a mural that was painted by one of his chefs.

Mr. Crawford asked if the duct work on the roof shown on the rendering? He did not think the rendering showed the duct work, it only shows the screening.

Mr. Hoffman reviewed his memo. The authority to expand into the setback is limited to 50%. The area that they propose to encroach is within that limitation. There was additional fencing added to the plans. The Applicant is proposing to put evergreen slats into the fencing. There is not a Code provision that prohibits it, but for the Board's visual review, they may want to consider if they want that. The Applicant is also proposing a new 8-foot chain link fence in the rear, which is prohibited and would need two variances. It is up to the Applicant if they really want the fence; Mr. Hoffman did not see the benefit of the fence. Mr. Higgins said that this would also assist in defining the property lines and securing the site. Mr. Hoffman noted that if they want 8-foot-tall chain link, they need variances. If they want to change the material and the height, the Board can approve it.

Mr. Dropkin asked if it would work for the Applicant to use agricultural fencing. Mr. Higgins said that he will get a detail of what solar companies are using and discuss it with his client. Mr. Hoffman noted that the Applicant has to comply with § 97-14(D), but the Board can waive those requirements if it would impose an unnecessary economic hardship. Mr. Hoffman and the Planning Board then discussed parking and the shifts of the employees. Mr. Dropkin noted that the number of employees impacts many things. He was looking for a reaffirmation that no additional employees are proposed by relocating the freezer from New Jersey to New York. Mr.

Zweig stated that as far as he knows, there will be a handful of people from the rented facility coming up to work at this facility. More information needs to be provided that they meet the parking requirements for peak parking demand, so that the Board has the information to consider in order to approve this.

Mr. Hoffman noted that the limits of disturbance has increased, and the Applicant is now exceeding 5 acres. The Board will need an erosion and sediment control plan.

Ms. Lupinski noted that when the Planning Board went on the tour of the facility, they were told that people would not be able to drive down the access road. Mr. Higgins said that there would be a sliding gate, so that people can drive through, and then it will close behind them. His understanding is that the Fire Department would often go through there if they needed to.

A further discussion was had on proposed landscaping along Route 17M. Mr. Higgins would rather not remove existing vegetation to install new vegetation. It will make stabilization difficult. The Applicant can look to add some additional landscaping on the property. The Board also typically has prohibitions on pesticides and herbicides and salts due to their proximity to wetlands. The bioretention area will be a vegetated bed. Mr. Hoffman noted that there was a lot more salt coming off of the neighboring roads than the parking lot. Mr. Dropkin asked with that being the case, how is the adequacy with the plans to deal with the salt from the parking lot? Mr. Hoffman responded that any of the new paved areas are permitted to take runoff from parking lots by the DEC. He is unsure how the front parking gets down to the pond. Mr. Higgins noted that it actually goes across the street to a culvert. Ms. Lupinski is concerned with runoff from projects across the street, and how that will drain off of Route 17M. The Applicant definitely needs to expand, and the plans are wonderful.

Ms. Naughton reviewed the draft Part 2 Full Environmental Assessment Form with the Board.

**VOTE BY PROPER MOTION**, made by Ms. Lupinski, seconded by Mr. Dropkin, the Town of Goshen Planning Board hereby assumes Lead Agency status under SEQRA. Unanimously approved.

Mr. Bergus	Aye	Mr. Holmes	Aye
Mr. Crawford	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Zweig	Aye

**VOTE BY PROPER MOTION**, made by Mr. Crawford, seconded by Ms. Lupinski, the Town of Goshen Planning Board hereby authorizes the drafting of a Negative Declaration for the Planning Board’s next meeting. Unanimously approved.

Mr. Bergus	Aye	Mr. Holmes	Aye
Mr. Crawford	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Zweig	Aye

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Ms. Lupinski, the Town of Goshen Planning Board hereby schedules a public hearing on the application for the July 21, 2022 meeting. Unanimously approved.

Mr. Bergus	Aye	Mr. Holmes	Aye
Mr. Crawford	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Zweig	Aye

**Future Agenda Items**

Mr. Hoffman reviewed the agenda for the next regularly scheduled meeting which will take place on July 21, 2022.

**VOTE BY PROPER MOTION**, made by Mr. Crawford, seconded by Mr. Holmes, the Town of Goshen Planning Board hereby adjourned the meeting at 9:08. Unanimously approved.

Mr. Bergus	Aye	Mr. Holmes	Aye
Mr. Crawford	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Zweig	Aye