

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

**February 16, 2023**

**Planning Members Present:**

Lee Bergus, Chairman  
Eric Fuentes  
Neal Halloran, Alternate  
Marty Holmes  
Diana Lupinski  
Jeremy Zweig

**Also Present:**

Sean Hoffman, Planning Board Engineer  
Kelly Naughton, Planning Board Attorney  
Frank Leva, Building Inspector  
Joe Betro, Town Supervisor

**Planning Members Absent:**

Phil Dropkin

**Zoning Members Present:**

Tom Burnham, Chairman  
James Barrett  
Samuel Bergsohn  
Trino Canton  
Robert Farfalla

**Also Present:**

Rory Brady, Zoning Board Attorney

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

**Approval of Minutes** –

**VOTE BY PROPER MOTION**, made by Mrs. Lupinski, seconded by Mr. Zweig, the Town of Goshen Planning Board approved the minutes of the July 7, 2022 meeting as modified.

Approved with four ayes and two abstentions.

Chairman Bergus	Aye	Mr. Fuentes	Abstained
Mr. Halloran	Abstained	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Zweig	Aye

**VOTE BY PROPER MOTION**, made by Mr. Fuentes, seconded by Mrs. Lupinski, the Town of Goshen Planning Board approved the minutes of the February 2, 2023 meeting as prepared.

Approved with five ayes and one abstention.

Chairman Bergus	Aye	Mr. Fuentes	Aye
-----------------	-----	-------------	-----

Mr. Halloran	Aye	Mr. Holmes	Abstained
Mrs. Lupinski	Aye	Mr. Zweig	Aye

**Public Hearings –**

**Al Turus Solar, LLC – Nexamp Solar, LLC – 12-1-17.122, 21.12, & 23.1:** Application for site plan and special permit for a solar energy system on 111.0 +/- acres on NYS Route 17M and Hartley Road in the I Zone with AQ-3, AQ-6, Floodplain & Ponding and Stream Corridor & Water Supply Watershed overlays.

Director McCune, Manager Schepps, and Engineer Pristach present.

This is a joint public hearing with the Zoning Board of Appeals.

Alternate Planning Board Member Halloran recused himself and remained in the audience.

**VOTE BY PROPER MOTION**, made by Mr. Holmes, seconded by Mrs. Lupinski, the Town of Goshen Planning Board opened the public hearing. Approved with five ayes and one recusal.

Chairman Bergus	Aye	Mr. Fuentes	Aye
Mr. Halloran	Recused	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Zweig	Aye

**VOTE BY PROPER MOTION**, made by Mr. Bergsohn, seconded by Mr. Barrett, the Town of Goshen Zoning Board of Appeals opened the public hearing. Approved unanimously.

Chairman Burnham	Aye	Mr. Barrett	Aye
Mr. Bergsohn	Aye	Mr. Canton	Aye
Mr. Farfalla	Aye		

Director McCune advised visual renderings were submitted. The project is anticipated to be visible from two (2) locations along NYS Route 17M and from the driveway of Hartley Road.

Applicant summarized the ZBA variances that are requested.

Engineer Hoffman reviewed his report with the Board.

Whereupon the Board discussed the glare analysis and requested applicant revise glare analysis to evaluate potential glare without considering the existing trees along NYS Route 17M.

Whereupon the Board discussed potential visibility from the Wallkill River, maintenance responsibilities associated with the landfill, number of ballasted-mounted landfill projects in New York, whether the ballast fencing could be lowered to allow for small mammals to enter/exit the site, but not children, fire access and impact on landfill cap, type of vegetative cover and cutting frequency, and use of pesticides and herbicides.

Attorney Naughton advised the Board of the comments made by the Environmental Review Board which include wind and snow loads, and monitoring illicit discharges and sharing reports with the Building Department.

The Zoning Board of Appeals discussed whether supplemental trees could be installed to increase screening.

Public comments included:

- Sue Cleaver – questioned whether the applicant has the closure permit or certification. Indicated the landfill includes several large ponding areas and the entire cap requires repair. Stated any anticipated maintenance by Al Turi is not likely given prior history. Discussed identification of forever chemicals on Al Turi landfill and adjacent Ver Hage property. Discussed potential impact on existing aquifer if landfill cap is torn or damaged.

Building Inspector Leva discussed property maintenance and specifically vegetation management requirements.

**VOTE BY PROPER MOTION**, made by Mrs. Lupinski, seconded by Mr. Holmes, the Town of Goshen Planning Board closed the public hearing. Approved with five ayes and one recusal.

Chairman Bergus	Aye	Mr. Fuentes	Aye
Mr. Halloran	Recused	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Zweig	Aye

**VOTE BY PROPER MOTION**, made by Mr. Bergsohn, seconded by Mr. Canton, the Town of Goshen Zoning Board of Appeals closed the public hearing. Approved unanimously.

Chairman Burnham	Aye	Mr. Barrett	Aye
Mr. Bergsohn	Aye	Mr. Canton	Aye
Mr. Farfalla	Aye		

**Quarry Road Subdivision** – 20-1-10.21: Application for minor subdivision on 169.4 +/- acres along Quarry Road (County Route 68) in the CO Zone with AQ-3, Scenic Road Corridor and Soil Mining overlays.

Alternate Member Halloran joined the Board on the dais.

County Attorney Golden and Orange County Department of Public Works Deputy Commissioner Ewald present.

Board discussed whether the County, as current landowner, may restrict future activities on the proposed parcel. Attorney Golden indicated the County can restrict use of the parcel, but the County Legislature has chosen not to do this at this time. County intends to sell parcel to the highest bidder.

Attorney Naughton advised the Board is required to complete SEQRA.

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

Chairman Bergus	Aye	Mr. Fuentes	Aye
Mr. Halloran	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Zweig	Aye

Engineer Hoffman reviewed his report with the Board.

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

Chairman Bergus	Aye	Mr. Fuentes	Aye
Mr. Halloran	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Zweig	Aye

**VOTE BY PROPER MOTION**, made by Mr. Halloran, seconded by Mrs. Lupinski, the Town of Goshen Planning Board issued a Negative Declaration under SEQRA. Approved unanimously.

Chairman Bergus	Aye	Mr. Fuentes	Aye
Mr. Halloran	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Zweig	Aye

Public comments included:

- Matthew Comas – 9 Quarry Road – questioned the location of the proposed Lot No. 3. Asked whether the quarry could be required to install misters to reduce potential dust. Questioned the value of the proposed lot.

- Marc Buchheit – 1918 State Route 17A – discussed potential conflict. Indicated reducing the distance between quarry blasting activities and Valley View was inconsistent with the goals for Valley View. Discussed prevailing wind direction.
- Ed Dykshoorn – 1124 Pulaski Highway – questioned the location of the property and indicated he feels blasting vibrations on his property.

Whereupon the Board discussed whether the existing mining on proposed Lot No. 3 could be considered a legally existing nonconforming use, quarry expansion and whether the Town had issued approvals or permits, and proposed setback to existing caves.

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

Chairman Bergus	Aye	Mr. Fuentes	Aye
Mr. Halloran	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Zweig	Aye

Attorney Naughton reviewed the draft resolution and specific conditions with the Board. She also advised the applicant has submitted the Dutchess Quarry Sites National Register District Management and Conservation Report prepared in 2012 to advise the County on the preservation of the site.

Whereupon the Board deferred action on the resolution until having an opportunity to review the report.

**RDM Goshen 17m/2602 Route 17 Developers – 12-1-116:** Application for clearing and grading permit to clear 8.8 acres on 60.99 +/- acres on NYS Route 17M in the CO Zone with AQ-6 and Floodplain & Ponding Overlays.

Alternate member Halloran recused himself and left the dais.

Architect Dates and Operations Manager Pomerantz present.

Applicant provided a brief description of the application.

**VOTE BY PROPER MOTION**, made by Mr. Holmes, seconded by Mrs. Lupinski, the Town of Goshen Planning Board opened the public hearing. Approved with five ayes and one recusal.

Chairman Bergus	Aye	Mr. Fuentes	Aye
Mr. Halloran	Recused	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Zweig	Aye

Engineer Hoffman reviewed his report with the Board.

Whereupon Board discussed question from the Environmental Review Board regarding trees being down for a long period of time.

There were no public comments.

**VOTE BY PROPER MOTION**, made by Mr. Fuentes, seconded by Mr. Zweig, the Town of Goshen Planning Board closed the public hearing. Approved with five ayes and one recusal.

Chairman Bergus	Aye	Mr. Fuentes	Aye
Mr. Halloran	Recused	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Zweig	Aye

Attorney Naughton reviewed the draft Resolution with the Board.

**VOTE BY PROPER MOTION**, made by Mr. Fuentes, seconded by Mr. Holmes, the Town of Goshen Planning Board approved the Resolution of Clearing and Grading permit as modified. Approved with five ayes and one recusal.

Chairman Bergus	Aye	Mr. Fuentes	Aye
Mr. Halloran	Recused	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Zweig	Aye

**Items for Discussion/Action -**

**Goshen Hospitality LLC – 10-1-56.2 & 56.4:** Application for site plan and special permit for hotel and restaurant complex on 63.3 +/- acres (total holdings) along Cheechunk and 6 ½ Station Roads in the CO District with AQ-6, Scenic Road, Floodplain & Ponding and Stream Corridor & Reservoir Overlay Districts. **Redline FEIS**

Attorney Furst and Engineer Samuelson present.

Alternate member Halloran recused himself and remained in the audience.

Engineer Hoffman reviewed his report with the Board.

Whereupon Board discussed the redline FEIS and required revisions.

**VOTE BY PROPER MOTION**, made by Mrs. Lupinski, seconded by Mr. Fuentes, the Town of Goshen Planning Board adopted the redline FEIS subject to final review. Approved with five ayes and one recusal.

Chairman Bergus	Aye	Mr. Fuentes	Aye
Mr. Halloran	Recused	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Zweig	Aye

The applicant will prepare final version and coordinate distribution of same to Attorney Naughton. Applicant will also prepare a draft Findings Statement to be considered at a future meeting.

**Future Agenda Items**

Engineer Hoffman reviewed the agenda for the next regularly scheduled meeting which will take place on March 2, 2023.

**Adjournment**

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

Chairman Bergus	Aye	Mr. Fuentes	Aye
Mr. Halloran	Aye	Mr. Holmes	Aye
Mrs. Lupinski	Aye	Mr. Zweig	Aye

Meeting adjourned at 10:02 pm.