

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York
November 16, 2023**

Members Present:

Lee Bergus, Chair
Phil Dropkin
Eric Fuentes
Martin Holmes
Diana Lupinski
Seamus Weir
Jeremy Zweig

Also Present:

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

Members Absent:

None.

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

The minutes of the May 4, 2023 and November 2, 2023 meetings were deferred.

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. **Extension Request.**

Mr. Bergus read the letter submitted by the Applicant requesting an extension. Mr. Hoffman noted that he had nothing further to add, but corroborated what the Applicant in the letter.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Fuentes, the Town of Goshen Planning Board hereby extended the approval for the project to June 6, 2024. Unanimously approved.

Mr. Bergus	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Aye
Mr. Holmes	Aye		

2639 17M Building/920 Associates, LLC – 12-1-54: Application for site plan for service business on 0.65 +/- acres along NYS Route 17M in the HC Zone with AQ-6 overlays. **Draft Resolution**

Mike Korn for the Applicant (owner).

Mr. Hoffman reviewed his memo. There are two potentially pre-existing nonconforming conditions, and Mr. Hoffman requested the Applicant submit the prior subdivision plat. If that is not available or the Applicant does not have that, then the application likely will require variances. The Applicant has submitted revised plans.

Mr. Dropkin noted that Mr. Hoffman requested additional information regarding water demand. Mr. Hoffman stated that it was received, but he had not yet reviewed it. Ms. Naughton summarized the pre-existing nonconforming issue for the Board and the Applicant. Mr. Leva took the position that the variances are required, unless the Applicant submits something that demonstrates otherwise.

Mr. Bergus noted that there were inconsistencies on the plans in terms of the size of the leach field. He did not see test pit #9 on the plans, which was one that was a concern. He also wanted to make sure the building did not fall within the proposed footprint of the septic. Mr. Bergus did not see anything as far as landscaping or bike path along 17M on the plans. He also noted an inconsistency in the pipe from the pump chamber to the distribution box. One of the notes, Note 20, is missing half of the notes that should be included. Mr. Bergus requested clarification on the number of employees, and Mr. Korn responded saying that there would be five. Mr. Bergus stated that the detail shows the construction entrance being in the wrong location.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Ms. Lupinski, the Town of Goshen Planning Board hereby opened the public hearing. Unanimously approved.

Mr. Bergus	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Aye
Mr. Holmes	Aye		

No comments from the public.

Mr. Halloran noted that it looked like if the Applicant rotated the building 90 degrees, it could be further away from the house next door that encroaches on the property. He was not sure if the building needed to be that way or shape, but noted that it should be considered.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Holmes, the Town of Goshen Planning Board hereby closed the public hearing. Unanimously approved.

Mr. Bergus	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Aye
Mr. Holmes	Aye		

Ms. Naughton summarized the status of the application, and informed the Applicant what information was needed or whether he needed to apply to the Zoning Board of Appeals.

Persoon Subdivision – 17-1-4 & 36: Application for amended major subdivision approval consisting of 27 residential lots on 129.17 +/- acres along Maple Avenue (County Route 31), Winners Circle Lane and Breezeway Lane in the RU and AI Zones with AQ-3 and Scenic Road Corridor overlays. **Draft Resolution**

Vince Pietrzak (Pietrzak & Pfau) for the Applicant.

Mr. Pietrzak summarized the application for the Board, noting that it was an application for the relocation of the three driveways. The purpose of the relocation is to minimize the disturbance of the three lots, and works better for the houses. Each lot meets all of the setback requirements.

Mr. Dropkin asked how close the driveways were to the intersection, and Mr. Pietrzak responded that the closest one is about 60 feet. Mr. Hoffman stated that it is in excess of Cornell's recommendation for distance from the intersection for the driveways. Mr. Hoffman reviewed his memo. Mr. Bergus asked if Mr. Hoffman saw any negative impact to the relocation. Mr. Hoffman stated that this project goes back about 21 years. All of the other houses in the project had access to the homes by entering the garage on the side of the dwellings. This change will allow homeowners of these lots to drive straight into the garage, and not enter on the side. It is not necessarily negative, but he wanted to point out the difference for the Board.

Mr. Fuentes asked if it was a 3-way stop there, and Mr. Hoffman stated that it was. Mr. Halloran asked if the relocation of the driveways shine headlights into the other neighbors' homes. Mr. Pietrzak said that they will not.

VOTE BY PROPER MOTION, made by Ms. Lupinski, seconded by Mr. Fuentes, the Town of Goshen Planning Board hereby opened the public hearing. Unanimously approved.

Mr. Bergus	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Aye
Mr. Holmes	Aye		

Patricia Flynn, 17 Breezeway Lane – She was curious why they received the letter announcing the public hearing, and Ms. Naughton responded. Mr. Pietrzak informed her that the Applicant does not know when Breezeway will be opened up yet.

Walter Fordham Ebbers, 115 Maple Avenue – He stated that the construction traffic goes up the driveway. He wants to know why that is, when there are two other entrances to the project.

KMN responds, and Mr. Hoffman states that the Applicant can use the temporary driveway for all construction trades.

Patricia Flynn – She stated that she remembers hearing about that, and that there was a concern. There is a bus stop across the street from her house, and there are a lot of children. Mr. Bergus said that the use of the construction driveway was for the duration of the project. It made sense to go through the Persoon’s property since the developer owned the property at that time, and that way it would not inconvenience the other properties. Mr. Ebbers asked if that was set in stone, and he was told that it was. Mr. Ebbers informed that Board that he was told it was temporary. Mr. Bergus responded that the situation was temporary, until the entirety of the project is built, which unfortunately depends on the market.

Mr. Leva noted that there is a noise ordinance in the Town Code, and he would speak with the developer about that.

VOTE BY PROPER MOTION, made by Mr. Fuentes, seconded by Mr. Holmes, the Town of Goshen Planning Board hereby closed the public hearing. Unanimously approved.

Mr. Bergus	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Aye
Mr. Holmes	Aye		

Ms. Naughton reviewed two issues contained in a letter received from the public. Mr. Pietrzak noted that there was no way that the driveway would impact that property owner, and Mr. Hoffman agreed. Mr. Pirraglia stated that the writer’s home is uphill from the driveway. Mr. Hoffman stated that what the Applicant should do is provide the intersection sight distances. They can also provide the stopping sight distance, and make sure that people have enough time to see and react to a car approaching. If the Planning Board is so inclined, that can be a condition, and if it does not meet the distances they can come back to you for review.

VOTE BY PROPER MOTION, made by Mr. Weir, seconded by Ms. Lupinski, the Town of Goshen Planning Board hereby closed the public hearing. Unanimously approved.

Mr. Bergus	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Aye
Mr. Holmes	Aye		

Ms. Naughton reviewed the Resolution, the one additional condition added that evening.

900 Pulaski Hwy LLC – 22-1-145.1 & 145.2: Application for lot line adjustment along Pulaski Highway/County Route 6 in the AI Zone with AQ-3 overlay. Draft Resolution

David Higgins, P.E. (Lanc & Tully) for the Applicant.

Mr. Higgins stated that he received technical comments from Mr. Hoffman that they have no problem with addressing. Mr. Hoffman had no further comments. Ms. Naughton reviewed the resolution.

Mr. Holmes stated that he had some concerns about the shared driveway. There are overhead doors on both buildings. Mr. Higgins explained that the easement and the shared driveway are necessary to make them functional.

VOTE BY PROPER MOTION, made by Ms. Lupinski, seconded by Mr. Holmes, the Town of Goshen Planning Board hereby approved the Resolution as modified. Unanimously approved.

Mr. Bergus	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Aye
Mr. Holmes	Aye		

17 Creamery Pole Barn - 13-3-5: Application for site plan approval for a pole barn on 6.30 +/- acres along Creamery Circle and NYS Route 17A in the RU Zone with AQ-3 and Scenic Road Corridor overlays. Initial Presentation & Commence SEQRA

Mr. Twik (owner) is present representing himself.

Mr. Twik explained that he wants a building to sit under because the property is southern facing. Mr. Bergus asked about the colors and materials proposed for the building. Mr. Twik said that it would be metal with a blue accent.

Mr. Hoffman reviewed his memo. He explained to the Board that this property is located within the Scenic Road Corridor Overlay District, which is why this application requires site plan approval. Mr. Hoffman noted that when the subdivision plat was filed, no one considered the setback off of 17A; however, the Applicant's pole barn is setback well off of 17A. No lighting proposed. The Applicant has an open space conservation easement on the property, and the proposed pole barn will be outside of the easement. Mr. Hoffman informed the Board that there are some encroachments into the easement.

Ms. Naughton explained to the Board that under SEQRA, this application is a Type II action, and requires referral to the Orange County Planning Department under General Municipal Law § 239. Mr. Hoffman suggested adding this application to the Board's December 21, 2023 agenda, and requesting that the Applicant add the first shed that has already been installed onto the plans to

obtain approval for that at the same time. The Board held a discussion about encroachments into the open space, and noted that those should be discussed with the Building Inspector.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Fuentes, the Town of Goshen Planning Board hereby typed this as a Type II action under SEQRA. Unanimously approved.

Mr. Bergus	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Aye
Mr. Holmes	Aye		

Mr. Zweig asked if the overhead doors were proposed to face Houston Street or the dwelling. Mr. Twik responded that they would face inward towards the yard. Mr. Zweig noted that the property has a lot of accessory structures for a backyard, and he stated that the neighbors should have an opportunity to comment.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Weir, the Town of Goshen Planning Board hereby waived the public hearing in accordance with the Town Code. Approved.

Mr. Bergus	Aye	Ms. Lupinski	Nay
Mr. Dropkin	Aye	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Nay
Mr. Holmes	Aye		

VOTE BY PROPER MOTION, made by Mr. Holmes, seconded by Ms. Lupinski, the Town of Goshen Planning Board hereby authorized the drafting of a Resolution. Unanimously approved.

Mr. Bergus	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Aye
Mr. Holmes	Aye		

17A Warehouse Jessup Switch Road - 20-1-48.21 & 49.2: Application for Clearing & Grading Permit 28.6 +/- acres along Jessup Switch Road in the CO Zone with AQ-3, Stream Corridor & Water Supply Watershed and Floodplain & Ponding Area overlays. **Initial Presentation & Commence SEQRA**

Ross Winglovitz and Kelly Baer (Engineering & Surveying Properties), Al Muhlrاد, and Eric Muhlrاد for the Applicant.

Mr. Winglovitz gave a brief presentation explaining the project. Mr. Muhlrاد wants to eventually construct a warehouse, but right now he only wants to proceed with filling on the property. The owners would be combining all of the lots into one property, and therefore all warehouses would

be on one property. Mr. Muhlrاد has the availability of free fill at the present time. Mr. Winglovitz reviewed the comments contained in Mr. Hoffman's memo.

Mr. Hoffman informed the Board that if the Applicant's property is located within the Stream Corridor and Reservoir Watershed Overlay District and he performs filling in excess of 5,000 square feet, the application will also require site plan approval for the filling. Mr. Winglovitz stated that he believed this filling project would be completed in four months. A. Muhlrاد said that he would like to do it as soon as they could, weather permitting. Ms. Naughton offered to provide a sample indemnification agreement.

Mr. Hoffman clarified that the application is to fill on the property with 30,000 cubic yards of material, and that the warehouse building is completely aspirational. Essentially, at this time, there is no building.

Mr. Winglovitz noted that the SC Overlay District is a critical element, and could change the nature of the application. Mr. Dropkin asked if there was a limit on the height of the stockpiling, and Mr. Hoffman responded that the Applicant is going to prepare a pad. It is not stockpiling, and there is no height limitation in the Code. Mr. Hoffman informed the Board that the property is also in the floodplain; therefore, the application is for filling within the floodplain. Such an activity requires a Flood Plain Permit from Building Inspector Leva. The Applicant will need to demonstrate that they have no impact on the floodplain. Mr. Hoffman noted that this application is for one of the largest amounts of fill that the Planning Board has considered in the floodplain.

Mr. Winglovitz stated that there is a determined elevation for the floodplain, and that the Town Code is interesting because it says that the property can be altered by a foot, but there needs to be compensatory volume. There is an area adjacent to the stream that they would look to grade and treat as compensatory area. Mr. Bergus asked if using that area would create issues with anything that the Applicant might already be using the property for, and Mr. Winglovitz responded that the Applicant would not be able to use that area then because it would be 3 feet below the floodplain.

Mr. Hoffman informed that Board that when the property was last before the Board, the driveway was parallel to the lot line, now it bows south. This will end up requiring amended site plan approval in the future. Mr. Winglovitz stated that the channel relocation easement was from the Army Corps, and it is for the Army Corps to maintain it.

Mr. Bergus noted that where the Applicant is looking to put the stockpile, there is a well. Mr. Winglovitz stated that they would be protecting the well.

Ms. Lupinski asked what kind of soil is there currently. A. Muhlrاد responded that it is not productive soil. There is a veneer of topsoil over gray clay. Ms. Lupinski asked where the fill was coming from. A. Muhlrاد stated that he is having an accredited person supervise and get tickets for every load. Ms. Lupinski asked if there were any additional culverts along Jessup Switch or

Pumpkin Swamp Road, and Mr. Winglovitz said no. Ms. Lupinski stated that the road will be flooded if there is rain. With the littlest rain, that area floods.

Mr. Fuentes stated that he wants to see the compensatory calculations. Mr. Hoffman said that if someone needs a Flood Plain Permit, they are already into the compensatory area. A. Muhlrud is not sure how many cubic yards have already been brought onto the site. Mr. Winglovitz estimated that approximately 600 cubic yards have been brought onto the property. He asked if this required General Municipal Law referral. Ms. Naughton responded that the application did not unless site plan approval is needed, so it depends on the SC Overlay determination.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Holmes, the Town of Goshen Planning Board hereby typed this as a Type I action under SEQRA and declared its intent to serve as Lead Agency. Unanimously approved.

Mr. Bergus	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Aye
Mr. Holmes	Aye		

A. Muhlrud asked if the Board had any idea how big the bond required would be, and what the chances were of obtaining approval from the Board. Ms. Naughton responded that the Board cannot answer his question. They are not permitted to be predisposed on any application, and there is a lot of information that needs to be provided. Mr. Hoffman stated that the bond is a restoration bond. This would be based on an estimate by Mr. Winglovitz, and Mr. Hoffman would review it. The bond is not for the completion of the project.

Mr. Halloran noted that the ERB had comments that should be shared with the Applicant. The ERB was very concerned with the number of truck trips.

VOTE BY PROPER MOTION, made by Ms. Lupinski, seconded by Mr. Fuentes, the Town of Goshen Planning Board hereby adjourned the meeting. Unanimously approved.

Mr. Bergus	Aye	Ms. Lupinski	Aye
Mr. Dropkin	Aye	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Aye
Mr. Holmes	Aye		

The discussion of Introductory Local Law No. 6 of 2023 was tabled to a future meeting.

The meeting was adjourned at 9:00p.m.