

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

November 3, 2022

Members Present:

Lee Bergus, Chairman
Phil Dropkin
Eric Fuentes (Alternate Participating)
Marty Holmes
James Langlois
Diana Lupinski
Jeremy Zweig

Also Present:

Kelly Naughton, Planning Board Attorney
Sean Hoffman, Planning Board Engineer
Frank Leva, Building Inspector
John Canning, Town Traffic Consultant
William Canavan, Town Hydrogeologist

Members Absent

Cynthia Hand

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

Approval of Minutes –

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

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Langlois, the Town of Goshen Planning Board approved the minutes of the October 20, 2022 meeting as modified. Approved with five ayes and two abstentions.

Chairman Bergus	Abstained	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mr. Langlois	Aye	Mrs. Lupinski	Abstained
Mr. Zweig	Aye		

Public Hearings –

All One One All – A D’Artagnan Foundation Regenerative Farm – 8-1-6: Application for site plan and special permit for conversion of an existing barn to restaurant and retail farm stand on 14.5 +/- acres along Coleman Road and Craigville Road/County Route 66 in the RU Zone with AQ-6 overlay. **Public Hearing & Well Testing Application**

Board Member Langlois recused himself and left the dais.

Engineer David Higgins and Owner, Alix Daguin, present.

Engineer Higgins gave a brief presentation of the application which is a regenerative farm with a proposed farm-to-table restaurant, retail shop, and small-scale farm distillery.

Engineer Hoffman reviewed his report with the Board.

The Planning Board commented and questioned the following:

- Any exterior noise should be consistent with the Code requirements
- Buffering of the adjacent residential property from vehicular headlight glare with mature boxwoods and a temporary 4.5-foot tall split rail fence with fabric to remain in place until Building Inspector deems the landscaping adequate
- Owner to confirm the volume of spirits proposed including stored and in-transit
- Discussed well testing deviations from the Town protocol
- Possible monitoring of wells at Hambletonian Park and Craigville Park
- Confirm there will be no bands nor wedding/events
- Discussed onsite wells historically affecting neighbors
- Discussed access by fire apparatus and school buses

VOTE BY PROPER MOTION, made by Mrs. Lupinski, 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. Zweig	Aye

Debra Corr, 349 Sarah Wells Trail discussed:

- Concerned about event rentals and use as a wedding venue
- Use of dyes in onsite mulch
- Otter Kill water quality including septic system runoff
- School bus access
- Vehicular headlight impacts and chirping noise from vehicle locking sounds
- Property not zoned for a restaurant use
- Use of other available commercial properties for the proposed use
- Feels the lot is undersized for proposed use
- Parking of fifty (50) cars is a great amount on the lot
- Fire truck access
- Shadows caused by proposed fence

- Protection of residential property values

Sandra Rothenberger, 18 Craigville Road discussed:

- Distillery operation without permit and licenses is a felony
- Intensive environmental impacts from distilleries
- Incorporation of proposed distillery water use in calculations
- Black fungus from distilleries
- The fire at the Creamery Pond distillery
- Construction within the 500-year floodplain
- National Fire Protection Association requirements for distilleries including unobstructed access.

Heather Sloan, Blooming Grove had no comment.

Monty Vacura, Assistant Professor, Biology Department, SUNY Orange discussed:

- Benefits of silvopastures for biodiversity in soils
- Wastewater runoff
- Project is helping to improve community farming

Colin Coyne had no comment.

Steve Gross, Orange County Director of Economic Development discussed:

- Economic development benefits of the project

Elka Gotfryd, 2 Montgomery Street, Newburgh discussed:

- Her role as former City of Newburgh planner
- Her familiarity with the SEQRA process
- How the public hearing process is sacred
- Fundamental question of new development versus existing uses
- The use is permitted under special permit
- Environmental issues have been addressed by the applicant
- The use is consistent with the comprehensive plan

Susan Cleaver, Banbury Cross Farm, Goshen discussed:

- Fire truck access excludes angle of approach and clearance is low from ground
- Fire trucks may bottom out
- Have fire trucks run through site before issuance of Certificate of Occupancy
- Same applies to school buses
- Parked vehicles may limit fire truck access
- Leach field is in the agricultural buffer
- Additional landscaping to protect adjacent property from lighting impacts
- Location and screening of parking under Code requires dense vegetation to provide screening along boundary lines
- Special permit requires use cannot be any greater than that allowed by right
- Test well at the top of the property
- Requested water budget for the pond
- Requested public hearing be left open for written comments
- Mentioned the materials for the project posted on the Town website were difficult to find

Diane Gonzalez, 143 Coleman Road, discussed:

- Loves the philosophy of the application, but has the same concerns as previously mentioned
- Concerned about restaurant hours of operation
- Concerned outside music and sound will carry
- Concerned with lighting

Joe Gonyo, 345 Sarah Wells Trail, discussed:

- Previously in contract to purchase this parcel but the deal fell through due to the septic system
- Dosing system was proposed but it impacts the Otter Kill

Thomas Nixon, 8 Parkway, discussed:

- Village of Goshen Zoning Board of Appeals member
- Berm versus Boxwood screening
- Value and experience including bringing in chefs from New York City for high quality meals
- Comparison to the Stagecoach Inn and Legoland

Neal Halloran, Goshen, discussed:

- Evolution of this project similar to Foxfire and potential impact from Zoning Board of Appeals interpretation
- Project diminishment to commercial and 5000 square-foot limitation
- Agricultural water uses and Schoor DePalma water study
- Project exceeds water capacity
- Site plan issues including berm to protect adjacent property
- Maintenance of proposed fence
- Parking lot buffering requirements in Code

Thomas Nixon, 9 Parkway, discussed:

- Drip irrigation is proposed for the agricultural use

Neal Halloran, Goshen, discussed:

- Indicated dancing and yoga are not agricultural uses

Gloria Bonelli, Goshen, discussed:

- Witnessed the applicant's neighborly, gentle approach
- Accessory activities will keep the farm alive and attract people to visit
- Farmers cannot survive on growing alone

Nick Gallo, 8 Redwood Drive, questioned:

- Whether the site is zoned for the proposed use

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Zweig, the Town of Goshen Planning Board closed the public hearing and will accept written comments for an additional ten (10) days until close of business November 14, 2022. Approved unanimously.

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

Items for Discussion/Action –

Maplewood Village (aka ADC Orange, Inc.) 8-1-1.1 & 48: Application for residential subdivision for 68 single-family units on 95.4 +/- acres on Coleman and Craigville Roads (County Route 66) in the RU Zone with AQ-6, Scenic Road Corridor and Stream Corridor overlays. **Revised Plans**

Board member Langlois returned to the dais.

Developer Gueron, Engineer John Russo, and Attorney Gilchrist present.

Engineer Gilchrist summarized changes to the project since last appearance.

Changes include Town Board acceptance of Conservation area, New York State Department of Conservation determined no jurisdiction over wetlands, and Town Highway Superintendent requested reduction of runoff directed toward right-of-way.

Engineer Hoffman reviewed his report with the Board.

Whereupon, the Planning Board commented and questioned the following:

- Modification to the water system
- Screening to comply with the stipulation
- Proving a typical driveway profile in order for Board to consider driveway negative slope request waiver
- Buffer to wells and possible deed restrictions
- Minimum sanitary sewer pitch
- Proposed approximate 62.5 acres of open space versus the 66-acres identified in the Findings statement

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Holmes, the Town of Goshen Planning Board authorized the attorney to prepare a draft resolution for the December 15, 2022 meeting. Approved unanimously.

Chairman Bergus	Abstained	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mr. Langlois	Aye	Mrs. Lupinski	Abstained
Mr. Zweig	Aye		

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 & Watershed overlays. **Revised plans**

Engineer Travis Rosencranse present.

Engineer Rosencranse summarized changes to the project since last appearance.

Changes include revisions to plantings that all are either root and ball or containerized plantings, updated visuals regarding screening, and contact with concerned neighbor has not been successful.

Engineer Hoffman reviewed his report with the Board.

The Planning Board commented and questioned the following:

- Renderings do not adequately show buffering of the site
- No razor or barbed wire fencing
- Applicant confirmed no battery storage system
- Whether the roads comply with the New York State Fire Code.

The Planning Board requests a condition where the Building Inspector and Town Engineer will review landscaping post construction.

The Planning Board requests submission of a revised landscaping plan and visual renderings.

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Zweig, the Town of Goshen Planning Board authorized the attorney to prepare a draft resolution for the December 15, 2022 meeting. Approved unanimously.

Chairman Bergus	Abstained	Mr. Dropkin	Aye
Mr. Fuentes	Aye	Mr. Holmes	Aye
Mr. Langlois	Aye	Mrs. Lupinski	Abstained
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 6 ½ Station Road and NYS Route 17M in the CO District with AQ-6 Floodplain & Ponding, Stream Corridor & Reservoir overlays. **Revised Plans**

Engineer Dave Higgins present with Martin Hoffman and Roy Makinen of Milmar Foods.

Engineer Higgins described the applicant’s analysis of the additional employees and plan revision including banked parking.

Engineer Hoffman reviewed his report with the Board.

The Planning Board commented and questioned the following:

- Fifty (50) employees proposed to the Orange County Industrial Development Agency versus the 45 employees analyzed
- Requested revision to the analysis for consistency
- How the banked parking will be activated
- Considered a condition whereby the Building Inspector could require conversion of the banked parking to an improved parking lot
- Request to reconsider previously waived sidewalk requirement
- Correction of General Note No. 11
- Deletion of Chain link Fence Detail
- Replace or evaluate the existing septic tanks if banked parking stalls are developed in the future.

Attorney Naughton confirmed with the Board no reason to rescind or amend the SEQRA Negative Declaration.

RDM Goshen 17M/2602 Route 17 Developers – 12-1-116: Application for site plan, special permit and subdivision for a warehouse and single-family dwelling on two (2) lots totaling 61.59 +/- acres on NYS Route 17M in the CO Zone with AQ-6 and Floodplain & Ponding Overlays.
FEIS

Developer Isaac Neuman, Engineer Andrew Fetherston, Attorney Dominique Albano and Operations Manager Avi Pomerantz present.

Traffic Consultant John Canning and Hydrogeologist Bill Canavan present.

Engineer Hoffman reviewed his report with the Board.

Traffic Consultant Canning reviewed his findings with the Board which included the potential need to restrict right turns onto NYS Route 17M east from the project site.

Engineer Fetherston stated left turns exiting the facility are operationally important to the applicant.

Whereupon, there was a discussion regarding proportioning traffic mitigations amongst current applicants proposing development impacting NYS Route 17M.

Hydrogeologist Canavan reviewed his findings with the Board.

The Board reviewed several specific FEIS responses. Board requested further clarification on hazardous materials, building mounted signage, lighting, and SPEDES permit for the proposed onsite sewage disposal system.

Applicant reviewed proposed area variances.

Attorney Naughton requested Board and consultant comments by November 10, 2022.

Future Agenda Items

Mr. Hoffman reviewed the agenda for the next regularly scheduled meeting which will take place on November 17, 2022.

Adjournment

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Holmes, 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
Mr. Langlois	Aye	Mrs. Lupinski	Aye
Mr. Zweig	Aye		

Meeting adjourned at 11:04 pm.