

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York
March 21, 2024**

Members Present:

Lee Bergus, Chair
Eric Fuentes
Martin Holmes
Diana Lupinski
Seamus Weir
Jeremy Zweig
Giovanni Pirraglia, Alternate

Also Present:

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

Members Absent:

Phil Dropkin

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

VOTE BY PROPER MOTION, made by Mr. Weir, seconded by Ms. Lupinski, the Town of Goshen Planning Board hereby approved the minutes of the May 4, 2023 meeting. Approved.

Mr. Bergus	Abstain	Mr. Weir	Aye
Mr. Fuentes	Abstain	Mr. Zweig	Aye
Mr. Holmes	Aye	Mr. Pirraglia	Aye
Ms. Lupinski	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**

Ms. Naughton informed the Board that the matter was on the last ZBA agenda for a public hearing, and would be listed on the ZBA's April 16, 2024 meeting. Ms. Naughton discussed the matter with the Applicant, who requested the Board hold off making a decision until its April 19, 2024 meeting.

VOTE BY PROPER MOTION, made by Mr. Fuentes, seconded by Mr. Holmes, the Town of Goshen Planning Board hereby extended the timeframe within which it is required to make a decision after the close of the public hearing, with the consent of the Applicant, until April 19, 2024. Unanimously approved.

Mr. Bergus	Aye	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Aye

Mr. Holmes	Aye	Mr. Pirraglia	Aye
Ms. Lupinski	Aye		

All in Audio – 11 Gurda Lane - 9-1-124.1: Application for amended site plan for agricultural worker housing on 43.2 +/- acres on Cedar Swamp Road in the AI Zone with AQ-3, Floodplain & Ponding and Stream Corridor & Water Supply Watershed overlays. **Draft Resolution**

John Furst, Esq. (Catania, Mahon & Rider) for the Applicant.

Mr. Weir was recused; Mr. Halloran stepped in.

Ms. Naughton reviewed the draft Amended Resolution with the Board. Mr. Bergus advised the Board that the plans for the water system were delivered to the Health Department for review. Ms. Lupinski asked whether the driveway needed to be paved, because the plans say that it is a “paved driveway”. Mr. Hoffman responded as to Town’s requirements. Ms. Lupinski stated that when the project came in with just the non-agricultural buildings, she remembered John Canning suggesting that the project exit out to Cedar Swamp Road. Mr. Hoffman responded that it was a suggestion, but not a requirement.

Mr. Furst asked about the condition concerning obtaining an Operations Permit for the Migrant Housing, and requested that it be moved to prior to the issuance of the Certificate of Occupancy, which would line up with the water permit. Ms. Naughton said that by doing that, it becomes a Building Department issue. Mr. Furst stated that the Applicant is trying not to evict the people residing there. The current owner is operating without a permit and the Applicant is rectifying that matter. Mr. Hoffman noted that if the Board delays the time frame to obtain the permit, it would be allowing the Applicant to operate without a permit for a longer period of time. Mr. Furst stated that he does not want one permit to hold up the other, referring to the water supply permit and the Operations Permit for Migrant Housing. Mr. Bergus said that would not happen, as the commercial aspect would be driven by the number of employees and people on that operating system. Ms. Lupinski stated that the last time the Planning Board approved this application, the Applicant said no one was living there. They were not there, but now they are back.

VOTE BY PROPER MOTION, made by Mr. Halloran, seconded by Mr. Holmes, the Town of Goshen Planning Board hereby approved the Amended Resolution as revised. Unanimously approved.

Mr. Bergus	Aye	Mr. Weir	Recused
Mr. Fuentes	Aye	Mr. Zweig	Aye
Mr. Holmes	Aye	Mr. Pirraglia	Aye
Ms. Lupinski	Aye	Mr. Halloran	Aye

Solar Liberty Energy Systems, Inc. – 18-1-1.3: Application for subdivision, site plan and special permit for a solar energy system on 58.9 +/- acres on Milburn Road, Moonlight Trail and Storms Road in the

RU Zone with AQ-3, Stream Corridor & Water Supply Watershed and Scenic Road Corridor overlays.
Revised Plans and Part 2 EAF

Dan Kryzkowski, Esq. (Barclay Damon) for the Applicant.

Mr. Kryzkowski gives a brief presentation of the application. This is a proposed 9.52 megawatt solar facility; there are two proposed parcels and each will contain 4.6 megawatts of arrays. The project is located off of Millburn Road on approximately 30 acres. The Applicant was last before the Board in May 2022. The Applicant revised and resubmitted materials in February 2024. Plan changes include that there is only one point of access now, as they removed the access out to Storms Road, and they are proposing to have a green buffer, and agricultural fencing. The Applicant has received Mr. Hoffman's memo, and will address his comments. They are currently preparing to do leaf-off surveys, and Mr. Kryzkowski requests the Board consider potential vantage points. The Applicant is preparing a special use permit application for the Town Board, and variance application for the ZBA. The Applicant will also be providing a subdivision application the Planning Board.

Mr. Bergus asked what variances the application would require. Mr. Kryzkowski stated that it would be related to the setbacks on the property; however, depending on feedback from the Board that might change. Mr. Hoffman reviewed his memo. He noted that there is an existing dirt road, and that might need to be upgraded for fire access road. Mr. Hoffman recommended reaching out to the Town's emergency service organizations. Mr. Hoffman noted that the driveway is proposed to run right through the middle of the two properties, which is considered a common driveway under the Town Code. The Applicant might need to amend the plans in this regard. The Applicant should provide a narrative for the project. The Applicant should consider reconfiguring the project to remove the arrays from the Scenic Road Corridor Overlay district. If not, the Board should consider having the Applicant stake out the proposed locations of the arrays, and the location of the SR boundary. There are a lot of wetlands onsite, and the Applicant should obtain a jurisdictional determination from the DEC and ACOE. Mr. Hoffman stated that the project proposes to clear 7.3 acres of existing trees, and the Code requires a tree survey. The Applicant is proposing 64 arborvitaes, which may not satisfy the 1:1 Code requirements. Additionally, there is a new configuration of the telephone poles on the plans.

Mr. Bergus noted that the height of the fence is 8'6", which does not comply with the Code. Also, the maps show the proposed clearing, which adds up to 12.4, but the clearing notes adds up to 14.6%. Ms. Naughton suggests the Applicant review the plans for consistency.

Mr. Holmes asked about the continuous green buffer. Mr. Kryzkowski responded that once they receive the photo-simulations, they will have a better idea of when that should be located. The Applicant is open to change to other plantings if the Board wants. Mr. Bergus confirms there will be no battery storage on the site. Mr. Hoffman recommended a new glare study. Mr. Bergus asked whether if they stayed within the same footprint, it requires another study. Mr. Hoffman responded that it likely would not.

Mr. Zweig stated that he was not getting a good idea of the topography from the glare study. He suggested that there would be value in performing a review from sites that are further away. The receptors are all along Millburn, but people could view this project from other locations that are not along that road.

Mr. Bergus stated that the panels that are proposed are Korean panels, and asked for paperwork from the manufacturer saying what chemicals are used on them. Mr. Kryzkowski said the panels will be certified, and the Applicant will provide paperwork. Ms. Lupinski confirmed that the arrays proposed are at a fixed tilt.

Mr. Holmes discussed the tree removal and the tree replacement. Mr. Hoffman suggested that the Planning Board may want other vegetation to stabilize from erosion, not just trees.

Mr. Fuentes asked if the DEC would take jurisdiction over the wetlands, and Mr. Hoffman suggested that the Applicant should find out now. Mr. Kryzkowski said that the Applicant is continuing communications with the DEC.

Mr. Halloran asked what the impact was on the adjacent area to the wetlands, whether it would impact the temperature of the wetlands, and would the project impact species there. He also asked if there would be lights on the property, and if any lighting would impact animals at night. Mr. Halloran suggested that the Applicant review locating the panels to go with the contour of the land so they do not cause erosion. This setup will concentrate the drainage to cause further erosion; it may cause a bigger channel. The Applicant should look at this. Mr. Halloran asks what the ability of the Town roads are to handle the weight of the trucks during construction. Mr. Bergus asks if the Applicant can bond for damage to the roads. Mr. Hoffman and Ms. Naughton respond. Mr. Bergus recommends the plans be revised to show a staging and turnaround area.

Mr. Leva discusses the Fire Department access and turnarounds. He requests Ms. Naughton refer the project to the Fire Department again.

Mr. Holmes noted that the screening is centered on Millburn Street, but there should be screening along the other roads that abut the property as well. Ms. Lupinski suggested that the Applicant look at the project from Northgate, at the top of the hill.

Ms. Naughton reviewed the draft FEAF Part 2, and a discussion was had by the Board.

VOTE BY PROPER MOTION, made by Ms. Lupinski, seconded by Mr. Weir, the Town of Goshen Planning Board hereby approved FEAF Part 2 as modified. Unanimously approved.

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

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	Mr. Weir	Aye
Mr. Fuentes	Aye	Mr. Zweig	Aye
Mr. Holmes	Aye	Mr. Pirraglia	Aye
Ms. Lupinski	Aye		

The meeting was adjourned at 8:48p.m.