

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

October 6, 2022 7:30 PM

Members Present:

Lee Bergus, Chairman
Cynthia Hand
Marty Holmes
Diana Lupinski
Jeremy Zweig

Also Present:

Kelly Naughton, Planning Board Attorney
Sean Hoffman, Planning Board Engineer
Frank Leva, Building Inspector

Members Absent:

Phil Dropkin

Kelsey Burns, Hydro Environmental Solutions
Kathleen Collett, Deputy Town Clerk (Video)
Fran Scolza for Tanya McPhee (Minutes)

The meeting was opened at 7:30 PM with the Pledge of Allegiance.

Approval of Minutes for July 7, 2022 deferred.

Approval of Minutes for September 15, 2022. Motion to approve was made by Marty Holmes, seconded by Diana Lupinski. All members present voted aye.

Possible Extension or Abandonment of Application pursuant to Town Code

Orange County Gospel Fellowship, Inc. Applicant not present. Town Engineer, Sean Hoffman did relate the consultant for this group, Steve Esposito, did request, via electronic mail, an extension.

Motion to approve an extension and allow resubmission of conditional special permit and amended site plan approval until April 25, 2023 was made by Jeremy Zweig, and seconded by Diana Lupinski. All members present voted aye.

Public Hearings

6 Murabito Place 14-27-1 Public Hearing and Draft Resolution. Applicant, Shia Wertzberger, present, and described his proposal for a single dwelling to be constructed on the property. Several comments did follow from the Board, items to be addressed include revising the site plans to include topsoil use and storage; revising the site plan to include sight distances from the proposed driveway; removing stairs from the setback to avoid the need for a variance; removing notes on plans from the Orange County Department of Health; renumbering the percolation test holes; providing deep test data on the site plans, and confirming with the Building Inspector that water testing is not necessary.

Motion to Open Public Hearing by Jeremy Zweig, seconded by Diana Lupinski, all members aye. The Board opened the public hearing and received the following comments: Ken Mayer (address not provided) identified himself as a neighbor behind the property, and his concerns were the issue of groundwater, and how this proposed site would affect wells in the area for himself and residents, should the proposal include filling wetlands. This person also questioned the size and the location of the proposed dwelling on the property. Chairman Bergus suggested the commentor view the site plan proposals for these specifics.

Thereafter a motion to close the Public Hearing was made by Marty Holmes, seconded by Diana Lupinski. All present members voted aye. After further comments by the Board, and upon information from the Boards Attorney, Kelly Naughton that this site plan application was determined to be Type II SEQRA action and was referred to the County with no response thus far; the Board authorized Attorney Naughton to prepare a draft resolution of conditional approval for the next meeting. A motion was made to authorize the draft resolution by Diana Lupinski, and seconded by Marty Holmes; all members voted aye.

Items for Discussion/Action

Orange and Rockland Utilities, Inc 8-1-13. Draft Resolution. Application for amended site plan and permit for training center. Member Marty Holmes recused himself from this matter. No representative from the applicant was present.

Kelly Naughton, Attorney for the Board stated that prior approval was contingent on the applicant filing a conservation easement, and in fact the Public Service Commission has determined an easement may not be placed on this site and the applicant has further requested the Board amended resolution to require a no disturbance area in place of a filed easement. The Board adopted the amended resolution as modified.

Motion to approve the resolution of conditional special permit and major site plan approval made by Diana Lupinski and seconded by Jeremy Zweig. Approved with four ayes, and one abstention.

Golden Stay Inn/ Primrose Realty LLC 12-1-56. Application for amended site plan and special permit for lodging facility. Revised plans, SEQRA EAF Part 2 and Water Testing Protocol. Present for the applicant Engineer Morgante and Architect Carlton. Summary of floor plan modifications were discussed, including storage of chemicals and location/ access of water tank for fire suppression; water testing as it applies to increase in units, laundry and pool filter backwash; recharge to be addressed in final report for project; possible Goshen Town water testing for the entire area; inconsistencies to be corrected concerning number of units represented on the floor plans; additional parking for outside diners.

Attorney Kelly Naughton reported that the applicant will be required to obtain permit from NYSDOT, and as the supplemental notice has not lapsed 30 days, the Board will defer review of SEQRA EAF Part 2. The Board confirmed the need for special permit and further site plan approval. Morgante and Carlton agreed to progress the plans to address the Boards concerns and DEC requirements.

All One One All- D'Artagnan Foundation Regenerative Farm 8-1-6. Revised Plans and SEQRA Negative Declaration and Consideration of Scheduling Public Hearing. Application for site plan and permit for conversion of existing barn to restaurant and retail farmstand. Present for Applicant Engineer Higgins and Owner Alix Daguin. Engineer Higgins reviewed modifications for the Board:

Installation of specific landscaping to address the concerns regarding headlights which may impact the adjacent residential dwelling; confirmation of distillery classification as specifically pertaining to the Farm Distillery; confirmation of the need to obtain all necessary licenses and permits from the Alcohol and Tobacco Tax and Trade Bureau and New York State Liquor Authority.

The Board further discussed the relocation of the well and OC Department of Health requirements as they pertain to the Storage Shed. Engineer Higgins related the OCDOH and Goshen Town Board approved the well site and new well has been drilled; further discussion on landscaping being adequate for the purpose of blocking lights from neighbor and the applicant stated their desire to avoid a berm, and proposed alternatives to the Board.

Discussion from the Board pertaining to the possibility of the distillery having a Tasting Room and the potential condition requiring the applicant to return, should they propose any expansion in production beyond 58 gallons per 15 day period.

Sean Hoffman, The Boards Engineer requested confirmation of the water demand associated with distillery function, and stated receipt of the well testing application to be forwarded to the Town's Hydrogeologist to be reviewed.

The Boards Attorney, Kelly Naughton reviewed the SEQRA Negative Declaration.

A motion was made by Marty Holmes and seconded by Diana Lupinski to adopt SEQRA Negative Declaration as modified. Motion was passed with all present voting aye.

A motion was made by Diana Lupinski and seconded by Jeremy Zweig to approve a Public Hearing to be scheduled for November 3, 2022. All members present voted aye.

Motion to Adjourn at 8:50 PM was made by Marty Holmes and seconded by Diana Lupinski, all members voted aye.

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