

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

February 3, 2022

Members Present:

Lee Bergus, Chairman
David Crawford
Phil Dropkin
Cynthia Hand
Marty Holmes
Frank Leva
Diana Lupinski
Jeremy Zweig (Alternate)

Also Present:

Kelly Naughton, Planning Board Attorney
Sean Hoffman, Planning Board Engineer
Neal Halloran, Building Inspector

Pursuant to the Governor's Executive Order the meeting was recorded and posted online.

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

Approval of Minutes

The minutes of the November 4, 2021 meeting were deferred to the next meeting.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mrs. Lupinski, the Town of Goshen Planning Board approved the minutes of the January 20, 2022 meeting as modified. Approved unanimously.

Chairman Bergus	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Holmes	Aye	Mr. Leva	Aye
Mrs. Lupinski	Aye		

Items for Discussion/Action -

Owens Road Solar – 10-1-10.22: Application for subdivision, site plan and special permit for a solar energy system on 126.3 +/- acres on Owens Road in the RU Zone with AQ-6, AQ-3 Scenic Road Corridor, Floodplain & Ponding and Stream Corridor & Water Supply Watershed overlays.
Revised Plans & SEQRA Lead Agency

Project Developer Long and Engineer Dom Arico participating.

Engineer Arico gave an updated and advanced design since the applicant's last appearance.

Applicants are awaiting responses from the Army Corps of Engineers regarding wetlands, State Historic Preservation Office (SHPO) regarding potential historic and cultural resources and U.S. Fish and Wildlife Services regarding habitat and species.

Engineer Hoffman reviewed his report with the Board.

Board reviewed the Viewshed Analysis.

Board requested applicant revise the analysis to consider leaf-off conditions due to the proposed deciduous trees, to provide updated simulations from the driveways to include the specific number of utility poles anticipated and provide viewshed analysis from the existing residences.

Whereupon, there was a discussion regarding fencing. Applicant confirmed agricultural fencing will be used, except perhaps at the gates. Space will be provided under the fencing for wildlife.

Applicant confirmed no batteries are proposed on this project.

Whereupon, there was a discussion regarding trees. Applicant stated the field work for the tree survey has been completed. Applicant proposes to remove approximately 2000 trees. Board will consider tree replacement upon receipt of the tree removal plan. Board also requested the applicant provide confirmation from the DEC regarding invasive species.

Building Inspector Halloran informed the Board the Town has experienced wildlife trapped within the fencing at other solar facilities and requested the Board to consider this in future projects.

VOTE BY PROPER MOTION, made by Mr. Crawford, seconded by Mr. Holmes, the Town of Goshen Planning Board moved to assume SEQRA Lead Agency status. Approved unanimously.

Chairman Bergus	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Holmes	Aye	Mr. Leva	Aye
Mrs. Lupinski	Aye		

Attorney Naughton indicated a draft Part 2 EAF will be circulated after submission of the studies and additional information identified by the applicant.

Broadlea Road and Vivian Lane Solar – 9-1-4 & 6.2: Application for site plan and special permit for a solar energy system on 297.2 +/- acres on Broadlea Road in the RU Zone with AQ-3 Scenic Road Corridor, Floodplain & Ponding and Stream Corridor & Water Supply Watershed overlays. **Revised Plans & Commence SEQRA**

Project Developer Terrence Nolan and Engineer Dom Arico participating.

Engineer Arico provided an overview of the revised plans including added information on scenic corridors, offsets, and floodplains. Survey map is complete. Updated the Town of Chester access interconnection through water easement and confirmed wetlands. Tree survey is complete.

Engineer Arico indicated the applicant is working to finalize the reports.

Engineer Hoffman reviewed his report with the Board.

Whereupon the Board commented on the horizontal alignment of the proposed driveway at the stream crossing, the topography of the site and whether any steep slopes are impacted, the existing sewage disposal system and whether it may be expanded in the future, the orientation of solar panels and potential glare, submission of a landscaping plan, a site visit and field review from the Heritage Trail, incentives to purchase American equipment, and views from NYS Routes 17 and 17M.

Attorney Naughton advised the Board can declare its intent to serve as SEQRA Lead Agency and type the action as a SEQRA Type 1 Action.

VOTE BY PROPER MOTION, made by Mrs. Lupinski, seconded by Mr. Dropkin, the Town of Goshen Planning Board declared its intent to serve as SEQRA Lead Agency and classified the project as a SEQRA Type 1 Action. Approved unanimously.

Chairman Bergus	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Holmes	Aye	Mr. Leva	Aye
Mrs. Lupinski	Aye		

Orange County Gospel Fellowship, Inc. – 10-1-55: Application for site plan and special permit to convert an existing professional office with major wireless communication facility to a church on 7.8 +/- acres on Cypress Road in the CO Zone with AQ-6, Floodplain & Ponding overlays. **Initial Presentation & Commence SEQRA**

Steve Esposito, RLA and Attorney Jay Myrow, Esq. participating.

Mr. Esposito gave an overview of the project. Applicant will primarily occupy the upper floor. The lower floor may be used occasionally for classrooms and storage. The congregation currently conducts services at East Gate with 57 assigned parking stalls of which they have never used all of them.

Engineer Hoffman reviewed his report with the Board.

Chairman Bergus indicated the existing water system is under Department of Health jurisdiction as will be the church.

Whereupon the Board requested confirmation that the configuration of the stalls opposite the entrance doors complies with ADA regulations, requested confirmation from Building Inspector Halloran whether any proposed classes would be considered a school requiring a 350-foot setback from the existing cell tower, commented on snow storage, inquired whether there would be any new sidewalks, requested confirmation of the adequacy of the existing onsite sewage disposal system, and questioned the effects of salt and sand on the adjacent Orange County Audubon Society sanctuary.

Further discussions by the Board included whether the change of occupancy requires a fire suppression system and if so, if a storage tank is required, modification to the existing sign, striping and signing of the parking lot, and change to one-way traffic around the building.

Building Inspector Halloran indicated the parking in front of the building is a legal pre-existing nonconformity.

Attorney Naughton advised the Board can declare its intent to serve as SEQRA Lead Agency and type this action as Unlisted.

VOTE BY PROPER MOTION, made by Mrs. Hand, seconded by Mr. Crawford, the Town of Goshen Planning Board moved to assume SEQRA Lead Agency status and classified the project as a SEQRA Unlisted Action. Approved unanimously.

Chairman Bergus	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Holmes	Aye	Mr. Leva	Aye
Mrs. Lupinski	Aye		

Attorney Naughton advised the Board that a pre-existing non-conformity must be brought into conformity to the extent practical with a change of use.

After a poll of the members, the Board determined the applicant has complied to the extent practical and no modifications are required relative to the parking in front of the building or landscaping.

Attorney Naughton also advised the Board the code requires full compliance of the architectural features unless it would impose an economic hardship or discourage the property owners from improving their property to bring the items into compliance.

Engineer Hoffman reviewed the design standards with the Board.

After a poll of the members, the Board determined the applicant has complied with the design standards to the extent practical and no modifications to the architecture or landscaping are required.

Dunkin Donuts (LAM Electric Site) – 12-1-48.12: Application for site plan to convert former retail use to a new retail or restaurant with drive-up window on 2.2 +/- acres on NYS State Route 17M and Gate Schoolhouse Road in the HC Zone with AQ-6 overlay. **Initial Presentation & Commence SEQRA**

Engineers Ross Wingovitz and Zach Szabo and Owner, Mario Sardinha, participating.

Engineer Wingovitz gave an overview of the project. Project is an all-new construction with a dual drive-through setup.

Engineer Hoffman reviewed his report with the Board.

Owner Sardinha provided a building rendering for the Board.

Chairman Bergus confirmed the existing well and sewage disposal system will need to be replaced. The replacement systems will require Department of Health review and approval. Chairman Bergus recommended considering water supply and wastewater disposal early in the process due to the requirement to provide 100-feet of ownership and 200-feet of control.

Whereupon the Board questioned, and the applicant confirmed the building will face Gate Schoolhouse Road.

The Board discussed directional signage and pavement striping, color renderings, loading areas and delivery, landscaping, stormwater runoff onto adjacent parcels, restaurant odors, traffic, vehicle circulation, lighting, and access restrictions from NYS Route 17M.

Building Inspector Halloran relayed several concerns of the Environmental Review Board including sufficiency of the parking lot and its ability to accommodate trailers, trademark architecture and building colors.

Attorney Naughton recommended the applicant submit a written request to Building Inspector Halloran for any interpretations.

Attorney Naughton advised the Board can declare its intent to serve as SEQRA Lead Agency and type this action as Unlisted.

VOTE BY PROPER MOTION, made by Mr. Holmes, seconded by Mrs. Lupinski, the Town of Goshen Planning Board moved to declare its intent to serve as SEQRA Lead Agency and classified the project as a SEQRA Unlisted Action. Approved unanimously.

Chairman Bergus	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Holmes	Aye	Mr. Leva	Aye
Mrs. Lupinski	Aye		

Future Agenda Items

Mr. Hoffman reviewed the agenda for the next meeting which will be held on February 17, 2022.

Adjournment

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Crawford, the Town of Goshen Planning Board moved to close the meeting. Approved unanimously.

Chairman Bergus	Aye	Mr. Crawford	Aye
Mr. Dropkin	Aye	Mrs. Hand	Aye
Mr. Holmes	Aye	Mr. Leva	Aye
Mrs. Lupinski	Aye		

Meeting adjourned at 10:18 pm.