

**Town of Goshen Planning Board  
Town Hall  
41 Webster Avenue  
Goshen, New York  
September 15, 2016**

**Members Present:**

Lee Bergus, Chair  
Reynell Andrews  
Phil Dropkin  
David Gawronski  
John Lupinski  
Giovanni Pirraglia

**Also Present:**

Sean Hoffman, P.E. PB Engineer  
Richard Golden, Esq. PB Attorney  
Kelly Naughton, Esq. PB Attorney  
Neal Halloran, Building Inspector  
David Crawford, Alternate Member

Absent: Dr. Kris Baker

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

**Traskus**

Mr. Bergus stated that the Planning Board received a letter addressed to the Building Department requesting an extension of the approval received. There were no further comments from the Planning Board.

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Andrews, the Town of Goshen Planning Board grants two 90-day extensions, to March 2, 2017, to its approval of the application of Traskus. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Crawford	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

**5 Spoke Creamery**

Mr. Bergus stated that the Planning Board received a letter addressed to the Building Department requesting an extension of the approval received. Mr. Dropkin stated that the Applicant is waiting for approval from the DPW, so an extension is appropriate.

**VOTE BY PROPER MOTION**, made by Mr. Dropkin, seconded by Mr. Gawronski, the Town of Goshen Planning Board grants two 90-day extensions, to March 2, 2017, to its approval of the application of 5 Spoke Creamery. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Crawford	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

**Al Turi**

Mr. Bergus stated that the Planning Board received a letter addressed to the Building Department requesting an extension of the approval received. Ms. Naughton explained to the Planning Board the status of the tax certiorari matter, and why the subdivision plat cannot be filed at this time.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Pirraglia, the Town of Goshen Planning Board grants an extension, to December 15, 2016, to its approval of the application of Al Turi. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Crawford	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

**Orange County Gospel Church – 11-1-100.2:** Site plan and special permit application for a religious use on 7.12 +/- acres on Duck Cedar and Old Chester Roads in the RU District with AQ-6, Floodplain & Ponding Area, Stream Corridor and Water Supply Watershed and Scenic Road Corridor Overlay Districts. **DEIS Scope/Set Scoping Session.**

Representing Applicant: Steve Esposito, Esposito & Associates

Mr. Esposito stated that he submitted a draft scope based on the Positive Declaration, and he is hoping to see if there are any comments that the Planning Board may have on the scope. There were three areas – groundwater, visual, and traffic – that were requested to be studied. He stated that the Applicant had received an interpretation from the Building Inspector, but the Applicant found that it was unfavorable, and applied to the ZBA. Mr. Esposito requested that the Planning Board waive the public comment period on the draft scope. Mr. Esposito stated that the Applicant had been before the ZBA for several public hearings, where the public had an opportunity to comment on this project. In an effort to keep the project moving, he requested that the Planning Board waive the public comment period.

Mr. Golden advised the Planning Board that it did not have a right to waive the hearing and adopt the scope, as requested by Mr. Esposito. There has to be provided for and scheduled public comment on the scope. To not have a public scoping session would be contrary to what

the Planning Board has done with every other EIS scope. Mr. Golden stated that the Planning Board has always set a public scoping session. It is required to have a public comment period. While it does not have to be a scoping session, the Planning Board has never done anything other than scheduling a public scoping session.

Mr. Hoffman stated that no other project that he has been a part of with the Town of Goshen has ever not had a public scoping session on a draft scope.

Mr. Bergus stated that it would be appropriate to have the public scoping session to afford the public the opportunity to comment.

Mr. Pirraglia stated that the public scoping session will not be for overall general comments; it will be a limited scoping session on this document addressing just those three issues pursuant to the discussions with the Planning Board.

**VOTE BY PROPER MOTION**, made by Mr. Pirraglia, seconded by Mr. Gawronski, the Town of Goshen Planning Board sets a public scoping session for October 6, 2016. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroksi	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Crawford	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

**Taylor – Empire Vent, Inc. – 20-2-17:** Application for amended special permit and site plan for new warehouse on Industrial Drive in the CO District with AQ-3 overlay.

Representing Applicant: James Clearwater, P.E., MJS Engineering

Mr. Clearwater told the Planning Board that Mr. Taylor wants to build a 30x60 addition to store raw materials for the vents and the duct work that he and his company make. Mr. Clearwater stated that he submitted a revised plan in accordance with Mr. Hoffman’s memo dated July 28, 2016.

Mr. Hoffman stated that he prepared a July 28, 2016 review letter, which contained a number of technical comments that the Applicant has already agreed to comply with. Mr. Hoffman was concerned about access, and wanted to know if the Building Department had received any comments from the Fire Department. Ms. Naughton stated that the application was referred to the Village of Florida Fire Department on August 15, 2016; however, nothing has been received to date. Mr. Hoffman stated that the Fire Department is not required to respond, and the Planning Board has typically taken action without it if no response has been received.

Ms. Naughton stated that the Planning Board can assume Lead Agency status, and that she will prepare a Part 2 EAF.

Mr. Andrews stated that this seems like a simple expansion, and he has no problems with it. Mr. Dropkin stated that the location of the expansion is enclosed on three sides by existing facilities; the business is prospering. Mr. Dropkin stated that he does not see this as being a visual concern.

Mr. Bergus stated that this is a public hearing. There are no comments from the public.

**VOTE BY PROPER MOTION**, made by Mr. Andrews, seconded by Mr. Pirraglia, the Town of Goshen Planning Board hereby closes the public hearing. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Crawford	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

There was a question from an unidentified member of the public: what are they storing? Mr. Clearwater stated that the Applicant is storing sheet metal.

**VOTE BY PROPER MOTION**, by Mr. Dropkin, seconded by Mr. Gawronski, to assume Lead Agency status under SEQRA. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Crawford	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Aye		

The Planning Board authorized the drafting of a Resolution by the attorney.

**Merlin Entertainments Group/LEGOLAND New York** – 11-1-45, 46, 47, 49.2, 58, 62 - 69 & 15-1-59: Application for site plan, special permit and subdivision for a commercial recreational facility on 523 +/- acres (total holdings) along Harriman Drive, Arcadia Road and Conklingtown Road in the RU and HR Districts with AQ-3, Scenic Road, Floodplain & Ponding and Stream Corridor & Reservoir Overlay Districts. **Review Site Plan.**

Representing Applicant:

John O'Rourke, P.E., Lanc & Tully  
Phil Royle  
Phil Grealy

Mr. O'Rourke stated that he thought it would be helpful to get comments from the Planning Board early, as the Applicant is preparing the DEIS. This project involves approximately 520 acres. It will be about 140 acres of disturbance. The project proposes access off of Harriman Drive, and the project is 4,000 linear feet from Harriman Drive to the back end of the parking lot, with about 4,200 cars in the rear parking area. Tolls will be collected on the way out. There will be a 250-room hotel, which has its own 250-stall parking lot. The hotel access will have its own lane for access around the large parking lot. The water, sewer and stormwater are in the design stage. The Applicant will be getting water from the Village of Goshen. Right now, the Applicant is playing with grades and fire requirements. As far as sewer, that will also be from the Village. The project proposes to replace the forcemain, which extends up to BOCES. The Applicant received comments from Planning Board's engineer, and will try to incorporate those comments into the plan. The stormwater management plan has just been completed, which was fairly intense. It is a combination of bio-retention areas and ponds, porous pavement and pavers. Since the project was last before the Board, the park has gotten thinner. They are trying to stay 100 feet away from all wetlands, even though they are not State wetlands. The project is trying to have sheet flow when we have discharges to match the existing flow. Additionally, the Back of House has 770 parking stalls, which is where all of the services come in, such as food services. When the winter comes, the rides are taken down and put in the sheds and are maintained.

Mr. Andrews asked how many Legoland restaurants there would be. Mr. Royle responded that there are about 10-12 restaurants, but that does not include kiosks. Mr. Pirraglia asked when the deliveries are coming in, will they be trailers or box trucks? Mr. O'Rourke stated that it will be a mix of trucks, but delivering the food will be private trucks. The Applicant will contract with local suppliers and food vendors. Mr. Lupinski asked if people are allowed to bring in their own food into the park. Mr. Royle stated that anyone can bring in their own foods in small coolers. Mr. O'Rourke stated that the plans will have the turning radius for the trucks shown.

Mr. Crawford asked how will employees circulate around the site, and Mr. Royle stated that employees will walk from the parking lot to the hotel and the park. Mr. O'Rourke stated that there would need to be a sidewalk; they would not just be walking along the road. Mr. Dropkin asked if the Applicant was thinking of handrails or fencing along all paths that abut roadways. Mr. O'Rourke stated that patrons will not be walking along the roadways. The people are really separated from the vehicle movement. Mr. Dropkin stated that the Planning Board might want a handrail or something to alert folks that there is a step down if there is a curb. He also did not notice any medical facility onsite. Mr. O'Rourke stated that there is a first aid station in the park itself. The Applicant has discussed that with the Fire Chief, and has incorporated some of his comments on the plans.

Mr. Dropkin requested a description of the emergency ingress/egress. Mr. O'Rourke stated that the secondary access was included after discussions with the Fire Chief. The Applicant looked at the site, and the Town wanted no access into Arcadia Hills directly. The Applicant is proposing to utilize existing roadways. Mr. O'Rourke stated that if you go into the property,

there are some existing roads, curbing and storm drains. The Applicant will be using those, upgrading them, and having a separate access onto Arcadia Road.

Mr. Pirraglia asked if the access off of Arcadia Road is separate from Arcadia Hills subdivision. Mr. O'Rourke stated that it was, and that it would be gated. No one will know that there is a road there. Mr. Dropkin asked if there is a shuttle stop on site. Mr. O'Rourke stated that there is a bus drop off area, but it is not fully developed.

Mr. Bergus asked if the cell tower property will be subdivided off. Mr. O'Rourke stated that the Applicant needs to coordinate with the Planning Board, but is proposing to subdivide that off. Right now there is an existing dirt road that goes up to the tower. Mr. Bergus asked about the restroom facilities onsite. Mr. Royle stated that there will be some restrooms in some restaurants, and others located in each of the themed areas. Mr. Bergus commented that in the main parking lot, there appear to be terraces, and the Applicant has one access point in each of those paths. Has the Applicant looked into two access points? Mr. O'Rourke stated that he is not thrilled with the parking layout; it was one of his concerns too. Mr. Bergus requested that the Applicant describe the fencing around the perimeter. Mr. O'Rourke stated that the Applicant is reviewing that, but typically it will be screened and 6-8 feet tall.

Mr. Dropkin asked if, in connection with the perimeter security, whether there would be 24/7 security personnel. Mr. O'Rourke stated that there would be. Mr. Crawford asked about the material for the parking lot, and Mr. O'Rourke stated that right now, it is proposed to be pavement. With so much cut and fill, it could not be porous because it would not drain through.

Mr. Bergus asked if the parking for the sea life is the same as for the park. Mr. Royle said that the access will be external to the park for the sea life, so it will be accessible without going in to the theme park as well, but a very small part will be cleared in the winter.

Mr. Pirraglia stated that the hotel parking lot should be expanded so that you do not need to be concerned with the clearing of the big parking lot. Mr. O'Rourke stated that the full perimeter road of the park will be cleared; plows will be onsite to maintain that. Mr. Pirraglia asked what the plan is for the secondary emergency access road during the winter. Mr. O'Rourke responded that it will be addressed in the DEIS. In the winter months the park is not in operation, so it probably would not be maintained. It is going to be over a half mile long, but the issue would be clarified in the DEIS.

Mr. Bergus asked if the Applicant had given any thought about locating a helipad on site. Mr. O'Rourke stated not at this time, no.

Mr. Dropkin asked if there would be charging stations for electric vehicles, and Mr. Royle said that there would be.

Mr. Pirraglia asked the Applicant to explain the details of the water play area. Mr. Royle stated that it is a very small pool. It is a feature to look at, but people cannot step into or play in it.

Mr. Gawronski requested that the Applicant make a differentiation between porous and impervious areas on the plans because there is going to be a lot of concern with the watershed areas. Mr. Lupinski asked if there was any thought of moving staff parking to the back of the building. Mr. O'Rourke stated that the Applicant is going to look at that; there is a lot of grading there, but the Applicant is trying to hide that as best as it can.

Mr. Gawronski stated that alternatives for road treatment should be considered. The bio-retention areas versus the stormwater – it seemed like there was one stormwater basin and multiple bio-retention areas. Mr. O'Rourke stated that the key for stormwater is to spread everything out in multiple layers and be smaller, so that is what the Applicant has tried to do.

Mr. Pirraglia asked what the plan is for bringing in electrical utilities. Mr. O'Rourke stated that there is a main power line behind this property. What O&R wants to do is run a substation off of that to the park; it would be on our property. No natural gas is proposed. There will be some small propane tanks for cooking.

Mr. Hoffman stated that the models for stormwater are generally conservative. He will review the SWPPP and hydraulic calculations and make sure he agrees with them. As of now, he has not yet seen any hydraulic models.

Mr. Bergus asked if anything has changed with the road structure coming in off of the highway? Mr. Grealy stated that the plan is the basis, and upgrades will be evaluated in the DEIS; the plan has expanded from what was previously presented. Some additional data is being collected, but it has all been collected and it is being processed.

Mr. Pirraglia stated that the contour lines on the plans seem to fade along Arcadia Hills. Mr. O'Rourke stated that there is about a 60-foot drop to the wetlands.

Mr. Golden stated that he thought it would be helpful to have this review before the DEIS is submitted.

Mr. Pirraglia asked if there been any hard look at the statement that was added to the scope about taking a hard look at the flyover. Mr. Grealy stated that there will be a plan in the DEIS.

**Amy's Kitchen, Inc.** – 12-1-1.222, 1.41, 19.2, 23.2, 24.2 and 10-1-11.2: Site plan, special permit and subdivision for a manufacturing and conference center on 395 +/- acres (total holdings) NYS Route 17M, Echo Lake Road, Hartley Road and Owens Road in the CO, RU and I Districts with AQ-3/AQ-6 Floodplain & Ponding Area, Stream Corridor and Water Supply Watershed and Scenic Road Corridor overlays. **FEIS Review.**

Representing Applicant:

John O'Rourke, Lanc & Tully  
Phil Grealy  
Graham Trelstad, AKRF

Mr. Dropkin recused himself at this time.

Mr. Bergus stated that the Applicant was present to review the FEIS.

Mr. Trelstad stated that a draft of FEIS was submitted, and the Applicant is very close to getting a jurisdictional determination from the ACOE. Mr. Trelstad stated that the Applicant has provided various conservation areas so that they can provide a 3:1 offset for any indirect take. We think this would be sufficient to protect from any impact to the bat species. The Applicant has also relocated the Science of the Soul guest house, which would minimize the fragmentation of that forest. The Applicant has made small changes to the emergency access drives to Hartley Road. Those are the major changes made in response to comments.

Mr. Gawronski asked if the Applicant could show the Planning Board where the guesthouse was relocated to. Mr. O'Rourke stated that they have limited the disturbance and the clearing area in that area as well. Mr. Trelstad stated that the Applicant has reduced the length of the road by about 40% so it was a big savings.

Mr. Andrews stated that now that the Village has lost out on the brewery, it might be interested in handling the water and sewer from the Amy's project. Mr. Trelstad stated that the project is quite a bit down the road with the City of Middletown. Amy's made the decision to use the City of Middletown for a variety of reasons, including the quality and amount of water that was being provided and the long-term availability of that water.

Mr. Bergus stated that in preliminary profiles for the forcemains, wherever they cross under the streams, they seem to be superimposed. That has to be separated or dip down 18 inches. He asked if the Applicant has gone back to the City of Middletown yet to apply for the difference in water taken. Mr. Trelstad stated that he has not heard back yet, but does not think there will be an issue with that. Mr. Bergus stated that the sidewalk was eliminated going to Route 17M, which was there because a bus stop was proposed at the end of the roadway. Mr. O'Rourke responded that distance from that drop off to Amy's is 5000 feet (1 mile). There was a thought that no one is going to walk an additional mile to work. Mr. Bergus asked if there was any chance that there might be a secondary outlet into Mid-Hudson Psych property to minimize walking from Route 17M with a loop there, and Mr. Grealy responded that they wanted to maintain at their existing access point a right-turn in and right-turn out; the answer is that it would provide a continuous road that would come out there. In the future that could be done.

Mr. Golden stated that the issue of the 5,000 feet was the same previously when the sidewalk was in there. Mr. O'Rourke responded that the Applicant has never shown a sidewalk there, just because they knew that there was going to be a long walk. Mr. Hoffman responded that the DEIS said that there would be, but the plans did not show it. Mr. Bergus asked if there was a way to show that it is not feasible. Mr. O'Rourke stated that the Applicant will show the

additional disturbance, and there would also be the additional maintenance. Mr. Bergus stated that there should be a bus stand at the end of the road to provide shelter.

Mr. Golden commented that the Planning Board is not approving the warehouse use at all. When that other project comes before the Planning Board, if it exceeds the assumptions that the Board have before it, then the Applicant would need to do an SEIS.

Mr. Grealy stated that the Applicant accounted for if the national event happens on the July 4<sup>th</sup> weekend, and mitigation measures can be included in the findings statement.

Mr. Golden stated that this Board has to determine whether or not the FEIS will be ready. In addition to all of the environmental review, the Planning Board still has all of the site plan issues that it has to deal with. Mr. Trelstad commented that Science of the Soul has said that they have contact with the ESOs and has described the measures that they take at their other facilities. Mr. Golden further stated that there can be conditions fashioned in the Resolution to allow for changes to the traffic management plan and others, without coming back to the Planning Board necessarily, or it may be that certain other modifications would need to come back to the Planning Board for review.

Mr. Canning stated that he can look at the traffic volumes on holidays historically, but if the Applicant picks the July 4<sup>th</sup> day – if the Applicant is trying to do a traffic management plan, and it is counting on the cooperation at the fire departments and the sheriffs – that is probably not going to be a good day for an event, but that would need to be coordinated with the ESOs when the Applicant is preparing its traffic management plan.

Mr. Trelstad stated that he would like to have a condition in the resolution that would be flexible that would allow Science of the Soul to work with ESOs and prepare a traffic management plan that would be sufficient.

Mr. Lupinski stated that he does not want the Applicant to divulge any propriety information, and asked what kind of products is the Applicant looking for in Orange County and/or the Hudson Valley area, and what kind of acreage is the Applicant looking for? Does the Applicant have a listing of those items and the types of grants? Mr. Trelstad stated that Mark Rudolph would have the information, and the Applicant could provide more detail on that. The details that the Planning Board would like to see are crops, acreage, any types of grants that are being given. Mr. Lupinski asked what are the salaries/wage scale is the Applicant looking to pay, and is it comparable to what is paid in California? Mr. Trelstad stated that he is not prepared to answer that tonight, and did not think that it was germane to this appearance tonight. Mr. Golden stated that the question was not relevant to the SEQRA process; however, as with many other applicants that come before the Board that make representations to the Board, that information – to the extent that it can be provided – should be provided. The Applicant has talked about the workers, and the economics of it, and has brought it into the picture as an offset to its impacts. This information is not being asked as a mitigation, but it is not out of line generally with how the Applicant is running its operation. If Amy's believe it is proprietary, then

it should say that. Many times, especially with larger projects, an applicant makes statements about the salary ranges. Mr. Trelstad stated that he would encourage Mr. Lupinski to go back to the DEIS, which is where that information was included, and he would go back and look as well.

Mr. Gawronski asked about Figure I-30, and whether there was going to be a pedestrian path that crosses the path. John Canning stated that the slopes in the meadow and orchard would be reasonably sufficient for parking. The contours in the area where the temporary parking for volunteers is located are relatively gentle, but the other areas do not look so good.

Mr. Pirraglia stated that on page II-9, where traffic is discussed, and the I-84 off-ramp at Route 17M, he was confused how Amy's is generating more traffic at the off ramp, but not the off-ramp approach. Mr. Grealy stated that it is traffic going towards Middletown, not Amy's traffic, because it is not going on that ramp. The Applicant has identified items with the State to change the treatment at the end of the ramp. Mr. Pirraglia asked, also on page II-9, what data was used for the no build conditions? Mr. Grealy responded that it includes growth and other projects, and the analysis was based on those calculations in year 2033. New York State DOT was requesting the traffic from the opening of the facility plus 10 years.

Mr. Canning stated that the traffic mitigation measures are restricted by the other agencies that need to issue approvals for such measures.

Mr. Golden stated that when you are dealing with the Findings Statement, it would be helpful to give – when it is something that is outside the control of the Planning Board and the Town – if the mitigation is not permitted by the approving agencies, give an alternative mitigation measure.

Mr. Pirraglia stated that, on page II-10, there needs to be a distinction when the delays are there with the project and without the project. The mitigation factors need to be proposed where there are none in the traffic section.

Mr. Canning stated that when he looks at all of the mitigation measures, it is important to note what needs to be mitigated, and what may not need to be mitigated based upon the increases. The Planning Board has to weigh the benefits and costs of mitigating a 5 second increase, for example. Mr. Grealy noted that the Applicant will add clarifications on that, so that the Planning Board does not have to look back and forth between the tables.

Mr. Canning stated that the FEIS discusses that the annual event will be from 9am to 1pm, but the document discusses a morning and afternoon event. Mr. Trelstad responded that there is one event/session per day.

Mr. Hoffman stated that he provided the Board with several pages of comments, and that he had three main comments including the access road and the sidewalk elimination, the discrepancy between the amount of water, and he has a similar comment for the wastewater, and overflow parking issues.

Ms. Naughton stated that she provided the Planning Board and the Applicant with CEA's comments, and also that the ERB's comments were not included in the FEIS and need to be addressed by the Applicant.

Mr. Golden stated that we gave the Board and Applicant a memo with 11 bullet points. On a larger picture issue and where the Board is with SEQRA, Mr. Golden stated that based upon the comments that the Planning Board has received this evening, the Board is not at the stage of saying that the FEIS is complete. Therefore, what would probably be a good practice is to have the Applicant provide a revised FEIS, redlined as to all of the changes made to the current FEIS. It is not an unusual step in the process.

Mr. Trelstad stated that the Applicant fully expected that there would be some comments, and would like to reach out to the consultants to meet with them, so that we can expedite that review. The Applicant would like a Notice of Completion at the next meeting date if possible. Also, the Applicant would like to begin preparing the Findings Statement. For the archeological resources, the Applicant does have a plan that has been raised by SHPO. Is there a separate process for that? Mr. Golden stated that our office's comment was in reaction to the way that the Applicant framed it in the FEIS, which was that the Planning Board had no say it in the plan. This Board has the right to comment on that and make determinations. Part of the Findings Statement will be that the Board would approve the recovery plan.

**VOTE BY PROPER MOTION**, by Mr. Gawronski, seconded by Mr. Pirraglia, to adjourn the meeting. Unanimously approved.

Mr. Andrews	Aye	Mr. Gawroski	Aye
Mr. Bergus	Aye	Mr. Lupinski	Aye
Mr. Crawford	Aye	Mr. Pirraglia	Aye
Mr. Dropkin	Recused		

**ADJOURNMENT** – The Town of Goshen Planning Board adjourned at 9:42pm.