

**Town of Goshen Planning Board
Town Hall
41 Webster Avenue
Goshen, New York
September 28, 2016**

Members Present:

Lee Bergus, Chair
Reynell Andrews
Dr. Kris Baker
Phil Dropkin
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
Ralph Huddleston
John Canning

Absent: David Gawronski, David Crawford

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

Hambletonian Park

A letter was received from Mr. Neuman seeking a six-month extension.

VOTE BY PROPER MOTION, made by Mr. Dropkin, seconded by Mr. Andrews, The Town of Goshen Planning Board grants a six-month extension, to April 20, 2017, to the preliminary approval granted the application of Hambletonian Park. Unanimously approved.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

Hudson Valley Welding, Inc. – 12-1-104: Application for site plan and special permit for a commercial welding business on 1.85 +/- acres along Musket Court in the I District with AQ-3 overlay. **Initial Presentation and Commence SEQRA.**

Representing Applicant:

David Niemotko, architect
Brent Sheldon, owner

Mr. Niemotko stated that this is an application that proposes the construction of a new building on an existing site on Musket Court, a pre-engineered metal building. There will be overhead doors to bring trucks and machinery inside to repair. The owner performs welding repairs to

heavy equipment and to metal parts. The Applicant would like to keep the trucks out of sight from Musket Court. The natural terrain slopes upwards in the rear of the property. Trucks would be able to maneuver around the site and stay out of sight from Musket Court for the most part. The project as proposed meets all of the setback requirements, and the septic and parking areas are compliant with the Town Code.

Mr. Bergus asked if there was any retail component to the project. Mr. Niemotko responded that his client is interested in having a little service desk where leftover parts can be sold. It is not the type of business for someone walking by to shop there.

Mr. Sheldon stated that he sells hydraulic hoses and components. They are industrial products, not homeowner products. Mr. Pirraglia asked if the customers are commercial customers. Mr. Sheldon stated that his customers are townships, excavation contractors, etc. He is currently renting a portion of the Saffroy building. There is welding involved in his business. He takes in hydraulic cylinders, and between welding and repairing hydraulic cylinders, that represents the majority of his business. Mr. Pirraglia asked if Mr. Sheldon rebuilds or remanufactures the hydraulic cylinders. Mr. Sheldon stated that he would remanufacture it from raw materials if it were defunct. This is custom work.

Mr. Bergus asked what kind of storage of hydraulic fluids is occurring with project? Mr. Sheldon stated that he might keep a couple of pails of 5 gallons of fluids, but that he does not keep a large quantity stored there.

Mr. Dropkin asked how many people are employed in this business. Mr. Sheldon stated that there are four full time employees, plus himself and his wife. He stated that he needs to hire more people, but right now he does not have the room to expand. With this project, he will definitely be able to hire a couple of more people.

Mr. Huddleston asked how much waste materials are stored on site. Mr. Sheldon responded that there is usually a 20 yard dumpster, and then he will have it picked up, and he will also have a 3 yard dumpster there.

Mr. Hoffman stated that he distributed a memo to the Planning Board, and there were just a couple of items that are unique to this application that he wanted to mention. This property is located off of Musket Court, a private road, which comes into play with the zoning requirements. If it were a public road, the Applicant would need a front yard variance. Another item that comes into play is § 97-14(D), the design standards, which a lot of applicants struggle with. The closest public road to this property is Route 17M. The Planning Board most recently made a finding that Orchard at Towner Farms was not visible from Route 17M, so Mr. Hoffman doubts that would be visible. If the Planning Board determines that it is visible, the Applicant would have to comply with those standards. In terms of use, this could be a service business or light industry. Mr. Halloran is going to review the application and make a determination. The significance of this is that a service business would require a special permit, and that would

have additional parking requirements. If it was considered light industry, it only requires site plan approval, and there would be fewer parking requirements. Mr. Hoffman stated that he also reviewed the EAF, and gave the Planning Board his comments on that document. He suggested that the Applicant provide some additional information on those items so the Board can make a determination.

Mr. Niemotko stated that the pictures he provided demonstrate that there is no visibility of this property from the other zones. He also did a cross-section from the adjoining property, Hudson Valley Nursery, and as the Planning Board can see it is over a 40-foot drop. The pictures show a high berm in the back, and there is no visual connection to this property. The first three pictures are from Musket Court, and the last three are from Hudson Valley Nursery.

Mr. Hoffman stated that in this case the Applicant is fortunate that this is a private road. Mr. Bergus stated that there exists pretty significant screening. Mr. Andrews stated that the people in the RU district would not see this project at all.

Ms. Naughton stated that this application required referral pursuant to the General Municipal Law to the Orange County Planning Department, and required a public hearing. As far as SEQRA is concerned, the Planning Board can declare its intent to be Lead Agency, and can type the action as Unlisted.

VOTE BY PROPER MOTION, by Mr. Andrews, seconded by Dr. Baker, to declare the Planning Board's intent to serve as Lead Agency under SEQRA. Unanimously approved.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

VOTE BY PROPER MOTION, by Mr. Pirraglia, seconded by Mr. Dropkin, to type this as an Unlisted action under SEQRA. Unanimously approved.

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

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) along 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 & Water Supply Watershed and Scenic Road Corridor overlays. **FEIS Review.**

Representing Applicant:

Graham Trelstad, AKRF
Larry Wolinsky, Esq.

Mr. Dropkin recused himself from this application.

Mr. Bergus stated that the Planning Board and the Applicant are here to discuss the FEIS. Mr. Trelstad stated that the Applicant turned around a revision to the consultants; they received comments back, and made a second submission. The consultants agreed that the Applicant has made all of the changes. The Applicant also received comments from the Chairman, and the Applicant can make those changes. Mr. Bergus's point No 8. Regarding omitting references to Chapter 7 – in the latest version there are comments on Chapter 6, but no comments on Chapter 7.

Ms. Naughton stated that the second redlined version of the FEIS was not distributed, and it cannot be confirmed yet that the consultant comments were successfully addressed.

Mr. Hoffman stated that on that one day a year when Science of the Soul has its national gathering, there is an issue with the water differential. Mr. Trelstad had thought it would be easy to go back to the City, but now Middletown is offering 375,000 gpd. The Applicant has not received a letter back from the City that it can provide the 418,000 gpd yet.

Mr. Bergus stated that John McCarey had told him that the City was going forward with the higher number. Mr. Hoffman stated that it just needs to be addressed before going forward with the Findings Statement. There was one last item from the ERB – the ERB recognized that the voltage would be greater than 138kv, and Mr. Hoffman stated that he thinks that the Applicant means the wattage, not kilovolts. This is in the range of Comment 182 in the FEIS. Ultimately, the Applicant would need to put the services underground or seek a variance from that requirement. Mr. Trelstad stated that it is Comment 183. The Applicant will need to figure out if this is kilovolts or kilowatts. He will correct and confirm this.

Mr. Huddleston stated that he had two small comments that were satisfied in the redlined version.

Mr. Canning stated that he had two comments, and he does not believe they were satisfied. In the latest version of the FEIS, the Applicant was going to provide back plates on Route 17M, but the document does not say whether the Applicant was going to put them in on Route 12 and 50 as well. This is on Page III-48 where the Applicant included a list of mitigation measures, Comment 131. Mr. Trelstad stated that he would have to check with Phil Greal. Mr. Canning stated that he just wants the Applicant to indicate whether it is going to try to install them or not. The other item Mr. Canning had related to the weekday national conference event. On page I-11 and in response to Comment 27, the FEIS states that the national conference event would run from 9am-1pm, and then in Chapter 2, it says weekday afternoon events between 3-6pm should be avoided, but then in Chapter 3, it says that similar patterns – referring to the

morning – would happen in the afternoon with the event occurring in the afternoon. The Applicant should make this consistent throughout the document.

Mr. Pirraglia stated that he is concerned with Comment 215. The comment states the Science of the Soul will provide volunteers during events to help provide public safety. It says they will be trained extensively, but trained in what? Mr. Trelstad stated that the volunteers would be trained in site management. It is crowd control, but it is managed crowd control. Mr. Wolinsky stated that it will operate similar to Bethel Woods, but on the public streets will be the State police etc. That will be incorporated into the Traffic Management Plan. Mr. Pirraglia requested that the Applicant add some verbiage to that response – that the volunteers will be on-site only, and the professionals will be in the public domain. Mr. Pirraglia stated that this is an excellent document, and the Applicant did a great job.

VOTE BY PROPER MOTION, by Mr. Pirraglia, seconded by Dr. Baker, to adopt the Final Environmental Impact Statement under SEQRA, subject to the modifications discussed this evening and in the consultants’ memoranda. Unanimously approved.

Mr. Andrews	Aye	Mr. Dropkin	Recused
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

Mr. Trelstad stated that the Applicant would like to be on the October 20th agenda to review the Findings Statement. Ms. Naughton discussed the 10-day comment period for the public and agencies to consider the FEIS prior to the adoption of the Findings Statement. Ms. Naughton further informed the Planning Board and the Applicant that variances are still required for the application. The Applicant will be filing an application with the Zoning Board of Appeals, which cannot make a determination until the Planning Board completes SEQRA by the adoption of a Findings Statement. Then the ZBA can issue a decision, and only after that can the Planning Board adopt a conditional resolution of approval.

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

Mr. Andrews	Aye	Mr. Dropkin	Aye
Dr. Baker	Aye	Mr. Lupinski	Aye
Mr. Bergus	Aye	Mr. Pirraglia	Aye

ADJOURNMENT – The Town of Goshen Planning Board adjourned at 8:18pm.