

**VILLAGE OF GOSHEN
PLANNING BOARD
Work Session/Regular Meeting
February 24, 2009**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:40 p.m. on Tuesday, February 24, 2009 by Chairman Jerome O'Donnell.

Present: Ed Connor
Elaine McClung
Jerome O'Donnell
Roger Pikul

Absent: Arthur Walsh

Also Present: John O'Rourke, of Lanc & Tully, PB Engineers
Mike Donnelly, PB Attorney
Ted Lewis, Building Inspector

Haight Cemetery Association, #105-1-1, R-R/ADD Zone

Present for the applicant: Steve Esposito

Mr. Esposito said the applicant had been referred to the Village ZBA by the PB for a variance from the front yard setback from Route 207. At the ZBA appearance, a member of the audience said that the site was on the National Register and that it would be a Type 1 Action if it were and indicated that it was in the Architectural Design District as well. Mr. Esposito said the ZBA referred the applicant back to the PB until that was determined. He said the property is not on the National Register and so is not a Type 1 action. He said the applicant would now like to be referred back to ZBA to see if they can obtain their relief.

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Connor, the Village of Goshen Planning Board refers the application of Haight Cemetery Association to the Village Zoning Board of Approval. Passed unanimously.

Lands of Finan – #112-8-1.2 & 1.1, R-1 Zone - Lot Line Change - W. Finan, 42 South Street, J.&D. Finan, 5 Ludlum Place.

Present for the applicant: D. Finan

Ms. Finan presented a survey and said the application is for a lot line change on the two properties, one owned by her husband and herself, the other by her father-in-law. She said they will be taking over the drainage easement on her father-in-law's property.

Mr. O'Rourke recused himself because Lanc & Tully did the survey in October before they began representing the PB.

Mr. Donnelly said that in the past when the PB found that the plan itself has not created a building lot where one did not exist before and does not take a non-complying lot and make it complying in order to create encroachments of utility connections, it has granted lot line change approvals without the formality of a public hearing and subdivision review.

Mr. Connor asked if it was just one lot line change. Mr. Donnelly said there are two lots now and will be two lots after the lot line change. He said it was up to the PB to decide whether it is a lot line change or a subdivision.

Mr. Pikul said he thinks the application conforms to a lot line change. Mr. Donnelly said the PB can waive the public hearing, a requirement of subdivision approval. He said it will be an unlisted action under SEQRA.

VOTE BY PROPER MOTION, made by Mr. Connor, seconded by Ms. McClung, the Village of Goshen Planning Board declares a negative declaration for purposes of SEQRA on the application of Lands of Finan. Passed unanimously.

VOTE BY PROPER MOTION, made by Mr. Connor, seconded by Ms. McClung the Village of Goshen Planning Board approves the lot line change requested in the application of the Lands of Finan, conditioned upon a survey note on the plan stating that there are no buried utilities, the filing of a map with the Orange County Clerk's Office showing metes and bounds and acreage computation of the two lots and that the applicant copy the PB on the letter of transmittal of the deed. Passed unanimously.

Duso Properties, LLC, #120-1-2, Site Plan, O-B Zoning District. S. Stoltz

Present for the applicant:

J. Szarowski, PE of MHE

Mr. Szarowski said the proposal is to build a 10,760 sq. ft. office/medical building on a 1.1 acre site. The plan includes parking, storm water collection, retention facilities and will use public water and sewer. The traffic study was prepared by John Collins Engineers, he said and its assessment is that while the driveways aren't aligned, the bulk of the turning movements will be north into the village and that the south turning movements and north turning movements out of the site will not be in conflict. He said the applicant also had a geotechnical report done and that borings were dug near where the underground storm water detention will be located. He said that 22 ft. of fill was found at one location.

Mr. O'Rourke said his firm's traffic engineer and geotechnical engineer are in the process of reviewing the applicant's two reports. He said that site plan issues and storm water management issues have been reviewed by his firm. Mr. O'Rourke said that the big issue is the intersection coordination and how it aligns with Harriman Drive. He said that even if the traffic report is satisfactory to the engineer, he thinks the intersections will remain an issue with the police department and the general public, referring to it as "a major issue." He said his firm may also have an issue with the setback and is concerned about the amount of fill.

Mr. Szarowski said that trying to line up with Harriman Drive "puts us almost into the bridge structure and it would be nearly impossible to move the driveway."

Mr. Pikul said that at one of the last meetings, Mr. Donnelly was asked to write a letter to the Village Board regarding the County Planning Department's evaluation that it was a bad situation because that is the only access to make a secondary road. Mr. Pikul said he can't understand why the Village doesn't respond. Mr. Donnelly said that at the time the PB asked for comment, "the roadway was thought to be lined up, now it is not lined up and when we hear back from the Village traffic engineer whether or not it is possible to line up the road, and if it is not possible, then you should ask the County whether or not they wish to reconsider the recommendation and the Village if they have any interest in a through road that does not align with Harriman Drive." He remarked that a lesson learned from the Scotchtown, Craigville, Main St. intersection is that you don't want a significant volume roadway to misalign. "We see the traffic impacts that happen, maybe the worse thing is to have a thorough road there if it cannot be aligned." Mr. Donnelly suggested that if there isn't enough right-of way, additional land may be available.

Mr. Pikul said the PB needs an answer from someone, and should have further comments from the County and the Village. Mr. Donnelly said the big issue is whether it is possible to align the intersection. He said if it is not, the County Planning Department will have to

tell the PB again what they want done. The County had recommended it be aligned to serve as a through road in the future, but the assumption was that it was capable of alignment.

Mr. O'Donnell said that right now the PB has to wait for comments from the Village engineer.

Mr. Donnelly referred to a letter he sent to the PB on the buffer and screening requirements. He said that Section 6.1.1.10 of the zoning ordinance applies in this situation, requiring that the applicant provide a wall, fence or evergreen planting that substantially screens its parking areas from view from the nearest property in the residential zone and/or a landscape buffer extending the length of the sides of the property that neighbors the residential district. He said that Footnote 2 may require more of a landscape buffer than the applicant has provided on the plans and may require an interpretation from the ZBA.

Goshen Fire District – #111-11-6 Minisink Fire Station Site Plan C-S/ADD.

No one was present representing the applicant.

Mr. O'Rourke said that the PB approved the project and one of the conditions was that a "stop" sign be installed at the corner of Canal and Grand Streets and a "no parking" sign. He said the Village Board decided not to require the signs so the condition has not been met. The applicant took the signs off their site plan and the Planning Board is being asked to sign off on it. It was noted that the signs were requested by the PB after its public hearing

Mr. O'Rourke said the signs are off site improvements in the Village right-of-way and the Village Board decided they did not want them. Mr. Donnelly said it was the Village's call.

Mr. Pikul and Ms. McClung stated that the reason the PB wanted a stop sign was because people will be backing out onto Canal St. The site plan calls for parking right near the corner of Grand St. where the post office is located. There is no stop sign there now. Mr. Pikul said it was the only reason the PB approved the back-up parking in that area because there were going to be perimeters on it. The parking doesn't work without it, he said. Mr. Pikul said he is unhappy with the decision of the Village Board. Mr. Donnelly said that while it is the Village's call whether a stop sign is installed, it is the PB's call whether or not the parking can be located there. The PB instructed Mr. Donnelly to write a letter to the applicant telling them to reconfigure the parking and return to the PB.

Goshen Plaza #114-5-9.21 Foley- Grand Union D-S District Status Report

Representing the applicant:

Mr. Foley

Mr. Donnelly told the PB that the applicant's project received site plan and subdivision approval on September 25, 2007, with the subdivision approval good for 360 days from the filing of the Resolution with the Office of the Village Clerk. The 360 days was due to expire in mid-December of 2008. There were a number of conditions of the resolution, almost all of which were satisfied, Mr. Donnelly said. Two conditions that were partially satisfied related to financial issues, the posting of a letter of credit as security for the public improvements and the swapping of land with the Village that would be added to one of the parcels and purchased for \$100,000. In December, the applicant's bank gave Mr. Donnelly's office the letter of credit and \$100,000 to hold in escrow and believing the closing to be imminent, Mr. Donnelly told the PB chair that the conditions of the resolution should be deemed satisfied. Mr. Donnelly said however that his office has not been authorized by the applicant's bank to release the letter of credit and the \$100,000 to the Village and without that, the map can't be filed and the closing can't be held.

Mr. Foley said that if he can't solve his agreement with the bank, one of his other lenders has agreed to provide the letter of credit and \$100,000. He said he is asking for 30 days to accomplish this. Mr. Donnelly said the Village Board wants to know if the PB's approval is still valid.

Mr. Donnelly recommended that within the 30 days, the applicant has to deliver a letter of credit, without restrictions, and the \$100,000, without restrictions, for the closing. He suggested that the closing does not have to take place within the 30 days.

Building Inspector Ted Lewis said his phone has been ringing off the hook from people complaining about the condition of the parking lot and landscaping on the site. He suggested that Mr. Foley take care of both in the 30 days. Mr. Foley said there has been a regular schedule with a contractor making periodic repairs, every week or two.

Mr. O'Donnell said he gets phone calls also and said that fixing the potholes should be the first priority, then the landscaping. He said he will not sign anything until the driveway is fixed.

VOTE BY PROPER MOTION, made by Mr. Pikul, seconded by Mr. Connor, the Village of Goshen Planning Board agrees to give the applicant 30 days to deliver a letter of credit, without restrictions, to the Village of Goshen and to deliver \$100,000 which can be held in escrow but has no conditions on its release other than the standard deed requirement and that the PB will set a further deadline as to when the closing must be held. Also repairs must be made to the parking lot within thirty days. Passed unanimously.

CORRESPONDENCE

Letter from attorney Peter Botti asking for an extension of the preliminary subdivision approval on **Heritage Estates (7-lot subdivision) 112-5-4.2.**

Mr. Donnelly said that preliminary subdivision approvals can be extended without time limit. The applicant is having trouble obtaining other agency approvals including whether or not they are permitted to connect with the Village water system, he said.

VOTE BY PROPER MOTION, made by Mr. Connor, seconded by Mr. Pikul, the Village of Goshen Planning Board extends the preliminary subdivision approval on Heritage Estates to February 25, 2010. Passed unanimously.

Letter received from Adler Consultants regarding Route 17 transit improvement. The PB asked the engineer to look into it to see what it is about.

MINUTES

The minutes of the Village Planning Board meeting of December 16, 2008 were accepted. The Planning Board meeting dates were approved.

ADJOURNMENT

VOTE BY PROPER MOTION, made by Mr. Pikul, seconded by Mr. Connor, the Village of Goshen Planning Board meeting adjourned at 9:30 pm.