

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

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:35 p.m. on Tuesday, March 24, 2009 by Acting Chairman Roger Pikul.

Present: Ed Connor
Elaine McClung
Roger Pikul

Absent: Jerome O'Donnell
Arthur Walsh

Also Present: Art Tully of Lanc & Tully, PB Engineers
Mike Donnelly, PB Attorney
Ted Lewis, Building Inspector

Minisink Fire Station, North Church Street, #111-11-16, C-S zone, Preliminary Site Development Plan, Renovations/Addition Habig & Cirillo, Architects

Present for the applicant: Peter Cirillo, Architect
Fire Commissioner, Richard Mendres

Mr. Cirillo said he was present to request an extension for the application. He said there was a requirement that construction begin in one year and an anticipated completion date of April 1, 2010. Mr. Cirillo also said that because the Village Board said "no" to the PB's request for a stop sign, the applicant was under the impression that it had an approval whether or not the sign was approved by the Village Board. The Fire District needs the five parking spots and "would be willing to do whatever you want within reason to retain those five spots," he said. It was pointed out that the parking spots would be used only in the evening as during the day the property is pretty vacant and most of the meetings are at 7 p.m. one night per month. Mr. Cirillo said that the post office parking and the police parking backs out onto Grand St. Because the area is congested, a car cannot get a lot of speed up on that street, he said. Mr. Cirillo said he believes a sign stating "Fire Station Ahead" would be prudent.

Mr. Pikul said that the PB wants to resolve this so that the fire department can move ahead. The five parking spots were allowed, and everyone on the PB voted in the affirmative, only as long as there was going to be a stop sign, Mr. Pikul said. In a back-out situation, anything can happen, someone will not be paying attention coming around the corner and there is a good possibility that there will be an accident, he said. "There are other ways to approach it and we can solve this", Mr. Pikul said. He said that the PB has the right to recommend a stop sign and while it can't control granting a stop sign, that is the Village Board's jurisdiction, the PB can overrule the parking spaces.

Mr. Mendres said that if there is a fire during the day the fire police can direct traffic and if people are parking there, the fire police can help them back out or people can back into the parking spaces so that they can just pull forward to leave.

Mr. Connor asked what is to prevent someone from using the parking spaces and running to the post office. Mr. Cirillo suggested adding a sign, "Firemen Parking Only". Mr. Connor said then it should be added to the map.

Ms. McClung said that the spaces backing out into the street is a problem and said that even without the parking spaces the area is "an accident waiting to happen". She said that because of the additional congestion and potential for accidents, the PB's solution was a stop sign. "We don't want to hold you up" but suggested that a traffic engineer might have some suggestions on how to prevent accidents and resolve the situation.

Mr. Pikul asked Mr. Tully if he had any suggestions. Mr. Tully replied that the PB has concerns about traffic safety and the Village Board has concerns about adding signs that might be counter-productive to that “so we have to meet someplace in the middle. Everyone is concerned about traffic safety.” Mr. Tully said he will review with his traffic consultant the applicant’s suggestion that a sign be placed there stating there is a firehouse in the area. It can be taken to the Village Board to see if the language is acceptable to them, he suggested. Mr. Tully suggested the PB could grant the approval conditioned upon a sign being placed there with the language and location of the sign at the discretion of the VB. He said there are some issues to be careful of when placing signs and that a stop sign may not be appropriate in that location because you want traffic moving there.

Mr. Pikul said that the PB wants to be fair but knows that something needs to be done. “This can be solved now by talking about it,” he said. The PB discussed the purpose of certain signs.

Mr. Donnelly said that a condition could be placed in the resolution stating that the plans will not be signed until the receipt of a letter from the PB’s engineer certifying that a traffic safety solution satisfactory to the Village traffic consultant and to the Village Board has been incorporated into the plan. Ms. McClung said that the solution has to be satisfactory to the PB also. She suggested that the traffic engineer discuss it with the PB and tell them what the solution is. She said that “if the traffic engineer says the solution is to do nothing, I don’t think the PB will necessarily agree with that.”

Mr. Pikul asked Mayor Higgins, who was in the audience, if he had anything to add that might help the PB resolve the situation. Mr. Higgins told the PB that if they want a sign that says “Firehouse” that he could guarantee that it will be done, but that he didn’t know about anything else, because he doesn’t know what the sign would say. He said the Village Police Chief said there is no need for a stop sign there and said that the police back into traffic 365 days a year and no one has ever said anything. Mr. Donnelly said that the difference is that the five parking spaces are immediately around a corner. He said the PB is concentrating on that safety issue. The debate now is whether it needs to come back to the PB, he said.

Mr. Mendres said that the fire department will require its people to back in and pull out of the five parking spaces.

Several options were brought to the discussion including signage that the parking was for fire personnel only, that the parking be striped with a different color, possibly red to designate the spots clearly, that a “Firehouse” sign be located somewhere, that those using the parking spaces be required to back into the spaces. It was decided that these suggestions will be reviewed by the Village traffic engineer and that he will also be asked for his suggestions. Mr. Tully will then report personally to the individual PB members.

Mr. Cirillo said that a reasonable completion date would be the Spring of 2010.

Mr. Donnelly suggested making it Spring of 2011.

Mr. Donnelly said he will add a condition on the approval stating that the plan “will not be signed until receipt of a letter from the PB engineer certifying that a traffic safety solution satisfactory to the Village’s traffic consultant and to the Village Board has been incorporated into the plans and that these amendments shall include at least: a limitation of the use of the spaces by fire department personnel only so marked with distinctive striping, a requirement that fire personnel shall back into the spaces only and the addition of a Firehouse Ahead sign. “In the event that no solution is arrived at, the applicant shall be required to return to the PB for further review, Mr. Donnelly said.

Ms. McClung asked that the “striping of the pedestrian walkways, or the re-painting of the cross-walk” going across Canal St. also be included. She said she thinks that will help

slow the cars coming around the corner too. Mayor Higgins said he saw no problem with doing that.

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Connor, the Village of Goshen Planning Board approves the amended site plan of the Minisink Fire Company based upon the conditions discussed and with an anticipated closing date of April 1, 2011. 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 in the OB Zone. The parcel is across from Harriman Drive on South Street. The plan shows an 85 ft. reduced buffer, he said.

Mr. Szarowski said the applicant has received comments on its geotechnical report and believes it has managed to prove that the lot is buildable, although there are building issues. The traffic study was done, based on a misaligned driveway, Mr. Szarowski said. The driveway cannot be moved further to the north because of an existing retaining wall, he said. "In order to re-align Harriman Drive, you would have to do a taking on the Arden Hill parcel." Mr. Szarowski showed PB members the map of the project and the surrounding parcels. Mr. Szarowski said the applicant is looking for some indication that the PB wants to go with the driveway as shown or talk about what both traffic engineers discussed. He noted that the Town Code says that 75 ft. is needed between the intersection and a driveway but the Code doesn't tell him where to measure from. He said he is presently showing 90 ft. and is dipping into the buffer.

Mr. Donnelly said that the important issue is that "there is a County recommendation that the PB require the applicant to re-design his site plan to allow a through road. That was based on an assumption that Harriman Drive and the driveway into this property roughly align. If we are hearing that they cannot align, then we probably want to ask the County to reconsider their recommendation." Mr. Donnelly said he also thinks the traffic consultant should give the Village Board advice as to whether or not, if they cannot be aligned, it will ever make sense to create a through road. "Our traffic consultant is saying if you cannot align an intersection, you don't want to be 22 ft. offset, you want to be 30, 50 or 75 feet," he said. Mr. Donnelly cited the Craigville, Scotchtown and Main Street intersection in the Village as an example of the problems caused when there is a slight offset.

"If we are hearing that an alignment of the roadway is impossible then we want the County to reconsider we want to present it one more time to the Village Board to determine if they have any interest, in view of the changed assumption, in planning for the future and having the roadway go all the way through," Mr. Donnelly said.

Mr. Tully said that at the request of the PB, he used Mr. Fitzpatrick as traffic consultant. He read a portion of Mr. Fitzpatrick's letter in which he concluded that while under normal conditions direct alignment of a roadway with an opposing driveway is desirable, the driveway is proposed as an offset location to Harriman Drive, because it cannot be aligned opposite Harriman Drive due to the closeness of Route 17 and grade changes. This offset can be a safety issue, Mr. Fitzpatrick said in his letter. The plan shows an offset of 22 ft. centerline to centerline while the legal definition of separate intersections revolves around an offset of 30 ft. If less than 30 ft. there is one intersection, if greater than 30 ft. there are 2 intersections. The letter stated that "Capacity analysis would be based on this issue and distance, therefore this situation must be further discussed and any offset justified based on capacity and safety issues which will be forever ongoing. From a traffic and safety perspective this type of offset is not desirable and should be

avoided if possible, if not avoidable then the distance between the center line should be maximized.” Mr. Fitzpatrick said in his letter that there is not enough information provided to determine the appropriate action. “With or without the alignment offset, a safety review is necessary to ascertain how this new driveway may affect existing operational conditions beyond the issue of capacity. The accident history should be provided for the area roadways and intersections. The single intersection analyzed, South St. and Harriman Drive, will accept the additional traffic volumes based upon the results of the capacity analysis. All of the aforementioned comments must be addressed adequately to ensure that the integration will be seamless and safe.”

Mr. Tully stated that the two traffic consultants, the applicant’s and the Planning Board’s, need to come together to find the best way to have the property designed to maximize the safety capabilities of the site.

Mr. Donnelly suggested that the consultants explore whether or not it is possible to re-locate the travel portion of Harriman Drive in such a way that it can align with this driveway. “Perhaps some roadway can be shifted to make it work. If it cannot be aligned, the County needs to reconsider its recommendation,” he said.

Mr. Szarowski said that the applicant’s traffic engineer concluded, “We should really offset them because we cannot align them.”

Mr. Connor asked if the two were aligned, wouldn’t you have a problem with the cars going up and down the driveway trying to pass each other. He said he thinks Mr. Donnelly’s idea of moving Harriman Drive should be looked into.

Mr. Tully said the next step is to have the traffic consultants come together to make a determination whether they can be aligned opposite each other and if not, what the next alternative is to gain access into the site.

In addition to the traffic issue, Mr. Tully said that the soils have to be looked into. He said his soil consultant wants some additional testing with the back hole to evaluate the soils. He said the suitability of the soils must be evaluated if they are going to be used for other purposes on the site. He referred to a letter from SHIPO asking that an additional evaluation be done of the site in regards to its historic significance. He noted that the issue of the entrance road may have an impact on the applicant’s storm drainage design. The traffic and soils have to be taken care of first and then we can get into the site plan itself, he said.

McBride – d/b/a McSuds, Inc. 289 West Main Street, #111-19-7, C-S/ADD Car wash and detailing/proposed oil change bay. LAN Associates

Representing the applicant: Peter Cirillo, Architect

Mr. Cirillo said that the PB’s approval of the project expired in June, 2008 and that the applicant is seeking an extension of the approval. He reminded PB members that the project is for the conversion of one-half of an existing detail bay into an oil change bay and that there will be no exterior renovation to the building. The project received PB approval in December of 2006 and was to be completed by June of 2008.

Mr. Donnelly recommended calling the request a renewed amended approval rather than an extension since so much time has lapsed.

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Connor, the Village of Goshen Planning Board re-approves the application of McBride d/b/a/ McSuds with a new anticipated completion date of April 1, 2010 and carrying over the conditions cited in the December 2006 approval. Passed unanimously.

Realty Equities of Goshen LLC – Goshen Plaza - #114-5-9.21

Mr. Donnelly said that the applicant delivered a \$100,000 check to his office along with a new Irrevocable Letter of Credit, satisfactory in form, in advance of the Planning Board's March 24th meeting, satisfying two conditions set by the PB at its February 24th meeting. Now the PB needs to set an outside date upon which a closing must take place, Mr. Donnelly said.

VOTE BY PROPER MOTION, made by Mr. Connor, seconded by Ms. McClung, the Village of Goshen Planning Board sets a 60 day time period during which a closing must take place, and determines that if a closing does not take place within the time period, that the Planning Board's site plan and subdivision approval granted Realty Equities of Goshen LLC (Goshen Plaza) will lapse. Passed unanimously.

MINUTES

The minutes of the Village Planning Board meeting of February 24, 2009 were approved.

ADJOURNMENT

VOTE BY PROPER MOTION, made by Mr. Pikul, seconded by Mr. Connor, the Village of Goshen Planning Board meeting adjourned at 8:45 pm.

Roger Pikul, Acting Chair
Notes prepared by Susan Varden