

**VILLAGE OF GOSHEN
PLANNING BOARD
Work Session/Regular Meeting
May 20, 2008**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:40 p.m. on Tuesday, May 20, 2008 by Chairman Jerome O'Donnell.

Present: Jerome O'Donnell, Chairman
Elaine McClung
Roger Pikul

Absent: Ed Connor
Arthur Walsh

Also Present: Ted Lewis, Building Inspector
Jim Ullrich, Planning Consultant
Mike Donnelly, VPB Attorney

Robert T. Armistead, 62-64 S. Church Street, #112-2-4, C-S/ADD, Phase 1 Cultural Resource Survey, Building Evaluation and Condition Assessment, proof of certified mailings, proposed office building.

Present for the applicant: Steve Esposito
Bill Pendergast, Project Architect

Mr. Esposito said the site is located on South Church St. next to The Berkshire Bank. The applicant proposes to demolish the existing residential structure and construct an office building. He said the PB asked the applicant to look at the architectural and structural significance of the residence. A Phase 1A study was done on the site and structure to determine its cultural significance. While it is located in the 170-property Church Historic Park District, it is considered a non-contributing structure, not one of the 62 parcels that contribute to the fabric of that district, he said. The applicant contacted Weldon Abt of the ADD and SHIPPO. Mr. Pendergast said that SHIPPO indicated it was not on their list of properties that they would look at, so has no significance to them, but that they would be willing to view the site if the PB elected to send it up. Mr. Pendergast said the building was built in the late 1800s and is fairly dilapidated with all plumbing and electrical systems in need of replacement. He said that in some areas the foundation doesn't support the building well. He said the overall assessment is that the building should be leveled. One side of the building is currently being used as temporary housing for a relative of the owner. The other side is unoccupied and uninhabitable. He has nothing in writing from Mr. Abt or SHIPPO at this time.

Ms. McClung said that it is important to involve SHIPPO, Mr. Abt and the County Planning Department in the process as early as possible. It was determined that the Village Building Department will forward plans to Mr. Abt for review. Mr. Ullrich will draft a letter from the PB Chairman to SHIPPO asking them to review the project also. Mr. Donnelly will prepare another adjainer notice. He said the PB declared its intention to be lead agency in May, 2006 and received no challenges.

Southside Commerce Center, Police Drive, #121-1-1.32 V.O.G., I-P Zone, #13-1-5.1 & 70 T.O.G. Draft Scope for Part III EAF.

Present for the applicant: Steve Esposito

Mr. Esposito said the project has been before the PB on several occasions. It is the last lot left in Westgate Industrial Park and comprises 24.5 acres. The applicant is proposing the construction of a 34,000 sq. ft. office and 140,000 sq. ft. of warehouse space. He described it as "flex space". The PB has voiced concerns with car and truck traffic. Mr.

Esposito said the applicant made a circular spine around the two buildings so that the car traffic and truck traffic is segregated.

The PB has already declared its intent to be lead agency. The applicant has submitted EAF Parts 1 & 2. Mr. Esposito said he has identified those areas he believes will need to be further evaluated in regard to the environment as construction on steep slopes, soil impacts, geology and blasting protocol. Mr. Ullrich said he agrees with what an outline of a Part III would need to be.

Mr. Esposito requested a discussion of the traffic component of the project, saying he wants to have a traffic count done during the school year while the school bus traffic is there in order to review the intersections. He suggested that Collins Engineers will do the traffic count. Mr. Ullrich said it is a good starting point and stated that with the town-wide study, other traffic counts exist. Mr. Donnelly suggested that the proposed DOT improvements to the Route 17 interchange be looked at.

Mr. Esposito said the proposal hasn't been to the Town PB yet but that he intends to make a limited site plan application to the Town. Traffic will be the Town's biggest concern, he predicted, and said he wants the Town to look at the proposed intersections slated for evaluation. Mr. O'Donnell said that any comments from the Town during this process should be sent directly to the Village PB.

Mr. Esposito was given a copy of Mr. Ullrich's written comments.

Real Estate Solutions Matthews Street, #114-7-11. D-S Zone. Proposed modification of building elevation and roof line.

Present for the applicant: Steve Esposito
RJ Smith

Mr. Smith said they had finished the architectural plans and had problems with the elevations and went to the Building Inspector. He was told to show the changes to the PB. Mr. Smith said that the original plan had dormers all the way around on the upper level. He said he wasn't happy with the look of it, how it blended in, found it overly expensive and decided to modify the plan to look more like the office building on North Church Street designed by Ray Quattrini. He said that the roof line and dormers will change, that they will go to a pitched roof with a gable end. The roof will be slightly lower. Mr. Smith said the modification will result in the same footprint as the original building, with only the elevations changing. Earth-tone colors will be used, he said.

Mr. Ullrich said he has no issues if it is on the same footprint as the original, however, he said that the site clearing went too far and that there have been some comments and complaints about runoff and dust which Mr. Esposito has assured him will be addressed. He said there will be some remedial landscaping done, and that he wants to view it installed before deciding if it is adequate. Mr. Esposito said there has been no work done on the site for a couple months. He said they will be back to the site tomorrow and said the silt fence has to be re-set and some minor grading has to be done. He said that the entire back area will be seeded and should reduce any problems with regard to runoff and dust.

The PB indicated they had no problems with the modifications. Mr. O'Donnell said that the Building Inspector needs to be informed.

Application of R. Pikul – Request for ZBA Referral.

Present for the applicant: Steve Esposito

Mr. Donnelly told the PB that the latest revised subdivision plat shows a Village street that provides frontage, and is being offered to the Village for dedication, but is un-

improved “and that while neither the Village nor the applicant wants to see it improved, that for the Building Inspector to issue a building permit, the roadway must either be improved to Village specifications or granted a 7736 variance by the ZBA. Mr. Donnelly said that any kind of specification the Village would set for a private road, “is really going to be more than the applicant should have to build. Realistically, I think we are talking about something closer to a driveway with good stability for fire trucks and a turn-around location. That is what the ZBA should do under a 7736 variance,” he said. The standard is whether it is adequate for the purpose of emergency service access, he added.

Mr. Pikul recused himself from discussion or taking any action. Mr. Donnelly noted that a quorum was not available for a vote, but suggested that the Building Inspector can deny the application and the applicant go appeal his decision to the ZBA, without a PB referral.

Knolls of Goshen #104-2-40, 41 & 5/14/08 letter from J.G. Sweeney, Esq.
Request for a six month extension of preliminary approval.

Present for the applicant: Travis Ewald

Attorney Steve Reineke, Esq. took over from Mr. Donnelly in his capacity of PB attorney, because of a conflict of interest for Mr. Donnelly. Mr. Reineke said correspondence has been received from attorney Jim Sweeney asking that the application of the Knolls of Goshen be put back on the PB agenda. In the Fall of 2007 the PB had suggested that the applicant discuss one-way traffic with the Village Board and as of this week the VB has not made any decisions on it, he said. Mr. Reineke recommended that the PB write to the VB acknowledging that the applicant did follow through on the PB request and notifying the VB that the PB will place it back on the agenda to move forward, with or without input from the Village Board. The applicant made a good faith effort and is now requesting to be placed back on the agenda, he said.

Mr. Ullrich confirmed that it had not been taken up at the regular meetings of the Village Board.

Mr. O'Donnell said that the PB needs to move forward and recommended putting it on June's agenda and sending a letter to the VB advising them.

Travis Ewald told the PB that the applicant is looking for a six month extension. He said they have applications into the Village for water and sewer extensions and haven't received anything signed from the Mayor.

VOTE BY PROPER MOTION made by Mr. Pikul, seconded by Ms. McClung, the Village of Goshen Planning Board grants the Knolls of Goshen a six month extension of their preliminary approval. Passed unanimously.

Rajeev Chhabra, #1 Corral Court, Harness Estates, #127-2-4, R-R, retaining wall modification – a work session modification.

Present for the applicant: Rajeev Chhabra, Applicant
Travis Ewald

Mr. Ewald said the applicant has two retaining walls in the backyard of his home at 1 Corral Court. The lower retaining wall is in the early stages of failure. During the process of re-building the wall, the applicant would like to re-locate the wall and make a larger flat area in the rear yard as a play area for his children. The wall will be approximately six feet tall, with one corner slightly taller than six feet, Mr. Ewald said.

Mr. Ullrich explained that the applicant came to the TAC Committee first where issues with drainage were raised. Mr. Ullrich looked at the site with Mike Nussellese because

there is a Village drainage easement through the adjoining properties. He said there has been problems with discharge from several of the retaining walls at Harness Estates onto some of the neighbor's property. Mr. Ullrich said the plans need to be developed to a higher degree. The applicant needs to show elevations, a full grading plan and a wall design. He said the current plan shows the drainage going to a catch basin on an adjoining property and that an easement from the adjoiner, Mr. Rooney, to do that work will have to be obtained by the applicant. Mr. Ullrich said the visual impact of the retaining wall will have to be looked at and that he will have his structural engineer review the applicant's wall design. Mr. Ullrich said the wall is off the easement about four to five feet.

Mr. Ullrich instructed the applicant to approach the Village Board about their easement and to start negotiating with the adjoiner.

Peter Rollins, Site Plan, Proposed Pavilion, Dikeman property. #10 Dikeman Drive, #122-1-2.3, I-P Zone.

Present for the applicant: Peter Rollins and Laurie Rollins

Mr. Rollins is commander of the Disabled Veterans. He said the Dikeman fire department has a cement pad in the back of their property for training and drills and that the Disabled Veterans have obtained a grant to put an open pavilion on the cement pad. They plan to use it for fund raising picnics. The fire company would also use it for picnics. It will have a tan metal roof to match the firehouse. The Disabled Veterans are working together with the fire company, he said.

Mr. Ullrich said it is permitted in the IP district. He said the concrete slab is already there and there is no impact of any kind.

Mr. Ullrich said that a short form EAF describing the potential impact of the project needs to be prepared and offered to help Mr. Rollins with it. He suggested that Mr. Rollins could meet with him at Village Hall on a Tuesday to receive help filling it out. Mr. Donnelly said he will prepare an adjoiner notice.

VOTE BY PROPER MOTION, made by Mr. Pikul, seconded by Ms. McClung, the Village of Goshen Planning Board waives a public hearing on the application of Peter Rollins. Passed unanimously.

Mr. Rollins was told to submit the EAF by June 10th to be put on the June PB agenda.

Duso Properties, LLC, Proposed Office Building, South Street, #120-1-2, O-B Zone.

Present for the applicant: J. Szarowski, PE

Mr. Szarowski introduced the application as a 1.06 acre site across from Harriman Drive on South Street, where a 10,750 sq. ft building is being proposed. He said site plan modifications have been made including improvements to the parking, two stone water basins designed to handle a 100-year-storm, and a couple small retaining walls. He described the storm water management plan, gravity sewer and water and erosion and sediment control plan. He said he was present to receive some comments.

Mr. Ullrich gave Mr. Szarowski his written comments and said the applicant needs further correspondence from the DOT. Mr. Ullrich said the PB previously indicated that it wanted to explore building layout alternatives which would provide for a through road.

Mr. Szarowski showed the PB two alternate site plans, each with a through road. One plan, he said, divides the site in half and results in the failure to be able to provide the required number of parking spaces and above ground storm water management. The

second plan will result in a 10% grade, more loss of parking, no room for storm water management and the building sited in the buffer. He told the PB that putting a through road through the parcel will cause a severe harm to the site, is not feasible and would be asking the applicant to provide a through road just to benefit the Village. Mr. Ullrich said that the alternative site plans should be submitted with a summary report.

The PB asked the applicant to extend the sidewalk north to the current sidewalk and across the frontage of the property.

Ms. McClung said it is important that the County Planning Department is updated and Mr. Ullrich suggested that the Village resubmit the modified plan to County Planning. He said the applicant has to contact the DOT again to make sure they are satisfied and said that a follow up call to SHIPPO needs to be made.

E. Mazada, 218 Greenwich Ave., #111-21-10 C-S/ADD, 4/11/08 letter from K.A. Henken – NYS DOT, Driveway easement.

Present for the applicant: James Dillin, Surveyor

Mr. Dillin said the application was before the PB in August, 2006 and the PB requested to have Mr. ABT and the NYS DOT review the project and issue comments. He said that those comments have been received.

Mr. Ullrich said he has reviewed the plans and gone to the site and told Mr. Dillin he needs to verify that the parking spaces are legal spaces. He said the stripping looks short for Village standards. He said that while the spaces are shown as the full 19 feet, the applicant doesn't have the 12 feet behind that is required for a parking lot lane and as the plan is now, in order to back out of the space, you would be up on the island, and if you have to remove the island the applicant will need a DOT permit because it's in the DOT right-of-way. He said he is waiting to discuss the possibility of removing the island with Kim Hankin of the DOT.

It was noted that Pete Abt's letter of August 2006 recommends that the project be approved for the ADD.

Applicant Enrique Mazada said it is used on a daily basis. Mr. Ullrich told him that the problem is that the lane doesn't meet Village standards. He suggested a meeting on site on May 27th with Mr. Dillin and Kim Hankin of the DOT.

It was noted that the County Planning Department returned comment stating that it is of "local determination". Mr. Ullrich reminded Mr. Dillin that adjoiner notices have to go out before the PB can take action.

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Pikul, the Planning Board of the Village of Goshen waives a public hearing on the application of Enrique Mazada. Passed unanimously.

Heritage Estates – Tax Map Designation: 112-5-4.2 Letter from Peter Botti, Esq. requesting a six month extension.

VOTE BY PROPER MOTION, made by Mr. Pikul, seconded by Ms. McClung, the Planning Board of the Village of Goshen hereby grants a six month extension on the preliminary approval on the application of Heritage Estates. Passed unanimously.

OTHER BUSINESS BEFORE THE PLANNING BOARD:

Goshen Corp. – Property located at the corner of Greenwich Avenue and Railroad.

Matt Bruno, property manager for Mrs. Meinwald, appeared before the PB. Mrs. Meinwald owns property located at the corner of Greenwich and Railroad where a building has recently been demolished after a car hit it. Mr. Bruno said the building had to be taken down and now cars are parking there. Cars have also parked there when the building was standing, he said. The owner has no plans for the property which is “for sale”. Mr. Bruno said he has put four cones on the lot covering two parking spots next to his neighbor’s building (the Meany Insurance Building). He said he was going to put some landscaping in but was told not to do anything until he spoke with the PB. He said that to protect the Meany Building he could put up 4 x 4s, 18 inches high, like what it did on the other side of the property.

Mr. Ullrich said that parking is a permitted use in the district but that there needs to be a rudimentary site plan of what is proposed and the PB will have to act on it. Mr. Donnelly said it is similar to Mr. LaBaron’s application to use a private lot for parking. He was required to submit a site plan. “The PB has to look at the surface, clearly it is a benefit to the community to have parking in the area, it is an issue of appearance and safety,” Mr. Donnelly said. He said there is a building next door and the PB will need to access that from an appearance and safety point of view.

Mr. Bruno said he doesn’t want to put blacktop there because it’s not known if the lot will be sold with the building. There are two separate tax parcels owned by Mrs. Meinwald. The parking is private and is being used by tenants.

Ms. McClung said that while it is a permitted use, there needs to be a more formal plan submitted and Mr. Pikul said that precedent was set by Mr. LaBaron’s application.

Mr. Meany said that putting up a 4 x 4 wall the length of his building was “unacceptable” and won’t stop a car. He said he wants the PB to consider the fact that his building is a cinderblock wall and he would appreciate it if the PB can prohibit another vehicle from hitting his building.

Mr. O’Donnell told Mr. Bruno that the PB wants to see a site plan that meets the requirements of the Code and to design something “bigger and safer”. He said the site plan should be submitted to the PB and the Building Inspector will submit it to Wheldon Abt for review within the ADD. The design should include a landscape plan, stripping and a traffic pattern, he said.

MINUTES

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Pikul, the Village of Goshen Planning Board approves the minutes of the meeting of March 25, 2008. Passed unanimously.

ADJOURNMENT

The meeting of the Village of Goshen Planning Board closed at 9:25 p.m. Passed unanimously.

Jerome O’Donnell, Chairman
Notes prepared by Susan Varden