

**VILLAGE OF GOSHEN
PLANNING BOARD
Work Session/Regular Meeting
May 26, 2009**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:35 p.m. on Tuesday, May 26, 2009 by Chairman Jerome O'Donnell.

Present: Dominick Igneri
Elaine McClung
Jerome O'Donnell
Roger Pikul
Arthur Walsh

Also Present: Art Tully of Lanc & Tully, PB Engineers
Mike Donnelly, PB Attorney

Discussion - Goshen Plaza (Foley – Grand Union) #114-5-9.21

Mr. Foley appeared before the PB to report that he had deposited \$100,000 for acquisition of the land with the Village attorney and Thursday closed title on the Village parcel. He said he will proceed to file the map with the County Clerk's office and wants to start the project as soon as possible.

Mr. Donnelly said that there were some remaining minor issues in the resolution that may still need to be completed and suggested that the PB give the applicant until June 19th to satisfy the remaining minor conditions. At that time, once the conditions are satisfied, the PB chair can sign the maps, Mr. Donnelly said.

Mr. Walsh asked about a construction time frame. Mr. Foley said there is between 14 and 18 months of total work to be done.

Mr. Donnelly said the project was required to start within one year of the date of the resolution, September 25, 2007 and that the PB should give the same time period, meaning construction must begin within one year. The PB decided that construction must begin by March 31, 2010 and that the anticipated completion date should be December 31, 2011.

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Igneri, the Village of Goshen Planning Board adjusts the commencement date on the application of Goshen Plaza to March 31, 2010 and the anticipated completion date to December 31, 2011 and gives the applicant until June 19, 2009 to satisfy the remaining conditions of the approval. Passed unanimously.

Discussion - Heritage Estates #112-5-4.2 7-lot subdivision. Requesting conditional final approval.

Present for the applicant: Peter Botti, Esq., Mr. Dillon
Mr. Rinaldi

Steve Reineke was present to represent the PB on this application, Mr. Donnelly having recused himself.

Mr. Botti said that after seven years the applicant has all of the approvals necessary except water approval from the Orange County Department of Health and that is because the Village of Goshen has insufficient water resources according to the County. Mr. Botti said the applicant wants the PB to issue a confirmatory resolution stating that other than the payment of necessary fees and submission of maps, the PB agrees that the only outstanding item is obtaining approval for water from the Orange County Health

Department and that when water approval is obtained, the developer will have a final approval on this subdivision.

Mr. Reineke reminded the PB that Mr. Tully is the applicant's project engineer and will not be advising the PB on the project. Mr. Tully stated that he had made that conflict known to the Village Mayor when his appointment as PB engineer was being considered.

Mr. Reineke advised the PB that the applicant's request is reasonable and will eliminate any question as to what the status of the project was when the conflict surfaced. He said that SEQRA has been completed but is always capable of being re-opened if there is a significant change that has to be addressed. He said that the PB will be acknowledging that the applicant has provided all that has been requested and required, with the exception of the one open item.

Mr. Botti said he has talked to the current mayor about the water situation and that the Mayor said he is working on it.

Mr. Reinke said that the applicant is looking for a resolution acknowledging the status of the application as it exists at this time, that everything that has been requested has been provided with the exception of the county approval of the water main extension which is outside of its control. This would not change its preliminary approval expiration date and if there were a dramatic change in circumstances the PB can re-open SEQRA, he said. Mr. Botti said the preliminary approval expires Feb. 25, 2010.

The PB agreed to approve the requested resolution. Mr. Reineke said he will check to make sure the PB has everything they need in the file and will prepare the resolution for Mr. O'Donnell to sign.

Mr. Tully said that when the time comes for the PB to grant final approval, it will have to hire another engineer to review the application for completeness.

Discussion – Rennie Andrews 3-lot subdivision, South Street, #120-1-4.212, R-1 Zone.

Mr. Andrews said he is appearing before the PB to seek an extension of his approval of a 3 lot subdivision that was granted August of 2007. At the time of approval the completion date was established as August, 2010. Mr. Andrews said he thought he would have time to meet the approval conditions but when the payment of the parkland fees was made recently as the last condition that had to be acted on, it was brought to his attention that the approval had expired and that an extension would be required to proceed with the subdivision.

Mr. Donnelly said that the PB cannot grant an extension because by state law the conditions need to be satisfied within 360 days with no exception and it has been 1-1/2 years. He said he believes the PB can re-approve the subdivision on the same terms and he said he has drafted a resolution to accomplish that. The re-approval would be as originally approved, because a public hearing was already held and a county referral already done, and it is the exact same plans, he said. The only change in the resolution would be the declaration of an anticipated completion date, Mr. Donnelly said. The resolution prepared by Mr. Donnelly was titled, "A Resolution of Approval, Preliminary and Final Subdivision, Second Approval". Mr. Donnelly said that if the PB approves it, then the application is re-approved and the applicant has another 360 days to meet the conditions that were already satisfied and the map could be signed right away.

The PB members agreed.

The applicant agreed to an anticipated completion date of May 31, 2010.

VOTE BY PROPER MOTION, made by Mr. Pikul, seconded by Mr. Walsh, the Village of Goshen Planning Board agrees to re-approve the subdivision application of Rennie Andrews with an anticipated completion date of May 31, 2010. Passed unanimously.

MINUTES

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Igneri, the minutes of the Village Planning Board meeting of April 21, 2009, were accepted. Passed unanimously.

ADJOURNMENT

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Igneri, the Village of Goshen Planning Board meeting adjourned at 8:22 pm.

Jerome O'Donnell, Chair
Notes prepared by Susan Varden