

**VILLAGE OF GOSHEN
PLANNING BOARD
Work Session/Regular Meeting
June 24, 2008**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on Tuesday, June 24, 2008 by Chairman Jerome O'Donnell.

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

James Ullrich, Planning Consultant
Mike Donnelly, PB Attorney

Absent: Arthur Walsh

P. Rollins/Disabled Veterans, 10 Dikeman Drive (Dikeman site) #122-1-2.3, I-P Zoning District. Proposed pavilion. Short form EAF provided as requested.

Present for the applicant: Pete Rollins, Applicant

Mr. Ullrich received the mailings from Mr. Rollins. He said that he has no comments on the plan, that there is already a concrete slab on the site and that the plan is simply to construct a pavilion over it. He reminded the PB that they waived the public hearing last month. Mr. Donnelly said that it is more than 500 feet from the state highway so there are no referrals required. Mr. Ullrich said there are no potential adverse impacts identified.

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Pikul, the Village of Goshen Planning Board declares a negative declaration on the application of Pete Rollins/Disabled Veterans for purposes of SEQRA. Passed unanimously.

VOTE BY PROPER MOTION, made by Mr. Pikul, seconded by Ms. McClung, the Village of Goshen Planning Board grants approval of the application of Pete Rollins/Disabled Veterans, with an anticipated completion date of December 31, 2008. Passed unanimously.

Haight Cemetery Association, NYS Route 207/Main St. #105-1-1, R-R/ADD, Proposed two-story building.

Present for the applicant: Steve Esposito

Mr. Esposito said the site, located on Main Street and the intersection of Sarah Wells Trail, contains a mausoleum and the former VFW building which is currently being renovated in conjunction with the Masons. The applicant wants to build an additional two-story, 2800 sq. ft. building to be made available for community use. The applicant and owner, Haight Cemetery Association, wants to locate the new structure slightly behind the VFW building but can't do so without a variance because there is 200 ft. setback requirement from a state road. Mr. Esposito is seeking a referral to the Village ZBA in order to seek relief from the front yard setback. There was a discussion about whether the setback requirement is 200 or 300 feet. Mr. Donnelly said the requirement will have to be clarified to identify the correct variances needed and said the bulk requirements of both of the buildings will have to be satisfied. He suggested that the applicant's ZBA application contain a narrative of what all of the uses will be on the property. Mr. Esposito said the setback is presently 61 feet from the property line and a total of 90 ft. from the edge of pavement.

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

GAM Properties Corp., 17 Dikeman Drive, #122-1-5.22, I-P Zone, Proposed addition, 9,600 square feet.

Present for the applicant: Steve Esposito

Mr. Esposito said that GAM Properties, Corp. are the owners of an existing 71,000 sq. ft. warehouse and want to build an addition of 9,600 sq. ft. to the northeast which would encroach on the site. They will need a variance and Mr. Esposito requested a referral to the Village ZBA. The company makes paper products and party goods, he said.

Mr. Ullrich said the site is in the flood plain so a flood plan permit will be required.

VOTE BY PROPER MOTION, made by Mr. Connor, seconded by Mr. Pikul, the Village of Goshen Planning Board refers the application of GAM Properties Corp. to the Village Zoning Board of Appeals. Passed unanimously.

Arent, 102 & 116 Greenwich Avenue, #111-15-7.2, C-S/ADD. ZBA decision. Seeking approval for a lot line change.

Present for the applicant: Dan Yanosh

Mr. Yanosh said that variances have been obtained from the ZBA and that he is looking for final approval of the lot line change. He said the plan was referred to Orange County Planning and he has submitted an EAF Part II. He said that he spoke with the applicant about an easement for the Rio Grande. The applicant said he wants to know specifically what the Village wants in the way of an easement and will then review it.

Mr. Ullrich said he will have to speak with Mike Nuzzolese (DPW) to see what is needed for the easement to the Village for access to the Rio Grande. He said the Village had problems when the Rio Grande backed up in the area last spring.

Mr. Ullrich said there are no potentials for adverse impact, calling it “just lines on paper.” There was a discussion about whether the distances granted by the ZBA cover what is needed and match what is on the map. Mr. Ullrich determined that the variance is sufficient but that the maps need to be corrected.

Mr. Ullrich said that the easement could be made a condition of the approval.

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

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Connor, the Village of Goshen Planning Board grants approval on the application of Arent, conditioned upon the details of the easement being worked out to the satisfaction of the Village, the standard lot line conditions including the filing of the map, certification, and burying of the utilities, and the revision of the map to reflect the table that appears in the ZBA decision. Passed unanimously.

South Side Commerce Center, Police Drive, V.O.G. #121-1-3.2, I-P, T.O.G. #13-1-5.1 & 70. Mixed commercial development. Site Plan.

Present for the applicant: Steve Esposito

Mr. Esposito said this 24.5 acres is the last of the lots in Westgate Industrial Park. The applicant is proposing a warehouse and associated offices consisting of two structures - 34,500 sq. ft of office space and 139,500 sq. ft of warehouse space. He said he has submitted a long form EAF and a Part III outline for further review. This outline included a traffic study and identified intersections to be evaluated, he said. The site will be accessed off of Police Drive (in the Town) and the applicant has submitted the site plan and EAF to the Town to get their input. Mr. Esposito said that the Town's consultants have reviewed the intersections and thought they were adequate. He said the Town also wants the applicant to incorporate in its study the future changes at Exit 124 and 17M as part of the interstate. He said the applicant wants to go ahead with the additional environmental evaluations.

Mr. Ullrich noted that the Part III outline and scoping outline were submitted and suggested that the PB consider declaring a "positive declaration" to manage SEQRA on the application so "you don't have it on a parallel track in the two municipalities." It was noted that the Village has already declared itself as lead agency on the application.

Mr. Ullrich said that comments from the County Planning Department are needed because of its proximity to the County DPW. He said if Mr. Esposito wants to proceed with a Part III as detailed in his scope, "we can review that as it comes together. I'm okay with that."

Mr. Esposito spoke about the seven categories that have been identified as requiring further evaluation. He said the applicant will look at the impacts on the land such as slopes, site soils, geology and blasting protocol and the potential impacts and mitigation of those items. He said the intersections identified include: Police Drive and Maple Ave., Maple Ave. and Route 17M and 6½ Station Road, Hatfield Lane and Police Dr., Police Dr. and the Route 17 entrance Eastbound and Hatfield Lane and Route 17A. He said they will be tracking the construction and phasing of the project, construction impacts and potential impacts and mitigation, impacts on water resources and surface hydrology, storm water management and infrastructure and utilities.

Mr. Esposito said he is meeting with the Town PB on July 3.

P. Manouvelous, LAN, Ray Quattrini. Proposed renovations to former Cataract Fire House, 90 Main St. 109-3-7, O-B/ADD, W.A.Abt, PC review request.

Present for the applicant: Ray Quattrini

Mr. Quattrini said his plans to renovate the former Cataract Fire House includes changing the façade of the building from its existing "garage door look" back to what it looked like in 1871. He proposes to put arches back in the building and front entrances where the garage doors are now. He will keep the same footprint of the existing building. He also plans to renovate the fire tower, restoring it to its original condition, except for the bell. Other renovations include removing the two wooden structures in the rear of the property and rebuilding them in a brick veneer, using the same footprint. His plans also call for the removal of the concrete apron to Main Street and the macadam on the side of building, replacing it with paver brick similar to what the Village uses. He said the front of the building and secondary entrance in the side alley will be landscaped.

Mr. Quattrini said he has no specific use proposed at this time other than whatever use is permitted in the CS District. He said he has a letter from Wheldon Abt in regard to the ADD and Church Historic Park District. He said Mr. Abt approves the plan and feels it will enhance the District.

Mr. Ullrich said he hasn't received the EAF to review. He said that at this point it is only the renovation, which is an ADD approval, but added that there is a question about DOT involvement because of the proximity to the state highway. He said that before the PB takes action, it should see a waiver from the DOT on any permit requirement because if

there is a permit requirement for the little amount of work, it will require that it is sent to SHIPPO. Mr. Quattrini said he did speak with Kim Hankin of the DOT who said a work permit was only necessary if you wanted to change the curbing. She felt it was nothing SHIPPO would be interested in, Mr. Quattrini said, adding that sending it to SHIPPO would add about a six month extension to the application. He said he is proposing to remove the apron on the front, to put back the original sidewalk, to do the grass area/meridian and put two parking spaces back in the street in the front of building. DOT said if we wanted to put a curb back in, it would require a permit, he said. "We asked about SHIPPO and they said there was nothing in the application that would require my application to SHIPPO for that permit. Mr. Donnelly suggested that Mr. Quattrini should get a letter confirming his conversation in writing.

Mr. Quattrini said the building, just under 4,000 sq. ft., will require 20 parking spaces and said the First Presbyterian Church is leasing him 20 parking spaces in their parking lot across the street during normal business hours. He said he can present the lease to support the application.

Mr. Quattrini said he is before the PB for a change of use, but doesn't have anything specific, so is asking for all uses permitted in the District (retail, office or residential).

Mr. Donnelly said that adjoiner notices need to be mailed.

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Pikul, the Village of Goshen Planning Board sets a public hearing on the application of Quattrini for 7:30 p.m. on July 22, 2008. Passed unanimously.

Ms. Clung and Mr. Ullrich urged the applicant to get something in writing about SHIPPO and the DOT. Mr. Ullrich said that in the past the DOT's policy has been that where there is a permit required, in this case it would be for the curbing, they bounce it to SHIPPO if it is in the historic district. If that has changed, we need to know that, he said.

Chester LeBaron, 183 West Main St., West Main & High Streets, Revised Parking Layout, #111-16-12, C-S/ADD.

Present for the applicant: Jim Dillin

Mr. Dillin said he has received a County Planning Department letter recommending the re-arrangement of the parking configuration so there wouldn't be an exit onto West Main St. and the elimination of a parallel parking spot. He said that in response to the County's suggestion, he prepared a revised plan showing just one entrance from High Street, which would also provide one more parking spot, seven instead of six, and would not eliminate the parallel parking spot. The revised plan works better, he said. He said the runoff could not be addressed so he has changed the surface to a gravel surface and has revised the landscaping.

Mr. Ullrich said there is a Code problem in that the Code stipulates that when a parking lot is located across the street from other lands in a residential district, that it must be screened from view by a thick hedge or fence, adding that the south half of the project has to have fence or screening 20 ft. back from the curb line which would slice right through the first parking space. He told Mr. Dillin that he will have to work out a plan according to this Code requirement. Mr. Donnelly said the requirement cannot be waived by the PB, so that if he wants it waived, he will have to go to the Zoning Board of Appeals. Mr. Dillin said he does not want to lose spaces so requests a referral to the ZBA where he will seek a variance.

Mr. Ullrich said there is also an issue with the gravel surface saying that a gravel parking lot achieves a pretty high runoff coefficient so he thinks the applicant should look again at ways to manage the runoff.

Mr. Connor said he thinks the landscaping should be continued up along High Street from the south property line and Mr. Dillin agreed.

VOTE BY PROPER MOTION, made by Mr. Connor, seconded by Ms. McClung, the Village of Goshen Planning Board refers the application of Chester LeBaron to the Village Zoning Board of Appeals for an area variance from the screening requirement. Passed unanimously.

Duso Properties, LLC, Proposed office building, 144 South Street #120-1-2, O-B

Present for the applicant: John Szarowski, PE, MHE

Mr. Donnelly noted that the DOT won't commence a review of the application until the PB concludes SEQRA. He said that the Village PB voted to issue a Notice of Intent to serve as lead agency in June of 2007, but it needs to be done again because the notices were not distributed to the agencies. Mr. Ullrich said he prepared a draft dated today, re-declaring the PB's intent.

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Connor, the Village of Goshen Planning Board declares it intent to serve as lead agency on the application of Duso Properties LLC. Passed unanimously.

Mr. Szarowski asked the PB to set a public hearing.

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Pikul, the Village of Goshen Planning Board sets a public hearing on the application of Duso Properties LLC for 7:45 p.m. on July 22, 2008. Passed unanimously.

Mr. Donnelly said he will send Mr. Szarowski a copy of the adjoiner notice which the applicant will have to mail.

Mr. Szarowski said he sent a letter to the County Planning Department addressing its recommendation to have the applicant construct a through road. Mr. Szarowski said he told the County that a through road would not be viable on this site.

E. Mazada, 28 Greenwich Avenue, #111-21-10, C-S/ADD, Convert single-family dwelling to a 1st floor office, 2nd floor residential apartment.

Present for the applicant: Jim Dillin

Mr. Dillin said he had met on site with Mr. Ullrich and measured out the parking, re-labeled the grass strip and made minor modifications to the angle of the parking and concurs that it will be satisfactory the way it is now.

Mr. Ullrich said the only remaining issue is the language of the easement. He said it should be submitted to Mr. Donnelly for review and that the physical limits of the easement should be shown on the plan.

It was noted that the DOT decided not to take jurisdiction. Mr. Donnelly said the County Planning Referral was done on August 11, 2006 and local determination given. Mr. Ullrich said the adjoiner notices were sent. Mr. Donnelly reminded the PB that the public hearing was waived at the May meeting. It was noted that Mr. Abt has looked at it and said he would like to leave it as is.

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

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Connor, the Village of Goshen Planning Board grants approval of the application of E. Mazada with the condition that the easement language will be reviewed by PB counsel and the project will have an anticipated completion date of December 31, 2008. Passed unanimously.

Discussion Request: J. Dillin - Heritage Estates – Wetlands disturbance and mitigation plan.

Mr. Dillin said the applicant would like to proceed with wetlands mitigation “to create the wetlands that will be caused by the construction of the road.” He said that the applicant will create a 20,000 sq. ft. wetlands and acknowledged that the applicant will be doing this at their own risk since they have only received preliminary approval, not final. Mr. Donnelly reminded the PB that he has disqualified himself on this project and that attorney Steve Reineke represents the PB on this application. Mr. Reineke was not present.

Mr. O’Donnell asked Mr. Dillin if the applicant could post a restoration bond for the wetlands work, to cover restoration only. Mr. Ullrich told Mr. Dillin to have an estimate prepared, that his office will review it and then make a recommendation to the VB.

The PB was in agreement that it has no difficulty with work proceeding before final approval, provided a restoration bond is posted.

Rajeev Chhabra, #1 Corral Lane, T.B. Ewald, Sr. Engineer, Relocation of retaining wall

Representing the applicant:

Alan Lipman, Esq.
Travis Ewald

Mr. Lipman said he questions that construction of this retaining wall is under the PB’s jurisdiction but wants to satisfy whatever is reasonably required to accomplish the goal. He said the plan before the PB is prepared in accordance with what was understood to be the suggestions given by the engineers and the PB. He said it is a two level wall, 4.5 ft. high (lower portion) 4.5 ft. high (upper portion) for a total of 9 ft. The upper wall is stepped back 4 ft. from the lower wall to provide for planting and screening of the upper wall. Mr. Ewald said the lower wall is 4.5 ft. for the majority of its length while the majority of the upper wall is 2 to 3 ft. high, being 4.5 ft. high for 30 ft. of its length. The two walls at their highest point is 9 ft., he said.

It was noted that the drainage will come through the wall and the wall is shown at the property line. Mr. Lipman suggested removing the wall back 3 ft. and reducing the offset from 4 ft to 3 ft. Mr. Ewald said he will have to check the wall design to see if that will work. Mr. Lipman told the PB that the wall will not direct any more water to the neighbor, saying the water will be distributed along the back property and he doesn’t believe there will be much volume.

Mr. Ullrich said he had suggested at the last meeting to move the wall back from the property line and said that his concern about having the wall on the property line and the walls so close together is the drainage and the visual impact to the property adjoiners. He said the plan before the PB doesn’t reflect the comments from last month regarding set back from the property line and having a landscaping plan in front of the first and second wall. He said the PB needs to see a specific landscape plan to determine if it is adequate. He said there is a maintenance issue connected with retaining walls, stating that some in the neighborhood are not doing well and are starting to show signs of failure. When they are built right on the property line it will be difficult to maintain without an easement, he said. Mr. Ullrich thinks the design itself needs to be looked at again, saying it doesn’t consider the surcharge from the weight of the house.

Mr. O'Donnell questioned if the wall can be maintained with a 3 ft. clearance. Mr. Lipman said a 3 ft. clearance was enough space for ordinary maintenance.

Mr. O'Donnell said the drainage needs to be looked at and asked how the water is going to travel through the area and questioned the amount of water that will come through. Mr. Ewald said he believes drainage has been addressed. Mr. Ullrich said he visited the site with Mike Nuzzelese and looked at the catch basin. Mr. O'Donnell said he too had been at the site and noted an open pipe, approximately 18", coming out of the catch basin onto the property. He said the property slopes down, and that with the wall up, the water will come across other people's property. As it is now the water is directed, he said. Mr. O'Donnell said that PB members should go to the site to look at the terrain and the slope. Mr. Ullrich said there have been problems with retaining walls and drainage and that a lot on Murray Avenue had water coming through the wall and over the top until an adequate diversion was put on the uphill side. He told Mr. Ewald to make sure the new wall location, backed up from the property line, has been staked before PB members visit the site.

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 May 20, 2008. Passed unanimously.

ADJOURNMENT

The meeting of the Village of Goshen Planning Board closed at 9:30 p.m.

Jerome O'Donnell, Chair
Notes prepared by Susan Varden