

**VILLAGE OF GOSHEN
PLANNING BOARD
Work Session/Regular Meeting
August 25, 2009**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on Tuesday, August 25, 2009 by Chairman Jerome O'Donnell.

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

Absent: Dominick Igneri

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

WORK SESSION REQUEST

Margo Hickok/Neil Hickok, Applicants - Expansion of Use – Bed & Breakfast 268 Main Street, #107-2-39.2. R-1/ADD Zone

Present for the applicant: Applicants Margo Hickok and Neil Hickok

Neil McDonald Hickok said his family is requesting an expansion of an existing use for their Bed & Breakfast that presently serves their guests breakfast, brunch and afternoon tea. They would like to also offer that service to the general public and are looking to seat from 35-40 people, Mr. Hickok said. They have no intention of altering the property in any way other than bringing the kitchen up to code, he said. There will be no changes to the exterior of the building unless they have to exhaust outside from the kitchen. To accommodate the parking, the original driveway would be utilized and would be almost imperceptible because of a woodpile and hedge which should grow to 6 to 8 feet tall in the near future, Mr. Hickok said. He said locating the parking at that spot will have the lowest impact on the neighborhood, because that portion of the property is bounded by government buildings. The food, most of which will be prepared without cooking, will be vegan and vegetarian so the applicant doesn't expect to be in competition with any restaurants in the Village or Town. Mr. Hickok said the intention is to continue to preserve the historical nature of the property and at the same time embark on a low impact commercial enterprise.

Mr. Hickok showed the PB a 1998 site plan of the property. He said that the original driveway exited onto Main Street many years ago. It still exists but is not used. The entrance and exit currently used is off Maplewood Terrace and would remain. He said ten cars can park in the existing gravel parking lot in the back, and he hopes to accommodate another 10-20 cars on both sides of the original driveway. He said he was hoping not to black-top but to have a gravel surface. Mr. Hickok said they have accommodated various affairs on the property. It is served by a private well.

Mr. Donnelly said the property is in the R1 zoning district, and that neither a restaurant nor bed and breakfast is permitted there but it has been a non-conforming use there for some time. He said that only the Building Inspector can refer it to the Zoning Board of Appeals and that it will either be considered for a special permit as an expansion of a non-conforming use or the addition of a restaurant use. If it is the later, it will need a use variance. Either way, it will need site plan approval and will come back to the PB for the layout of parking, screening and landscaping, after it has been before the ZBA.

Mr. Lewis said that if the applicant serves a total of more than 19 patrons, including their Bed & Breakfast patrons, that certain regulations and laws will come into play such as handicapped accessibility. It was noted that if their six rooms are full, they can serve only seven additional patrons before going over the maximum 19 patrons.

McClung expressed concern about the parking, stating that traditionally parking in the Village is located in the back of the property and is adequately screened from view. She said the applicant's idea for the parking in the front doesn't fit the tradition. Mr. O'Donnell told the applicant that he should indicate what is being proposed for parking and to also provide an alternative parking plan. Mr. Pikul said that wherever the parking is located, it will have to be well landscaped in a natural way.

Mr. Hickok gave a history of the property referring to its days as a stagecoach stop and inn on what was then called Albany Post Road in the 1740s. In the 1820s it was turned into a private residence and his family re-introduced it as an inn in the 1980s.

REGULAR MEETING

Nicole Vecchi, Applicant, 2-lot Subdivision, Main Street, Route 207 #101-1-7, R-1 Zoning District

Representing the applicant: James Dillin

Mr. Dillin said this is an application for a two-lot minor subdivision that fronts Route 207 and consists of 2.26 acres, extending back to the old railroad which is now Harness Road. The applicant proposes to subdivide the property into two one-acre lots and build one dwelling on Harness Road. Nothing will be built along Route 207, he said. There is a flood plain through the center of the property and a federal wetlands in the area which will be delineated in the future, he said.

Mr. Tully said he has talked to the engineers for Harness Estates and understands that Harness Road is not complete at this time and there has not been a bond posted for that work. Mr. Dillin said he thinks the road work has been bonded. Mr. Tully said that there is an agreement between the builder and the Village concerning the construction but he hasn't yet reviewed it. He said that the road has not been accepted by the Village as a Village Street but that the water and sewer lines are Village lines.

Mr. Donnelly said that it is not a frontage issue because the roadway was shown on the Harness Estates filed map as a road, but rather it is a question of the level of improvement and whether or not there is bonding in place to secure its conclusion. He said he will talk with the Village attorney about it.

Mr. Tully said that additional topographic information should be provided for the project in the vicinity of Harness Road and in front of the property. Right now topographic contours end at approximately the property line and topographic information should be provided across Harness Road so we can look at the grading, he said. The applicant also needs to reference by a note on the plan which FEMA maps they used for the flood plain designation. Also there are areas of fresh water wetlands on the property that need to be looked at to determine whether there are state wetlands, in addition to the federal wetlands. Mr. Tully said there is a rock ledge on the property so there may need to be blasting and asked that an analysis be done of the rock and grading. If blasting will be done, it must be included on the Environmental Assessment Form. He said a profile of the driveway needs to be provided.

Real Estate Solutions, 10 Matthews St., #114-7-11, D-S Zone, As-Built plan, A-C Condensers, landscaping

Representing the applicant

RJ Smith

Mr. Smith said that construction is complete and that when the final inspection was done it was agreed that the applicant would submit the “As-Built Plan” and come back to the Village to show it to the PB and review any field changes made during construction.

Mr. Smith gave a history of the project and said there were four to five changes to the plan. Mr. Smith said that a strip of property was purchased from the Village and that while early surveys showed it to be a 50 ft. wide strip, when the field survey was completed it was determined to be only 35 ft. wide. So the property line is right along the retaining wall. All of the physical improvements are on an adjoining triangular piece that is two-tenths an acre and sets 15 ft. below the road and is owned by Goshen Shopping Associates. The applicant planted spruce trees on that triangular piece and so had to contact the owners and obtain a letter from them stating that they have no objection to the trees being on their property. Other changes, Mr. Smith said, include the fact that the retaining wall is shorter, it originally extended further and a fence was not put on top of the retaining wall. It didn’t serve a purpose where it was originally to be placed, so it was re-located, he said. They also revised the landscaping plan because the original didn’t show the compressors for the air conditions and the landscaping was revised to go around the compressors. The applicant also got a permit from the DOT and planted a tree in their right-of-way, extending the landscaping. Additionally, the retaining wall was changed at the entrance.

Mr. Smith said the building is currently occupied by Real Estate Solutions, Focus Media, and a law firm, with 1200 sq. feet on the lower level not occupied.

Mr. Tully said he did a site inspection prior to the issuance of a CO and a lot of the issues came to light. The main issues were the retaining wall being so close to the property line and the landscaping being on someone else’s property and the placement of the air conditions and condensers in areas that were supposed to be landscaped, he said. It was agreed that a CO would be issued subject to the applicant coming back to the PB to address the revisions to the site plan, Mr. Tully said.

Mr. Donnelly said that if the changes are acceptable, the PB should approve this “As Built Plan” as an amended site plan. Mr. Tully said that the PB should obtain a letter from Esposito & Associates certifying that the planting has been done in general conformance with the approved plan.

Mr. O’Donnell said the applicant should get a letter from Goshen Shopping Associates stating it is okay for the applicant to enter on their property to maintain the trees planted there. It should be made a condition of the approval, he said.

VOTE BY PROPER MOTION, upon motion made by Ms. McClung, seconded by Mr. Pikul, the Village of Goshen Planning Board approves Real Estate Solution’s “As Built Plan” as an Amended Site Plan with the condition that the applicant obtain a letter from Goshen Shopping Associates giving it permission to enter its property to maintain the trees planted there by the applicant.. Approved unanimously.

T.J. DeGraw, T.M. DePuy for Orange County Trust, 146 North Church Street, #108-5-24, Proposed Site Rehabilitation in the C-S Zone, S.R. Messenger, Owner of record.

Representing the applicant

Tom DePuy, Engineer
Jeff DeGraw, Architect

Mr. DePuy said that Orange County Trust is proposing to occupy the former Key Bank at the corner of North Church Street and Montgomery St. He said the applicant intends to update all of the curbing, sidewalk and paving in the same area as it is in today and to upgrade the landscaping. He said they are proposing a cedar fence for privacy between the bank and the residence to give better buffering and shield from headlights. He said

there will be a few minor dimension changes to the parking area, the curb island will be a little smaller, and the handicap ramps will be relocated to meet ADA requirements. He said there will be an ATM machine located on the site.

Mr. DeGraw said the applicant plans to paint the brick, Benjamin Moore historic color "Lancaster White" and add some awnings and signage. The awnings will be Dark Navy. Mr. Lewis said that the property is in the Architectural Design District and that the applicant must meet the historic colors chart. Mr. DeGraw showed the PB the proposed awning color chart.

Ms. McClung told the applicant to note on the plan that the site is in the Architectural Design District.

The PB talked at length to the applicant about the lighting. Mr. Tully said that the lighting plan indicates there will be about 1 foot candle at the property line, which seems excessive. He said it should be down to zero. Mr. O'Donnell said that lighting should be kept on the building, that there is plenty of street lighting. Mr. Tully suggested a light pole lower than 14 ft., "not as high nor as bright" as presently proposed. Mr. Pikul said that all of the lighting that the banking industry thinks it needs is unnecessary. He said the applicant must be sensitive to the fact that there are three sides of residential properties surrounding the bank site.

Mr. Donnelly said the applicant needs site plan approval but that a public hearing is optional. Mr. Lewis asked if the applicant will be precluded from doing interior work on the building. Mr. O'Donnell said he didn't see any problem and Mr. Donnelly said that as long as they know they are doing it at their own risk.

It was noted that the applicant needs to re-do the lighting levels and re-submit drawings.

VOTE BY PROPER MOTION, upon motion made by Mr. Pikul, seconded by Ms. McClung, the Village of Goshen Planning Board approved a public hearing on the application of Orange County Trust for September 22, 2009 at 7:30 p.m. Approved unanimously.

DISCUSSION

The PB discussed worksession requests, their costs and the present fee schedule. It was agreed that Mr. O'Donnell and Mr. Lewis will meet with the Mayor and recommend a fee schedule which will not be a burden to taxpayers and will include a periodic increase to keep up with inflation. The current fee of \$175 which only pays the administrative costs, will be increased to \$675, with \$500 of the \$675 amount to be held in an escrow account and used to pay the professionals, if their services are used. The applicant would be entitled to a refund of whatever remains of the \$500 in escrow that is not needed to pay for professional services. \$175 of the \$675 amount will be used for administrative fees and will not be reimbursable. The final decision about restructuring the fee schedule will be up to the Village Board.

MINUTES

The PB approved the minutes of its July 21, 2009 meeting.

ADJOURNMENT

The Village of Goshen Planning Board meeting adjourned at 9:40 p.m.

Jerome O'Donnell, Chair
Notes prepared by Susan Varden