

**VILLAGE OF GOSHEN  
PLANNING BOARD  
Work Session/Regular Meeting  
August 26, 2008**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on Tuesday, August 26, 2008 by Chairman Jerome O'Donnell.

**Present:** Jerome O'Donnell, Chairman  
Ed Connor  
Roger Pikul  
Arthur Walsh

James Ullrich, Planning Consultant  
Mike Donnelly, PB Attorney  
Ted Lewis, Building Inspector

**Absent:** Elaine McClung

**VOTE BY PROPER MOTION**, made by Mr. Connor, seconded by Mr. Pikul, the Village of Goshen Planning Board amends the agenda of August 26, 2008 to include the continuation of the Public Hearing on the application of Duso Properties, Inc. Passed unanimously.

**PUBLIC HEARING**

**Duso Properties, Inc.,**S. Stoltz, Amended site plan, 144 South Street, #120-1-2, OB

Present for the applicant: John Szarowski, PE, MHE

Mr. Szarowski described the project as a 10,700 sq. ft. two-story building, one story in the front and two stories in the rear with parking for 43 and an entrance off South Street. The project will contain storm water ponds with a storm water collection system, public water and sewer, he said. Mr. Szarowski said that as a result of last month's public hearing, evergreen trees have been added along the residential property line and the site has been cleaned up and seeded.

Mr. O'Donnell opened the public hearing to comment.

Steve Bogart, 156 South St. submitted written comments which he read. Mr. Bogart said that he could find nothing in the PB minutes of the past several years recording the fact that the PB reduced to 85 ft. the required 100 ft. landscaped buffer between OB Districts and Residential Districts, suggesting that the 15 foot reduction in the buffer does not appear to have been officially or legally done. Mr. Bogart also said that the Code requires that the buffer contain evergreen trees for year round screening, not oriental trees as talked about by the applicant. He said that the zoning law is trying to prevent the home owners from seeing the office building, parking driveway, retention pond, driveway, etc. and that these items shall also not be in the landscaping buffer zone. He asked the PB to make sure that these items not be allowed in the buffer. He said the Code also requires that the parking lot be screened from view of the nearest property in the residential zone and questioned whether there will be adequate screening of the parking lot. He suggested that the buffer reduction should not be added if it has not already occurred legally. "When these buffers were put into law, both the Andrews and Bogart homes were not listed on the NYS and US Register of Historic Places. Today they both are on the NYS and US list of Historic Places. The reduction of the buffer around such homes should not ever occur," he stated.

Rennie Andrews, 145 South Street, said he saw no mention of any reduction in the buffer in the December 2007 minutes of the PB. Mr. Andrews asked what has happened with the County and the road they wanted the applicant to build. Mr. Szarowski responded

that he met with the County and discussed what would happen if the applicant put the road through. He said he told them that it was not feasible. He said the site would then fall out of zoning compliance and the applicant would need variances for setbacks. There would no longer be room for storm water, the entrance would not meet Village road guidelines and if the applicant continued with the grade as it exists, there would be a 10% drop on the curve, which could cause problems in the winter. He said if the applicant eliminates the vertical grade issue, there will be two retaining walls, the site will be an island and 10,000 more cubic yards of fill, or 2500 truckloads, will be coming to the site. He also said that the applicant would no longer be able to meet the parking requirements and that the road that would continue in the wetland will need additional fill. He said he is hoping "not to have to do this. I don't want to go forward with a through road, he said.

Mr. Andrews questioned if sight distances are adequate. He said if the applicant is going to use evergreens to screen the sides and front, that the applicant will have to fence them, otherwise they will be destroyed by deer. Mr. Szarowski said the applicant would then be putting fencing in the buffer. Mr. Ullrich said there are some varieties that the deer won't touch.

Mr. Andrews asked what is the difference between the topography at the building level and the street level. Mr. Szarowski said the front of the building is at 492 ft. and the street level is at 496 ft. He said he will fill at the front of the building, then slope down towards Route 17, following the edge of the building.

Mr. Connor asked what will be seen when you drive down Harriman Drive. Mr. Szarowski said that the top of the building will be visible.

Mr. Andrews said he is concerned about storm water and erosion. Mr. Szarowski said that the ponds themselves are going to be dry but will have surface sand filters at the bottom. He said the detention time will be about 24 hours and then the ponds will dry out. Mr. Andrews asked if the Village will receive a right-of-way to maintain the ponds, questioning who will step in if the owner doesn't maintain them. Mr. Ullrich said it would become an enforcement issue and that the Village has never taken an easement on a private pond such as this and Mr. Donnelly said that historically the Village won't take entitlement to maintain if the opportunity is available. Mr. O'Donnell said that the PB can contact the VB about the situation. Mr. Donnelly said that the pond will be reviewed by the Village Engineer.

Mr. Andrews said that screening is critical, that it has to be done now because it won't be done later. He said he hopes the PB will exercise its control and take a strong stand on the level of vegetation that it requires.

Mr. Bogart asked why the evergreen screening is right on the property line. He said the buffer zone is to put space between the project and the residences. "The trees are right on the property line, the buffer should start at 85 ft. to 100 ft, asking how this is considered setback.

Mr. Donnelly said the requirement is that the buffer exists between the property and the adjoining residentially zoned property. The only point where the buffer requirement comes into play is the point which is the front property line, he said. Mr. Bogart said the parking lot is right up against his property zone.

Mr. Connor asked for an explanation of the lighting plan. Mr. Szarowski said the applicant will keep all of the light on the site, will have no light on the building itself but will use pole lighting to illuminate the building. He said he was told that the applicant couldn't light South St.

Mr. Donnelly read a letter to the PB from the Orange County Planning Department dated August 26, 2008 recommending a through road bisecting two sites to meet at Harriman Drive. It stated that a four corner intersection at Harriman Drive will best serve the area

more than the Hatfield Lane Extension alternative. The letter predicted that future growth will soon necessitate a signalized intersection at both Hatfield Lane and Harriman Drive, less than 1000 ft. from each other. It stated that the presence of wetlands on the adjoining property is the basis for the land use dilemma as it is uncertain whether a through road will be constructed between Route 17A and South St. The letter stated that an argument can be made that the development of the larger site is uncertain and that Mr. Stolz should not have to incur the cost of road construction. The County Planning Department suggested in its letter that the applicant construct an entrance at Harriman Drive and a short road built to Village road standards to the proposed building parking lot, the entrance culminating in a sub road stating that a paper street should be mapped for the balance of the road west of the neighboring parcel and beyond intersecting with Coates Drive. The County Planning Department letter said that they recognize that the preferred through road would limit the applicant to a very tight design in the challenging parcel and are prepared to support necessary variances because of the limiting site conditions.

Mr. Donnelly said that the PB still hasn't heard from the State Historic Preservation office about the neighboring historic properties and that may factor as to the screening issue. He said the PB shouldn't take action until it has heard from them. He suggested that the "PB may want to throw this issue back to the Village Board because if the VB is not in favor of a road connection then there is no reason to require this applicant to redesign its site in a less than opportune way that would require variances, if that is not something that is ever going to happen and it would take the VB for it to happen."

**VOTE BY PROPER MOTION**, made by Mr. Connor, seconded by Mr. Pikul, the Village of Goshen Planning Board adjourns the Public Hearing on the application of Duso Properties, Inc. to September 23, 2008 at 7:30 pm. Passed unanimously.

Mr. Stolz waived the 62-day time frame but Mr. Donnelly said it wasn't necessary since the PB kept the public hearing open.

Mr. Ullrich recommended that the plan be reviewed by the PB's landscape architect, especially in light of the fact that there are historic homes and the plan is a sensitive one. The PB agreed and Mr. Ullrich said he will contact the landscape architect. The applicant also agreed.

Mr. Ullrich said his notes show that the PB discussed an 85 ft. buffer in December of 2007 and that the plan now shows a 75 ft. buffer. Mr. Donnelly said his notes show there was a discussion of an 85 ft. buffer. He said "maybe there wasn't a vote" but that if the minutes don't reflect it, then the PB needs to take action. "If it isn't in the minutes, I would advise that you revisit the issue after you hear from the landscape consultant," he said.

**Joseph M. Donohue, Applicant**, Site Plan, 260 Main Street, #107-2-38, R-1/ADD Zoning District. Request for zoning relief.

Present for the applicant: Steve Esposito

Mr. Esposito said the site is located on the east side of Orange Avenue and Main Street across from the Chase Bank. Mr. Donohue is the contract purchaser. The site is zoned Residential. An office building would not be a permitted use, he said, so the applicant will request a use variance and other area variances. He asked the PB for a ZBA referral for the variances. Mr. Donnelly said the PB doesn't have the authority to send the applicant to the ZBA for a use variance. The applicant will have to get a denial first from the Building Inspector and then appeal the denial to the ZBA. The PB does have the authority to send the applicant for an area variance, he said.

**VOTE BY PROPER MOTION**, made by Mr. Walsh, seconded by Mr. Pikul, the Village of Goshen Planning Board refers the application of Joseph M. Donohue to the ZBA for area variances. Passed unanimously.

**P. Manouvelous, LAN, Ray Quattrini.** Proposed renovations to former Cataract Fire House, 90 Main St. 109-3-7, O-B/ADD

Present for the applicant: Ray Quattrini

Mr. Quattrini gave the PB a letter from the DOT in which they said there is no work permit required. It was noted that the 30-day time period that the County Planning Department has to respond has expired, with no response from the County.

Mr. Donnelly said the conditions of approval will be performance standards certification, the requirement to begin construction within one year, an anticipated completion date of March 1, 2010 and approval from the Architectural Design District.

**VOTE BY PROPER MOTION**, made by Mr. Connor, seconded by Mr. Pikul, the Village of Goshen Planning Board approves the application of P. Manouvelous, LAN, Ray Quattrini, with the conditions cited by the PB's attorney. Passed unanimously.

#### **OTHER BUSINESS:**

Mr. Ullrich reported that the applicant wants to proceed with construction of the wetland mitigation area on the Heritage Estates Subdivision. At this time the applicant has PB preliminary approval and are before the Health Dept. and DEC. Mr. Dillin has prepared an estimate for a site restoration bond, requested by the PB. Mr. Ullrich reviewed the bond estimate and is satisfied. Mr. Ullrich will draft a letter from the PB chair to the Village Board recommending that the bond be established in the amount estimated.

#### **MINUTES**

**VOTE BY PROPER MOTION**, made by Mr. Pikul, seconded by Mr. Connor, the Village of Goshen Planning Board approves the minutes of the meeting of July 22, 2008. Passed unanimously.

#### **ADJOURNMENT**

The meeting of the Village of Goshen Planning Board closed at 8:50 p.m.

Jerome O'Donnell, Chair  
Notes prepared by Susan Varden