

**VILLAGE OF GOSHEN
PLANNING BOARD
Work Session/Regular Meeting
September 22, 2009**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on Tuesday, September 22, 2009 by Chairman Jerome O'Donnell.

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

Absent: Dominick Ignéri

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

PUBLIC HEARING

**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
Gerard Luchen, Consulting Engineer**

Mr. DePuy said the proposal is to rehabilitate the former Key Bank building at the corners of North Church and Montgomery streets to house the Orange County Trust Co. He said the applicant plans to rehabilitate the curbing and sidewalk, replacing it in the same location with the exception of the handicap ramp which will be slightly re-positioned to be done properly. He said that all landscaping areas will be redone, that a 6 ft. high cedar privacy fence will be located along the adjoining property of Nowak and the adjoining property of Seperac and that the hedge will be removed. A curb will be provided down the outside edge of the existing drive-thru. The plan also calls for the posting of "Do Not Enter" signs and pavement markings showing the direction that cars should approach the drive-up. Mr. DePuy said that the parking lot will be re-surfaced and re-stripped and that there will be proper signage on the handicapped parking areas and additional concrete for the pedestrian access to an ATM machine.

Mr. Luchen of Gerard Associates Consulting Engineers addressed the lighting. He said they have selected fixtures with as little impact on neighboring properties as possible and at the same time providing enough foot candles onto the ground, the measurement of the lighting power, to satisfy the New York State Banking Law which states that there must be 5 foot candles for a five foot radius around the ATM, two foot candles within a 30 foot radius, and one foot candle within a 60 ft. radius. Cutoff optics that are dark sky compliant will be put in the top of the fixtures so that all of the light distribution is downward, he said. There will be two separate optic pole fixtures, one along the westerly side of the property to throw light out in front of the building and another on the southeast corner to get light all of the way around. Additionally they propose four fairly low power fixtures along the perimeter of the building to get some light over the top of the entrance and over the top of the ATM and to provide security lighting in the rear, he said. The pole lights will be 12 feet high. Mr. Luchen said the lighting plan provides the minimum to meet the banking law and is the least offensive to the Village. Four wall-mounted lighting fixtures, at 9 to 10 ft., will replace the flood lights now on the building. There will also be some low power fixtures to illuminate two signs.

Mr. DeGraw showed PB members a photo of the building as it now appears and a computer generated rendering of what it is proposed to look like. He said the building

will be painted in Benjamin Moore Historic Color, Lancaster Whitewash, and will have dark navy awnings. There will be two bank signs, both copper color and illuminated with three goose-neck lights. There will also be illumination on the walk-up to the ATM machine. The lighting for the drive-up window will remain the same, he said.

Several PB members asked for some clarifications. Mr. O'Donnell asked for public comment.

Joseph Seperac of 9 Montgomery St., an adjacent property owner, said he is happy to see that his written suggestions were taken. He asked about the privacy fence and said that he is satisfied.

VOTE BY PROPER MOTION, upon motion made by Mr. Pikul, seconded by Mr. Walsh, the Village of Goshen Planning Board closes the public hearing on the application of Orange County Trust. Approved unanimously.

REGULAR MEETING

Orange County Trust, 146 North Church Street, #108-5-24, Proposed Site Rehabilitation in the C-S Zone.

Mr. Donnelly said that the application is a Type II action under SEQRA.

The applicant declared an anticipated completion date of June 15, 2010.

Conditions of approval were discussed. It was agreed to include as conditions that the plans will not be signed by the PB chair until receipt of a letter from the Village Engineer certifying that the changes agreed upon during the meeting have been made; that the project must be started within one year from the date of the signing of the resolution and must be completed by June 15, 2010; that no building permit shall issue authorizing construction of structures inconsistent with the architectural renderings submitted and approved by the Planning Board, that the site plan approval allows construction of only that which is shown on the plans, and that the applicant shall be required to file a performance standards affidavit prior to commencement of the proposed use.

VOTE BY PROPER MOTION, upon motion made by Ms. McClung, seconded by Mr. Walsh, the Village of Goshen Planning Board approves the site plan and grants a conditional use permit on the application of Orange County Trust, upon conditions set forth at the September 22, 2009 PB meeting. Approved unanimously.

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

Representing the applicant: James Dillin

Mr. Tully said that Harness Road is presently not a Village street, that the Village has not yet accepted the offer of dedication but that there is a bond on the road held by the developers of Harness Estates. He said that this situation presents a complication in that it is a lot proposed on a non-public street that is part of an approved subdivision with another developer as the applicant.

Mr. Donnelly commented that Harness Estates is presently responsible for the maintenance of the road, including snow removal, so the applicant will need to get the consent of the owner of the roadbed in order to make a curb cut for any utility lines. Permission will need to be obtained by the applicant from the present owner and will have to be worked out between themselves, he said.

Mr. Tully said that the property contains a federally regulated wetlands and a flood plain and that the rear yard is almost totally encumbered by the flood plain or wetlands so the house will have very little useable backyard.

He said there is a lot of rock on the property at the location of the proposed house and stated that he expects blasting to occur, asking the PB to consider how they want to handle blasting guidelines. He also said that the driveway is a steep slope and recommends that a flatter area be provided near the entrance to the garage for a safer situation. Mr. Tully said that the water and sewer lines appear to be owned by the Village and serve Harness Estates.

Ms. McClung noted that there are existing guidelines for blasting in the Code and Mr. O'Donnell said that as long as the applicant follows the Code and the additional guidelines the Village put on Harness Estates, it should be adequate. Mr. Dillin said he will make note of that on the plans.

Mr. Donnelly stated that approval from Harness Estates will have to be obtained by the applicant prior to the start of any work. Mr. Walsh suggested that the applicant get permission from Harness Estates in writing.

Mr. Donnelly said the application needs to be referred by Mr. Tully to the Orange County Planning Department.

VOTE BY PROPER MOTION, upon motion made by Ms. McClung, seconded by Mr. Walsh, the Village of Goshen Planning Board declares a negative declaration under the terms of SEQRA on the application of Vecchi. Approved unanimously.

VOTE BY PROPER MOTION, upon motion made by Mr. Pikul, seconded by Mr. Walsh, the Village of Goshen Planning sets a public hearing on the application of Vecchi for 7:30 p.m. on October 20, 2009. Approved unanimously.

Southside Commerce Center, Village of Goshen Tax Map Designation #121-1-1.32 in the I-P zone, Town of Goshen Tax Map Designation #13-1-5.11 & 70.

Representing the applicant: Steve Esposito

Mr. Esposito said he has appeared on behalf of the applicant before the Village Planning Board and the Town Planning Board. The parcel, which is located in both jurisdictions, is at 3 Police Drive and is the last site of Westgate Industrial Park, Mr. Esposito said. The Village Planning Board has declared its intent to be lead agency on the application. He said that the access road into the site and some offsite improvements are in the Town of Goshen's right-of-way. Mr. Esposito talked about the history of the project and the reviews and revisions made to the site plans. He described it as a mix use, 26,000 sq. ft of office space and 119,000 sq. feet of warehouse/multi-use buildings and associated parking. He said they are currently in the process of updating the traffic report and are doing an Expanded Part III on the project. Mr. Donnelly stated that the applicant was last before the PB in October, 2008.

Mr. Tully pointed out that the project involves the removal of over 825,000 yards of material from the site according to the site engineer's estimate. "What we have is a quarry first," Mr. Tully said, then when that is done, the applicant wants to build a warehouse/office complex. Mr. Tully said that the issue of the quarry hasn't gotten much review in previous review comments and it is a significant part of the application that needs to be looked at. He said the PB is really reviewing two site plans, one for quarrying and one for the warehouse/office complex. There are two different impacts from those two applications, he said. Mr. O'Donnell noted that "this would be one of the largest mining procedures in the Village."

Mr. Tully has provided written comments to the applicant. He said that the grading plan shows a 60 ft. cut in rock on the site. There was a discussion of whether or not this was originally mentioned. Mr. Esposito said it was in the scope and Mr. O'Donnell said that these numbers were not talked about.

Mr. Donnelly said that it is the applicant's choice whether to do an EAF with an Expanded Part III or a DEIS (Draft Environmental Impact Statement). The applicant is doing this with an Expanded Part III to try to demonstrate that there are no significant adverse impacts, but the PB can determine that it needs to be a DEIS, if it doesn't lead to a negative declaration, Mr. Donnelly said. Mr. Esposito said that from the beginning the applicant has acknowledged that the analysis and evaluations have to be done, and that he thought the PB was comfortable at the time with the applicant providing these reports to evaluate potential impacts. He said that if the PB has changed its opinion he would want to know soon so that the applicant can proceed accordingly.

Mr. Tully suggested the PB not take action on the question of an Expanded Part III or a DEIS tonight. He suggested waiting until the next meeting so that he can go through what has been generated so far and report back to the PB next month. He said there may be a need to bring in other consultants to evaluate some of the issues, such as the quarry, so he may recommend next month that other consultants be brought on board to assist the Village in reviewing the application.

Mr. O'Donnell told Mr. Esposito that "60 feet is a major cut" and the Planning Board will want to see what it would potentially look like. Mr. Esposito said he will do some profiles to show it and that he will get together with Mr. Tully to go through the drawings.

DISCUSSION

Request for signature, Unico Design Group #111-15-16, C-S Zoning District

Representing the applicant.

Steve Esposito

Mr. Esposito said the project received approval of the PB on April 24, 2007, with certain geo-technical conditions on the approval. The applicant is now getting ready to apply for a building permit but the PB chair has not signed the plans. It was noted that it has been 22 months since approval and the conditions didn't get satisfied until October 21, 2008 when the geo-technical conditions were reviewed and approved by Jim Ullrich, the Village engineer at the time. Mr. Tully said that he has not reviewed the plans.

Mr. Donnelly said that the PB could extend the approval and the anticipated completion date.

Mr. O'Donnell said he thinks the PB needs to look at the plans again, since eleven months have lapsed and asked Mr. Esposito if the applicant would have a problem with that. Mr. Esposito said the applicant is concerned with time and expense. He said he submitted the plans for signature two weeks ago. Mr. O'Donnell said that the engineer should do a review of the conditions and if he agrees they were satisfied, then the PB can direct him to sign the plans. Ms. McClung and Mr. Pikul both agreed that Mr. Tully should look to see if the previous conditions were satisfied. It was decided that if Mr. Tully determines that the conditions were satisfied, then Mr. O'Donnell is directed to sign the plans and the applicant will not need to come back before the PB to obtain the signature.

VOTE BY PROPER MOTION, upon motion made by Ms. McClung, seconded by Mr. Walsh, the Village of Goshen Planning Board re-approves the application of Unico Design Group, conditioned upon the Village Engineer's certifying that the conditions attached to the original grant of site plan and ADD permit approval are met, with a start

date for the project of September 22, 2010 and an anticipated completion date of September 22, 2011. Approved unanimously.

Carriage Park at Goshen, LLC – request that the PB amend the adopted Resolution of Approval for Site Plan and Conditional use dated 11-14-06.

Representing the applicant: Steve Esposito

Mr. Esposito said the applicant is asking for an extension of completion until June 30, 2011. It currently expires December 31, 2009.

Ms. McClung asked when things like the job trailer will be removed from the site. Mr. Esposito said they need the staging area and the job trailer, until Building 3 is done and that the area will be cleaned up just prior to the issuance of a Certificate of Occupancy for Building 3 or a bond will have to be issued as an unfinished site improvement.

VOTE BY PROPER MOTION, upon motion made by Mr. Pikul, seconded by Mr. Walsh, the Village of Goshen Planning Board extends its approval for site plan and conditional use of the application of Carriage Park at Goshen, LLC to June 30, 2011. Approved unanimously.

Duso Properties Tax Map Designation 120-1-2, at 144 South St.

Representing the applicant: John Szarowski

Mr. Szarowski told the PB that the ZBA granted the applicant a variance in August, 2009 and said he wants to move the project forward.

Mr. Tully has not yet reviewed the plans. He said he will correspond with the applicant to discuss his comments between now and the next meeting. Mr. Donnelly said they haven't heard more from the County's Department of Planning so he assumes they stand by their recommendation of disapproval. Because of that, the applicant will need four affirmative votes from the Village PB in order to have the project approved, he said. No action was taken.

MINUTES

The PB approved the minutes of its August 25, 2009 meeting.

ADJOURNMENT

The Village of Goshen Planning Board meeting adjourned at 9:10 p.m.

Jerome O'Donnell, Chair
Notes prepared by Susan Varden