

**VILLAGE OF GOSHEN
PLANNING BOARD
Work Session/Regular Meeting
October 20, 2009**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:35 p.m. on Tuesday, October 20, 2009 by Chairman Jerome O'Donnell.

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

Absent: Elaine McClung

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

PUBLIC HEARING

The application of Nicole Vecchi for approval of a 2-lot residential subdivision. The site in question is located on 359 Main Street within the R-1 Zoning District and the ADD of the Village of Goshen, #101-1-7.

Representing the applicant

Jim Dillin

Mr. Dillin said that the applicant is seeking approval to divide a 2.2 acre parcel into two residential lots. He said the property is 200 ft. wide and goes back to the newly constructed Harness Road. In between both roads, is a federal wetlands, he said. There is existing sewer and water which will be tied into. The new lot will have its driveway on Harness Road and nothing will be done with the front lot, he said.

Mr. O'Donnell opened the meeting to the public.

Laura Price Kennedy of 375 Main Street asked about the wetlands. Mr. Dillin said that there is a wetland area, a tributary of the Rio Grande, between Route 207 and Harness Rd. He said the applicant had the wetlands professionally delineated and mapped with flags. The limits of the wetlands have been shown and the applicant is not disturbing them, he said.

Beth Price of 375 Main Street asked whether there will be any change to her family's property in terms of drainage. Mr. Dillin said there will be no disturbance, that the water will be drained into a swale in front of the applicant's property and flow into a culvert. Ms. Price also asked about the flood plain and Mr. Dillin said that a 100-year flood plain is shown on the survey where potentially a 100 year storm could flood. Ms. Price showed PB members where her property is located. Mr. Dillin said that all of the water runs away from the Prices through the applicant's property and follows Harness Road down to the Village of Goshen.

Beth Price asked if the applicant's property is subdivided, will it impact the Price's ability to subdivide their property. Mr. O'Donnell said "no" not as long as they conform to Village regulations and Mr. Donnelly replied that the Prices have the right to do with their property whatever the ordinance allows and added that he is not aware of anything being done on the applicant's property that will impact them.

Mr. Tully said that he is still concerned about blasting, stating that there is a rock ledge where the house is to be constructed and that it is being proposed that the basement will be 10 ft. into the ground. "It is not if blasting is to occur, it is that blasting is likely to occur," he said. Mr. Tully suggested changing the wording of Note #5 on the plan to make prospective buyers aware. He suggested changing it from "if blasting is required" to "it is likely that blasting will be required" and then adding the section of the Code referring to blasting requirements and regulations. PB members agreed.

VOTE BY PROPER MOTION, upon motion made by Mr. Pikul, seconded by Mr. Igneri, the Village of Goshen Planning Board closes the public hearing on the application of Nicole Vecchi. Approved unanimously.

Mr. Donnelly listed the conditions that would be attached to an approval. The applicant will have to have the written consent of Harness Estates to connect to the roadway, a letter from Mr. Tully stating that Note #5 has been addressed to his satisfaction, an anticipated completion date, and the payment of a parkland fee of \$2500 for the one new lot.

Mr. Pikul asked about Harness Road which has not been approved by the Village of Goshen. Mr. Donnelly said that the Village already owns the road bed, and that because it has not yet accepted the road surface as a Village street, Harness Estates is required to plow the snow in the winter and make all necessary repairs and will have to certify to the Village that the road is in suitable condition for acceptance. He said that the PB needs to make sure that Harness Estates has no objection to the applicant's connection to the roadway for construction of the culvert and connection of utilities.

Mr. Dillin showed the PB a letter from Harness Estates dated 10-19-09 stating they have no objection to the applicant connecting to the water or sewer mains on Harness Rd. and stating that whatever work is done may not be done after the top coat has been put on. Mr. Donnelly said that the letter is sufficient to remove the condition of written consent.

Mr. Pikul asked where the Village would be if either party went bankrupt. Mr. Donnelly said that the Village is holding a bond that is sufficient to complete all of the work to put the road in a condition to accept it.

VOTE BY PROPER MOTION, upon motion made by Mr. Walsh, seconded by Mr. Igneri, the Village of Goshen Planning Board approves the application for a 2-lot subdivision of Nicole Vecchi upon the conditions listed by Mr. Donnelly and with an anticipated completion date of October 20, 2011. Approved unanimously.

Request for a 12-month extension from the 12-31-09 completion date of Elant Place Conditional Use and Site Plan Approval.

Representing the applicant:

**Todd Witney
Kelly Naughton, Esq.**

Mr. Whitney said that Elant has four units built, but had approval for a total of 66 units to be constructed by the end of this year. He said that since they are not going to make the completion date, they are seeking an extension. He said that presently they are modifying the service package. Originally it was being offered as a straight condo project where residents could purchase additional services from the Glen Arden facility, now they want to include it in with the Glen Arden Retirement Community and offer the full range of services, he said. Elant is about 75% of the way done with the State approval process. He said they are seeking a 12 month extension from the PB.

It was mentioned that Steve Reineke, Esq. who represents the PB on this application, had written a letter to the PB in which he suggested that an extension longer than 12 months would be realistic. Mr. Whitney said that two years would be more realistic.

Mr. Pikul said that due to the current economy he thinks the PB should give longer extensions, to take the burden away from the applicants who are coming back for extensions. He said that in this economy, six months or a year isn't going to be enough. Mr. Donnelly said that the PB could grant two one-year extensions now.

VOTE BY PROPER MOTION, made by Mr. Pikul, seconded by Mr. Igneri, the Village of Goshen Planning Board grants two one-year extensions for Elant, bringing the anticipated closing date to December 31, 2011. Approved unanimously.

Request of a six month extension of the preliminary approval for The Knolls of Goshen subdivision. Tax map designation: #104-2-40 & 41.

There was no one present to represent the applicant.

The request for an extension was made by way of a letter to the PB from Travis Ewald, PE of Pietrzak & Pfau.

Mr. Pikul said that "if these people are coming because of the economy I think this is a burden on everyone that is before us and if we can extend it with legal advise, we should give everyone an opportunity to do that." Mr. Donnelly said he thinks six months is set by State law for preliminary approvals.

VOTE BY PROPER MOTION, upon motion made by Mr. Pikul, seconded by Mr. Igneri, the Village of Goshen Planning Board grants a six month extension of the preliminary approval on the subdivision of The Knolls of Goshen. Approved unanimously.

WORK SESSION

Goshen Historic Track, Inc. 44 Park Place, #109-5-13, R-1/ADD Zone.

Representing the applicant: Ray Quattrini

Mr. Quattrini said that the applicant has endeavored to upgrade all of its stables at the Historic Track over the past few years and now would like to upgrade Shed Row, the 20 stables that back up to Lawyers Row. Primarily, they want to remove what is there and put it back up in the same foot print, he said, and asked what the procedure will be to obtain approval.

Mr. Quattrini said the buildings are currently sinking into the ground. They were originally built at an elevation of 2 foot below the surrounding elevations and are taking on a lot of their water. They want to elevate the buildings 2 ft. and other than that, will be at the same spot and look the same, the only change being better footings, he said.

Mr. Donnelly said that if it doesn't exceed any of the thresholds, like drainage or traffic circulation, then it is not required to have site plan approval but if it is in the Architectural Design District, then the renderings should be shown to Mr. Abt. He said that there may be an issue of a flood plain development permit and that it will require a permit from the Building Inspector to make sure it isn't creating any adverse drainage impacts in the Village, and that might trigger that one threshold that would require site plan review.

Mr. Lewis suggested that Mr. Quattrini bring an architectural rendering of the project to him and Mr. Tully and that they can have an informal TAC meeting.

Bernie White, president of the Goshen Historic Track, said that time was important in that the Track has a private grant that runs out at the end of 2009 and that if the project can get started this year, he has a chance of obtaining another grant in 2010 so that all of the stalls can be done.

O.C. Trust, #108-5-24. Discussion of Field Change

Representing the applicant:

Jeff DeGraw

Mr. Tully said that the applicant wants to re-locate the two handicapped parking spaces from the front of the building to the side of the building as shown on a new drawing reviewed by PB members. The handicap ramp was interfering with the pedestrian walkway in the front and by moving it to the side, the handicapped access becomes accessible, Mr. Tully said. An informal polling of PB members found that everyone was in agreement with the change. The PB also agreed that it can be handled as a field change and that the applicant does not have to return to the PB with a modified site plan.

Jeff DeGraw said that the applicant would like to locate a dumpster on the site. It was agreed that if the applicant finds the dumpster to be necessary, they will have to return to the PB with an amended site plan. At this time, no dumpster will be allowed.

MINUTES

The PB approved the minutes of its September 22, 2009 meeting.

ADJOURNMENT

The Village of Goshen Planning Board meeting adjourned at 8:35 p.m.

Jerome O'Donnell, Chair
Notes prepared by Susan Varden