

**VILLAGE OF GOSHEN
PLANNING BOARD
Work Session/Regular Meeting
February 21, 2012**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on Tuesday, February 21, 2012 by Chair Jerome O'Donnell.

Present: Augustine DeRosa
Dominick Igneri
Rebecca Lafargue
Elaine McClung
Jerome O'Donnell

Also Present: John Russo, P.E. Lanc & Tully Engineers
Ted Lewis, Building Inspector
Mike Donnelly, Esq. PB Attorney

Horizon Land Development, LLC Hatfield Lane, #126-1-4.22, I-P Zone

Representing the applicant: Steve Esposito

Mr. Esposito said the applicant is requesting the reinstatement of an approval granted in 2007 for an amendment to a site plan. Mr. Esposito said the applicant missed the completion date, and the start date, and are back asking for re-instatement. The site is 30 Hatfield Lane. The original approval was for a site plan with a 40,000 sq. ft. building, in the front, and a 4700 sq. ft. building in the rear. In 2007 the PB approved an amendment for an 8100 sq. ft. building in the rear with 237 parking spaces for the entire site. The requirement is 180 parking spaces, so the site plan has more parking than required, Mr. Esposito said. In the amendment, the footprint increased by 3400 sq. ft. and the impervious area was reduced to 9,000 sq. ft. There has been no changes to the IP zone since the approval was granted, he said.

Mr. Esposito said his client has a potential tenant interested in building a dialysis center. It will be the only one in the area.

Mr. Russo said the engineering firm has reviewed the submission and has no comments.

Mr. Donnelly said the plan is the same as it was and that the PB has the authority to approve it. He said the applicant will have to begin construction within one year of the approval and will have to declare a new anticipated completion date.

Mr. Lewis said that not having enough handicapped parking spaces has been an on-going problem and asked for additional handicapped spaces for the building, which now has four. The PB asked to add two more spaces and Mr. Esposito agreed. The location of the two additional spaces was discussed and agreed upon.

VOTE BY PROPER MOTION made by Mr. Igneri, seconded by Ms. Lafarge, the Village of Goshen Planning Board reinstates the approval granted Horizon Land Development, LLC in 2007, with the addition of two more handicapped parking spaces. Approved unanimously.

It was noted that the applicant must start the project construction within one year of the approval and complete the project by February 21, 2015.

Olde Yorke Subdivision, South Street, #112-5-1.2 & 3, R-1 Zone

Representing the applicant: Steve Esposito

Mr. Russo said the engineers have reviewed the application and met with the applicant's consultants. It is a subdivision of 18 units.

Mr. Donnelly said that the PB gave preliminary approval sometime ago. He said that if the PB grants Conditional Final Approval, the conditions will include: receipt of a sign-off letter on the Village Engineer's comments (in letter dated Feb. 21); a developer's agreement entered into by the applicant with the Village Board memorializing the sidewalk contribution; an easement running to the Village authorizing it to access and maintain the drainage facilities, providing the Village with the authority but not the obligation to maintain those facilities; approvals from outside agencies, including the DEC, and the County Health Department, the filing of a notice of storm water discharges prior to the beginning of construction; an anticipated completion date of Feb. 21, 2014; and the payment of \$2500 per lot in parkland fees.

Mr. Esposito said that he has read Lanc & Tully's engineering memo and is in agreement with all points and said they will all be taken care of.

VOTE BY PROPER MOTION made by Mr. DeRosa, seconded by Mr. Igneri, the Village of Goshen Planning Board grants Conditional Final Approval on the application of Olde Yorke Subdivision. Approved unanimously.

Quick Chek – Site Plan 142-145 Matthews Street, Tax Map Designation #115-1-4 & #119-2-1 & 2. D-S Zone, proposed retail store and gas station.

Representing the applicant: Dennis Caplicki, Esq.

Mr. Caplicki said he wanted to let the PB know that while the applicant is ready to proceed, the Village hasn't received its 239 Referral information from the County. He said he hopes there will be a response from the County by the March meeting so the project can proceed. During that time, Mr. Caplicki said the applicant will act upon the Village Engineer's comments.

Ms. McClung said there seems to have been a miscommunication with the sidewalk issue, regarding what the DEC and DOT is saying, or not saying, whether they recommend or do not recommend. She said she has been told that the County Planning Department has checked with the agencies because they want sidewalks. She said she understands that the County's comments to the Village PB will be substantive. Mr. Caplicki said the applicant is willing to fund sidewalks, that it is not a cost issue, but a project issue. Mr. Caplicki said that the position of the DOT is that they don't feel that sidewalks would be a proper alternative on a connector road. He said he has never seen the DOT's position in writing, but believes it is in writing. Mr. O'Donnell said that if the applicant has the DOT's position in writing that they should bring it to the PB.

Ms. McClung asked if it wouldn't be more practical and easier for the applicant to install sidewalks rather than put the money aside. Mr. Caplicki said that while he is hesitant to speak for his client, he doesn't think so, stating it would be an impediment.

Elant Place Lifestyle Concepts, LLC. Site plan approval extension requesting two one-year extensions for Elant Place project, Harriman Drive #128-1-2.2 O.B. H.

Representing the applicant: Todd A. Whitney, Elant President

Mr. Whitney said the applicant is looking for an extension of its age-restrictive senior condo project located on Harriman Drive next to Glen Arden. He said that construction was started but the completion date ran out.

Mr. Donnelly said that if an applicant is under construction, the PB can simply grant an extension on the applicant's anticipated completion date.

Mr. Whitney said that ideally they would like a three year extension on the completion date. He said all of the roads are in, but the secondary access road (the emergency access road) is gravel and not yet paved. Three years will bring the completion date to Feb. 21, 2015.

VOTE BY PROPER MOTION made by Mr. Igneri, seconded by Ms. McClung, the Village of Goshen Planning Board grants a three year extension of the approval granted Elant Place Lifestyle Concepts, with a completion date of February 21, 2015. Approved unanimously.

Meir Borenstin for Lubavitch, #122-1-2.1, 2.2 & 2.4 #6 Dikeman Drive, I-P Zone, proposed Jewish Lubavitch Outreach Center.

Representing the applicant: Robert M. Graubard, Esq.

Mr. Graubard said the applicant submitted a preliminary site plan and he is present to receive comments from PB members.

The applicant wants to build two modular buildings, one 24 x 50 or 1200 sq. ft. on the front 17A side of the site and a 600 sq. ft. building in the rear. The site is actually three different tax parcels and is a long, narrow piece of property that is in front of the Dikeman firehouse. There will be 20 parking spaces including two handicapped parking spaces. The front building will be office space for the Jewish Lubavitch Outreach Center and the 600 sq. ft. building will be used as the outreach center itself. The front parcel is 3 acres, the second parcel is 3+ acres and the third, or rear parcel is 23.6 acres, including a lot of wetlands. Access will be through an easement, from another property, Mr. Graubard said.

Mr. Donnelly said that the PB needs a narrative from the applicant to see if it fits the uses allowed in an IP zone. He also said that the applicant may need to go to the ZBA for a variance on one of the parcels, if access is not to a municipal street or a street shown on a filed map. "The issue is that their access is not directly to a municipal street, they are going through an easement to get to Police Drive, that is not permitted," Mr. Donnelly said.

There were eighteen written comments from the Village Engineer. Mr. Russo said when the plans are re-submitted they have to be done by a licensed professional, there needs to be a project narrative telling the uses of the buildings, a metes and bounds for all the parcels, the zoning bulk table to show what the zoning requires and what is proposed, the topography of the lots should be provided on the plans, whether or not water and sewer is required, delineation of the wetlands, whether grading will be required and how the applicant will gain access to the back building. All should be shown on the plans along with landscaping, lighting, signage, hours of operation, limits of disturbance, etc.

Mr. O'Donnell said the PB will not entertain the application unless there is a stamped set of drawings.

DISCUSSION

Mr. Donnelly spoke about a change in the state's Open Meetings law that became effective February 2, 2012, requiring documents to be available in advance of meetings, whether by being posted on a website or made available in hard copies. Mr. Donnelly said the Planning Board will have to tailor its procedures to fit the law unless the Village

of Goshen determines that through staffing, budget or equipment, it can't comply. Mr. Donnelly said he understands the Village will attempt to comply.

MINUTES - The PB members approved the minutes of its January 17, 2012 meeting.

ADJOURNMENT - The Village of Goshen Planning Board meeting adjourned at 8:40 p.m.

Jerome O'Donnell, Chair
Notes prepared by Susan Varden