

**VILLAGE OF GOSHEN
PLANNING BOARD
Work Session/Regular Meeting
March 20, 2012**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on Tuesday, March 20, 2012 by Chair Jerome O'Donnell.

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

Absent: Augustine DeRosa

Also Present: Art Tully, P.B. Engineer
Ted Lewis, Building Inspector
Mike Donnelly, Esq. PB Attorney

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.
Kevin Cahill, Engineer

Mr. Cahill said the applicant has obtained approval from FEMA. He said there will be a 90-day open public notice period of time when anyone who wants to appeal the FEMA approval can do so, but that they will have to submit an engineering study demonstrating their position. He said that the applicant expects DOT approval in mid-May. Mr. Cahill said he expects to be able to break ground around June 1, 2012, even though the 90-day period expires June 23, saying that the applicant can begin work “outside the impact area.” He expects to reach “substantial completion” by February, 2013.

The County Planning Department's comments were received Friday and relate mostly to sidewalks and outside lighting, he said. The County recommends that Village approval include a condition ensuring the avoidance of night-sky illumination. Mr. Cahill said that the lighting issue has been thoroughly discussed with the PB and that he believes the light levels and design avoid the night sky illumination, but could include shields on the sides of the lights, if required.

The County is recommending that “the applicant construct an illuminated sidewalk on the south side of NYS Route 17M and ensure pedestrian safety by physically connecting it to the 17M/Matthews Street crosswalk at the Gulf station.” Mr. Cahill said sidewalks have been evaluated and discussed with the PB and that “the lengthy permit process we have gone through would be impacted by this. We have guardrails along the new edge of pavement and have created a larger shoulder along this right-of-way, along the entrance. This is an environmentally sensitive area immediately adjacent to the roadway. This isn't a corridor in the center of the village with high pedestrian traffic to the site.” Mr. Cahill said the applicant is not looking to add sidewalks and that it would put the project out at least a year because of permitting issues. He said the DOT is moving forward to approve the design as is.

Mr. Tully said that neither he nor the Village traffic consultant think a sidewalk is necessary. He said he doesn't agree with some of the conclusions in the County's letter such as the statement that the project will attract considerable foot traffic. He said he considers that statement more of an opinion, with nothing to back it up. The applicant is offering money by way of a developer's agreement for sidewalks whether at this site or elsewhere in the Village, Mr. Tully said. The amount of money is undetermined and can be negotiated, he added, stating that he'd prefer money in lieu of sidewalks.

Mr. Donnelly pointed out that the PB can't require an applicant to make off site improvements, it can require an applicant to construct a sidewalk in front of its own site on its own property, but it could not compel this applicant to do what the County is recommending, building a sidewalk all the way to 17A and a cross walk across 17A. The law says if the County makes a jurisdictional recommendation, the PB need not follow it but if not, the PB can only do that by a vote of a majority plus one of the PB, meaning that four affirmative votes would be needed, he said.

Mr. O'Donnell asked to hear from Planning Board members.

Ms. McClung said she firmly believes the project is going to generate more pedestrian activity. She said that there is a footpath started on the other side of the road. Ms. McClung said that the police chief also believes the project is going to generate more pedestrian activity. Her philosophy is "we do all we can to have sidewalks wherever we can but not to make an applicant do ridiculously expensive or impossible things." Ms. McClung said that because of the topography of the site, she will favor a compromise to have a developer's agreement with the Village Board at an agreed upon sum for Village sidewalks.

Mr. O'Donnell said he wants to see the sidewalk on the far side of the road, if possible, or a substantial financial contribution made for sidewalks. He said it is a dangerous situation where the County wants to put the walkway. Ms. Lafargue said she is concerned about people walking but doesn't think the PB can make the applicant do this. Mr. Igneri said "you can't ask the applicant to do this on someone else's property."

Mr. O'Donnell asked if there was a consensus to override the County's recommendation.

VOTE BY PROPER MOTION, made by Mr. Igneri, seconded by Ms. Lafargue, the Village of Goshen Planning Board overrides the recommendation of the Orange County Department of Planning relative to constructing an illuminated sidewalk on the south side of NYS Route 17M. Passed unanimously. (Four affirmative votes)

Mr. Donnelly stated that the County's recommendation of an illuminated sidewalk will not be included in the resolution of approval, adding that the PB cannot compel the applicant to make the offsite sidewalk improvements that the County recommended. "The applicant is instead offering to contribute money to the Village to be used in its priority plan to install sidewalks in the locations the Village favors. The PB elects to accept the financial contributions offered in lieu of the installation of a sidewalk."

Mr. Donnelly said that the resolution of approval will include the following conditions: a signoff letter stating that shields have been added to the lighting so there is no possible night-sky illumination problem, a developer's agreement with the Village Board under which the Village will accept a contribution towards the sidewalk fund, an easement for the existing water line that runs across the property, review and approval of the proposed floodway remapping, compliance with the Village's Chapter 26 (flood damage prevention), submission of a SWPPP to the Village Engineer, a highway work permit, a filed performance standards affidavit and that construction will start within one year of the date of the resolution and will be completed by June 20, 2014.

Mr. Donnelly reminded the applicant that the entrance way configuration cannot be changed without returning to the Planning Board and that traffic monitoring is to take place after construction to study the traffic flow into and out of the site.

VOTE BY PROPER MOTION, made by Ms. McClung, seconded by Mr. Igneri, the Village of Goshen Planning Board reaffirms the waiving of a public hearing on the application of Quick Chek. Passed unanimously.

VOTE BY PROPER MOTION, made by Ms. Lafargue, seconded by Ms. McClung, the Village of Goshen Planning Board grants site plan approval and approves the resolution with conditions on the application of Quick Chek. Passed unanimously.

Eastgate Corporate Park, LLC, Proposed 970 square foot building addition to Building #3, amendment to Site Plan Approval of 1-22-10.

Representing the applicant:

Steve Esposito
Applicant Joe Matta

Mr. Esposito said that the applicant is proposing an addition to the back of Building #3 at the end of Coach Drive. One-half of Building #3 is rented by the Orange County Board of Realtors, the other half is vacant. The proposed renter is a medical related business. The proposed addition will be under 1,000 sq. ft. It will include a dumpster and dumpster enclosure, an emergency generator, an additional sanitary connection to the existing sewer line and a new water service to the existing water line. There will also be more handicapped parking spaces, he said.

Mr. Tully said that there is no real engineering involved, it is a building extension and a short EAF has been submitted.

Mr. Esposito said the applicant is asking to amend the originally approved site plan for the addition of 970 sq. ft. to Building #3. He called it a “minor” amendment and said the application went through a series of public hearings for the original approval.

VOTE BY PROPER MOTION, made by Mr. Igneri, seconded by Ms. Lafargue, the Village of Goshen Planning Board issues a negative declaration in terms of SEQRA on the application. Passed unanimously.

VOTE BY PROPER MOTION, made by Ms. Lafargue, seconded by Mr. Igneri, the Village of Goshen Planning Board grants approval to the amended site plan of Eastgate Corporate Park Building #3, with a completion date of March 20, 2014. Passed unanimously.

Olde Yorke Subdivision – Construction Bond Review

Applicant representative Steve Esposito said they are finalizing construction plans and want to make sure the PB wants the sidewalks. Mr. O’Donnell said that the PB approved sidewalks on one side of the street and that was a part of the application’s approval. He said the applicant must stick to the approved plan.

MINUTES - The PB members approved the minutes of its February 21, 2012 meeting.

ADJOURNMENT - The Village of Goshen Planning Board meeting adjourned at 8:45 p.m.

Jerome O’Donnell, Chair
Notes prepared by Susan Varden