

**VILLAGE OF GOSHEN  
PLANNING BOARD  
Work Session/Regular Meeting**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on Tuesday, March 24, 2015.

**Present:** Adam Boese  
Rebecca Lafargue  
Scott Wohl, Chair  
Michael Torelli

**Absent:** Elaine McClung

**Also Present:** Michael A. Donnelly, PB Attorney  
Art Tully, PB Engineer  
Ted Lewis, Village Building Inspector

**Approval of Minutes**

The Minutes of the Planning Board's February 24, 2015 meeting were approved with a correction.

**AK Equities, LLC – Goshen Car Wash Proposed maintenance building, 289 West Main Street, #111-19-1, 7, 8 C-S/ADD. Amended Site Plan.**

Representing the applicant: Steve Esposito

Mr. Esposito described the application as an amendment to the previously approved site plan of Goshen Car Wash, stating that it includes the addition of a 2400 sq. ft. building. The addition will provide room for a reception area, office, storage and four service bays. There will be minimal site improvements required, he said. Mr. Esposito described the proposed landscaping and two rain gardens to be installed to collect the additional storm water. The site includes three tax parcels.

Mr. Donnelly said that if the three parcels are not merged, then the approval should include a condition or declaration that states the site plan is granted for the three lots to constitute and operate as a single site. If there is any conveyance of the parcels, then an amended site plan approval will be required.

Mr. Tully said that Pete Abt's Architectural Design District (ADD) review suggests that the PB consider three recommendations; the need for street trees along William and Main St. and sidewalks along William St., that the building's facade be stone or brick and approval of a free standing sign.

Mr. Tully said he doesn't know if all of the original landscaping was installed and suggested that all of the landscaping be completed before a CO is issued for the new structure. Mr. Esposito agreed but said that certain plantings on the original approval will not be able to be done because a rain garden will go in that particular spot. He said there will be new plantings where the rain garden is not going to be. Mr. Tully suggested that there be a note on the plan stating that. He also said that street trees may be unnecessary with the landscaping being proposed.

Mr. Esposito said that in regard to the facade, the ADD recommends using natural materials but the applicant believes that the proposed material, a high-end cultured stone, is acceptable. "What we are proposing is cohesive with the existing buildings there," he said, and added that the colors are consistent with the color palette in the ADD.

Mr. Esposito said that the building is five feet off the front yard setback on William Street. "If we installed sidewalk along the applicant's property line, it would be a sidewalk to nowhere and

there is already a sidewalk on the other side of the street installed by the Village,” Mr. Esposito said. The PB discussed the sidewalk suggestion and the site in detail.

Mr. Esposito said there is already an existing free standing sign and that it won't be changed. He said that if there are additional signs for the new building, the applicant will make application for them.

It was noted that adjoining notices were sent.

Mrs. Eustace, of 21 William St, said her house is adjacent to the project and that she is concerned about land being removed from the vicinity of where her house sits and whether it will erode and shift her house. Her house has been there since 1873 and is built on an incline, she said.

Mr. Esposito said that the applicant is constructing the building into the slope, and it will be 23 feet from the property line. He said there will be a retaining wall. There will be minor grading between the building and the property line to put in the swale and the fence shown on the site plan will come down in order to do the grading, he said. He said the stockade fence will be put back up. The only soil that will be taken away will be from the building site itself, Mr. Esposito said.

Mr. Tully said that the fence is about 22 feet from the rear of the Eustace house and that it appears the grading will be from eight to ten feet behind the property line. He recommended that the applicant replace the fence, if it is in good condition, in the area above the disturbance, but if not in good condition, the applicant should install a new fence. He said that during construction he and the Building Inspector will go out to look at it when clearing begins.

Mrs. Eustace said she is also concerned about the lighting and hours of operation. Mr. Esposito said that the plans call for wall mounted lighting at the door and at the front of building. No lighting is proposed on Mrs. Eustace's side of the property, he said. The hours of operation will be what they are now, seven days a week. All of the activities will be inside the building, he said.

Mr. Esposito said the applicant will keep as much of the existing vegetation along the property line as possible, and will move the dumpster away from her home and back toward the filing station. Mr. Tully said that the dumpster with an enclosure should be shown on the final plans.

Mr. Donnelly reminded PB members that a public hearing was waived and that the application is a Type II action under SEQRA. No other agency approval is needed, he said.

Mr. Donnelly said that the conditions of approval should include: a sign off letter from Mr. Tully's office addressing the issues in his memo dated March 24, 2015, the requirement that the fence be replaced and relocated, a sign off that states that a satisfactory dumpster and enclosure has been shown on the plan, the requirement that the three lots will function as a single site, with the approval of the site plan lapsing if one of the lots is conveyed, the license agreement from the Village Board for the planters and the right-of-way, a statement that any change in the signs will be subject to approval by the BI, that construction will start within one year of the date of approval, an anticipated completion date of March 24, 2016, the filing by the applicant of an updated performance standard affidavit, and a statement that all automotive service work shall be conducted inside the buildings at all times.

Mr. Donnelly noted that the PB decided not to follow Mr. Abt's recommendations about the building façade nor the sidewalks.

**UPON MOTION MADE** by Ms. Lafargue and seconded by Mr. Torelli, the Village Planning Board approves the amended site plan of AK Equities, LLC Goshen Car Wash with the conditions noted by legal counsel. Approved unanimously.

**J. Dillin/S. Liebman, R.A. f/Goshen Realty Holdings, LLC Site Plan – Proposed Dunkin Donuts 400 Greenwich Avenue, #114-5-10, D-S**

Representing the applicant:

Samuel Liebman, Architect

Mr. Liebman said that the proposal is located on the site where the Gulf Station and Subway are located on Greenwich Ave. The proposal is to create a roadway allowing a drive-up window (a pass through) at the back of the existing building for Dunkin Donuts. The inside of the building will include the existing Subway and a Dunkin Donuts. Most of the traffic will be to the drive-up window. Drive up windows are critical to Dunkin Donuts businesses, he said. The entrances and exits to the property will not change and the pump locations will not change, he said, but the outside of the building will change. The PB will receive a rendering of it. The basic issue, Mr. Liebman said, is the percentage of coverage of the property. The site is 42,000 sq. ft. with the existing building and paved area covering 26,500 sq. ft. so there is 65 percent lot coverage now, he said. The total square footage of the proposed roadway is 4,000 sq. ft., bringing lot coverage to 69 percent when the permitted coverage is 65 percent. Mr. Liebman said that the applicant is proposing to use a DOT approved material which is a porous material that is a pavement but will not be different than grass in terms of absorption. "We feel that by getting permission to use the material, we will not be violating the current code," he said.

Mr. Tully said there are issues and an analysis that has to be done. He said that in zoning, lot coverage can vary between 65 percent and 75 percent depending on the use of the building. He said this proposal is difficult to analyze because the interior use is changing. Mr. Tully said that the proposal is for everything to come out, including the coolers, leaving a small counter where the customer pays for gas. From the interior, it appears to be a restaurant, but from the exterior it appears to be a gas station. He said he thinks that if there are tables and chairs, it is more like a restaurant than a gas station. If it is a restaurant there can be 65% coverage, but if it is a gas station there can be as much as 75% coverage. He said he doesn't have a problem with porous pavement as long as it fits in with this project. He noted that the major issues are lot coverage based on the use of the site and the application of porous pavement.

It was noted that the Zoning Board of Appeals may have to interpret the use but Mr. Liebman said the applicant would rather deal with the 65% maximum coverage than go to the ZBA.

Duncan Cameron, representing Dunkin Donuts, said he will have a rendering to show for the next meeting. He said that the façade will be a cultured stone with a hardy plank. Dunkin Donuts will have 1750 sq. ft. and there will be 700 sq. ft. for the existing owners. There will be a retaining wall that looks like a stone wall. They will be working with land surveyor Jim Dillin, he said.

Mr. Torelli said he would like to see a cross hatch of the pavement at the next meeting.

Mr. Donnelly said that adjoiner notices will have to be mailed and that a 239 Referral to County Planning should be done. The PB can issue a Notice of Intent to serve as lead agency. A public hearing will be required on the application, he said.

**UPON MOTION MADE** by Mr. Torelli and seconded by Ms. Lafargue, the Village Planning Board declares its intent to be lead agency on the application of Goshen Realty Holdings, LLC. Approved unanimously.

**UPON MOTION MADE** by Mr. Boese and seconded by Mr. Torelli, the Village Planning Board sets the public hearing on the application of Goshen Realty Holdings, LLC for May 26, 2015 at 7:30 p.m. Approved unanimously.

Mr. Wohl said that the next meeting can be a work session for the project

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

