

**VILLAGE OF GOSHEN
PLANNING BOARD
February 27, 2018**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on February 27, 2018 in Village Hall by Chairman Wohl.

Members present: Chair Scott Wohl
Elaine McClung
Adam Boese
Molly O'Donnell
Michael Torelli

Also present: Michael Donnelly, Esq., PB Attorney
Kristen O'Donnell, Planner
Ted Lewis, Building Inspector

Chairman Wohl opened the meeting with the Pledge of Allegiance.

APPROVAL OF MINUTES

VOTE BY PROPER MOTION made by Mr. Boese, seconded by Mr. Torelli, the Village of Goshen Planning Board moved to adopt the minutes of the January 2018 meeting. Motion carried 5-0 by all those present.

APPLICANTS BEFORE THE BOARD

VILLAGE PLACE, 260 West Main Street, #111-10-17.2, C-S with P.A.C. Designation

Representing the Applicant: Steven Esposito, RLA
Jay Myrow, Esq.
Mark Siemers, P.E.

Mr. Esposito stated previously this project was before the board and asked for a referral to the Zoning Board of Appeals. This subject parcel is a 1.2-acre parcel that is connected to the original P.A.C. known as Village Place. The P.A.C. designation was received by the Village Board back in 2006. There was site plan approval shortly thereafter and then a collapse in the economy in 2008. The original approval was for 48 condominium units. In 2009 the applicant received a use variance to change from an age-restricted P.A.C. to open-market apartments for 48 units that were originally approved as part of the P.A.C. Those units were constructed.

The subject parcel of this application was offered to the Village for dedication for Village uses. The Village interest has now waned. The applicant approached the Village board last year to get the offer of dedication released. The Village entered into a builder's agreement by resolution approved in February 2017 that under certain conditions the Village would release the parcel for development. It was asked what the conditions were. Mr. Myrow stated approval from the Planning Board and payment of some money.

Mr. Esposito showed the board a development plan for 16 market-rate rental units which is the application this board referred to the Zoning Board of Appeals. The applicant went to the ZBA for an amendment to the special-use permit and an area variance for lot coverage. In the P.A.C zoning one of the few requirements is 35% development coverage. The applicant requested relief for 45% development coverage. The ZBA by resolution on September 21, 2017 amended the special-use permit allowing for the construction of up to 16 rental units and granted the development coverage to 45% in the aggregate.

The plan renderings show the buildings up front on the sidewalk line and parking in the rear. The two-bedroom units are stacked with eight units on the first and second floors. Ms. K. O'Donnell asked from a visual perspective why the architecture did not match the buildings across the street. Mr. Esposito stated the original buildings are over garage parking. He stated the proposed

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buildings are still pitched roofs, dormers and colonial window treatments. They do not have garage under parking.

Chairman Wohl asked Mr. Esposito if he had read the Lanc & Tully comment letter. Mr. Esposito stated he had. Ms. K. O'Donnell stated she had received the SWPPP this month.

Ms. K. O'Donnell stated there were some concerns. The zoning is intended for an age-restricted community. Now there is a use variance to permit non-age-restricted units and there is no zoning in place to deal with those types of units. In the R-3 zone there are multi-family unit regulations with requirements such as recreational amenities, parking, and building length requirements. The zoning also doesn't permit multi-units attached in the fashion presented. With the use variance there is zoning for something that is not going to be built so there are concerns on what requirements to apply to this project.

Mr. Donnelly stated the project is neither an R-3 or a P.A.C. any longer and is operating under a use variance. There is very little other than the lot coverage issue for which the applicant received a variance for. He said the board will still want to address concerns such as the visual impact, size and building length regardless of no code provisions.

Mr. Myrow stated the applicant is in a P.A.C. overlay and a variance was granted in the context of the project being in a P.A.C. and there a permitted use for this P.A.C. which is the market-rate rental units. He stated he is not sure the board can apply anything other than the P.A.C. regulations. Ms. K. O'Donnell stated it was unclear and she doesn't know how the zoning permits the type of building proposed with just a removal of the age restriction specifically.

Mr. Donnelly suggested to the board to look back to see how the current buildings were handled in the P.A.C. when they were approved. He doesn't believe there have been any changes to the P.A.C. zoning since then. Mr. Wohl said they should look to find out what the rationale was for the original buildings across the street. Mr. Esposito stated they tried to make the setbacks and features similar to those across the street.

Mr. Wohl stated there was just no written guidance and the board should investigate what was done previously and work within that vein to maintain consistency. It was also discussed that the amenities across the street will be available to these new apartments as they are all one project. The board should look into whether or not the original plan was charged parkland fees in lieu of recreational amenities.

Mr. Donnelly stated the board should also wed this project to the prior construction as part of the approval process and make it one single project either by lot consolidation, restrictive covenant or deed restriction.

SEQRA DISCUSSION

Mr. Donnelly stated the ZBA handled this application under an uncoordinated review basis. Ms. K. O'Donnell stated she spent a very long time going through the NYS DEC database recording all of the prior spills on the site and the information that was provided by the applicant during the initial approval on the other side of the street. An environmental assessment was done at that time where there were test wells on the site including the new subject parcel. There was prior concern of the NYSEG site next door leaching onto the subject parcel. Ms. K. O'Donnell stated the conclusions of that report seem to say there was nothing found on this new subject parcel that would lead anyone to believe it's contaminated today.

Ms. K. O'Donnell recommended that during construction any soil stains observed or barrels under the ground be required to be reported to the Village and DEC. Mr. Esposito stated for the purpose of history in 2000 McBride's gas station was located at the site and had a major leak.

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The site was remediated, and the records closed. Shortly thereafter there was another detection that was reported and subsequently closed. Prior to construction on the original parcel, phase I and phase II audits were conducted, and three reports were made to the DEC. Those events were cleaned and disposed of and the record was closed by the DEC. The same protocol will be followed on the new subject parcel.

The DEC, County Planning and the Village DPW have been notified.

VOTE BY PROPER MOTION made by Ms. McClung, seconded by Mr. Boese, the Village of Goshen Planning Board moved to issue a Lead Agency Notice of Intent.
Motion carried 5-0.

SCOTCHTOWN OFFICE PARK, Corner of Scotchtown Avenue and Harness Road, Tax Map Designation #104-2-59.2, OB Zone, #104-2-59.2

Representing the Applicant: Peter Botti, Esq.

Mr. Botti stated he was here tonight to seek a favorable referral from this board to the Village Board.

The parcel of land is off Harness and Scotchtown. In 2011 the application received an approval from the Planning Board to build three 5000 square foot office buildings. From that date to the present the property has been on the market and has had no offers. With the government center reopening there is an estimate of an excess of 100,000 square feet of vacant office space in Goshen. He believes no one will be looking to build any more office space at this time.

In 2013 the applicant came back before the board seeking a referral to the Village Board for 16 townhouses on a private road maintained by an HOA. Each unit is 1700 square feet with a 55 and over age restriction. The request of the Village Board is to grant a zone change to an R-3 and overlay for an adult community 55 and older. Mr. Botti stated he believed there could be 37 units built but is only proposing 16.

The applicant is requesting a favorable referral from the Planning Board once again, as well as an additional favorable referral from the Village Planner to the Village Board.

Mr. Donnelly stated the previous time the applicant petitioned the Village Board, the Village Board then sent it to the Planning Board and the Planning Board then rendered a report back to the Village Board. Ms. K. O'Donnell asked the applicant when they were before this board previously, was the senior aspect discussed then as she didn't see it in her report. Some of the board members also stated they did not remember an age restriction from then. Mr. Botti stated he didn't believe it was discussed at that time. It is a new aspect.

Ms. K. O'Donnell stated age-restriction housing was favorable several years ago, however in the current market for senior housing has not bounced back. She questioned whether the applicant has looked into the marketability of senior housing. She stated the last application demonstrated a study that there is no market for this type of housing and thus requested a use variance from a Planned Adult Community to unrestricted market-rate apartments. She is concerned that the last application was an approved P.A.C. that was not marketable and now this application is seeking a P.A.C. She believes the Village should be aware of what this application is proposing.

Mr. Donnelly stated the 2013 request asked for an amendment to the map to rezone the property from OB to R-3. The second request was to remove any requests for an increase in density as density will be accomplished by using the P.A.C. floating zone. Third, the applicant requested an

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amendment to Article 12 for the P.A.C. floating zone to include market-value residences. It was discussed that the P.A.C. would allow for market-value ownership residences.

The board did discuss concern that granting P.A.C overlays only to have them fail and then need to be converted into open-market rentals for sustainability could be become a pattern as evidenced by the last application before the board tonight. Mr. Donnelly said that would be determined by the Village Board as a legislative pronouncement as to whether or not they feel that there is a reasonable likelihood that a P.A.C. project should be built on that site.

VOTE BY PROPER MOTION made by Ms. McClung, seconded by Mr. Boese, the Village of Goshen Planning Board moved to issue a letter to the Village Board for this application. Motion carried 5-0.

COMMUNICATIONS

KIKKERFROSCH, LLC, Tax Map #117-1-1 & 2, requesting a one-year extension of Site Plan approval

1/26/2018 S.T. Esposito letter

VOTE BY PROPER MOTION made by Mr. Torelli, seconded by Ms. O'Donnell, the Village of Goshen Planning Board moved to grant a one-year extension to February 27, 2019 on this application. Motion carried 5-0.

DUSO PROPERTIES, Tax Map #120-1-2, requesting a two-year extension of approvals

1/11/2018 letter from Stanley P. Stoltz

VOTE BY PROPER MOTION made by Ms. O'Donnell, seconded by Mr. Torelli, the Village of Goshen Planning Board moved to grant a one-year extension on this application. Motion carried 5-0.

DANA DISTRIBUTORS

1/31/2018 letter from E. Rogge, P.E.

Ms. K. O'Donnell said everything was signed off on and they are ready to go.

Copy of letter address to Theodore L. Lewis, III RE: Construction Inspections from Eric Rogge, P.E.

No action needed at this time.

THE KNOLLS OF GOSHEN, Tax Map #104-2-40, 41

12/1/2017 letter from A. Trochiano, P.E. requesting 90-day extension of approvals.

Representing Applicant: Mark Siemers, P.E.

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Mr. Siemers stated there is a new purchaser of the project and is mulling over constructing the 13 lots as approved or come in with a lesser density plan. The decision has not yet been made and therefore the applicant is requesting a 90-day extension to May 27, 2018.

The board asked that the applicant appear after 90 days.

VOTE BY PROPER MOTION made by Ms. McClung, seconded by Ms. O'Donnell, the Village of Goshen Planning Board moved to grant a 90-day extension for this application. Motion carried 5-0.

ADJOURNMENT

VOTE BY PROPER MOTION made by Mr. Torelli, seconded by Ms. O'Donnell, the Village of Goshen Planning Board moved adjourned the meeting at 8:45 p.m. Motion carried 5-0.

Next scheduled meeting of the Planning Board is March 27, 2018.

Scott Wohl, Chair

Notes prepared by Tanya McPhee