

**VILLAGE OF GOSHEN  
PLANNING BOARD  
July 24, 2018**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on June 26, 2018 in Village Hall by Chairman Wohl.

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

Members Absent: Elaine McClung

Also present: Michael Donnelly, Esq., PB Attorney  
John O'Rourke, Engineer, Lanc and Tully  
Ted Lewis, Building Inspector

Chairman Wohl opened the meeting with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The board tabled the adoption of the May 2018 minutes until the next meeting in August 2018.

**VOTE BY PROPER MOTION** made by Ms. O'Donnell seconded by Mr. Boese, the Village of Goshen Planning Board moved to adopt the minutes of the June 2018 meeting. Motion carried 4-0.

**APPLICANTS BEFORE THE BOARD**

**YIDEL REALTY WAREHOUSE**, 2500 Route 17M, #117-1-1.22, I-P Zone, Continuation

Representing the Applicant: Steve Esposito, RLA

As discussed at the last meeting Art Tully, Planning Board Engineer's office, Lanc and Tully is representing the applicant. Engineer Jim Farr is acting as consultant for the Planning Board on this application.

Mr. Esposito stated this application was before the board last month. It's a proposed warehouse distribution center located on 17M in the IP zone which was the Kikkerfrosch property. The property is 83 acres.

A preliminary set of site plans were submitted along with a SWPPP and a project narrative to describe the project. Included was also a scope for a traffic study. The Village traffic consultant was contacted in early June to request traffic count collection prior to school ending for the year. The Village traffic consultant in conjunction with the project traffic consultant identified five intersections in the area to be evaluated in the traffic impact study.

Mr. Esposito stated this site does not use a lot of water and sewer and no processing. This project is likely to create approximately 300 new jobs.

At this time Mr. Esposito would like to advance the plans and welcomed the board's comments.

Two requests were made by the applicant: A referral to the ZBA for parking relief as well as relief from building height. The maximum building height in the IP zone is 35 feet. In this type of facility industry standards require 40 feet as a minimum.

Mr. Farr stated Mr. Esposito's office addressed all comments originally issued by Lanc & Tully. Mr. Farr said it makes sense to go the ZBA for parking relief as it relates to diminishing storm

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water. He stated there still are site balancing issues and rock issues but the project can proceed with more complete plan submissions.

Mr. Donnelly said the board has lead agency but that the ZBA cannot act until SEQRA is complete. Mr. Farr stated the biggest issue right now is traffic which is a big number. It can be sent to the ZBA with the reminder that they can't take action yet.

Adjoiner notices need to be sent out as well as a referral to County Planning.

**VOTE BY PROPER MOTION** made by Mr. Boese, seconded by Mr. Torelli, the Village of Goshen Planning Board referred this application to the to the Zoning Board of Appeals. Motion carried unanimously.

**R. SPIAK**, 48-50 Wickham Avenue, #111-2-12.1, R-1 Zone, work session request

Representing the Applicant: Pat Foley  
Ray Spiak

Mr. Foley stated he is in the process of trying to sell his lot to Mr. Spiak. Mr. Spiak stated the lot was created by subdivision years ago and it has a shared driveway for the future house at 50 Wickham. Both Mr. Foley and Mr. Spiak are not in favor of sharing a driveway. They wish to keep the house size and location the same and keep the parking in the front.

Mr. O'Rourke stated there are no engineering issues. Mr. Donnelly stated no one really knows why the map note is there and believes the subdivision can be amended by authorizing the removal of the map note. The problem mostly lies in the building inspector not being able to issue a building permit with the map note.

**VOTE BY PROPER MOTION** made by Mr. Torelli, seconded by Ms. O'Donnell, the Village of Goshen Planning Board authorized the removal of the map note #3 and filing with the Village Clerk of the amended map. Motion carried unanimously.

**MATTA SUBDIVISION**, Horseshoe Court, #124-2-2.2 & #124-2-2.142, Lot line change, R-1 Zone

Representing the Applicant: Ross Winglovitz, P.E.  
Alan Lipman, Esq.

Mr. Matta personally appeared and asked to address the board. Mr. Matta stated he was before the board in March and since that time there have been various activities on the property that he believes have been misconstrued or misunderstood about his plans and actions. He stated he never had any intention of circumventing the planning process or code requirements. In 2016 and 2017 he applied for and was granted two separate lot-line changes. In March there were discussions about creating a four-home subdivision. He felt what was being asked was not economically feasible because of the constraints of the lot. He erroneously never formally withdrew the subdivision request which created confusion. He always intended to move the lot line on 99 Scotchtown to create the 50-foot strip.

Prior to coming before the board in January he applied for and received a permit from the Orange County DPW to make a temporary construction entrance for logging and clearing. The work began in the last week in May. The engineers staked out the property. The road stakes were not followed by the excavator and were overly aggressive. A much wider opening was created than was needed. The top soil was stripped from where the rough road was to be and was

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interpreted as grading. A stop-work order was received. The building inspector requested that the previous subdivision application be withdrawn. Mr. Matta stated he has heard a lot of things being said about his project and thanked the board for allowing him to speak.

Mr. Winglovitz stated his company is the site civil engineers for this project. He stated it is an 11.8-acre property as it exists today. The proposal is to do a lot-line change to create a 50-foot wide stem in addition to its existing frontage on Horseshoe Court and use the stem as the access driveway to a proposed single-family residence at the top of the hill. Mr. Winglovitz feels this access point is far superior to a driveway off Horseshoe Court. There is significant grading and very steep slopes that would have to be traversed with extensive tree removal, grading, and site disturbance to accomplish a driveway from Horseshoe Court.

Mr. Winglovitz stated the proposed building would be serviced by two proposed Village sewer and water lines along the driveway down to Scotchtown Avenue. The driveway is designed in accordance the New York State Fire Code regarding turn outs and turn arounds.

Mr. Winglovitz stated there were several comments received from Lanc & Tully. One of them was the slope for the driveway could not exceed 10% of lot width which they consider 30 feet past the stem of the property. He is questioning the code's definition as it applies to this project. Mr. Winglovitz stated the most significant discussion in his opinion is lot width, front yard and slope. To gain access to the building there will be a significantly sloped driveway and they are trying to minimize the grade but it is difficult terrain.

Mr. Donnelly stated it doesn't meet lot width at that distance. Mr. Winglovitz opined about his position on how the calculation is made. Chairman Wohl stated that if the County holds its position on no driveway access on Scotchtown the argument is moot. Mr. Winglovitz stated he believed he was going to be able to get the County to change its position.

The Orange County DPW also provided comments which indicated that they did not like the access off Scotchtown and wanted the driveway off Horseshoe Court. Attorney for the applicant, Alan Lipman stated he spoke to the Commissioner and is waiting for a response.

The Village of Goshen DPW also submitted comments and those will be addressed in the near future.

Mr. Winglovitz quickly addressed the other pertinent comments by Lanc & Tully.

Mr. O'Rourke stated it should go to the ZBA for interpretation of the code. Ms. O'Donnell stated she didn't think it should go to the ZBA until this board hears back from OCDPW. Mr. Donnelly stated at this time it was appropriate to issue a lead agency Notice of Intent, mail adjainer notices and refer the application to Orange County Planning.

Mr. Lipman stated that his client would like to schedule a public hearing at this time. Mr. Donnelly stated the appropriate time for a public hearing will be when SEQRA is closed out. The board stated it is premature to do so.

**VOTE BY PROPER MOTION** made by Mr. Torelli, seconded by Mr. Boese, the Village of Goshen Planning Board declared Notice of Intent for Lead Agency on this project. Adjoiner notices will be mailed, and referral to Orange County Planning will made. Motion carried unanimously.

**VOTE BY PROPER MOTION** made by Mr. Boese, seconded by Mr. Torelli the Village of Goshen Planning Board referred this project to the Zoning Board of Appeals for interpretation. Motion carried unanimously.

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**ONE POLICE DRIVE**, warehouse, One Police Drive, #122-1-10.2, I-P Zone

Representing the Applicant: Steve Esposito, RLA

Mr. Esposito stated a proposed warehouse between King Zak and Interstate Battery on Police Drive on a 4.4-acre parcel in the IP Zone. The proposed building is 68,000 square foot with six dock and on-grade access.

Mr. Esposito is in receipt of Lanc & Tully's most recent comments. Mr. O'Rourke stated they are technical comments that can be addressed and shouldn't affect the board's consideration.

Mr. Donnelly stated the applicant declared an anticipated completion date of July 24, 2020. A Negative Declaration has been issued and the public hearing waived.

**VOTE BY PROPER MOTION** made by Mr. Boese, seconded by Ms. O'Donnell, the Village of Goshen Planning Board granted approval subject to a sign-off letter from Lanc & Tully, a filed Performance Standards Affidavit, the project must be started within one year, filed building permits, and a letter from Orange and Rockland. Motion carried unanimously.

**FIDDLER'S GREEN**, #115-1-5, R-3 Zone

Representing the Applicant: Steve Esposito, RLA  
Jay Myrow, ESQ.  
Jose Carballo, RA  
Barbara George

Mr. Myrow stated he sent a letter requesting to be on agenda. He stated since the last time he was before the board the applicant had submitted a significant amount of data regarding visual impacts. Mr. Esposito also provided photo simulations that were also presented to the ZBA. Mr. Myrow stated that he knows the ZBA cannot act until SEQRA is completed.

Chairman Wohl asked if the applicant received the June 28 letter from Art Tully. Mr. Myrow said they did. Chairman Wohl stated that is an outstanding issue. Mr. Myrow stated Mr. Esposito's July 10<sup>th</sup> submission answered those concerns. The board stated they had not received any submission nor comments by Mr. Esposito. Mr. Esposito stated the submission included the visual analysis which has a topographical viewshed analysis, a letter, balloon test photo log, the balloon test photographs and footage. The applicant also resubmitted the documents that were prepared for the board on May 8 which is the revised layout where two buildings were moved on the west side of the tree of life and removed the parking and roadways adjacent to the trail. There was also a narrative describing what was done in terms of lowering some of the buildings and an update on the landscape plan. The photo simulations were also updated. Mr. Esposito stated he personally hand delivered the submission to the building department.

Mr. Donnelly stated he received an e-mail with a link to Dropbox and the paper copies. The board members did not.

Mr. Esposito stated the bigger issue was that in his opinion his client went out of their way to provide all the necessary simulations and the balloon test to try to satisfy the board. Mr. Myrow agreed that the applicant has gone beyond what is necessary.

The board discussed that they were unsatisfied with the notice, the duration and the result of the balloon test. Mr. Esposito stated the balloon test wasn't even required and they did their best given the wind and weather. The board felt that this project is significant and a very important

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decision for the Village and would like to get a better a handle on the size and visual impacts of the buildings.

Given that the board did not receive the submission before the meeting, no action can be taken tonight. Mr. Esposito will deliver flash drives to all board members containing the photos and videos.

Dennis Caplicki, Esq., a member of the audience who described himself as someone representing the interests of the residents of Green and South Streets requested to make a statement. The applicant's representatives were asked to come back into the meeting room. Mr. Caplicki asked for clarification for the status of SEQRA and variances. Mr. Donnelly stated no variances have been granted. An interpretation of building length not exceeding by underground parking was issued. The SEQRA analysis has not been completed.

Mr. Myrow stated if Mr. Caplicki wanted to call him, he would be happy to talk about it. Mr. Myrow stated the public hearing is closed and did not want to talk about it in front of the board. Mr. Caplicki stated the residents are extremely concerned about the variances that will be required as to the height of the proposed buildings. Mr. Caplicki stated he FOILED the documents in Village Hall before the meeting but couldn't find everything he was looking for. Mr. Myrow once again stated the public hearing was closed.

**ORANGE ULSTER BOCES, Greenhouse renovations, #128-1-3.22**

Representing the Applicant: Andre Keel, RA

Mr. Keel appeared before the board stating the clerical error that occurred last month with the 239 filing had been rectified and completed.

Mr. Donnelly stated construction must start within one year and the applicant is required to declare an anticipated completion date. It was agreed the date of completion will be July 24, 2020. The applicant will have to file a Performance Standards Affidavit with the building inspector before a permit is issued.

**VOTE BY PROPER MOTION** made by Ms. O'Donnell, seconded by Mr. Torelli the Village of Goshen Planning Board granted approval to begin this project subject to the items Mr. Donnelly listed above. Motion carried unanimously.

**GOSHEN LIBRARY & HISTORICAL SOCIETY, color change/roof**

The Board was presented with samples of colored roof shingles for the new library building. The board discussed the various options. As the building is in the ADD zone any change in color must be approved by the board.

**VOTE BY PROPER MOTION** made by Ms. O'Donnell, seconded by Mr. Boese the Village of Goshen Planning Board approved the color change. Motion carried unanimously.

**ADJOURNMENT**

**VOTE BY PROPER MOTION** made by Ms. O'Donnell, seconded by Mr. Boese, the Village of Goshen Planning Board moved adjourned the meeting at 9:04 p.m. Motion carried unanimously.

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Next scheduled meeting of the Planning Board is August 28, 2018.

Scott Wohl, Chair

Notes prepared by Tanya McPhee