

**VILLAGE OF GOSHEN
PLANNING BOARD
October 23, 2018**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on October 23, 2018 in Village Hall by Ms. McClung.

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

Members absent: Chair Scott Wohl

Also present: Michael Donnelly, Esq., PB Attorney
Art Tully, Engineer, Lanc and Tully
Kristen O'Donnell, Village Planner
Theodore Lewis, Building Inspector

In the absence of Chairman Wohl Ms. McClung chaired and opened the meeting with the Pledge of Allegiance.

APPLICANTS BEFORE THE BOARD

GOSHEN STAGECOACH PROPERTIES, LLC, 268 Main St., 107-2-39.2, R-1/ADD Zones

Representing the Applicant: Jay Myrow, Esq.
Steve Esposito, RLA

This application was previously in front of the Zoning Board of Appeals. The application is to enclose the porch area with a permanent structure. Currently a removable tent on top of pavers is being used. The issue before the ZBA was whether or not the application was expanding the non-conforming use. Since dining was included as use of the patio, the ZBA interpreted it was not an expansion of non-conforming use to enclose the patio area.

The code requires site plan approval in order to proceed, thus the applicant appears before the Planning Board this evening.

Village Planner K. O'Donnell stated the applicant is enclosing an area on the porch that is currently used for dining. Ms. K. O'Donnell stated the applicant does need site plan approval. She is in possession of a plan and an architectural drawing. Her only concern is the plan is not labeled as a site plan. The last time this application was before the board they were before the board for a subdivision. They obtained subdivision approval on the site that was never filed with the County. Since it was never done, she asked the applicant if they were okay with the fact that it is now null and void. Mr. Esposito stated the applicant is no longer pursuing the subdivision and let it lapse the 90 days and agreed the application is null and void.

Ms. K. O'Donnell stated this board did not grant a site plan approval at the time because the ZBA opined there was no change to the building at that particular time. This use has no site plan approval at all at this time. The board has to grant an approval and therefore needs a plan that says "site plan approval." Mr. Myrow stated he will get a correctly labeled plan in.

Ms. K. O'Donnell stated other than that, she has no concerns with the proposed work on the site. Architectural renderings were provided. The proposal matches the existing architecture and nicely respects the character of the building.

Mr. Donnelly stated the board had designated themselves as lead agency back in the beginning of the process and can reaffirm that. The application will require mailing of adjoining notices and a referral to the Orange County Planning Department.

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Ms. McClung polled the board members for questions and comments.

There were no comments or questions provided.

Mr. Esposito asked that the board waive the public hearing on this application. Mr. Myrow stated the application just had a public hearing at the Zoning Board of Appeals.

VOTE BY PROPER MOTION made by Mr. Torelli, seconded by Ms. M. O'Donnell, the Village of Goshen Planning Board moved to waive the public hearing of this application. Motion carried 4-0.

VOTE BY PROPER MOTION made by Mr. Torelli, seconded by Ms. M. O'Donnell, the Village of Goshen Planning Board moved to reaffirm lead agency status and issue a Negative Declaration on this application. Motion carried 4-0.

FIDDLER'S GREEN AT GOOD TIME PARK, NYS Route 17, #115-1-5, R-3-D-S Zones

Representing the Applicant:

Jay Myrow, Esq.
Mark Siemers, P.E.
Steve Esposito, RLA
Carter Sackman, Principal of the Developer

Mr. Esposito stated that what the board now has in front of them is what the applicant is calling the "As of Right Plan." The last time this application was before the Planning Board the applicant presented a series of alternative plans. The initial plan which was referred to as the "Preferred Plan" is what was initially submitted to this board and the Zoning Board of Appeals for interpretation and area variances. The interpretation was made by the ZBA on building length but with regard to the area variances, no action can take place until SEQRA is concluded. The applicant then came back with their Part 3 in the plans and several alternative plans have ensued.

Mr. Esposito stated this is the fourth plan presented to the board named the "As of Right Plan." There is no need to go back to the Zoning Board of Appeals. This plan has all surface parking. It does not have any underground parking. Three stories went down to two-and-one-half stories which complies with the code. This layout increases by two additional buildings and impervious surface coverage.

Mr. Tully stated the Village regulations regarding 2 ½ stories, the half story is actually a third floor that is allowable in what would normally be the attic as long as it doesn't take up more than 50 percent of the floor area of the attic. Additionally, two more buildings have been added to the site in the area where the big tree is.

Mr. Tully stated there is a SEQRA review ongoing and the focus has been on the visual impact but there are also other issues which need to be addressed.

Ms. K. O'Donnell stated in January of 2018 the applicant provided an Expanded Part 3 EAF. It needs to be revisited as it is still outstanding at this time. She believes the board should move forward with its review and completing that document. In one uniform document the board will be able to compare and contrast each presented plan for its own environmental impacts and make an informed decision. Mr. Donnelly sent out a memo that lays out a path in terms of the SEQRA process, so the board can see the options it has. The information will help the board decide if it will issue a Negative or Positive Declaration on this project.

Mr. Donnelly stated the applicant asked from January on to have the opportunity to demonstrate to the board there were no environmental impacts that were not adequately addressed in the

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original statement to issue a Negative Declaration or a SEQRA Consistency Statement. The table that was prepared was put to the side while the board did the visual analysis. It needs to be put all back together, freshened up and decided which presented plan to follow.

Mr. Torelli stated he felt the applicant should be the one to decide which plan is chosen. He doesn't believe it is the Planning Board's determination on which plan is preferable.

Mr. Myrow stated the board has expressed strong opinions to some of the proposed plans and designs. He said the applicant was willing to do the analyses on each plan. He feels at some point the board will have to pick one and focus on it.

Mr. Donnelly stated a plan should be selected which satisfies the criteria of the conditional use article. There are a lot of requirements.

Ms. M. O'Donnell stated although she wanted a plan presented without variances, she is unhappy with two additional buildings and losing the large tree. She looks forward to next month being able to compare all the projects side-by-side.

Ms. McClung asked the applicant if they would consider scaling down the project.

Mr. Esposito stated the "As of Right Plan" already has the number of units culled down. The code already takes away from the net buildable acreage. He feels the code has already taken from the potential buildable site. He said he would prefer to go through the process before reducing units. This plan substantially reduces the number of bedrooms that were on the original plan.

Mr. Sackman feels the impact is not large. He states the original plan is only one foot over the "As of Right Plan" that then eliminates two structures, the large tree will not be disturbed, and additional surface parking not needed. He is only building on 11 percent of the lot. He feels the underground parking plan was more aesthetically pleasing but he is trying to satisfy the board's requests. He thinks the original plan is the best plan.

Mr. Esposito stated he would work to land bank parking since the code requires a significant amount of parking and the units are all one-bedroom units.

Mr. Donnelly asked the board to spend some time looking at what the special permit criteria are between now and the next meeting.

The applicant will return again next month.

VILLAGE PLACE, #111-10-17.2 C.S. w/PAC Amended Site Plan

Mr. Donnelly stated this project was approved back in September of 2018. It was brought to his attention that in the Resolution of Approval, Condition #3 states that the applicant shall be required to comply with the provisions of the PAC zoning at all times. Mr. Donnelly stated the applicant cannot. The applicant received variances from both the use and the building type. Therefore Condition #3 should be changed. It has been changed in the document before the board.

The Resolution now states "Except as varied by the decisions of the Village of Goshen Zoning Board of Appeals the applicant shall be required to comply with the provisions of the PAC Zoning District at all times."

Mr. Donnelly asked the board to vote that change.

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VOTE BY PROPER MOTION made by Mr. Boese, seconded by Ms. M. O'Donnell, the Village of Goshen Planning Board moved to change the Resolution to reflect the new language as stated above by Michael Donnelly, Esq. Motion carried 4-0.

COMMUNICATIONS

GREEK MOUNTAIN DAIRY, #122-1-1.2, Letter addressed to Chairman Wohl from A. Tully, P.E.

Letter okay to sign.

MINUTES

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

DISCUSSION

The board will discuss at the next meeting the 2019 meeting dates. Mr. Donnelly suggested making the meetings the fourth Tuesday of every month.

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 8:23 p.m.

Motion carried 4-0.

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

Scott Wohl, Chair

Notes prepared by Tanya McPhee