

**VILLAGE OF GOSHEN
PLANNING BOARD
September 25, 2018**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on September 25, 2018 in Village Hall by Chairman Wohl.

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

Also present: Michael Donnelly, Esq., PB Attorney
Art Tully, Engineer, Lanc and Tully

Chairman Wohl opened the meeting with the Pledge of Allegiance.

PUBLIC HEARING

WAINCO GOSHEN, LLC, 260 West Main Street, 111-10-17.2, CS Zone with PAC overlay

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

Public hearing for the application of Wainco Goshen, LLC for approval of an application allowing the applicant to construct 16 attached apartments with 33 surface parking spaces, sidewalks, site lighting, stormwater management and landscaping and signage.

VOTE BY PROPER MOTION made by Ms. O'Donnell, seconded by Mr. Boese, the Village of Goshen Planning Board moved to open the public hearing on this application. Motion carried unanimously.

Mr. Siemers stated he was here with Jay Myrow representing the Village Place site plan. The proposed project is an expansion of an existing 48-unit apartment complex previously known as Carriage Park. The complex is located on the corner of Clowes Avenue and West Main Street. The project includes the construction of a 16-unit apartment building on the 1.2-acre parcel on the north side of West Main Street. The proposal will include an access drive coming off West Main Street with 32 surface parking spaces. There will be sidewalks along West Main Street as well as along the parking area and a crosswalk across West Main Street to connect the two projects. The existing bioretention area will be expanded to treat and mitigate the stormwater runoff. The plans include a lighting plan as well as a landscaping plan. The building will connect to the existing Village sewer and water located on West Main Street. The architect has prepared a rendering of the building which is a two-story building with a peaked roof containing 16 apartment units.

Chairman Wohl opened the meeting to questions and comments from the public.

There were no questions or comments from the public on this application at this time.

There was a comment letter provided by Art Tully, Planning Board Engineer. Mr. Tully stated the major issue at the last meeting was the retaining wall. It has been modified and revised and taken care of. There will be a stormwater maintenance agreement which the building inspector will follow up on. There will be a note on the plan regarding the parcel is one of several that comprise the site plan. Mr. Donnelly has come up with suggested language to be put on the plans.

Mr. Donnelly stated the site is split on separate tax map parcels with a single site plan. A declaration needs to be recorded before the plans are signed.

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At this time a member of the public wished to speak.

Ed Garling asked about the flood plain. Mr. Siemers showed the contours and stated they are outside of the flood plain. Mr. Garling asked if the flood plains were studied. Mr. Tully stated it was and was taken into account. A retaining wall will be constructed to prevent encroachment on the flood plain.

Mr. Donnelly stated if the board were so inclined to act on this application tonight there are resolution conditions that he has in draft form.

- A sign-off letter from Mr. Tully on his memo of September 20, 2018.
- The Village of Goshen DPW Chief will have to approve the driveway configuration.
- A general condition that requires the applicant to comply with provisions of the PAC zoning district at all times.
- The condition regarding the declaration and the language that needs to be contained within it.
- The stormwater facilities maintenance agreement is satisfactory to the Village Attorney.
- The project must be started within one year.
- Declare an anticipated completion date.
- Need to file a performance standards affidavit.
- Need to see a copy of the tenant lease to make sure it contains the yard restrictions that the applicant has agreed to and that language is always included in the lease documents. A map note will be included on the site plan.
- A declaration needs to be recorded before the plans are signed denoting the separate tax lots are under one site plan.

VOTE BY PROPER MOTION made by Mr. Torelli, seconded by Mr. Boese, the Village of Goshen Planning Board moved to close the public hearing. Motion carried unanimously.

Mr. Donnelly stated the board has closed out SEQRA. The board has closed the public hearing. The board has heard from the Orange County Department of Planning saying this is a matter of local determination.

VOTE BY PROPER MOTION made by Ms. McClung, seconded by Mr. Torelli, the Village of Goshen Planning Board moved to approve the application subject to the terms and conditions set forth by Mr. Donnelly. Motion carried unanimously.

APPLICANTS BEFORE THE BOARD

9/16/2018 Letter of request from Benjamin Ostrer, Esq. to review proposed occupancy of former Ingrassia Lippincott Funeral Home #107 Murray Avenue, # 106-1-16

Representing the Applicant: Benjamin Ostrer, Esq.

Mr. Ostrer stated he is a member and also is representing a synagogue currently located in Monroe. Several members of the congregation were also present. The congregation has been negotiating with Lippincott, Orange County Trust and a bankruptcy trustee about possibly acquiring the Lippincott property. It would be used for a house of worship.

Mr. Ostrer contacted the building inspector and stated a house of worship is permitted in the zone but thought it would be best to confer with the Planning Board before investing money into the project.

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The congregation currently has approximately 60 families and expect a few will be lost from moving from Monroe but would hope to pick a few in the new location. There are eight children in Sunday school. He believes the intensity of use is not much different than Lippincott was having. Some modifications to the building may be needed.

Mr. Donnelly stated if there is new construction it will be subject to site plan approval.

Mr. Ostrer stated he doesn't expect to change the footprint or the floorplan. He is hoping to make use of the apartment for the clergy and student rabbi. There is a barn in the rear that needs to be closed in and striping for the parking.

Mr. Donnelly stated when there is a change in use there may be a requirement of site plan approval and there may or may not be forgiveness of bulk table non-compliance. He stated he will need to look at it and see what the triggers are for site plan approval regarding this project.

Mr. Ostrer stated he will prepare documents and submit to Mr. Tully.

Ms. McClung stated one of the items to look closely at would be the parking and traffic patterns considering the area on a Saturday afternoon and Sunday morning with the one-way street direction in effect.

COLUMBIA DOCTORS, 1995 State Route 17M, #116-2-1.3, OB Zone, letter of request for final approval from Ron Hoina, AIA

Representing the Applicant:

Michael Lewis, Owners Representative

Mr. Lewis stated Mr. Hoina could not attend the meeting. He was here as a follow up to the last meeting. The applicant was referred to the Orange County Department of Planning for response. The public hearing was waived at the June 2018 meeting.

There was no comment from County Planning.

Mr. Donnelly stated in terms of a resolution an anticipated completion date is needed. November 1, 2019 was agreed upon.

VOTE BY PROPER MOTION made by Mr. Boese, seconded by Mr. Torelli, the Village of Goshen Planning Board moved to approve the resolution subject to satisfying any outstanding technical comments. Motion carried unanimously.

SCOTCHTOWN ADULT COMMUNITY, #104-2-59.2, R-3, Scotchtown Avenue, Work Session discussion request

Representing the Applicant:

James A. Dillon, PLS

Mr. Dillin stated he was before the board to show a proposed layout prior to engineering and surveying work required for site plan and subdivision approvals.

The project is a concept approval of a 20-lot PAC. The zone was recently changed by the Village Board to R-3 zoning with a PAC overlay. Originally there was a commercial component to the project. There was a common 24-foot wide entrance off of Harness Road. Now the plan is going to be segregated from the commercial area. The proposed residential units will be discouraged from entering through this area. Large screening is planned. There will be two private roads. There are water mains to the property. Only sewer tie-ins are needed.

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The ownership is a 20-lot subdivision of townhouses with the property lines running down the party walls and extending a little bit around the buildings. It will be very similar to the Paddock. There will be an HOA which is required in a PAC. The HOA will own the common areas. There will be a fee structure and all maintenance will be done by the HOA. The roads are private and privately maintained. The PAC has a lot of regulations to be followed. The utilities will be private. There will be a common mail area. Garbage pick up will be in the back. The architecture will be consistent throughout the site. The sidewalk regulations may have to be looked at and discussed.

Mr. Torelli requested a detail of a typical lot as a standalone to better understand the setbacks and such. Mr. Dillin stated he would show both a center and end unit. Also, there was some concern with the backyards facing Harness Road and the screening that will be necessary.

YIDEL REALTY WAREHOUSE, #117-1-1, 117-1-2, 117-1-3, 118-1-1

Jim Farr, PE is special engineering consultant on this application replacing Art Tully of Lanc and Tully.

Representing the Applicant:

Jay Samuelson, PE

Mr. Esposito was before the board in July and gave an explanation and sketch plan of what is being proposed which is a distribution warehouse facility approximately 490,000 square feet plus 25,000 square feet of office space.

Preliminary engineering has been submitted. Landscape and lighting plans have been submitted as well as a SWPPP and traffic study. Schematic elevations have also been submitted along with a project narrative.

The project went before the Zoning Board of Appeals for two variances for relief from required parking and building height. The ZBA can act once SEQRA is completed by the Planning Board.

Mr. Farr discussed his technical comments with Mr. Samuelson. Mr. Samuelson was in agreement with Mr. Farr and will continue address the outstanding issues.

Mr. Samuelson stated he is proposing doing a consistency statement to the previous Negative Declaration and analyze the impact as opposed to those on the previous site of the Kikkerfrosch plan. Mr. Donnelly proposed creating a chart comparing the two projects. The traffic study has gone to Maser for review and comments.

Lighting was discussed as the warehouse is proposed to run 24-hours a day. There will be light shielding and a more in-depth lighting plan forthcoming.

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

Representing the Applicant:

Jay Myrow, Esq.

Mark Siemers, P.E.

Carter Sackman, Principal of the Developer

Barbara George

Mr. Myrow stated at the last meeting the board discussed the proposed buildings and the concern over the height. The applicant is appearing tonight with alternative plans. In addition to the plan that has already been submitted, two other options are being presented. One is a mansard roof

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with underground parking. The other alternative is a flat-roofed building with above-ground parking.

Mr. Torelli stated he was not present for the last meeting and wanted some clarification. The board stated the visual impact of the first proposal was deemed too large and massive for the site and was inconsistent with the surrounding neighborhood by the members in attendance last month. The applicant volunteered to come back this evening with alternative plans for the board's consideration. Mr. Torelli was not of the opinion that the first proposed buildings were, in fact, too large. He also stated he did not believe buildings with flat roofs would be aesthetically pleasing and would look more like a city building versus a peaked roof that looks like a village structure.

Ms. O'Donnell stated the board did not ask for a flat roof. They asked for a lessened height of the buildings. The board absolutely did not request a flat roof even though that is what is being presented at this meeting. Mr. Myrow stated the only way to keep the density and lessen the height was to go to a flat roof. The mansard roof was the best they could do. Mr. Myrow also stated the building height calculations needed to be clarified. Mr. Myrow stated the buildings are not 60 feet.

Mr. Tully stated the proposed buildings are much taller than the area in which they are being built. The buildings also have to be raised because they are being built in an area that floods. The applicant wants to fill under the buildings then just say how high the buildings are physically, and not count the height of the fill. This creates the impact that the board has deemed too massive.

Mr. Tully also addressed the issue of density. He doesn't believe density is a guaranteed number. The calculations are the maximum number allowed. It doesn't say the applicant is entitled to that number of units. It has to be able to fit on the site and to be able to get the numbers the applicant wants, they need variances. A recent letter from the chairman of the Zoning Board of Appeals clarified their position. Density is not a guarantee.

Mr. Tully also stated the setting of this particular property in relationship to what is around it has a strong impact on the Village. He believes this site needs enhanced scrutiny.

Mr. Myrow countered that this site is zoned for high density which happens to be next to a residential zone. He also stated the zone doesn't regulate building height from existing grade. The code regulates building height from the average elevation from the proposed finished grade. He states that makes the building height 47.8 with the original plans presented.

If the height variance is that important to the board, the mansard roof option comes in at an elevation that does not require a variance.

Mr. Sackman, Principal for the Developer, stated he believes they are being sensitive to the site. They are only building on 11 percent of the site footprint. He stated the Heritage Trail is located above the site. They are taking great care to maintain the large tree on the site. They are putting parking underground to preserve impervious coverage. He feels the applicant has gone to great lengths to fit and develop the project aesthetically.

Mr. Tully stated there have been changes to the site in terms of regulatory agencies. There are now larger areas of flood plain which has reduced the developable area which has caused the applicant to try to fit as much of the development as can be into the small portion of the site that is left to build on. Mr. Tully stated he was looking at the height of the building in terms of a conditional use in this residential zone. In the conditional use guidelines, it talks about the orderly development of the property and to be in congress with the existing residential area.

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These conditions have to be met. Does this site fit into and in congress with the existing neighborhood?

Mr. Sackman stated he did not agree that the development is crammed into a small area. He disagrees with Mr. Tully's assessment.

Mr. Myrow stated he is proposing a development that is permitted in the zone. He stated the density that is proposed the applicant is entitled to.

Mr. Donnelly stated in terms of its appearance, the Planning Board is given the architectural review authority to make sure the project matches and compliments the neighborhood.

Chairman Wohl stated the board's job was to look at the project in scale and continuity with the surrounding neighborhood. No one disagrees with the R-3 zone. He stated the board needs to contemplate to what degree can you have multi-family housing and still have it fit it into the neighborhood. He stated the Planning Board and the Zoning Board of Appeals had significant difficulty accepting the balloon test offered by the applicant.

Mr. Myrow disagrees with board. The applicant feels there is no visual impact.

Ms. George stated on a very personal level she believes the offering made to the community is one of balance. She wants to offer an option to the younger generation who may not be able to afford to live in Goshen. She wants to create an option that wasn't available to her.

Ms. McClung asked the applicant if they could prepare an option that doesn't need variances. Mr. Myrow stated the applicant chose not to do that because in order to do that a building must be added; impervious coverage will be significantly increased, and the large tree taken down. That is the reason that was not presented.

Mr. Donnelly stated that was judgment reserved for the Planning Board.

Ms. McClung stated the consistency study was done a long time ago. Mr. Donnelly stated the focus will need to be turned to it at some point after the board moves beyond the visual impact. Mr. Donnelly stated the board will have to get the advice of Lanc and Tully on the consistency study once they are done focusing on the visual impact. Stormwater and traffic will also have to be looked at.

The board debated the various options that can be explored. Mr. Torelli stated the building size is more than acceptable in a density-rich village.

COMMUNICATIONS

M.H.D., Esq., 15 Matthews Street, #119-1-3 (Prag Holdings, LLC)

8/29/2018 – recommendation for a zoning change for a gym use. Referred to Village Board.

MINUTES

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 August 28, 2018 meeting. Motion carried 3 ayes and 2 abstentions.

Ms. O'Donnell – aye
Mr. Boese – aye

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Ms. McClung – aye

Chairman Wohl – abstention
Mr. Torelli – abstention

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 9:16 p.m.
Motion carried 3-0.

Next scheduled meeting of the Planning Board is October 23, 2018.

Scott Wohl, Chair

Notes prepared by Tanya McPhee