

Village of Goshen Planning Board
Work Session/Regular Meeting Minutes

February 26, 2019

Present: Elaine McClung, Chairperson
Adam Boese
Molly O'Donnell
Michael Torelli
Sal LaBruna

Absent: None

Also Present: Kristen O'Donnell, Village of Goshen Planner
Michael H. Donnelly, Planning Board Attorney

APPLICANTS BEFORE THE BOARD

1. Monroe Woodbury Jewish Community Center, #106-1-16, R-2

The public hearing was opened. Benjamin Ostrer presented an outline of the proposal. Mr. Ostrer noted that the funeral home use, long in existence, is a nonconforming one and the proposal to use the existing building (without change) as a house of worship is a conforming use.

The synagogue will average 20 persons in attendance at religious services but the range will be between 15 and 25 persons. This is set forth in a narrative provided by Mr. Ostrer. When larger groups are likely to attend, such as on the high holy days or Passover, the congregants will move elsewhere to a larger venue inasmuch as this building will simply not accommodate their numbers.

The center proposes to use the upstairs portion of the building for a caretaker residence or visiting clergy. There will be minor renovations to the interior of the building but no change in its footprint. The applicant proposes to close the Murray Avenue driveway nearest the Erie Street intersection.

Members of the public spoke at the hearing:

Tom Burnham: Mr. Burnham is an Erie Street resident. He had earlier sent a letter to the board, which letter has been received. Mr. Burnham noted that the area in question is already burdened by attendants at the St. John's Church and School. Mr. Burnham complained that the building is noncomplying and that it presents a significant shortfall from almost all of the bulk criteria applicable to this use in this zoning district. His conclusion is that the congestion problems that will result cannot be mitigated.

The board asked its attorney to explain the impact of Section 8.2.2.2 on this application. Mr. Donnelly noted that when a protected nonconforming use in a noncomplying building is converted to a conforming use, bulk table compliance is forgiven completely.

Cecile Baird: Ms. Baird accepted that a small congregation is proposed at the present time. She inquired what happens later if the congregation grows in size. It is her conclusion that the size of the property does not fit the proposed use.

Joel Aaronson: Mr. Aaronson reported that there are many car accidents at the Murray Avenue/Erie Street intersection. Moreover, St. John's and special school functions make this area worse. Approval of this application will exacerbate these problems.

Scott Cortwright: Mr. Cortwright questioned how it is possible that there are 50 families in the congregation but only an average of 20 attendees at religious services. Mr. Oster explained that not all members of the congregation attend all services and that average of 15 to 25 attendees is quite consistent.

Mr. Donnelly explained that the narrative presented by the applicant sets a maximum number of attendees at 25. If this application is approved, that narrative will be attached to the resolution of approval and incorporated therein. Thus, the maximum attendance for religious services will be fixed at 25 attendees. A member of the public questioned how this could be enforced. Mr. Donnelly noted that enforcement of this condition would be the responsibility of the Village of Goshen Building Inspector.

Linda Clark: Ms. Clark inquired as to whether the property would become tax exempt if this approval were granted. She was told that a tax exemption would be likely.

The Chairperson announced to the public that the police are aware of the Murray Avenue – Erie Street traffic problems and have been informed of this application.

By motion and second a vote was taken to close the public hearing and passes unanimously.

A discussion among board members followed. Kristin O'Donnell reported that most of the technical comments in her memorandum have been addressed or will soon be completely addressed. She reported further that the method of closing the Murray Avenue driveway should be specified and agreed on. The applicant proposed that a temporary planter be installed at this time. When weather permits, the pavement leading to Murray Avenue will be removed and, what pavement remains, will be used as a handicapped parking space. No paved access to Murray Avenue will remain.

Mr. Donnelly was asked to outline a resolution of approval. After noting that this is a Type II action under SEQRA and obtaining an anticipated completion date of October 15, 2019 from the applicant, Mr. Donnelly outlined a resolution with

conditions. Adam Boese moved to approve that resolution and Molly O'Donnell seconded. The resolution of approval was voted upon and approved unanimously.

2. **Scotchtown Adult Community, Harness Road, #104-2-59.2, R-3**

Peter Botti provided an update on the status of the application. Using Kristen O'Donnell's comment memo, Mr. Botti reported that the applicant took no issue with items #1-4 of that memo as well as items #9-10 and #15-17. As to the request that the applicant record a restrictive covenant and include that restrictive language in all deeds of conveyance, Mr. Botti presented a sample deed and agreed that a restrictive covenant would be recorded. The restrictive covenant and each deed will carry forth the limitation provisions of the PAC zoning district classification that has been applied to this property.

As to item #5, Kristen O'Donnell reported that the applicant should consider installing a single lighting fixture at the entrance rather than two. The applicant agreed to reconsider the need for two fixtures at that location.

As to item #6, the applicant believes that the proposed architecture presented already meets the PAC district standards. The board had no objections to the architecture as presented.

As to item #7, the applicant agreed that a floodplain permit would be required an application for same will be submitted.

As to item #8, Mr. Botti reported that he understood that the DPW chief had expressed a preference for a non-looped waterline. This will be clarified before the next meeting.

As to item #14 addressing retaining walls, Mr. Botti reported that the same stone type will be used for all retaining walls. Kristen O'Donnell questioned whether there was adequate space to construct the walls shown on the plans. The applicant agrees to examine this issue further and report back to the board at its next meeting.

The comments addressing the SWPPP will be addressed by the applicant's engineer before the next meeting.

By motion seconded and unanimous vote the planning board issued a negative declaration and set this matter for a public hearing on March 26, 2019 at 7:30 p.m.

3. **Goshen Shopping Center, 84-116 Clowes Avenue, #114-5-15**

Aaron Malinsky from Goshen Shopping Plaza appeared and presented an update. He introduced the project engineer, architect and its attorney. Each of those professionals addressed the board.

Andrew Featherstone, P.E.: Mr. Featherstone reported that there were a few changes made to the plans. The phasing and demolition plans will be included in the next submission. The Clowes Avenue entrance has been revised and the wetlands at the north end of the project are now shown on the plans. No disturbance is proposed in this wetland area. The applicant

conceded that an ACOE pre-construction notice will be required before any work may begin on the site.

Ron Hoina, R.A.: Mr. Hoina noted that the architectural design is as essentially the same at the last meeting. However, certain amenities have now been added to the plans, including bike racks and seating areas. A Clowes Avenue rendering has now been provided.

John Cappello: Mr. Cappello reported that the adjoiner notices were mailed, and that the lead agency notice of intent should now be considered finalized, no involved agency having objected to the planning board's status as lead agency. The GML 239-m referral has been delivered and the planning department has requested additional information that will be provided. The applicant requests that, pursuant to Section 6.1.1.7, the planning board determine that the parking shown is adequate. Kristen O'Donnell reported her recommendation that the parking is in fact in compliance with code and adequate for the uses proposed. The board polled its membership and unanimously found that the parking is adequate.

Mr. Cappello asked for permission to hold a consultant technical meeting to discuss the details of the plans. Chair McClung noted that no permission was needed and encouraged the holding of such a meeting.

Kristen O'Donnell reviewed her comment letter. She noted that the SWPPP is under review by her office. Most of the requested site plan revisions have been made and additional landscaping has been added. Further lighting details will need to be provided. As noted earlier, the parking analysis demonstrates adequate parking under both the village code and the ITE. The applicant's traffic study is under review by the village's traffic consultant. The Clowes Avenue – Route 207 intersection is the major focus of that review.

After further discussion, during which the planning board noted that its lead agency status has now been finalized the planning board voted to set a public hearing for March 26, 2019 at 7:45 p.m. The vote to set the hearing was unanimous. Adam Boese requested that a rendering and/or elevations of the pharmacy on all sides be provided in advance of that public hearing.

Chair McClung asked that the representatives remain available during the balance of the meeting for possible discussion during the Goshen Diner application to be heard later. The applicant agreed to stay and to study the side-by-side proposal for dual driveways.

4. #4 New Street, LLC; 4 New Street, 111-15-10 7 11

Steven Esposito provided an update on the status of the application. The applicant is now under contract to purchase adjoining property on Greenwich Avenue. After that purchase, the plans will be revised to include that property as

part of the overall proposal. The applicant was asked to address its position as to authority for the residential uses proposed inasmuch as residential uses are only permitted in the CS zoning district above a commercial use. The applicant will present a position piece to the building inspector and seek his interpretation, conceding that a final interpretation by the zoning board of appeals may be required.

5. **Goshen Plaza Diner, Clowes Avenue, #114-5-14**

Mr. Esposito reported that the driveway proposal approved some years ago has lapsed. A slightly new design is now presented and he asks that this new driveway be approved. A discussion ensued regarding the existence of cross easements extinguished by the Bankruptcy Court. The diner now has a new owner and he requests reapproval of the direct driveway earlier proposed.

The Plaza representative spoke and announced a willingness to meet to discuss possible reinvigorated cross easements and a possible shared driveway.

Kristen O'Donnell recommends that the board hear from the village's traffic engineer about the problems presented by these two side-by-side driveways.

6. **Duso Properties, South Street, #120-1-2**

The applicant's request for an extension of site plan approval was granted through February 26, 2020.

7. **Yidel Realty, 2500 State Route 17M, #117-1-1.22**

Mr. Esposito appeared on behalf of this applicant that was not listed on the agenda and requested consideration. However, this matter requires the attendance of the village's special engineer, James Farr, P.E., who was not present at the meeting. The board authorized a consultants' work session to resolve all technical issues before the next meeting.

8. **Approval of Minutes**

The minutes of the January 22, 2019 meeting were approved as presented.

9. **Adjournment**

The meeting was adjourned at 9:20 pm by motion, second and unanimous vote.

Elaine McClung, Chairperson

Notes prepared by Michael H. Donnelly

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