

Village of Goshen
Planning Board Meeting
January 28, 2020

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

Also present: David Donovan, Esq., PB Attorney
Ted Lewis, Building Inspector
Kristen O'Donnell, Village Planner, Lanc and Tully

Chairperson McClung called the Meeting to order at 7:30 p.m. and led those present in the Pledge of Allegiance.

APPLICANTS BEFORE THE BOARD

4 New Street, LLC; 111-15-9, 10, & 11; Central Shopping (CS) and Architectural Design District (ADD) Zone

Representing the Applicant: Steve Esposito, RLA, Esposito & Associates
Architects
Barry Terach, RA

A continuation of the Public Hearing from the 10/22/19 meeting occurred because the applicant had to go to the Zoning Board. Mr. Esposito reported that most buildings in the area are non-conforming, including the buildings in the application. Mr. Esposito reduced all of non-conformities with the exception of lot coverage where they went 1.5% higher and 2% higher with building coverage. Mr. Esposito reported that the number of units has decreased from 18 to 12, and there will now be 12 parking spaces. Project is on the corner of New Street and Greenwich Avenue and is currently 2 buildings and 3 tax parcels. Demolition will occur to the existing buildings and wood frame structures. There will be street level parking with three floors raised of habitable living space.

Public comments were received from Ed Connor.

Concerns expressed included traffic and street closures. Mr. Esposito was able to speak to the plans around anticipated traffic and road closures. They don't anticipate closures on Greenwich Avenue. Mr. Esposito reported that they will be working with the ambulance and police department around the street closures.

Mr. Lewis has been in touch with the contractor to express the importance of expediting the work because of closures and traffic due to the volume of traffic in the area and GOVAC being on New Street.

There were not any additional questions or comments from the public.

Mr. Boese moved, and Ms. O'Donnell seconded, that the Planning Board of the Village of Goshen closed the Public Hearing at 7:36 pm. Motion carried 5-0.

Ms. K. O'Donnell went over her notes to report that changes to the original plans have been made throughout the process. Minor site plan changes need to be made to make revisions consistent with agreement to the ZBA.

Applicant needs permit from DOT for utility work, small easement with DOT that will need to be coordinated on, and proceed to building department for signage. Ms. K. O'Donnell reported that there are no issues with conditional approval at this time.

Mr. Donovan reported that three approvals are needed: site plan, conditional use, and architectural design. Mr. Donovan confirmed that all three motions can be approved at one time.

The representatives for the applicant stated that the final project would be completed by January 2022.

Mr. LaBruna moved, and Mr. Boese seconded the three motions, that the Planning Board of the Village of Goshen conditionally approved the site plan, conditional use, and architectural design. Motion carried 5-0.

L. Gordon Old Sycamore Realty II, LLC RE: 2004 Route 17M, #116-1-58.1, Site Plan Proposed Shed

Representing the Applicant: Larry Gordon, MD, property owner

Seeking approval for a 20'x30' utility shed on the property.

Plans need to be to scale with bulk table that shows shed as an accessory structure. Dr. Gordon was referred to the ZBA, and will touch base with Mr. Lewis and Ms. K. O'Donnell.

Code does not permit accessory structures to sit more forward than the principal building. Because of the geometric variance of the lot, the applicant is referred to the ZBA.

A motion was made to refer the matter to the Zoning Board of Appeals. Ms. O'Donnell moved, and Mr. Torelli seconded the motion to refer the matter to the Zoning Board of Appeals.

L. Gordon Old Sycamore Realty II, LLC RE: 2004 Route 17M, #116-1-58.2, Site Plan Proposed Food/Snack Shack

Representing the Applicant: Larry Gordon, MD, property owner

The code does not allow any type of restaurant outside of properly zoned areas. This includes restaurants, snack shacks, and food trucks. The Planning Board agrees that Dr. Gordon has a great idea, however, to move forward Dr. Gordon would have to go before the Village Board, to request a zone change.

Blue Rhino (f/Quick Chek); 119-2-1; 79 Matthews Street; Designated Shopping (DS) Zoning District, Waiver from landscaping, grading, additional buildings, etc.

There was no one present to present the matter.

Ms. K. O'Donnell read comments received from the Orange County Department of Planning on 10/30/19, stating this matter was remanded for local determination.

Mr. Donovan suggested waiving the public hearing and issue approval if Board agrees, subject to elements outlined in Lanc & Tully's letter dated 12/12/19.

Ms. M. O'Donnell moved, and Mr. LaBruna seconded, that the Planning Board of the Village of Goshen approves the application for Blue Rhino (f/Quick Chek) to add two steel cages. Motion carried 5-0.

Burger King, 33 Matthews Street, #119-1-1.1, D-S Zone, Second drive-through lane for an existing fast food establishment

Representing the Applicant: Mike Puzio, Engineering and Surveying Properties

Ms. K. O'Donnell advised that the applicant can eliminate going before the ZBA by adding an additional landscaped island, therefore, changing the net pervious cover from 2.6% to 0%. Applicant will submit a landscaping plan which will include modifying existing landscaping when leaving Burger King to increase view of the street.

The applicant is being referred to Orange County Department of Planning for being less than 500 feet from Route 207, who has 30 days to review. The applicant needs to prepare to present at the 2/25/20 Planning Board meeting in case Orange County Department of Planning is able to review application before then. Ms. K. O'Donnell asked the applicant to submit a landscaping plan and to modify the bulk table to note change in pervious coverage.

Although the application does not pertain to the Planning Board, Mr. Lewis informed the Planning Board that there is an application in the Building Department for renovations that Burger King will be going through as well.

Mr. Torelli moved, and Mr. LaBruna seconded, that the Planning Board of the Village of Goshen waives the public hearing for the application to add a second drive-through lane to Burger King located at 33 Matthews Street. Motion carried 5-0.

Knolls of Goshen, 104-2-40, 41, consideration of a ninety (90) day extension of final approval request

Representing the Applicant: Michael Caputo, property owner

Mr. Caputo provided updates on the project and reported that things are moving along.

Ms. M. O'Donnell moved, and Mr. Torelli seconded, that the Planning Board of the Village of Goshen approves the ninety day extension of final approval request. Motion carried 5-0.

Fiddler's Green at Goodtime Park, #115-1-5, Site Plan, Multi-Family Residential - R-3

Representing the Applicant: Steve Esposito, RLA, Esposito & Associates

Mr. Esposito provided an update on the project and reported that they've had success with ZBA, had a good meeting with DPW and engineers with regards to proposed utilities, and discussed ways to benefit the Village in the future with an extension of a water line and North Connector Road.

Mr. Esposito is prepared to go to the agencies and needs approval from the Planning Board.

Mr. Boese moved, and Mr. LaBruna seconded, that the Planning Board of the Village of Goshen schedule a public hearing for the February 2020 meeting. Motion carried 5-0.

Ms. K. O'Donnell prepared comments for the Fiddler's Green project. SEQR has been completed for the application, is in final review of SWPPP, and there are minor revisions to water and sewer plans. Site plan comments include blanket easements for sewer and water, utility easements shown on plan, a lighting plan, questions about location of dumpster enclosure, and signage.

Payment in lieu of parkland: The applicant will put something together for both the Planning Board and Village Board on what exists on site and the requirements for code.

Chair McClung asked how the oak tree would be protected. Mr. Esposito reported that the tree protection detail has been referenced in the plan. Mr. Esposito will send landscaping and lighting plans for February 25, 2020 meeting.

New owners of #120-1-2 (formerly Duso Properties) request an extension of current approvals) (Owner – of 501 Route 211 East, Middletown, New York)

Representing the Applicant: Ofer Avgush, property owner
 Eli Ram, property owner
 Stanley Stoltz

The applicants are asking for a year extension as they recently bought the property. The property is currently approved for 10,750 square feet of office space. There are not any current plans for the intention with the property. The new owners would like to take the next year to decide what is needed in the Village. Mr. Donovan discussed the codes 10.1.1.38 and 10.1.1.39 where there appears to be a discrepancy with the codes and the extensions granted to previous owners. The code needs to be brought to the Village Board.

Mr. Torelli moved, and Ms. M. O'Donnell seconded, that the Planning Board of the Village of Goshen approves a final one year extension. Motion carried 5-0.

Planning Board Meeting Dates

Ms. M. O'Donnell moved, and Mr. Boese seconded, the acceptance of the 2020 Planning Board meeting dates. Motion carried 5-0.

2020 Proposed Zoning Changes

Ms. K. O'Donnell reported on amendments relevant to the Planning Board.
(notes received from Ms. K. O'Donnell)

Local Law #1 amends the Village Code regarding outdoor seating at local restaurants. Mr. Donovan advised that this law does not need to be discussed because it is not contained within the zoning code.

Local Law #2 proposes changes to the Village's PAC zoning. PAC stands for Planned Adult Community and this law addresses issues and concerns that have arisen from the Planning Board's recent review of an application under these provisions. The amendments proposed will remove the ability to locate a PAC in the Industrial Zone and will allow a PAC in the CS-1 zone which generally runs along Greenwich Avenue. The law removes references to 'multi-family housing', adds a requirement for onsite recreation and revises unclear language.

Local Law #3 amends the zoning code's parking requirements to permit land-banking and shared parking in keeping with more modern planning and in the interest of reducing large swaths of unnecessary pavement. The law will allow a developer to "land-bank" a percentage of the required parking if they provide the board with an analysis providing rationale based on their particular use of the site. This has come up recently at the Planning Board with several warehouse developments where applicants have had to request variances. The law will also allow multiple uses in a commercial plaza to share parking spaces. Again, an analysis must be provided to confirm various uses will have peak times that would lend themselves to sharing.

Local Law #6 modernizes the regulations pertaining to home occupations. The current law is outdated and needs to be updated to reflect the current economy and current

technology which allows more professions to operate out of an individual's home with minimal burden to neighbors.

Local Law #7 amends the Zoning Use Table for Use Group G which applies to the majority of uses in the Village's CS Zoning District. The current code requires setbacks and limits development coverage in a manner which is inconsistent with the character of our existing business district. This could discourage the redevelopment of existing properties. The amendment would give the Planning Board the ability to reduce side setbacks to zero where deemed appropriate.

Local Law #8 will amend Chapter 18 of the Village Code which deals with SEQR. This chapter is currently not consistent with state law and needed to be updated. Attorney Donovan believes this law is, in fact, unnecessary because the Village cannot act contradictory to State SEQR law regardless of the presences of this chapter.

Mr. Donovan will prepare a letter to the Village Board of the proposed zoning changes. The Village Board will have a Public Meeting in March pertaining to the Local Laws.

Local Law #1, #4, #5, and #9 are not related to zoning code revisions and were not discussed.

Approval of Minutes

The Minutes of the October 22, 2019 Planning Board Meeting were accepted.

Discussion took place when Mr. Donovan reported that meeting minutes do not need a motion to be approved. Planning Board Members are given the opportunity to review and make changes before the Board Chair signs the meeting minutes.

Correspondence

A letter dated 1/14/20 from Architect Wheldon A. Abt to Building Inspector Theodore Lewis was received regarding Limoncello, 159-167 Main Street, Tax Map #109-2-3, Architectural Design District (ADD). Mr. Donovan reported that a plan was presented where they'll convert the Orange Inn to a boutique hotel. Mr. Lewis assured the board members that they are not trying to bypass the Planning Board and that the PB may see them at some point in the future.

Minutes from the 12/18/19 meeting of the Technical Assistance Committee (TAC) were received that there was a change of use for the property on Railroad Avenue, which will now be a specialty sneaker store.

A letter dated 11/15/2019 was received from the NYS DOT to Peter Russillo, PE, Project Manager of Maser Consulting, regarding Goshen Shopping Center traffic. The NYS DOT will now be involved with the project as a result of the anticipated volume.

On a motion by Mr. Boese, seconded by Mr. LaBruna, the Meeting was adjourned at 9:35 p.m. Motion carried 5-0.

Elaine McClung, Chair

Notes prepared by Maria Darby