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November 20, 2020

Mr. Lee Bergus, Chairman
Town of Goshen Planning Board
41 Webster Avenue
Goshen, NY 10924

Re: Site Plan and Special Permit
10 6-1/2 Station Road, LLC

Dear Mr. Bergus:

Please find enclosed the following:

- Fourteen (14) sets of plans entitled "Site Plan Prepared For 10 6-1/2 Station Road, LLC", dated October 3, 2019, last revised November 20, 2020
- Fourteen (14) copies of Sanitary Evaluation Report dated October 29, 2020
- Fourteen (14) copies of the Flood Plain Evaluation report dated November 19, 2020
- Fourteen (14) copies of the NYSDEC Wetland Validation Map dated January 6, 2020

The enclosed materials have been revised to address the comments outlined in your review letter dated October 13, 2020 with the following enumerated responses correlating to the comments in your letter.

A. Materials Reviewed:

No response required.

B. Review of Submitted Materials:

1. Zoning –

- a. Use – Applicant proposes to convert an existing one (1) story, 37,366 square foot recreational business (30,000 square foot indoor tennis courts and 7,366 square feet offices, exercise rooms, racquet ball courts, utility room, etc.) to 30,000 square foot warehouse and 7,366 square feet office². The Town of Goshen Use Table requires site plan and special permit approval for warehouse uses within the HC District [§97-70].

No response needed.

- b. Public Hearing – We believe this is a major project since the applicant proposes conversion of an existing structure totaling more than 5,000 square feet to another use [§97-84]. A public hearing is required for special permit applications. The applicant previously acknowledged the requirement to send public hearing notices to owners of contiguous properties within 300 feet and to provide proof of mailing to the Building Department [§97-72F(2)].

No response needed.

- c. Special Permit – In order to ensure the compatibility of uses with surrounding properties, the Town Code permits certain uses only upon issuance of a special permit, by the Planning Board. Prior to granting or denying a major project special permit you are required to consider specific criteria listed in the code [§97-70] which includes nuisances (noises, dust and odors), traffic and emergency service access. The applicant has provided detailed information regarding each special permit criterion within their January 27, 2020 correspondence for your consideration.

No response needed.

- d. Floodplain Overlay – The purpose of the Flood Plain and Ponding Area Overlay (FP) district is to protect human life, prevent material losses and reduce the cost to the public of rescue and relief efforts caused by unwise occupancy of areas subject to floods and ponding [§97-25]. The FP district is defined on the National Flood Insurance Mapping Project Flood Insurance Rate Maps (FIRM) as “A” (Special Flood Hazard Areas) Zones for the one hundred year floodplain. The plan shows the northerly portions of the site including the proposed truck driveway and loading dock area within the floodplain. Development within the floodplain will require the Planning Board to make a finding that the area is safe from flooding.[§-97-25C]. The applicant previously indicated proposed development within the floodplain does not significantly alter existing topography or contain permanent occupied structures. In order for you to make the required finding, the Code requires the applicant to provide sufficient evidence indicating the area is safe from flooding or ponding. This evidence shall include an indication that means of vehicular access to the premises from an existing street is safe from flooding and also that sewage disposal, water supply and drainage facilities are adequate [§97-25C]. Additionally, we believe a floodplain development permit will be required.

Response: A Floodplain Evaluation and a Sanitary Facility Evaluation report have been prepared and are attached within this submission.

- e. Dimensional Regulations
- As discussed previously, the existing lot meets the definition of a corner lot. The Code indicates corner lots shall be deemed to have two (2) front yards, two (2) side yards and no rear yard. As such, the applicant has identified the westerly and southerly yards as front yards and the easterly and northerly yards as side yards.

No response needed.

- The Code requires all parking to be located behind or to the side of the principal building, except within the HC District where one (1) row of parallel, perpendicular, or diagonal parking may be located in the front of the principal building but not within the required front

yard. If any parking spaces are located in the front of the principal building the minimum front yard setback is to be increased by 30 feet and planted with double rows of trees, or, if wooded, left in its natural state [§97-48A(4)(a)(1) and (3)]. The plan shows several small parking areas along the front of the building (i.e. westerly and northerly sides). We understand Building Inspector Halloran reviewed the site plan approved in 1979 and determined the parking to be a legally existing nonconforming condition⁴. [Informational]

No response needed.

- Since this is a corner lot as defined in the Code, the southerly yard is a side yard (see comment above) with a 30-foot setback. The Table of Zoning Requirements has been revised to indicate a provided side yard setback of 23.7-feet. Since 23.7-feet is less than the 30-foot Code minimum, and since the plan approved in 1979 also shows 30-feet, the applicant applied for, and was granted, a variance from the ZBA. The Table of Zoning requirements has been updated to identify the variance.
- The maximum impervious coverage permitted is 70% [§97-14A]. The plan includes revised impervious coverage calculations indicating a conforming existing condition (68%). Due to the proposed removal of gravel and replacement with lawn/trees, the proposed impervious surface coverage will decrease to 64%.

No response needed.

f) Design Standards – The Code requires all new development to comply with the design standards. Where alterations to existing structures require site plan approval, applicants are required to comply with the standards to the extend practical (i.e., full compliance is not required if it would pose unnecessary economic hardship or discourage owner's from improving the property).

- The Code requires a minimum distance of 600-feet between curb cuts [§97-14D(6)]. The applicant has shown the proposed driveway for truck traffic approximately 75-feet east of the existing driveway and 8-feet west of the driveway for the adjacent property. The applicant applied for, and was granted, a variance from the ZBA. The Table of Zoning requirements has been updated to identify the variance.

No response needed.

g) Parking – Your Code requires two (2) stalls per 1,000 square feet for one (1) space per employee for warehouse uses [§97-48A(3)(a)(2)] and three (3) stalls per 1,000 square feet for offices uses [§97-48A(3)(a)(3)]. Based on 30,000 square foot warehouse and 7,366 square foot office, the applicant requires 83 spaces (structure criteria) and 33 spaces (employee criteria). The plan shows a complying 33 stalls along the westerly side of

the existing building. Due to the hatching shown on the plan, it is difficult to discern the proposed parking and request the applicant provide the total stalls for each row of parking.

Response: 33 parking stalls are proposed including 2 handicap stalls. The number of stalls has been added to the plan set.

2. Site Plan –

- a) Site Access – The site is located along 6-1/2 Station Road. A new access drive for truck traffic approximately 75 feet east of the existing driveway. We understand 6-1/2 Station Road is weight restricted [§89-19] and the applicant has shown vegetative clearing to improve sight distances. This will require a permit from the Town Superintendent of Highways [§82-1]. We will forward the application to the Town Traffic Consultant to comment on the proposed driveway grade, width and sight distances. Additionally, the applicant has provided information on traffic generation [§97-50N] and a turning plan.

No response needed.

- b) Circulation – The Code requires loading docks and service access areas to be located in a manner that minimizes visual intrusion on public spaces and ensures pedestrian and automobile safety by separating truck traffic and loading operations from pedestrian and automobile circulation [§97-48B]. We note the plan separates automobile and truck traffic through the use of two (2) driveways.

No response needed.

- c) Utilities –

1. Water – The site is within AC-6 Overlay Zone. The Code requires [§97-43B; 97-27C & D] non-residential uses be evaluated on a case by case basis for impact on groundwater supply and quality. The plan identifies an existing well onsite and the applicant has indicated a reduction in demand to 225 gallons per day from current demand which ranges from 300 to 700 GPD. The applicant has indicated the current use is classified as a Transient Non-Community Public Water Supply under the Jurisdiction of the Department of Health. Once the use changes it will no longer be considered a Public Water Supply System (General Note No. 8)

The applicant's September 24, 2020 correspondence indicates the project architect has discussed sprinkler systems with Building Inspector Halloran. We suggest you confirm with Building Inspector Halloran the new uses will no the applicant's September 24, 2020 correspondence indicates the project architect has discussed sprinkler system with Building Inspector Halloran. We suggest you confirm with Building Inspector Halloran the new uses will no require sprinklers.

Response: The project architect has submitted an interpretation of the building code which indicated that the change in use did not

change the hazard classification of the building and therefore did not require the installation of a sprinkler system. We have yet to receive a determination from the building department at this time.

2. Wastewater Disposal – The applicant intends to utilize the existing onsite sewage treatment facility and has calculated wastewater generation to be 375 which is less than the current flow and facility capacity. The applicant has indicated no modifications are contemplated at this time and the existing SPDES permit will be transferred to the new owner. Additionally, the Code requires issuance of a Certificate of Occupancy only after an inspection and certification of the sanitary system by the applicant's design professional [§97-43.A].

Although the applicant's correspondence indicates the sanitary discharge is within the property limits, the plan still appears to indicate the discharge is located on the adjacent parcel (SBL 12-1-7.32). We request the applicant confirm the location of the discharge.

Response: A Sanitary Facility Evaluation report has been prepared and is attached within this submission. As previously discussed, the outfall is within the subject property and not on Tax Lot 12-1-7.32. The label for the outfall has been adjusted to avoid confusion.

3. Stormwater – The proposed area of disturbance is less than the one (1) acre threshold for coverage under the NYSDEC SPDES General Permit for Construction Activities; a Stormwater Pollution Prevention Plan (SWPPP) is not required.

The plan has been revised to now show an open-bottom arch culvert for the new driveway instead of the previously considered HDPE pipe. The applicant has indicated they are determining whether DEC will require the arch culvert. We recommend details for each be added to the plan and a note identifying the pipe as an alternative.

Response: Details of the aluminum arch culvert to be used and a wetland crossing profile have been added to the plan. (Sheet 3 of 5)

- c) Lighting and Landscaping – The applicant proposes two (2) wall mounted light fixtures along the northerly side of the building for the proposed loading dock. These fixture should be equipped with non-glare shields. We recommend any action of the Board provide light levels be limited at the property line to 0.1 foot candles and there be no glare offsite. Based on previous action by the Board, the lighting design should be a "dark sky friendly" or "nighttime friendly" certified fixture (IDA, LEED or Green Globes).

The plan identifies seven (7) existing shade trees to be removed to improve sight distances and shows new plantings in the vicinity of the new driveway and between 6-1/2 Station Road and the westerly parking area. The applicant has provided a landscaping planting list identifying the species of the proposed plantings for your consideration.

Response: Proposed lighting is shielded and light levels at the property line do not exceed 0.1 foot candles, additionally the proposed lighting will be timer controlled to shut off at 5:30 PM (See note 11 on Sheet 1)

d) Miscellaneous

- Signs – The applicant has previously indicated signage is not proposed at this time but is expected later at the entrance. We refer the applicant to §97-49 regarding sign requirements and suggest signage be considered at this time due to potential sight distances.

Response: There are no signs proposed at this time

- Wetlands – The plan shows a wetland and a 100 foot adjacent area along the northern boundary. Survey Note No. 5 indicates the wetland boundary is based on a January 6, 2020 field delineation. The applicant has calculated a wetland disturbance of 764 feet and an adjacent area (i.e. buffer) disturbance of 18,465 square feet (General Note No. 3). The applicant's correspondence indicates NYSDEC requires SEQRA to be concluded prior to the review of the permit applicant. During the January 2, 2020 Planning Board meeting, the Board determined this to be a Type II Action which we understand completed SEQRA. The applicant should advise whether they require anything further from the board relative to SEQRA.. The applicant should submit copies to the Town of any application or correspondence with DEC or ACOE [§97-45A].

Response: A DEC validated wetlands map has been provided. ACOE wetland disturbance permit is not required because the section of wetlands that is proposed to be disturbed is within a town drainage ditch which is not considered as federal wetlands by thw ACOE because it was manmade.

- Accessible Parking – The plan shows two (2) new accessible parking stalls within the westerly parking area as well as a new concrete walk. We understand these accessible spaces will serve the warehouse while the spaces along the northerly building line will serve the office. The application should confirm with Building Inspector Halloran the proposed three (3) foot wide walk is adequate to serve as an accessible access.

Response: The proposed handicap parking stalls have been relocated to the southern most section of the proposed parking area to allow for use of the existing sidewalk that is 5' wide. The proposed handicap parking stalls, loading zone and additional area required for access to the existing sidewalk will be paved. Additionally, the pavement will be installed flush with the existing 5' wide sidewalk that is to be utilized for handicap access. There is no curb ramp proposed. Accessible route to the warehouse via the proposed door shown. The architect will be providing an accessible ramp inside the warehouse area to provide access to the office.

3. SEQRA – During the January 2, 2020 meeting, this was determined to be a Type II Action concluding SEQRA.

No response required.

C) Referrals –

1. Goshen Department Referrals
2. Orange County Referrals – GML 239 Review – Transmitted January 3, 2020
3. Emergency Service Organizations – Transmitted January 3, 2020
4. Goshen ERB [§97-76C]

If you have any questions, or require any additional information, please do not hesitate to contact me. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Higgins / bmm". The signature is written in a cursive, somewhat stylized font.

David Higgins, P.E.

cc: Lipa Brach
Town of Goshen Planning Board