

**LANC & TULLY**  
**ENGINEERING AND SURVEYING, P.C.**

John J. O'Rourke, P.E., Principal  
David E. Higgins, P.E., Principal  
John Queenan, P.E., Principal

Rodney C. Knowlton, L.S., Principal  
Jerry A. Woods, L.S., Principal

John D. Russo, P.E., Principal  
John Lenc, P.E., L.S.  
Arthur R. Tully, P.E.

June 14, 2022

Mr. Lee Bergus, Chairman  
Town of Goshen Planning Board  
P.O. Box 217  
Goshen, NY 10924

RE: Milmar Foods  
Tax Lot Nos. 12-1-13.1 & 12-1-13.2  
Town of Goshen, Orange County, NY

Dear Mr. Bergus and Members of the Planning Board:

Please find enclosed the following:

- Eleven (11) sets of plans entitled, "Site Plan Prepared for Milmar Foods", dated April 4, 2022 and revised on June 9, 2022
- Eleven (11) copies of Architectural Renderings prepared by Cybul Cybul Wilhelm Architects, dated June 6, 2022
- Eleven (11) copies Full Environmental Assessment form, dated April 4, 2022 revised June 9, 2022
- Three (3) Completed Agricultural Data Statement
- Eleven (11) copies of the Zoning Analysis dated June 3, 2022
- Eleven (11) copies of the Google Earth Imagery dated September 19, 2019
- Eleven (11) copies Copies of Spill Record from the New York State DEC Database for Spill # 9006633 and Spill #9909757
- Two (2) copies of the Stormwater Pollution Prevention Plan dated June 2, 2022

The above materials are respectfully submitted on behalf of Milmar Foods, Inc. The enclosed Zoning Analysis has been prepared to evaluate the project's conformance with the Town of Goshen Special Permit criteria. As indicated in the analysis, the project does meet the criteria established.

The enclosed Site Plan drawings have been revised to address the comments outlined in the review memo prepared by Sean Hoffman, P.E., dated May 1, 2022. The applicant has also modified the proposed improvements- Production Room "B" (previously shown) has been changed to a test kitchen with two chef offices. The plans and EAF have been revised accordingly.

The following enumerated responses are provided to each comment outlined in Mr. Hoffman's memo:

**1. ZONING**

1.a. No response needed.

1.b. It is understood that a public hearing is required for the project and that the Planning Board will schedule the hearing when they are satisfied with the project application.

1.c. No response needed.

1.d. The enclosed Zoning Analysis outlines the project's conformance with the Special Permit criteria.

1.e.1- The plan has been revised to reflect that the lot is a corner lot with two front yards and two side yards in accordance with §97-40(B). The side yard provided is 66+/- feet which exceeds the minimum 30 feet required.

1.e.2- The plan has been revised to reflect that the lot is a corner lot with two front yards and two side yards in accordance with §97-40(B). The side yard provided is 66+/- feet which exceeds the minimum 30 feet required.

1.e.3- The Bulk Table has been revised to note the frontages along 6-1/2 Station Road and Route 17M.

1.e.4- The Bulk Table has been revised to include a note that outlines the provisions of §97-32(b) of the Town Code. The note also outlines the existing area of encroachment into the 150-foot setback as being 33,752 +/- square feet and the proposed post-development encroachment is 50,125 +/- square feet, which represents an increase of 48.5%. Mapping depicting the areas of encroachment for the existing conditions and the proposed post-development conditions has been provided in the enclosed Zoning Analysis.

1.e.5- The portions of the building that are to be removed have been noted and shown on Sheet 2.

1.e.6- A calculation for the impervious coverage percentage has been added to Sheet 1 and is noted in the Bulk Table. The calculated proposed impervious coverage is 35.7%.

1.e.7- The existing A.G. tanks referenced are above-ground steel storage tanks that are used in the wastewater treatment process. We understand that the tanks are accessory to the primary structure and are permitted to be within the required yard setback.

1.e.8- A typical Gravity Wall Detail has been added onto Sheet 5. The maximum height of the wall is 10 feet and will not be visible from Route 17M because it is located downhill of the highway and is being cut into the existing hill. The wall will not be visible from 6-1/2 Station Road due to the location of the existing and proposed building additions between the two. A rustic split post and rail fence is proposed along the top of the wall for safety purposes. The split rail fence will be partially visible from Route 17M between the existing and proposed vegetation. An 8-foot high chain link fence is also proposed along the perimeter of the property in that area to provide additional screening from the highway and secure the facility.

1.f. The proposed green space has been shown on Sheet 1. The green space has been added to the legend and Note 10 has been added to note that the green space proposed is 48.2+/- % which exceeds the 30% requirement.

1.g.1- Regarding the placement of the parking lot in front of the building, it is an existing condition and relocation of the parking lot to the rear of the property would be a significant hardship due to the spatial constraints of the property. We respectfully request a waiver of the requirement to have the parking areas behind the building for these reasons.

1.g.2- Architectural Renderings have been provided to depict the view of the facility from four vantage points within the public road right-of-way. Based upon the proposed landscape screening, visibility of the building will be reduced. Options for additional screening to reduce the visibility of roof-top equipment are being considered by the architect and will be discussed in greater detail at the next Planning Board meeting.

1.g.3- The plans have been revised to provide additional landscaping, some of which are evergreen trees and shrubs along Route 17M and near the intersection of Route 17M and 6-1/2 Station Road to screen the facility from public view. These landscape areas will be a continuous green buffer consisting of trees, shrubs, meadow, natural areas and lawns and will not adversely affect the driveway sight distances. There is no existing sidewalk or bike path in the area of the site to connect to. However, a bike rack has been shown near the front entrance on Sheet 3 with a detail on Sheet 5 to provide a place for employees who may ride a bicycle into work.

1.g.4- The plan has been revised to include an 8-foot high chain link fence with evergreen privacy inserts along portions of Route 17M right-of-way line to provide security and screening. The existing chain link fence near the front parking lot has been noted to have evergreen privacy inserts installed on it.

1.g.5- Although it is anticipated that long-term storage of trailers will not be needed in the future, additional landscaping has been provided in the area of the truck driveway entrance at 6-1/2 Station Road to enhance the screening from that area.

1.g.6- As shown on the plan, the middle parking lot entrance will be abandoned and reclaimed for landscaping. The remaining driveways are about 180 feet apart from each other and relocation of either driveway would be a significant hardship on the applicant. A waiver from the requirement to have less than 600 feet between the existing driveways is requested.

1.h. The parking calculations on Sheet 1 has been revised to base the required number of parking spaces on building square footage with the proposed freezer being eliminated from the calculation. The net result is a requirement of 160 spaces. The plan proposes a total of 126 parking spaces, including five ADA accessible spaces. As was discussed during the recent Planning Board meeting, the facility employs about 210 people and many of the employees arrive by employee-run shuttle vans. Typically, six van shuttles are used, each accommodating 15 people for a total of 90 employees arriving by shuttle each day. A review of the Google Earth imagery from Thursday September 19, 2019 reveals that the parking lot was about 90% full, with 80 passenger cars parked and 11 shuttle vans observed in the front parking lots. Although there were trailers in the loading dock and rear areas, there were no passenger cars or shuttle vans in areas other than the existing front parking lots. Although use may vary slightly from day to day, this extent of parking is typical for the facility. There is not expected to be any increase in the number of employees as a result of the project. The plan has been revised to provide for additional parking at the south side of the proposed freezer, and six "Van Shuttle Parking Only" reserved spaces in the front parking lot. A detail for the signage is shown on Sheet 5. A total of 126 parking spaces is proposed and a waiver from the 160 spaces required is requested.

The plans have also been revised to provide for landscaped areas within and around the front parking lots to meet the code requirements. Several of the proposed trees have been changed from deciduous to evergreen trees to provide for vegetative screening in the winter months. A full landscaping plan is provided on Sheet 3.

Regarding the potential need for ADA accessible spaces in the rear of the building, USDA requires that all employees enter the facility at the main entrance in the front of the building. Therefore, all ADA accessible spaces have been located near the front entrance.

## **2. SITE PLAN**

2.a- Sight distances for the existing driveways are provided on Sheet 4 and the provided distances exceed the minimums recommended. No vegetative clearing is needed for the driveway sight distances. Sight distance looking toward the Heritage Trail is limited only by trees located on the east side of 6-1/2 Station Road and without extensive clearing is of little benefit.

2.b- Food production facilities vary, however a review of the Amy's Kitchen traffic impact analysis that was provided to the Town of Goshen indicated that the 650,000 square foot facility had a projected 4 trucks entering and 8 trucks existing in the peak A.M. hour, and a projected 9 trucks entering and 6 trucks exiting in the peak P.M. hour. Scaling the project down to the proposed Milmar facility (approx.. 100,000 sq.ft.) which is about 15% the size of the Amy's Kitchen facility, the trip generation would translate to 1 truck entering and 1 truck exiting in the peak A.M. hour and 1 truck entering and 1 truck exiting in the peak P.M. hour. A value of 20 truck trips previously provided in the EAF is a daily total based upon Milmar's historical usage during peak season. Total truck trips per day for the Milmar facility will likely be less than 10 entering and 10 exiting per day.

2.c- As indicated above, during peak hours it is expected to have one truck entering and one truck exiting. The applicant has advised that this is typical, that the gated entrance to the rear loading dock area is open during business hours so trucks do not usually have to wait to enter. Occasionally, a truck may arrive during the evening shift (which is expected to be eliminated upon project completion) and sufficient area exists before the gate to allow the truck to wait for entry without being in the roadway.

Striping has been added to the plan to delineate parking areas and islands, as well as "stop" lines.

The plan has been revised to include a 30,000 gallon underground water storage tank and 10 foot by 10 foot building for fire protection pumping equipment. These facilities are located north of the proposed loading dock paved access area and will be readily accessible. The plan has also been revised to propose resurfacing of the 10-foot wide access drive that runs along the south side of the building. It is our understanding that the architect has discussed the facility with the fire department and they are reviewing it. Four snow storage areas are now shown on the plan to provide designated areas for snow storage.

## **3. UTILITIES**

3.a. According to the New York State DEC issued SPDES Permit (NY 005622), the facility uses 35,000 gpd from a combination of groundwater wells and tanker trucks, and the total wastewater discharge is 29,000 gpd. The 6,000 gpd difference is water lost with 1,000 gpd lost in food production, 4,000 gpd lost from the cooling tower and 1,000 god lost in the boiler. The applicant and their architect has advised that there is no expected change in the water demand or wastewater generation as a result of the proposed improvements.

3.b. No response needed.

3.c.1- The limit of disturbance has been revised and is now shown as 5.00 acres. A Stormwater Pollution Prevention Plan has been prepared and is included with this submission.

3.c.2- Proposed grading and stormwater structures are shown where needed.

#### **4. MISCELLANEOUS**

4.a. At this time, there are no plans for any signage for the business.

4.b. Proposed lighting is shown on Sheet 3. Lighting fixtures are shielded, downward facing, LED fixtures. The fixtures are proposed along the sides of the proposed additions and within the proposed parking lot areas for safety and security. There will be no offsite glare or any light intensity exceeding 0.1 foot candles at the property lines.

4.c. Any solid waste generated onsite is maintained in the proposed roll-off dumpster or compactor located on the north side of the building. The owner contracts with a commercial pest management company who maintains rodent traps and other pests.

4.d. The wetland disturbances have been updated. The two areas of proposed wetland disturbance are 179 sq.ft. and 77 sq.ft. for a total of 256 sq.ft. Note 7 on Sheet 1 has been updated accordingly. Our office will coordinate with the applicant's wetland consultant to provide the Pre-Construction Notification to the U.S. Army Corps of Engineers for coverage under the Nationwide Permit.

4.e. A completed Agricultural Data Statement is included for the Planning Board. As noted, there is one property within the Agricultural District that operates as a farm.

4.f. If a revised Owner's Endorsement is needed, the applicant shall provide one.

4.g. Construction details for the proposed retaining wall have been provided on Sheet 5.

4.h. The ends of the proposed curbs have been labeled on Sheet 2.

#### **5. SEQRA**

5.a. Question D.2.b.iii (liquid wastes) of the EAF has been corrected.

5.b. Question D.2.j (traffic) of the EAF has been revised to reflect the current number of parking spaces proposed and that truck traffic will be less than 20 trucks per day. Additional information for truck traffic is discussed above.

5.c. Question E.1.h.i (NYSDEC Environmental Site Remediation) of the EAF has noted that the two documented spills- Spill #9006633 was closed 9/18/90 and Spill #9909757 was closed 11/18/99. Copies of the Spill Record from the New York State DEC Database are provided with this submission.

5.d. Question E.3. (Archeological) – Our office has submitted the project information to the New York State Historic Preservation Office using the CRIS system. When a formal letter of review is received from that Office, we will forward it to the Planning Board for their records.

On behalf of the applicant we respectfully submit the enclosed documents for your review and look forward to discussing the project with the Planning Board at the next available Planning Board meeting. If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

LANC & TULLY, P.C.

A handwritten signature in black ink, appearing to read "David Higgins", with a long horizontal flourish extending to the right.

David Higgins, P.E.

Cc: Roy Makinen w/ encl  
Martin Cybul