

July 1, 2020

Town of Goshen Planning Board  
Mr. Lee Bergus, Chairman  
276 Main Street  
Goshen, NY 10924

Ref: Southside Commerce Center  
Village of Goshen: 121-1-1.32  
Town of Goshen: 13-1-5.11

Dear Planning Board Members,

Attached please find a revised site plan set and supporting documents in accordance with Site Plan comments outlined in Sean Hoffman's review dated June 12, 2020. Specifically, the comments are:

1. *Zoning –*

- a. *Use – Applicant proposes construction of a 112,500 square foot warehouse with offices and additional site improvements within the Village of Goshen. The warehouse will be accessed via a proposed driveway from Police Drive within the Town of Goshen. The Code indicates “uses customarily incidental and subordinate to principal uses shown on the Use Table shall be allowed on the same terms as the principal uses on the same lot or on contiguous lots, unless otherwise indicated on the Use Table” (Section 97-10D). The Town of Goshen Use Table requires site plan approval for warehouses within the CO zone. The proposed driveway is considered a major project since it includes the active use of 10,000 square feet of land (Section 97-84). The public hearing was conducted December 5, 2019 at which time it was closed. During the January 16, 2020 meeting you extended, by mutual consent with the applicant, the time required for you to take action on this application (i.e., approve, deny or approve subject to conditions) to August 6, 2020. (Informational).*
- b. *Dimensional Regulations – Since the proposed access driveway exceeds 200 square feet, it appears the setback requirements for accessory structures are not applicable (Section 97-40A(1)(b)) and the bulk requirements for the CO Zone apply to this application. The plans include a bulk table indicating compliance with the CO Zone dimensional requirements. We have the following comments:*
  - i. *The access driveway complies with the dimensional requirements of the CO Zone with the exception of the rear and side yard setbacks. We recommend you discuss with Attorney Naughton whether the applicant's proposal to construct an access driveway through these yards requires variance(s).*
  - ii. *The plan shows two (2) retaining walls along the westerly side of the access driveway. The northerly retaining wall (nearest to Police Drive) now meets the front yard setback requirement. The southerly retaining wall (nearest the proposed warehouse) spans both the Town and Village parcels and encroaches within the side and rear yards of the Town parcel. This configuration complies with the Code which allows retaining walls of any height in any side or rear yard (section 97-40E(1)) however we suggest you discuss with Building Inspector Halloran how permitting of this wall will be coordinated with the Village of Goshen.*

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- c. *Design Standards – Development within the CO Zone requires compliance with the design standards listed under Section 97-14D. Since most of the new development (i.e., warehouse building, loading area and parking) are within the Village it appears the design standards related to building placement, architecture and storage are not applicable. We have the following comments regarding the applicable portions of the design standards:*
- i. *The Code requires 30% of the site to be maintained as open or undeveloped green space. This green space shall be arranged to buffer buildings and parking areas from public roads and neighboring properties while protecting wetlands, water courses and scenic views (Section 97-14B). The plan has been revised to identify a 25,000 square foot (0.57 acre) open/green space east of the proposed driveway. Although this area exceeds the 30% minimum required by the Code (34% proposed), perhaps buffering of neighboring properties could be enhanced if a portion of the green/open space were to be relocated along the westerly side of the driveway, adjacent to the residential property. Further, the applicant should verify the proposed wastewater pump station is outside of the proposed green/open space. We have added additional green space on the westerly side of the driveway. Other than for grading each side of the drive will be open green space/lawn. Any existing trees not impacted by grading will remain as well.*
  - ii. *The Code (Section 97-17D(3)) requires construction of a bike path and/or sidewalk within the required landscape buffer along the road. The applicant has indicated a bike path/sidewalk has not been provided since there are no similar facilities adjacent to the site. Unless Attorney Naughton advises to the contrary, we understand installation of a bike path and/or sidewalk is required regardless of whether there are adjacent facilities. Alternatively, the applicant could seek a variance. Additionally, the landscape buffer (rather than landscaping materials) should be identified on the plan. The Code requires the landscape buffer to consist of trees, shrubs, fields meadows, natural area and/or lawns. A sidewalk has been shown along the curb line and in front of the planting islands shown on the Landscaping Plan.*
  - iii. *The Code requires a minimum distance of 600-feet between curb cuts (Section 97-14D(6)). The applicant has shown the proposed driveway as well as the adjacent driveways (see Existing Conditions Plan). The proposed curb cut appears less than 600-feet from existing driveways along both sides of Police Drive. It appears the proposed driveway location will require a variance; alternatively, we suggest you discuss with Attorney Naughton whether the Board may adopt a finding indicating the configuration of the existing parcels makes this requirement impossible to satisfy.*

## 2. Site Plan

- a. *Site Access – The site is located along Police Drive. Ingress and egress to the warehouse facility within the Village will be provided by a proposed driveway through the adjacent parcel within the Town. The driveway location may require a variance or finding (see comment above) in addition to a permit from the Town Superintendent of Highways (Section 97-52A). In connection with the proposed driveway access, the plan has been revised to include some of the information we previously requested. We have the following comments:*
- i. *The plan should be revised to provide sight distance measurements after vegetative clearing has been completed and the applicant should confirm compliance with AASHTO requirements. We have noted on the plan that site triangles (750') are to be*

obtained as outlined in Creighton Manning's response to comments dated October 21, 2019.

- ii. *The Main Access Profile (access driveway) should be revised to include information regarding the proposed vertical curve so we may confirm compliance with the Code requirement for driveway grade to have a slope of -2% for the first 25 feet from the edge of existing street pavements (Section 83-15D(2)). Additional information has been added to the profile.*
- iii. *The Code requires the curb cut to minimize any possible damage to the Town road and provide the maximum safety for all traffic (Section 82-3B). The plan is unclear with respect to the curb cut (e.g., width, radii, proposed curb terminations, etc.) and should be revised to include this information or a note indicating this information will be required in conjunction with the application for a permit from the Town Superintendent of Highways. An additional note (#6) has been added to the Construction Within the Town of Goshen Parcel Notes with regard to this.*
- iv. *Any special fire protection needs or provisions should be noted. Adequate access for Fire Department apparatus should be considered in the layout and reviewed by emergency services to confirm acceptability. Comment.*

b. *Utilities*

- i. *Water – The site is within the AQ-6 Overlay Zone. The applicant proposes a connection to the existing watermain within Police Drive. This watermain was constructed by the County and dedicated to the Village for operation and maintenance in accordance with an intermunicipal agreement (IMA). We understand the IMA required any additional connections to the watermain to be specifically approved by both the County and Village. In addition, since Police Drive is a Town road, the applicant will need to obtain approval of the Town Superintendent of Highways for this utility connection. The plans have been revised to include a Utility Trench Cross Section which indicates “Finished Grade with Restoration as Specified.” We recommend revising this note to correspond with the Town Highway Construction Specifications for Commercial and Collector Streets (i.e., 2” asphalt wearing course, 4” asphalt binder course, 16” granular materials and 4” Item 4). Additionally, all utility trench edges should be sawcut and sealed. The detail has been modified as suggested.*
- ii. *Wastewater Disposal – The applicant proposes to convey wastewater to the Village of Goshen for treatment via an onsite wastewater pump station and sanitary forcemain along Police Drive. The forcemain is shown to connect to the existing forcemain from King Zak Industries which ultimately discharges into an existing Village of Goshen sanitary manhole. We have the following comments:*
  1. *The applicant has provided a filed map indicating their availability to utilize the existing forcemain easement. Additionally, we understand the applicant is working to provide information indicating the existing combined forcemain, parallel to Police Drive, has the capacity for the proposed additional flow.*
  2. *The applicant is proposing installation of a private forcemain within the Town's Police Drive right-of-way. We recommend you confirm with Attorney Naughton this will require Town Board approval and likely an indemnification and maintenance agreement.*

3. *The plan shows the proposed forcemain passing Entenmann's Bakery and King Zac Industries. Entenmann's appears to be served by an onsite sewage disposal system while King Zak appears to already have a forcemain connection to the Village. The applicant has indicated they have not discussed sewer service with the neighboring properties. An easement over King Zac would eliminate the need to obtain Town Board approval for the proposed forcemain in the Town's right-of-way and would also likely allow the proposed wastewater pump station to be located closer to the proposed warehouse and reduce capital costs in connection with gravity sewer and forcemain construction. As discussed at the last planning board meeting this is not a feasible option.*
- iii. *Stormwater – The plan shows new discharges into the existing onsite stormwater basin to treat runoff from the warehouse and parking areas. The existing basin will be modified in connection with improvements occurring on the adjacent sites within the Village. The applicant has advised the finished basin will ultimately serve three (3) sites and will be designed by others (the applicant's SWPPP addresses water quality associated with this project). Stormwater from a portion of the proposed access driveway will be collected by a set of two (2) catch basins and conveyed to an existing watercourse. We have the following comments:*
  1. *The SWPPP indicates the entire site disturbance will be 12.7 acres which exceeds the 5-acre threshold and will require a waiver. The applicant has acknowledged the requirement for MS4 Acceptance Forms from both the Town and Village. The SWPPP should be revised to provide items required under Part II.D.3 of the SPDES General Permit for Stormwater Discharges from Construction Activity (increased inspection frequency, stabilization and submission of a phasing plan). Additionally, the applicant should verify the limit of disturbance shown on the Town parcel; the plan appears to show disturbance extending to the westerly property line. Additional information has been added to the SWPPP as required in Part II.D.3. the limits of disturbance in the area of the westerly property line is due to grading purposes.*
  2. *The Soil Erosion & Sediment Control Plan includes two (2) temporary sediment basins to address potential runoff primarily from soil disturbances occurring with the Village. We recommend the applicant provide additional temporary sediment basins and diversion swales to capture and treat runoff from the disturbances within the Town which are necessary to construct the proposed driveway. Additionally, the plans should be revised to include construction details for the temporary sediment basins and specifications regarding the conversion of temporary sediment basins to permanent control measures where applicable. Further, we recommend relocating the proposed concrete washout station upstream of the erosion and sediment control practices to reduce potential washout discharges to the existing watercourse. The location of the concrete washout station has been revised. An additional temporary sediment basin is now shown on the Town's property. Additional details are now provided.*

3. *The plan shows the stormwater basin/detention basin discharging to an existing watercourse which will continue to enter the neighboring property (SBL 13-1-7). The SWPPP should provide a hydrologic and hydraulic analysis as well as a comparison of post-development stormwater runoff conditions with pre-development conditions to verify there will be no increase in post-development flow rates (Section 8-C-8D(4) & (5)). Alternatively, if this will be provided by others, we recommend any action include a condition requiring this information be furnished and approved prior to any soil disturbance on this site. This information is being provided in the full SWPPP from T.M. Depuy Engineering and Land Surveying, P.C.*
  4. *The plan shows several outlet structures and diversion manholes and should be revised to include construction details for these structures consistent with SWPPP calculations. Additional information and details are now provided.*
  5. *The applicant should review the driveway to determine if the proposed catch basins at Station 0+60 may be relocated to the driveway low point shown on the profile (approximately Station 0+50). Additionally, the applicant should confirm the proposed discharge from these basins will be directed to the existing watercourse on the site rather than the adjacent parcel (SBL 13-1-7). The basins have been relocated. The discharge is approximately 75 feet from the property line.*
- c. *Lighting & Landscaping – The plan has been revised to light fixtures along the access driveway as well as anticipated light levels. We recommend light levels be limits at the property line to 0.1 foot candles. The Code limits the height of light poles to 15 feet (Section 97-48(A)(4)(d)). The plan shows four (4) fixtures along the driveway and indicates a mounting height of 15-feet. We recommend a detail showing how the lights will be mounted. We recommend any action of the Board provide there be no offsite glare. 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 Code requires a landscape buffer between potentially incompatible uses such as large-scale commercial and residential properties (Section 97-75D(2)(a)). The applicant has submitted a landscape plan prepared by a landscape architect which shows plantings along the site frontage (mixture of deciduous trees, groundcover and grasses) and several deciduous trees along the driveway. Since the applicant proposed disturbances to approximately the property line, plantings should be provided to meet the visual separation/screening requirements of the Code. A detail for the light pole base has been added. The lighting proposed has the designation of “Nighttime Friendly” (specs attached). As discussed, additional green space has been provided on the westerly side of the drive.*
- d. *Miscellaneous –*
- i. *Signs – The applicant has advised no signage is proposed.*
  - ii. *Traffic Management Plan – A traffic management plan associated with the proposal to install the sanitary forcemain within the Town’s right-of-way should be provided. We suggest you make this a condition of any action. A traffic control plan will be included with the application for permit to install the forcemain in the shoulder of the Town’s ROW.*

- iii. *Retaining Walls – The plans should include general details showing how the proposed walls will be constructed. This should include wall heights, wall materials and depth of any reinforcing behind the walls. We suggest you consider a requirement for all walls to be of earth tone colors as confirmed by the Building Inspector. Design plans for the retaining walls are now provided.*

If you require anything additional related to the proposal prior to the project being placed on the next meeting agenda, please contact our office at your convenience.

Thank you.

Sincerely,



Lawrence Torro, PE  
Project Engineer

Cc: Malcolm Myers, via email  
Jay Myrow, Esq. via email