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August 9, 2022

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

Re: Site Plan for All One One All
A D'Artagnan Farm
Tax Lot # 8-1-6

Dear Chairman Bergus and Members of the Planning Board:

Please find enclosed the following:

- Six (6) copies of plans entitled, "All One One All - A D'Artagnan Farm", dated February 23, 2022 and last revised on August 5, 2022.
- Six (6) copies of a plan entitled, "Alternative Development Plan: Municipal Office Building", dated June 15, 2022
- Six (6) copies of a Zoning Analysis, dated March 24, 2022 and revised August 9, 2022
- Six (6) copies of a Project Narrative, dated July 14, 2020 and revised August 9, 2022
- Six (6) copies of a Traffic Impact Evaluation, dated March 23, 2022
- Six (6) copies of a letter from Crush & Varma Law Group, PC, dated August 8, 2022
- Six (6) copies of a Drainage Report, dated August 5, 2022

The above noted documents have been revised to address the comments discussed with the Planning Board at the meeting of June 2, 2022. The plans and reports have also been revised to address the comments outlined in the letter dated May 27, 2022 prepared by Sean Hoffman, P.E. The following summary below is provided to outline the revisions/additional information requested:

As discussed during the Planning Board meeting, it was determined that the prior Zoning Analysis which considered the use of the property as a vegetable packing agricultural use should be revised and instead consider the alternative of developing the property as a municipal office building, which is listed as a permitted, as-of-right use in the RU District. The enclosed Zoning Analysis, Traffic Report and map outline the potential impacts associated with a municipal office building. As outlined in the Zoning Analysis, the proposed restaurant and farm shop will not create any objectionable odors, noise or traffic impacts above that which would be generated by a municipal office building use.

Also, we discussed the nature of the proposed distillery. As a reminder, the applicant will be operating a small still for the production of small volumes of wine and spirits. The still will be 20

gallons and will have the capacity to produce about 58 gallons of wine or spirits every 15 days, depending on what is being distilled. The enclosed letter provided by Crush & Varma Law Group who has been assisting the applicant with the permit applications to the Alcohol and Tobacco Tax & Trade Bureau and the New York State Liquor Authority provides additional information about the distillery.

The Planning Board also requested that additional landscaping be provided along the lower side of the proposed parking lot to prevent headlight glare from impacting the neighboring residential property. The Site Plan has been revised to provide a hedgerow of evergreen shrubs in this area. The proposed shrubs are 'Winter Gem' boxwoods planted at 5-foot intervals. According to Monrovia, these shrubs grow to a mature height and width of 4 to 6 feet. Additional Silver Linden trees have also been added along the edge of the parking lot to provide additional screening and shade during hot summer months.

The following paragraphs below are a reiteration of the comments outlined in Sean Hoffman's review letter and responses provided where needed:

Comments Received From H2M Review Letter Dated November 16, 2020 and Responses (IN BOLD)

B. Review of Submitted Materials –

1. Zoning – The plan now shows a boiler room and maceration room for a proposed distillery within the existing stable. Depending on the proposed operational details, this use could either be considered agriculture or light industry under the Code. Agricultural uses are permitted by right in the RU District while light industry uses are prohibited. We recommend the applicant submit additional information so the use category may be determined. Since the integration of this new distillery use may impact the site plans (e.g., water use, wastewater disposal, parking, etc.) we recommend you defer scheduling a public hearing and possibly action on the SEQRA Negative Declaration.
 - a) Use – The site is currently developed and includes an existing 4,458 square foot residential dwelling, barn, stable and several sheds and pastures. Applicant proposes to convert the existing barn to a one-hundred (100) seat restaurant (upper floor) and farmstand (lower floor), with parking and utilities. The application has been revised to include the conversion of a portion of the existing stable to a distillery. Additionally, we understand the applicant intends to operate several agricultural uses onsite (plan shows flower garden, pasture, silvopasture, etc.).

The applicant previously proposed a farmstand which we indicated met the Code definition of roadside stand since it was intended to be operated in conjunction with a farm operation which was considered an agricultural accessory use. The applicant has indicated the new proposed lower floor farmstand will be used for retail associated with

agricultural products raised or produced on the farm and other farm-related items. If Building Inspector Halloran confirms, we believe this should be considered retail.

The property is located in the RU District which permits restaurants and retail uses by special permit issued by the Planning Board in accordance with the Town of Goshen Use Table [§97-70]. The Code permits both restaurants and retail businesses within the RU District either in connection with agricultural uses, or as provided as a Small-Scale Business Use in accordance with §97-18C.

RESPONSE: No response needed.

- b) Small-Scale Business Uses – The Code permits residential structures to be used for business purposes by special permit if: (1) the structure was in existence as of June 10, 2004; (2) the exterior appearance is not significantly modified; (3) the business occupies less than 5,000 square feet of floor area; and (4) the use has frontage on, and accesses, a state or county highway. Additionally, new structures and parking lots may be built if they maintain a residential appearance and parking is screened from adjoining properties and public roads.

The existing residential dwelling was originally constructed in 1855. The existing barn, proposed for the restaurant and retail farmstand, was constructed prior to 2004 and, until September 2019, utilized for a commercial dog kennel. The applicant has indicated in their May 5, 2022 correspondence, the total floor area of the restaurant, outdoor dining area, and retail farmstand totals 4,936 square feet which is less than the 5,000 square feet maximum. We recommend the applicant advise how these areas were calculated. Further, unless he has already, we suggest Building Inspector Halloran verify the barn is considered either a residential structure or a legally existing nonconforming commercial structure. The applicant previously described several proposed exterior upgrades (e.g., door and window replacement, ADA upgrades and waterproofing) which we understand will not significantly modify the exterior appearance. The site has frontage on, and will obtain access from, Craigville Road/County Route 66 which is a county highway. See below regarding the design and layout of the proposed parking lot.

RESPONSE: The total gross area of the restaurant and shop is 4,436 square feet. Outdoor dining area totaling approximately 500 square feet is also provided in the garden area adjacent to the barn building. These areas are designated on Sheet 5 of the Site Plan. The maximum utilized total space for this use will not exceed 5,000 s.f.

- c) Public Hearing – We believe this is a major project since the proposal includes the alteration and active use of 10,000 square feet of

land and a public hearing is required [§97-72F(2)]. The public hearing was opened during your November 19, 2020 meeting and adjourned until your January 7, 2021 and February 4, 2021 meetings. At that time, the public hearing was closed with the understanding it would be reopened when additional information was received, and the applicant waived the time for you to take action on the application. During the public hearing you received comments regarding a number of site plan, special permit and SEQRA matters. The applicant's May 5, 2022 correspondence requests you consider scheduling a public hearing however, the application has been revised to include a possibly prohibited use so we suggest you consider deferring the public hearing until a determination has been made regarding the distillery.

RESPONSE: We respectfully request that if the Planning Board finds the submitted materials satisfactory, the public hearing be scheduled.

- d) Special Use Permit – The applicant has provided a Zoning Analysis which describes the projects conformance with the environmental performance standards as stipulated in §97-73; we have the following comments:
- The Zoning Analysis indicates a maximum of 317 daily trips generated by the proposed restaurant and retail farmstand. Further, the analysis indicates existing roads have adequate capacity and these trips will not significantly alter traffic on area roadways. We requested the Town Traffic Consultant review the revised Zoning Analysis and he determined the proposed restaurant and retail farmstand uses will create a maximum of 344 daily trips with weekday peak hour; PM peak hour of 41; and Saturday peak hour of 335 trips. The Town Traffic Consultant previously indicated these trips to be nominal relative to the capacity of area roadways.
 - The Zoning Analysis indicates the project will have no greater overall off-site impact than full development of the property with uses permitted by right. We understand Building Inspector Halloran considers "uses permitted by right" to be those uses identified in the Town's Use Table as permitted by right that do not require review by a municipal board and the applicant has chosen to compare the project to a vegetable packing facility. Presuming a vegetable packing facility is a use permitted by right (we recommend confirming with Building Inspector Halloran), we discussed off-site traffic impacts with the Town Traffic Consultant. The Town Traffic Consultant indicated he agrees with the applicant's overall conclusion (i.e., the proposed use is less impactful than a vegetable packing facility), however this conclusion relies on the trip generation projections for the vegetable packing facility. Since agricultural uses are not

included in the ITE Trip Generation Manual the applicant studied an onion packing facility within the Town. Since trip generation values may vary between sites, we recommend the applicant average several vegetable packing facilities to demonstrate no greater overall off-site traffic impact.

RESPONSE: The Zoning Analysis and Traffic Impact Evaluation have been revised to consider the alternative use of the property as a municipal office building. As discussed in the Zoning Analysis, we believe that the proposed project meets the criteria for the Special Use Permit.

- e. Zoning Compliance/Dimensional Regulations – The Code permits any lot in the RU District, which was legally created and existed as of June 10, 2004, to be built upon as provided in §97-19C. The plan includes a Table of Zoning requirements table listing the dimensional requirements of the RU District and graphically identifies the setbacks on the plan. [Informational].

RESPONSE: No response needed.

- f) Parking – Your Code requires one (1) space per every three (3) seats for restaurants and places of public assembly; four (4) spaces per 1,000 square feet of enclosed floor space, excluding storage, for retail uses; and two (2) spaces per residential dwelling unit [§97-48(A)(2)&(3)]. The applicant has calculated the proposed restaurant, retail farmstand and residential uses require forty (40) spaces and has shown a proposed forty-six (46) spaces. We have the following comments:

- Parking for the proposed distillery should be added to the parking calculations and identified on the plan.
- The Code requires all off-street parking to be located behind or to the side of the principal building except, within any district, parking may be located anywhere on the site if it screened from public roads and adjoining properties [§97-48A(4)(a)[1] & [2]]. The proposed parking area is adjacent to Craigville Road/County Route 66 while the adjoining properties include single-family dwellings toward the east (i.e., 8-1-5.2) and northwest (i.e., 3-1-22) and an agricultural use toward the north (i.e., 3-1-23).

The applicant previously provided a visual analysis consisting of: (1) an annotated photo montage; (2) landscape plan; (3) planting schedule; and (4) bird's eye view. The applicant proposes to supplement existing trees with tree rows and new trees along the property line as shown on the landscaping plan. [Informational].

- Since the proposed parking lot contains more than ten (10)

spaces and is within the RU District, a 50-foot-wide buffer zone planted with trees or dense vegetation screening is required along boundary line [§97-48A(4)(a)[3]]. The plan identifies the vegetated buffer zone and shows trees along the southerly and easterly property line. The applicant previously provided photographs indicating the proposed parking lot will not be visible from the west. Unless you have already visited the site, we recommend you consider a site visit to review project visibility.

- The Code requires parking areas to consist of a suitable surface with adequate drainage and which promotes groundwater recharge [§97-48A(4)(b)]. The plan shows the proposed parking area to be gravel and draining toward exiting grass hillside and tree rows to the east. The design of the parking lot has been revised to include a gravel diaphragm intended to promote infiltration. You may wish to consider a condition requiring paving of the parking lot and installation of additional stormwater controls should the gravel lot result in unanticipated nuisance conditions (e.g., dust, potholes, etc.).

RESPONSE: It is my understanding that the request for additional parking for the distillery was made when the scope of the distillery had not yet been made clear to the Board. Given the small scale of the distillery, we do not believe that any additional parking is needed. Sheet 1 of the Site Plan notes that 40 parking spaces are required and that 47 parking spaces are being provided.

2. Site Plan –

- a) Access – The site is located at the intersection of Coleman Road and Craigville Road/County Route 66. Ingress and egress will be provided through the expansion of the existing gravel driveway located approximately 200 linear feet east of the intersection along Craigville Road/County Route 66. The driveway is under the jurisdiction of the OCDPW and we understand the applicant previously obtained approval for the proposed expansion. [Informational].

The applicant has provided a turning analysis demonstrating the ability of fire apparatus to negotiate the site and reach the proposed restaurant. The applicant modelled a 2013 Pierce Velocity Ladder Truck which appears to be the largest apparatus used by the Goshen Fire District. The turning analysis shows the apparatus has the ability to access the easterly exterior wall of the proposed restaurant. In response to our request, the applicant has confirmed both horizontal and vertical clearance dimensions at this location. If necessary, vehicles could mount the proposed adjacent sidewalk.

RESPONSE: No response needed.

- b) Site Circulation – We understand all traffic, with the exception of off-hour residential traffic, will bear right upon entering the site and enter the parking lot. Delivery and refuse collection vehicles will circulate through the parking lot and likely exit the site via the existing gravel driveway. All other users may utilize the gravel driveway or return through the parking lot to exit the site. Since it is impractical to stripe gravel surfaces, the site plan utilizing directional signage and striped utility poles to delineate parking locations.

RESPONSE: It is correct that vehicles entering the site will need to circulate through the proposed parking lot, as the existing driveway leading to the farmhouse and barn building is too narrow to accommodate two-way travel. Widening the existing driveway would require removal of existing vegetation and in the applicant's opinion, negatively affect the character of the property.

- c) Utilities –

1. Water - The site is within AQ-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 applicant has indicated the water supply will be classified as a Transient Non-Community Public Water Supply under the jurisdiction of the Department of Health (DOH). We have the following comments:

- The applicant proposes a new well approximately 150-foot northwest of the proposed restaurant to supply water to the restaurant and retail farmstand.

The existing well, adjacent to the farmhouse, will supply water to the dwelling and for limited irrigation (i.e., 350 GPD seasonal drip irrigation). The existing well southwest of the farmhouse will be abandoned (see General Note No. 13). The applicant has submitted a well testing plan which will be forwarded to the Town's Hydrogeologist for review and comment once a determination has been made regarding whether the distillery use is permitted.

- The applicant has calculated a water demand of 3,314 gallons per day (GPD). This is based on 35 GPD/seat for the restaurant, 400 GPD for the distillery and 3 GPD/visitor for workshops less 20% for the use of water saving fixtures. The applicant has indicated the workshops will consist of classes for cooking, embroidery, farming and crafts. [Informational].

- The hydraulic loading rate of 110 GPD/bedroom utilized for the residential dwelling corresponds with plumbing fixtures installed after 1994. The plans include a note (General Note 15A) indicating the applicant will demonstrate to the satisfaction of the Building Inspector the fixtures were installed after 1994. We recommend any action include this condition and require the upgrading of older fixtures (if any).
- The plans show an outdoor dining area. The plans include a note (General Note No. 18) limiting the number of seated patrons to 100 total. We recommend you condition your action to limit seating at 100 total seats (both indoor and outdoor) at any one time.
- The applicant has indicated a fire suppression system will be limited to the kitchen and will be reviewed by OCDOH as part of the food service permit; this should be confirmed by Building Inspector Halloran.

RESPONSE: No response needed.

2. Wastewater Disposal – The applicant intends to abandon the existing sewage disposal system for the residential dwelling and proposes a new onsite sewage disposal system at the rear of the site to treat wastewater from the existing dwelling and proposed restaurant. The applicant previously confirmed the wastewater generation will exceed 1,000 GPD and a SPDES permit is required from NYSDEC. We have the following comment:

- The plan identifies an existing 2,000 gallon septic tank to receive wastewater from the residential dwelling and the proposed restaurant. The plans include a note (General Note No. 15B) indicating the applicant's design professional will evaluate the tank condition. We recommend any action include this condition and require replacement if the tank is determined to be structurally inadequate.

RESPONSE: No response needed.

- d) Stormwater – The plan indicated 0.93-acres of land disturbance which is below the one (1) acre threshold requiring coverage under the NYSDEC SPDES General Permit for construction activities (Informational). The plans include a note (General Note No. 16) indicating the clearing limits will be delineated prior to any site disturbance. We recommend any action include this condition.

RESPONSE: The drainage report has been provided to evaluate potential impacts associated with the proposed improvements. As indicated in the report, although there is some small increase in the impervious area due to the proposed parking lot, the additional tree plantings and conversion of open pastures to densely planted silvopasture will result in a slight decrease in the peak rates of stormwater runoff. An erosion and sediment control plan has been provided on Sheet 6.

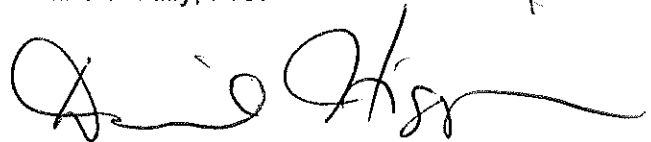
- e) Lighting – The plan shows four (4) pole mounted lighting fixtures within The parking area and three (3) wall packs mounted on the adjacent buildings. The applicant has provided information regarding light distribution and light levels. We recommend any action of Board require light levels at the property line not exceed 0.1 footcandle and, pursuant to your prior practice, fixtures should be “dark sky friendly” or “nighttime friendly” certified fixtures (IDA, LEED or Green

RESPONSE: No response needed.

On behalf of the applicant, we respectfully request placement on the next available Planning Board agenda to continue with the approval process. We ask that if the Planning Board finds the plan revisions to sufficiently address the comments, the public hearing be scheduled. If you have any questions or require any additional information, 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: Alix Daguin