



RE : Planning Board Review + Public Hearing Request
All One One All Farm - The D'Artagnan Farms Foundation
221 Craigville Road Goshen NY / SBL: 8-1-6

FROM : Alix Daguin, AIA 917.576.3210 alix@duckduckdesign.com

TO : Building and Zoning Town Goshen

CC : Kelly Naughton Town Lawyer; Sean T. Hoffman Town Engineer, Neal Halloran
Building Inspector, Engineers Pietrzak & Pfau; AOOA partner Ariane Daguin

DATE : 10.21.20

PAGES : Fourteen (14) + appended revised and new documents

Please place our project on the next available Goshen Planning Board agenda and schedule us for our public hearing with our newly revised documents which address comments from the previous board meeting and Sean T. Hoffman's memo 83-20-023 comments.

Revised and new supporting documents:

1. This Memo
2. Revised Site Permit Set from Pietrzak & Pfau Engineering and Surveying
3. Revised Project Narrative
4. ~~AOOA Mission Statement and about our silvopastures~~ - no change from 09/03/20 submittal
5. ~~FEMA Firmette~~ - no change from 09/03/20 submittal
6. ~~Owners Endorsement~~ - no change from 09/03/20 submittal
7. ~~Town of Goshen PB Application~~ - no change from 09/03/20 submittal
8. ~~Agriculture Data Statement~~ - no change from 09/03/20 submittal
9. Revised EAFs - (revised Long EAF only)
10. ~~Revised NYSDOH Engineers report~~ - no change from 09/03/20 submittal
11. New - Water Testing Protocol
12. New - Wastewater Treatment Information and Details
13. New - Farm Signs Descriptions and Imagery
14. New - Parking Lighting Cut Sheet
15. New - Agricultural Irrigation Plan
16. New - Parking Lot Views Screening Study (in depth and simplified version)
17. New - Rain Garden Species List

Please see responses to each of Sean T. Hoffman comments from memo 83-20-023 dated



9/11/20. All Responses in bold following each original comment below:

1. Zoning – a) Use – *The site is currently developed and includes...*

Response:

Barn gross/exterior square footage is 4,327 as per Frank Guerrero, project manager at Precision Property Measurements, whom we hired for as-builts services. His contact is 719.766.9380/frank@ppmco.net.

The outdoor seating within our gardens will be maintained to meet mandatory regulations set by small scale businesses of 5,000 sqf total.

Modifications to the exterior of the barn will be done to maintain appropriate proportion and design of original barn and to facilitate rehabilitation into the restaurant. For example : the recently installed (last 10 years) vinyl false divided lite windows, french doors and swing doors will be replaced and appropriately upgraded to meet ADA and aesthetic standards. Existing white pvc and metal vents will be replaced, sliding barn doors repaired and threshold waterproofed and sealed to provide conditioned space inside the barn....The restaurant will need a proper ada walkway and entry.

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 requires [§97-72F(2)].

d) Special Use Permit – In accordance with the requirements for special use permits, the applicant should describe compliance with the environmental performance standards as stipulated in §97-73 including noise, odors, traffic, emergency services, utilities and other related matters.

(1)Will comply with all land use district, overlay district, and other specific requirements of this chapter and other local laws and regulations and will be consistent with the purposes of this chapter and of the land use district in which it is located.

Response: Yes, see review of submitted materials in Sean Hoffman Memo 83-20-023 Zoning section.



(2) Will not result in excessive off-premises noise, dust, odors, solid waste, or glare or create any public or private nuisances.

Response: No off-premise noise permitted, restaurant will not create dust nor odors, solid waste from restaurant will be treated with state of the art septic system designed by BioFiltro, no structure shall have a color or inclination angle to facilitate glare.

(3) Will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.

Response: Our silvopasture regenerative farm and its restaurant with a restricted square footage has a mission to ameliorate the land. This project is about stewardship, we will treat the land with careful consideration and increase biodiversity and healthfulness. Bike parking and environmentally sensitive improvements to surfaces and roads are a priority.

(4) Will be accessible to fire, police, and other emergency vehicles.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set.

(5) Will not overload any public water, drainage, or sewer system, or any other municipal facility.

Response: Project will treat its own waste water and leverage the use of swales and berms and rain gardens to minimize sheet flow. In addition, the parking will not have pervious paving which aids in preventing sheet flow. As a regenerative farm AOOA tests its soils to make sure our efforts lead to a healthier soil more capable of replenishing aquifers (absorbing water) and less propice to erosion. “We expect the water holding capacity of the soil to increase over the next five years due higher soil carbon levels from compost application, careful rotational grazing management, and the deep-rooted perennial plants breaking up compaction in subsoil layers. An increase of 0.1% soil organic matter per year is a very conservative estimate. The farm is laid out in a combination of alley cropping and silvopasture patterns, which integrate rows of trees with cultivated land and grazing areas. They are spaced intentionally so that the trees intercept rainfall, provide leaf litter for soil improvement,



and intercept nutrient runoff from the manure of the animals. The tree rows are purposefully designed to approximate the contour of the land, which means a water droplet will not travel more than 6 feet without meeting an area with perennial vegetative cover.” (from our water management and farm consultant, this document is included in this resubmittal).

(6) Will not materially degrade any watercourse or other natural resource or ecosystem or degrade the water quality or quantity of an aquifer.

Response: Our mission with AOOA is to conserve natural resources and increase biodiversity.

(7) Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.

Response: See narrative and memo dated 8.28.20 from Alix submitted in preparation for 9/3 meeting addressing how this project is consistent with the The Comprehensive Plan for Goshen, and revised site plan for suitability of this project.

(8) Will be subject to such conditions on operation, design and layout of structures, and provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town. Response: N/A

(9) Will be consistent with the goal of avoiding strip commercial development and buffering nonresidential uses that are incompatible with residential use.

Response: Not interested in strip commercial development and strongly believe infill rehabilitation of 1805 barn structure into a farm restaurant on productive and biodiverse regenerative silvopasture farm is compatible on our State Ag and RU zoned site.

(10) Will not adversely affect the availability of affordable housing in the Town. Response: N/A

(11) Will comply with applicable site plan criteria in § 97-75D.



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. We recommend you confirm with Building Inspector Halloran the dimensional requirements listed at §97-19C are applicable to this application. The plan includes a Bulk Requirements table listing the dimensional requirements of the RU District and graphically identifies the setback on the plan. We have the following comments:

- The lot appears to meet the definition of a corner lot4. The Code indicates corner lots shall be deemed to have two (2) front yards, two (2) side yards and no rear yard. As such, we recommend the applicant revise the setbacks graphically shown on the plan.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised and annotated setbacks in drawing set.

- The Code requires a minimum front yard setback and 30-feet along a Town road and 50-feet along a County/State road [§97-19C]. The Bulk Requirements table indicates only a front yard setback of 50-feet and should be revised to also list the 30-foot requirement. Additionally, the 50-foot front yard setback graphically shown along Coleman Road should be revised to a 30-foot setback for consistency.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised and annotated setbacks in drawing set.

- The Code restricts manure storage or spreading within 100-feet of any property boundary or watercourse. We are unaware whether the proposed silvopastures will include manure storage or spreading and recommend the applicant provide a note on the plan in this regard [§97-57D].

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set with note stating, “no manure spreading within 100-feet of any property line and watercourse.”

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 and retail farm shop uses require thirty-eight (38) spaces and has shown a proposed forty (40) space gravel



parking lot along the easterly portion of the site. Parking for the existing residence has been shown in the existing gravel area at the rear of the dwelling. We have the following comments:

- 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 should provide cross-sections and/or photographs, so you may confirm the proposed parking lot is adequately screened from the road and these properties.

Response: See attached Parking View Screening Study (both in depth and simplified study versions). These show the existing trees, future parking lot trees proposed, abutting rain garden shrubs and tall grasses, new silvopasture trees planned for '21 season, current silvopasture trees, and a couple of new holly trees adequately screen the proposed parking lot.

4 The Code defines corner lot as “a lot at the junction of and abutting two or more intersection roads” [§97-84].

- 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 shows screening shrubs spaced at fifteen (15) feet along the edge of the proposed parking lot. The applicant should identify the shrub species and buffer zone so you may confirm their ability to screen the parking area.

Response: See attached Parking View Screening Study (in depth) version. The Parking lot trees are described in this document as well as the rain garden shrubs and tall grasses. Also below :

Parking lot trees are planted 20' oc in a 4-part repeating pattern with trees from Group A and trees from Group B with Witch Hazels interspersed between each tree so stems exist every 10'.

- Group A: sweetbay magnolia, redbud, sourwood, green hawthorn
- Group B: honey locust (thornless), bald cypress, blackgum, silver linden



Rain Garden shrubs and tall grasses selected from New York State Stormwater Management Design Manual and includes: Witch Hazel, Winterberry, Arrowwood, Brook-side, Alder, Red-Osier Dogwood, Sweet Pepperbush, Cutleaf Coneflower, Cinnamon Fern, Woolgrass, New England Aster, Fox Sedge, Spotted Joe-Pye Weed, Switch Grass, Great Blue Lobelia, Wild Bergamot, Red Milkweed.

• The Code requires parking areas to consist of a suitable surface with adequate drainage and promotes groundwater recharge [§97-48A(4)(b)]. The plan shows the proposed parking area to be gravel (narrative indicated permeable pavers) with portions draining to proposed rain garden swales intended for groundwater recharge. The proposed parking area appears to be within an area of approximately 10% grade which may be problematic for opening/closing of vehicle doors, stormwater runoff and pedestrians. The applicant should review the proposed parking lot design and advise whether the grades may be reduced.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised narrative to omit permeable pavers and further detailed lot.

• The plan should include details regarding construction of the proposed parking lot including surfacing (materials, depth, etc.), grading, and striping and/or signing.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set.

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 has already obtained approval for the proposed expansion. (Informational).

The proposed driveway expansion appears to require the removal and/or relocation of an existing utility pole and portions of the stone wall. If these are to be relocated, they should be shown on the site plan.



Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set.

Any special needs or provisions for emergency access should be noted on the plans. Adequate access for Fire Department apparatus should be considered and reviewed by emergency services to confirm acceptability. We recommend the applicant provide a turning analysis to confirm the site is accessible for fire apparatus.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set by providing analysis and fire staging area.

b) Site Circulation – Pursuant to staff meeting discussions, 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 will return through the parking lot to exit the site. Since it is impractical to stripe gravel surfaces, we recommend revising the site plan to show directional signage. Additionally, we recommend the applicant advise how the intersection between the parking lot and existing gravel driveway will be controlled.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set by providing directional signage locations and representational information.

b) 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 plan identifies existing wells onsite and the applicant has indicated the water supply will be classified as a Non-Transient Non-Community (NTNC) Public Water Supply under the Jurisdiction of the Department of Health (DOH). The have the following comments:

The applicant has calculated a water demand of 3,460 gallons per day (GPD) based on 35 GPD/seat for the restaurant and 110 GPD/bedroom for the residential dwelling. The hydraulic loading rate of 110 GPD/bedroom corresponds with plumbing fixtures installed after 1994. We recommend the applicant verify the plumbing fixtures were installed after 1994 or you condition your action to require the upgrading of the fixtures. Further, the plan shows several water valves throughout the site and we understand the applicant intends to utilize water



conserving drip irrigation in connection with the silvopastures. We recommend the water demand calculations include the water to be utilized for the silvopastures along with any other agricultural uses.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised with '94 condition in drawing set under proposed water usage. Agricultural use of water addressed in the document included in the revision package by Sunfleck consultant. Please note our new septic UV treats water thus allows filtered wastewater for irrigation purposes. In addition drip irrigation does not occur year round nor after tree establishment.

• In addition to well testing required by the DOH, well testing under the Town Code is required to evaluate potential impacts on groundwater supply and quality. We recommend the applicant combine, where possible, DOH and Town well testing and suggest the applicant submit a well test plan for the Town's review.

Response: Please see Reliable Pump and Well Services LLC Test Protocol included in the revision package.

• The plan shows two (2) existing water supply wells. We understand the well toward the rear of the residential dwelling is currently utilized. The applicant should advise whether the well toward the front of the residential dwelling is intended to remain. If this well is to be abandoned a note should be added to the plan.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set. Front well is for decorative purposes only and deemed abandoned.

• Any special fire protection needs or provisions should be noted including whether sprinkler systems will be required; this should be confirmed by Building Inspector Halloran.

Response: Fire protection equipment in the restaurant per code.

2. Wastewater Disposal – The applicant intends to continue utilizing the existing sewage disposal system for the residential dwelling and proposes a new sewage disposal system for the restaurant. The applicant has confirmed the wastewater generation will exceed 1,000 GPD and a SPDES permit is required from NYSDEC. The have the following comments:



Response: Biofiltro wastewater treatment and filtration will take care of all wastewater- both the house and the restaurant. See their details and general information documentation.

- *The plan should be revised to show the components of the sewage disposal system (e.g., septic tank, subsurface piping, etc.) as well as construction details and soil testing data.*

Response: Please see attached pdf from BioFiltro consultant for wastewater treatment schematics and details, as well as Pietrzak & Pfau Engineering & Surveying, PLLC wastewater components drawn and annotated in drawing set.

- *The plan shows an existing shed within the absorption field for the proposed sewage disposal system. The plan should indicate whether this structure will be removed and/or relocated.*

Response: N/A, all septic from both the restaurant and house will go through the Biofiltro system and we will no longer be utilizing this absorption field.

- *The plan indicates both the existing and proposed absorption fields are within the easterly silvopastures. We recommend the applicant limit compaction of absorption field soils to the greatest extent possible.*

Response: N/A, all septic from both the restaurant and house will go through the Biofiltro system and we will no longer be utilizing this absorption field.

3. Stormwater – The EAF indicates approximately 0.7-acres of land disturbance which is below the one (1) acre threshold requiring coverage under the NYSDEC SPDES General Permit for construction activities (Informational). We have the following comments:

- *The Erosion & Sediment Control plan should be revised to show the limits of disturbance.*

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set.

- *The plan shows two (2) rain garden swales which appear to capture and treat a portion of the runoff from the parking lot however some runoff appears to bypass the rain gardens and will*



be directed toward the east. If possible, we recommend the applicant reduce the area bypassing treatment through extension of the rain garden and/or installation of a swale.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set. Rain gardens and swales revised to extend more east and to minimize parking lot slope where possible.

Further, the plans should include a construction detail of the proposed rain gardens and show how any overflow will be addressed.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set. Rain garden is designed for filtration and absorption. We will use Figure 5.41 Profile of a typical rain garden from New York State Stormwater Management Design Manual (p.135).

4. Lighting & Landscaping – The plan shows seven (7) pole mounted solar lighting fixtures within the parking area and a number of bollard solar landscaping lighting fixtures. The applicant has provided information regarding, light distribution, light levels and controls (daylight sensors or timers). 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 Globes). The plan indicates parking light poles are to be a minimum of twelve (12) feet high (Solar Parking Lighting Detail, Note No. 1). The Code limits lighting within parking lots to be on poles of twelve (12) to fifteen (15) feet maximum height [§97-48A(4)(d)]. The plan should be revised to indicate the maximum pole height.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set to 15' max install height. Light spec also included. It will be this light or similar as noted- it is important that in addition to being dark sky friendly it also be a solar and/or wind powered light.

The plan shows screening shrubs spaced fifteen (15) feet along the easterly edge of the parking lot and hydrophilic plants and trees in the rain garden swales. The plan should be updated to indicate the proposed species. Additionally, we note the proposed plantings may interfere with the existing sanitary force main and recommend careful selection of species with shallow root systems in this area.

Response: For the rain gardens we will plant species from DEC Table 5.11



Suggested Rain Garden Plant List.

The parking lot trees will alternate between trees from Group A and Trees from Group B will be planted 20' on center in a 4-part repeating pattern. These differing tree silhouettes allow sight lines to be obscured best. Witch Hazels will be interspersed between the trees so that stems exist every 10'.

Group A: sweetbay magnolia, redbud, sourwood, green hawthorn

Group B: honey locust (thornless), bald cypress, blackgum, silver linden

Furthermore, American Hollies will be planted approx 30' O.C along the craigville property line where existing trees are lacking all while making sure to avoid existing property line trees to eliminate overshadowing/suppressed trees.

5. Miscellaneous –

• *Seating – The applicant should confirm the sum of indoor and outdoor restaurant seating is 100 seats.*

Response: 100 seats is the maximum we feel we can handle to maintain quality and uphold our mission.

• *Signs – The applicant should advise if signage is proposed and provide information sufficient to confirm compliance with the Code requirements. We refer the applicant to the Town's sign requirements at §97-49.*

Response: Please see attached PDF for details on signs.

• *Subsurface Utilities – The plan shows several existing subsurface septic and propane tanks in areas which will now be subject to vehicle loading. The applicant should provide information on these structures including approximate depth and condition and advise if these structures will remain, be removed or abandoned.*

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing. Shifted parking lot design Northeast to remove parking spot closest to tanks.



• *Agricultural Data Statement* – The project site is located within an agricultural district. Pursuant to the Code requirement, the applicant submitted an Agricultural Data Statement. The Code requires the Secretary of the Planning Board to mail written notice of the application to the owners of the land as identified by the applicant in the agricultural data statement. (Informational).

• *Fencing* – The plan shows proposed horse fencing including a portion within the front yard. The Code exempts agricultural wire, board or split rail fencing from the front yard setback requirement. The plan should include a construction detail of the fence so you may confirm Code compliance.

Response: Four board horse fence removed at front yard. There will be no new four board horse fence to match the existing at the front yard.

• *Dumpster Enclosure* – The plan shows the location of a dumpster enclosure toward the rear of the parking lot. We recommend the applicant provide a detail of the enclosure.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set.

• *Accessible Parking & Route* – The plan shows ADA accessible parking on a concrete pad and an ADA compliant walk between the parking area and existing gravel driveway. We recommend the applicant confirm an accessible route will be provided from the parking area to the building which may require the replacement of a portion of the gravel driveway with concrete or asphalt. Additionally, the applicant should provide construction details for the concrete pad; the dimensions indicated on the Accessible Parking Striping Detail appear to be at variance with the site plan.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set.

• *Sheet Titles* – We recommend the applicant revise “Site Plan 2” to “Site Plan” and “Landscape Plan” to “Landscaping Plan” to conform with the Plan Index on the Cover Sheet.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in drawing set.



7. SEQRA - The applicant submitted a Full EAF in accordance with the Code. Unless Counsel advises otherwise, we believe the proposed to be an Unlisted SEQRA Action. We note the following for possible review with the applicant regarding the EAF:

- Question B (Approvals) – EAF should indicate GML 239 review from the County Planning Department is required as well as County DOH approval of the water system.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in EAF.

- Question C.3 (Zoning) – EAF should indicate the site is within the AQ-6 overlay zoning district.

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in EAF.

- Question D.2.i. (Hours) – EAF indicates construction activities between 6:00 AM and 6:00 PM weekdays and weekends. The Town Code restricts noise from construction other than between 8:00 AM and 8:00 PM weekdays and 9:00 AM and 8:00 PM weekends and holidays [§70-2F].

Response: Pietrzak & Pfau Engineering & Surveying, PLLC revised in EAF.

- Question E.2.o (Endangered or Threatened Species)† – EAF indicates possible presence of Indiana Bat species or habitat. We suggest the applicant provide further information so you may consider the impacts from this project (if any).

Response: No negative impact.