

M E M O R A N D U M

TO: Ralph Huddleston, Chairman & Planning Board
FROM: Dennis G. Lindsay, PE, Town Engineer &
Sean T. Hoffman, PE, Planning Board Consultant
SUBJECT: BMG Powersports
HC Zone; AQ-3 – Site Plan and Area Variance
File No. 12-1-115, Memo No. 83-12-010

DATE: March 9, 2012

CC: Neal Halloran, Building Inspector, Broderick Knoell, Highway Superintendent,
Richard Golden, Esq., Ed Garling, AICP, David Getz, PE (for applicant)

The following are our comments on an application for site plan for a mixed use building with commercial uses and an upper-floor residential apartment on a 1.5 acre tract along New York State Route 17M within the Highway-Commercial (HC) and AQ-6 Overlay District. Applicant proposes to demolish the existing farm stand and construct a new structure with site improvements including parking and utilities.

Background – The existing site, which was recently purchased, was previously a farm stand. The new owner is proposing to demolish the existing structure and reconfigure the site for a proposed mixed-use building consisting of a 5,500 square foot first floor commercial space and a second floor residential apartment. The applicant was granted an area variance for lot frontage along a State road at the March 20, 2012 Zoning Board of Appeals meeting. This matter is listed so the Board may discuss the nature of the project including design standards, site plan component waivers (if any) and commence SEQRA.

A) Materials Reviewed:

1. Project narrative prepared by Lehman & Getz Consulting Engineers dated April 10, 2012;
2. Plans by Lehman & Getz Consulting Engineers as follows:

<u>Sheet</u>	<u>Title</u>	<u>Last Revised</u>
1 of 3	Site Plan	2/28/2012
2 of 3	Removals Plan & Construction Details	2/28/2012
3 of 3	Construction Details	2/28/2012

3. Correspondence prepared by Lehman & Getz Consulting Engineers dated February 29, 2012 with Town of Goshen Application and Owners’ Endorsement;
4. SEQRA Full Environmental Assessment Form dated February 28, 2012.

B) Review of Submitted Materials –

1. Zoning –

- a) Use – Applicant proposes to construct a mixed-use building with three (3) commercial spaces on the first floor including BMG Powersports which will sell and service recreational vehicles. The remaining spaces are presently unoccupied however, the applicant anticipates similar retail or service businesses. The proposed uses are permitted within the HC District subject to site plan review by the Planning Board. Upper floor apartments in mixed use buildings are permitted by right in the HC District. We believe this is a major project [§97-70.D] since the proposal includes the alteration of 10,000 square feet of land and a public hearing is required. General Note No. 6 on the plan indicates the proposed use will be retail and we suggest this use be confirmed with Building Inspector Halloran.
- b) Area Variance – An area variance has recently been approved for frontage along a state road (197.17-feet where 300-feet is required).
- c) Development Compliance –
- Development within the HC Zone requires compliance with the design standards listed under §97-14D. This includes submission of materials in connection with the proposed architecture [also see special permit and site plan requirements §97-75.B(16)]. To our knowledge, the applicant has not yet submitted architectural plans. Additionally, comprehensive landscaping and buffering must be provided per §97-14.D.
 - Applicant has confirmed in the project narrative that there is no intention for outdoor storage. However, during the April 5, 2012 staff meeting, the display of merchandise in the front yard was discussed. We suggest the applicant clarify their intention with respect to outdoor merchandise. If the Building Inspector determines this to be “outdoor storage”, the merchandise must be outside of the required front and side yards. Since the intention is to display merchandise, we believe the applicant will request a waiver from the Code’s screening requirement [§97-14.D.(5)]. Your Code allows such a waiver if you find the display will be orderly and attractive. This matter was discussed at the staff meeting and we understand the applicant intends to provide the Board with additional information demonstrating the proposed display will meet the Code requirements.
 - Parking – Your Code requires four (4) stalls per 1,000 square feet for retail or service businesses [§97-48.A.(3)(a)(1)] and two (2) stalls per residential dwelling unit [§97-48.A.(2)]. Based on this 5,5000 square foot building with a second floor apartment the applicant would require 24 spaces¹. The applicant has requested a modification of the provisional parking standards which is permitted if the Board considers (1) peak usage; (2) structure size; (3) environmental, scenic or historic resources; (4) on-street parking; (5) adjacent off-street parking and (6) additional parking. In addition, the Code permits the Board to require as a condition of reducing the provisional

¹ Per space allocation criteria. Applicant to submit information on number of employees to confirm satisfaction of employee criteria.

parking standards, the setting aside of additional land to meet potential parking needs (see attached).

2. Site Plan –

a) Site Layout –

1. The site currently has two (2) points of access to New York State Route 17M. The applicant is proposing a dedicated entrance (westerly driveway) and exit (easterly driveway). The applicant should provide sight distance measurements so the Board may confirm the adequacy of driveways. We understand the proposed driveway improvements will likely require a permit from NYS DOT.
2. The applicant is proposing two (2) one-way driveways to access the parking lot behind the building which will have two (2) way aisles. We recommend the applicant provide pavement marking directional arrows to facilitate circulation.
3. During the staff meeting, the applicant indicated the recreational repair facility will occupy the front portion of the first floor. It is anticipated customers requiring vehicle service will unload within the exit driveway to access the service area. The proposed 20-foot wide exit drive may be sufficient for this purpose depending on the size of recreational vehicles to be serviced. The applicant may wish to shift the building westerly and increase the width of the driveway to improve access. The Board may wish to require striping any anticipated loading zone(s) and restrict the time delivery vehicles may be parked within the driveway.
4. The applicant has advised access is also available from the neighboring Joseph Brown Realty property and indicate an easement exists although this is unclear with respect to access rights. If the Board is to rely on this easement, we suggest a copy be submitted to Attorney Golden for review. The plan shows an interface between the existing and proposed parking lot and it is presumed vehicles will seek parking in the adjacent lot if necessary. This configuration has the potential for disputes and should be discussed with the applicant. If the lots are to function together, the driveway intersection at the property line may need to be reconfigured to improve circulation.

b) Utilities –

1. Water – The applicant intends to abandon the existing well in the center on the property and has indicated this work will be in accordance with NYS DOH Standards. We recommend additional notes be added to the plan detailing abandonment procedures.

The site is within the AQ-6 Overlay Zone. Your Code (97-43.B; 97-27C & D) requires non-residential uses be evaluated on a case-by-case basis for impact on groundwater supply and quality. The applicant should submit information on their water needs. This information should be provided by the applicant based on usage at a similar facility or from industry standards.

The applicant is proposing to provide fire sprinklers; we recommend information on this system including any required storage tanks or pumps be submitted for review. Adequate access for Fire Department should be considered in the layout and reviewed by Emergency Services to confirm acceptability.

The applicant has provided a copy of electronic correspondence from the Orange County Department of Health indicating the water supply is a non-public supply. If the proposed use changes to a food service, school/daycare or beverage production this should be resubmitted to the Department of Health for additional review.

2. Sanitary – The applicant intends to abandon the existing onsite sewage disposal system and construct a new pumped system toward the rear of the lot and have included information on soil tests. In accordance with your prior actions, we recommend your action include a requirement for witnessed testing.

The applicant has calculated the total (commercial and residential) daily discharge to be 770 gpd which is below the 1,000 gpd threshold for coverage under the SPDES permit. We note the applicant conservatively utilized three (3) bedrooms in their calculation (2 bedrooms proposed) and 0.08 gpd/sf for the commercial space. We understand this value is based on hydraulic loading rate of 0.1 gpd/sf² less 20% for mandated water saving plumbing fixtures.

3. Stormwater – The proposed area of disturbance is listed as 0.9 acres which is below the one (1) acre threshold for coverage under the NYSDEC SPDES General Permit for Construction Activities which would require the preparation of a stormwater pollution prevention plan (SWPPP). We recommend the plan show the location of erosion and sediment control practices associated with the proposed grading (silt fence, check dams, etc.) and roof and footing drains.

The proposed grading appears to direct runoff from the parking lot toward the flush curb where it may become trapped or cause icing conditions. We recommend directing any surface water discharge to the existing collection conveyance system or adding basins to connect to the existing drainage manhole.

4. Lighting & Landscaping – The applicant should submit a lighting plan which provides reasonable light levels (0.5 footcandles) in the area of the structure. We recommend light levels be limited at the property line to less than 0.1 footcandles. If wall-pack fixtures are proposed they should be equipped with non-glare shields. We recommend any action of the Board require no offsite glare.

² NYS DEC Design Standards for Wastewater Treatment Works, Intermediate Sized Sewage Facilities (1988).

A landscaping plan should be submitted. As noted above, the provisions of the Code are extensive in terms of landscaping for parking areas in this Zone. The applicant should review those requirements and provide appropriate landscaping for buffering and site landscape accents.

c) Miscellaneous –

- Signs – The plan excludes any information on signs. In accordance with your zoning requirements §97-49 and §97-75.B(8) the applicant should provide details on signs. This should include both freestanding and façade signs.

Locations and details of any proposed traffic control signs (i.e. Do Not Enter) shall be provided.

- Easements and covenants to be shown.
- The plan should indicate the location of proposed dumpster(s) and include details of any enclosures.
- Traffic – The applicant should provide information on potential traffic generation and movement of vehicles (§97-50.N). In particular, turning movements onto NYS Route 17M should be considered.

C) Referrals Required

1. NYSDOT
2. Orange County 239 referrals
3. Emergency Services