

**VILLAGE OF GOSHEN  
PLANNING BOARD  
Work Session/Regular Meeting  
January 26, 2010**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:35 p.m. on Tuesday, January 26, 2010 by Acting Chair Elaine McClung.

**Present:** Augustine DeRosa  
Dominick Igneri  
Elaine McClung

**Absent:** Jerome O'Donnell, Chair  
Arthur Walsh

**Also Present:** Art Tully, PB Engineer  
Mike Donnelly, PB Attorney  
Ted Lewis, Building Inspector

Ms. McClung welcomed new Planning Board member Augustine DeRosa.

**Work Session Requests**

**Scott Markowitz, proposed demolition of 278 Greenwich Avenue, C-S/ADD District**

Representing the applicant: Kelly Naughton, Esq.

Ms. Naughton said the owner wants to demolish the house located at 278 Greenwich Ave. She said that nothing is being planned for the site at this point. Ms. Naughton said the building is in the ADD District and that the Village Architectural Design consultant visited the site and wrote a letter recommending approval of the demolition. The lot is less than .273 acres.

Mr. Lewis said the owner believes it will be more marketable, and less to maintain, as a vacant site. He said there will be no safety risks once it is demolished. It is in the C-S District.

Mr. Lewis said that the house hasn't been used as a residence in over a year and that if there is reconstruction, the owner will have to conform to the C-S District.

Mr. Donnelly noted that the PB has received Wheldon Abt's written report. He said that it is Type I action under SEQRA and that the PB could issue a lead agency designation but cannot act for the next 30 days. He said that it is not a site plan application and doesn't need to be referred to the County Planning Department.

**VOTE BY PROPER MOTION**, made by Mr. Igneri, seconded by Mr. DeRosa, the Village of Goshen Planning Board declares its notice of intent to serve as lead agency on the request of Scott Markowitz to demolish the building at 278 Greenwich Avenue. Passed unanimously.

**Proposal Diva Dance Studio, 60 Erie Street, #106-2-16, R-2 District**

Representing the application: Diane Nikeshin, President of Diva Dance Studio

Ms. Nikeshin said that she would like to lease space on the fourth floor of the building at 60 Erie Street to use as a small ballroom dance studio where private lessons will be taught. She said she doesn't anticipate that other office tenants will be affected since the dance lessons would start after 6 p.m.

Mr. Lewis said the request would have been handled at a TAC meeting but that the building is located in a R-2 zone.

It was learned that the fourth floor of the building is currently empty. Ms. Nikeshin said she hasn't yet signed a lease.

Mr. Donnelly said the PB needs to be certain that the proposed use is allowed in the R-2 zone. He said the building is non-conforming and is used as an office building now and that if it changes to add a conforming use, it may not lose its protection, but if it added a new non-conforming use then it is expanding and would lose its protection. Mr. Donnelly said the PB needs to be certain that the proposed use is allowed in that zone.

"We can send it to the ZBA to determine whether or not, based upon the non-conforming uses that are there, this one would be allowed, and/or for a use variance," he said. Mr. Donnelly said he doesn't know the history of the building but added that the non-conforming use intention is locked in time the day the building became non-conforming. "If one of those uses on that day was an educational nature use, even though it may not have been going on for 30 years, it can return," he said adding that the ZBA can do that kind of inquiry to find out what uses existed at the time the building became non-conforming. If the ZBA makes the determination that it is part of the protected non-conforming use, the applicant would not need any further approval from the PB, he said.

**VOTE BY PROPER MOTION**, made by Mr. DeRosa, seconded by Mr. Igneri, the Village of Goshen Planning Board refers the application of Diane Nikeshin to the Village Zoning Board of Appeals for purpose of fact-finding or a use variance. Passed unanimously.

Ms. Nikeshin said she thinks this might prove to be too difficult and has been looking at a site in Chester. Mr. Donnelly said he will send a letter to the ZBA anyway and the applicant can take some time to decide if she wants to pursue it. Ms. Nikeshin was encouraged by members of the PB to remain in Goshen.

**Orange County Trust, 145 North Church Street, #108-5-24, C-S zone, Site Plan Amendment – to add a dumpster pad**

Representing the applicant: Tom DePuy, DePuy Engineering

Mr. DePuy said the applicant is asking to amend its approved site plan to install a dumpster pad in the rear of the site. He showed the detail of the proposed dumpster pad which he said would be enclosed by a fence matching the fence along the side of the property. The pad would be concrete, with swing gates on the front.

Mr. Igneri said the neighbor has to be considered and said he is afraid a truck unloading a dumpster on a weekly basis will disturb the neighbor. Mr. DePuy said there is no other place for the dumpster. He said the former bank at the site probably carried out its own refuse.

Mr. Donnelly said it is a site plan and that a public hearing can be held, but is not required.

Mr. Lewis asked if the applicant would be amenable to a garbage bin on wheels. Mr. DePuy said he will discuss it with the applicant.

**VOTE BY PROPER MOTION**, made by Mr. DeRosa, seconded by Mr. Igneri, the Village of Goshen Planning Board schedules a public hearing on the amended site plan application of Orange County Trust for 7:30 pm. February 23, 2010. Passed unanimously.

**C. Bertone & C. Ledford & Reklamashun, LLC, McNally Street & Murray Avenue, #104-1-15 & 12, R-1 zone.**

Representing the applicant:

Jim Dillin

Mr. Dillin said the applicant wants to transfer a piece of property on Murray Ave. to an adjoining neighbor on McNally St. The property to be transferred is 2500 sq. feet and will make Lot #1 on McNally St. more conforming. The lot now is 10,000 sq. feet and the required square footage in the R-1 zone is 15,000 square feet. There are existing residences on the properties. The lot on Murray Avenue would then be 17,500 sq. ft., Mr. Dillin said.

Mr. Donnelly said it is considered a lot line change. He said that no public hearing or referrals are necessary.

Mr. Tully requested that Mr. Dillin list on the site plan, the existing and proposed dimensions for both lots, as well as lot area, and put the property owners names on each lot. Lot #1 is owned by C. Bertone & C. Ledford. Lot #2 is owned by Reklamashun.

**VOTE BY PROPER MOTION**, made by Mr. Igneri, seconded by Mr. DeRosa, the Village of Goshen Planning Board approves the lot line change on the C. Bertone & C. Ledford & Reklamashun LLC application subject to the usual conditions and receipt of a letter from the PB Engineer stating that the changes to the plans he requested, have been made. Passed unanimously.

**Grand Street Crossing , #111-9-1.2 & 2 Letter of request from Steve Esposito for extension of the completion date to 12/31/11**

The building was identified as the building built by Ray Quattrini next to the police station. Approval was granted in 2006 and in 2008 an extension was granted to 12/31/2009.

**VOTE BY PROPER MOTION**, made by Mr. Igneri, seconded by Mr. DeRosa, the Village of Goshen Planning Board approves a one-year extension to 12/31/2010 on the completion date of Grand Street Crossing. Passed unanimously.

**DISCUSSION**

The PB discussed proposed Local Law No. 1 of 2010 pertaining to where religious uses will be allowed in the Village of Goshen and a proposed zoning change for Greenwich Ave. from C-S to O-B. Under the local law, religious uses will be allowed everywhere with the exception of West Main Street's and North Church's C-S District. Currently religious uses are allowed only in residential districts.

A public hearing is scheduled on Local Law No. 1 for February 22.

There was an extensive discussion about the O-B and C-S zoning districts.

Mr. Donnelly said he will take the PB's concerns to the Village Board Work Session February 1<sup>st</sup>, and will tell them that the PB is unsure whether the OB District, without further study, is the best way to go on Greenwich Avenue but is comfortable with the religious uses aspect of the proposed local law and that the PB wants to see a real study done on what is best for Greenwich Ave.

**MINUTES**

The December 15, 2009 minutes were not approved because a quorum of the members present at the December meeting was not in attendance.

**ADJOURNMENT**

The Village of Goshen Planning Board meeting adjourned at 9 p.m.

Elaine McClung, Acting Chair  
Notes prepared by Susan Varden