

**VILLAGE OF GOSHEN  
PLANNING BOARD  
Work Session/Regular Meeting  
April 23, 2013**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on Tuesday, April 23, 2013 by Chair Jerome O'Donnell.

**Present:** Augustine DeRosa  
Rebecca Lafargue  
Jerome O'Donnell, Chair

**Absent:** Dominick Igneri  
Elaine McClung

**Also Present:** Art Tully, PE, Planning Board Engineer  
Michael H. Donnelly, Esq. Planning Board Attorney

**Delancey's 40 Park Place #109-5-24 O-B/ADD/CPHD**

Mr. Esposito said the owner of Delancey's is interested in re-locating from the Grand Union Plaza to the Goshen Inn. The applicant will be leasing 3800 square feet of the building. They are proposing to construct a 15 x 40 ft. deck in the back of the building to be used for dining, to clean up some of the landscaping and surface, renovate and re-stripe the parking lot. They are currently doing renovations in the interior. The applicant wants to replace the existing windows in the back dining area with thermal, energy efficient windows. The replacement windows will slide back and forth and will be the same size.

Mr. Tully said the applicant plans to reconfigure the parking lot and increase the number of spaces by one. There is a dumpster enclosure proposed in the back corner of the parking lot. Mr. Tully said he would like further information on the enclosure and the surrounding fence to be shown on the site plan.

It was noted that Architect Wheldon Abt had some objections to the details of the windows, as expressed in a letter from Mr. Abt following his architectural review of the plan. The property is in the Architectural Design District.

Mr. Esposito said that the applicant is entitled to repair or replace elements of the building so long as they don't significantly change the look of the building. He said he thinks the applicant is entitled to replace the windows and would like the PB to allow them to do so. He said the windows are not subject to an ADD permit.

Mr. Donnelly said that a simple replacement in kind is not subject to an ADD permit, so Mr. Abt's recommendation as to the windows would not apply.

**VOTE BY PROPER MOTION**, made by Mr. DeRosa, seconded by Ms. Lafargue, the Village of Goshen Planning Board approves the replacement of the windows. Passed unanimously.

Mr. Donnelly said the application has to go to the County Planning Department because of its location next to the courthouse and to the Village ZBA for a variance to expand the building with a deck. He said it is a Type I action under SEQRA and that he will send out a Notice of Intent to be lead agency. He said the PB can't take action on the request for a deck without the application first receiving a variance from the ZBA. He said the PB will have to decide if it wants to hold a public hearing.

Mr. O'Donnell noted that the police chief had commented about noise complaints made in the past by neighbors.

**VOTE BY PROPER MOTION**, made by DeRosa, seconded by Ms. Lafargue, the Village of Goshen Planning Board schedules a public hearing on the application of Delancey's to build a deck on the rear of the building for 7:30 p.m. May 21. Passed unanimously.

**Beverage Plus #112-12-6, C-S/ADD, 151 Greenwich Avenue**

Representing the applicant: Steve Esposito

Mr. Esposito said the applicant is seeking approval of an amendment to the approved site plan. The applicant wants to change the location of the dumpster by putting it on the side of the service drive. It will be enclosed with a vinyl fence extended to the end of the corner. Mr. Esposito suggested this should be considered a proposed field change.

Mr. Tully said the previous site plan had landscaping extending the entire side of the building to the front. He noted that it is now shown as all sidewalk and the applicant is now suggesting putting potted plants in the front of the building. The planting will then be moved out along the banks of the Rio Grande and around the dumpster area. Mr. Tully cautioned that whatever is going to be done in regard to landscaping must be maintained. Mr. Tully said the plan must be modified to show all of the changes so that there is a record of them. The changes, he said, include adding an ice machine, relocating the dumpster, putting three potted planters in the front of the building, a compressor rack in the back of the building and the landscaping revisions.

**VOTE BY PROPER MOTION**, made by Ms. Lafargue, seconded by Mr. DeRosa, the Village of Goshen Planning Board approves the field changes to the application of Beverage Plus as outlined at the meeting subject to receipt of a letter from Mr. Tully stating that the plan has been submitted noting these changes. Passed unanimously.

**The Knolls, 7-lot subdivision, #104-2-40, 41 RR zone.**

Representing the applicant: James G. Sweeney, Esq.  
Anthony Trochiano, Pietrzak & Pfau

Mr. Sweeney said the project (a 13 lot subdivision) was first submitted in 2000. The application received preliminary approval from the PB in 2007 and later received Orange County Department of Health approval. In 2012 it received the PB's Conditional Final Approval.

Mr. Sweeney said he has narrowed the remaining Conditions of Final Approval to five in a letter sent to the PB dated April 12 and is asking the PB to now amend the Conditional Final Approval to just those five conditions. He told the PB that the law requires an applicant with Conditional Final Approval to come back to the PB every 90 days to seek an extension. He said that in this economy it is difficult for an applicant to move ahead because of the front-end costs involved. He said he will return every 90 days until the economy gets better.

Mr. Tully said that after reviewing the application he has determined that only these five issues remain.

Mr. Donnelly reminded the PB that attorney Steve Reineke represents it on this application and so will advise the PB on the request to amend the approval. Mr. Donnelly had disqualified himself because he once represented the applicant.

**VOTE BY PROPER MOTION**, made by Mr. DeRosa, seconded by Ms. Lafargue, the Village of Goshen Planning Board amends the Resolution of Conditional Final Subdivision Approval on The Knolls carrying forth the five conditions as outlined in a letter of Mr. Sweeney dated April 12<sup>th</sup>. Approved unanimously

Mr. Donnelly said this new amended resolution is good for 180 days.

There was a discussion about setting up a system whereby applicants will not be required to physically appear every 90 days to request an extension.

**Zone Change Requests**

**Gerace Property** - petition for rezoning – Applicants Thomas & Joan Gerace Tax Designation #114-8-15, 16, 18 & 21 and #114-7-7.2, 8 & 9. I Zone.

Representing the applicant: Steve Esposito

Mr. Esposito gave a short history of the property and a previous PAC designation granted to it. Mr. Esposito said the applicant has recently appeared before the Village Board to petition it to rezone the portion of the property in the Village to an R-3 zone (multi-family). The property abuts an existing R-3 zone. He said the PB would act as an advisory board in this matter. Mr. Esposito gave a package of maps and copies of the petition to the PB.

Mr. Tully said he hasn't received the package and would like to review it. Mr. Esposito said there is no conceptual site plan yet and said this was simply a map/zone change. Mr. Tully said the Village should hire a land planner to look at this and the request of the next applicant (Scotchtown Office Park) in terms of the zone changes requested.

Mr. O'Donnell said he will set a meeting with the Mayor and Village Board to discuss a possible zone change with them.

**Scotchtown Office Park, LLC**, Corner of Scotchtown Avenue and Harness Road, Tax Map Designation #104-2-59.2, OB Zone.

Representing the applicant: Peter Botti, Esq.

Mr. Botti said this is an application to change the zoning of this parcel from OB to R-3. He said that in September of 2011 the applicant was given approval to construct three office buildings on the property and hasn't received any interest or offers to date. He called it a "hardship" application for the owners "because it is really unusable." Mr. Botti pointed out that property across the street is residential and the road leads up to residences. The applicant is asking for a map and text changes in the ordinances that would reduce the minimum acreage to three acres and would allow a two bedroom unit for every 7500 sq. ft. of land. He said they are asking for 20 units of two-bedroom, two family use. He said that previously under a PAC the applicant could have built 37 units. Mr. Botti said he informally presented the proposal to the Mayor and Village Attorney. He presented a formal petition recently and was advised by the Village Clerk to appear before the PB.

Mr. O'Donnell said the PB will also meet with the Village Board about this request.

**APPROVAL OF MINUTES** – The minutes of the Planning Board meeting of March 26, 2013 were approved.

**ADJOURNMENT** - The Village of Goshen Planning Board meeting adjourned at 9:04 p.m.

Jerome O'Donnell, Chair  
Notes prepared by Susan Varden