

**VILLAGE OF GOSHEN  
PLANNING BOARD  
Work Session/Regular Meeting  
July 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, July 23, 2013 by Chair Jerome O'Donnell.

**Present:** Augustine DeRosa  
Rebecca Lafargue  
Elaine McClung  
Jerome O'Donnell, Chair  
Michael Torelli

**Also Present:** Ted Lewis, Village Building Inspector  
Art Tully, PB Engineer

**Absent:** Michael A. Donnelly, PB Attorney

**Continuation of Public Hearing**

**Delancey's Restaurant 40 Park Place #109-5-24 O-B/ADD/CPHD – Continuation of Public Hearing**

Representing the applicant: Jay Myrow, Esq.  
Steve Esposito

Mr. O'Donnell opened the public hearing.

Mr. Esposito said the applicant is seeking site plan approval for a 600 sq. foot deck. Since the application was last before the PB, Mr. Esposito said that Wheldon Abt of the Architectural Design District reviewed the plan and approved the deck and landscaping and SHIPO determined that the deck would not have a significant impact on the Church Historic Park District. Also, Mr. Esposito said that the Orange County Planning Department did its 239 Review and determined that it will have no county consequences and is a local issue and the Village Zoning Board of Appeals issued an area variance for the deck earlier this month.

Mr. O'Donnell asked for public comment. There was none.

**VOTE BY PROPER MOTION**, made by Mr. Torelli, seconded by Mr. DeRosa, the Village of Goshen Planning Board closed the public hearing on the application of Delancey's Restaurant. Passed unanimously.

Mr. O'Donnell asked for comment from the PB members.

Ms. Lafargue asked if there has been any changes to the parking. Mr. Esposito said "no" that the only issue brought up by the public has been regarding the handicapped parking space. He said that parking space is not on the LeBaron property but on that of the adjoiners.

Mr. DeRosa asked if the fact that the front door is now open for handicapped access to the building and restaurant, as stated by Mr. Esposito, if the restaurant/bar still meets the minimum distance requirement for an establishment that serves liquor to be from a church. It was noted that there is a front door and two side doors on the building. Both Mr. Tully and Mr. Esposito said they couldn't answer the question.

Mr. Myrow said the front door is an access to the building and that once you go in the front door, you disburse to other places in the building (offices, residences) and into the restaurant.

Mr. O'Donnell said he recalls that in the past the front door of the building was accessible, but the door leading to the restaurant, once in the front door, was to be locked on Sundays to fulfill the minimum distance requirement.

Mr. Esposito said the only handicapped access to the building is through the front door and that it is not a public access point but a handicapped access point. The restaurant is not to be accessed from the interior unless it is for handicapped access purposes, he said.

Mr. Tully said the distance requirement is not in the Village Code and so the Village defers to the regulatory agency, in this case, the State Liquor Authority. He said this is not a zoning issue.

Ms. McClung said her concern is that a handicapped person using the front door should be able to access the restaurant.

Mr. Tully said he has looked at the original site plan and the parking layout and determined that this site plan is a re-statement of the original plan previously approved

Six conditions were set:

1. Hours of operation – the last seating on the deck will be at 9 p.m. on weekdays and 10 p.m. on Saturday and Sunday. The deck is for restaurant seating only.
2. The noise level from the site must be in conformance with Section 30-1 (disturbing, excessive or offensive noises) of the Village Code.
3. No smoking will be permitted on the deck. Smokers will have to leave the facility to smoke. There will be cigarette extinguishers outside the building for smokers.
4. No live music will be allowed on the deck, only a speaker with low background music from the dining room will be permitted.
5. Delivery trucks will be allowed to park past the entrance to the east where six parking spots are located. The applicant must designate on the site plan where the delivery trucks can park.
6. The dumpster will be located on Kelsey Lane through a written agreement between Betro & Pray and the First Presbyterian Church, owners of Kelsey Lane. The site plan must show where the dumpster will be located and the agreement between the applicant and the church must be made a part of the record.

**VOTE BY PROPER MOTION**, made by Ms. Lafargue, seconded by Ms. McClung, the Village of Goshen Planning Board approves the site plan for a deck, with the outlined conditions, at Delancey's Restaurant, 40 Park Place. Passed unanimously.

#### **Scotchtown Office Park, LLC #104-2-59.2, O-B Zone**

Representing the applicant:

Peter Botti, Esq.

Mr. Botti outlined the project stating that the applicant wants to build 20 two-bedroom units on the site in four buildings with five units per building. There will be a private roadway with driveways off that and decks in the rear. Each unit will have a garage. The applicant will be seeking a minimum lot size reduction from five acres to three acres. Mr. Botti said the applicant is asking the PB to look favorably on the project and to refer back to the Village Board so that a public hearing can be scheduled. It was noted that the Village Board wants the PB's view on the re-zoning request.

Mr. Tully referred to a letter from Village Planner Stu Turner, Esq. He said that Mr. Turner highlighted two issues: changing the zone from Office to Residential (R3) and changing the density of the residential zone. The applicant is asking for a higher unit count than is allowed in the R3 District, he said.

Mr. Tully said that the other zones around the property are not R3 so there is a question of whether this would be spot zoning. The zoning district that surrounds this parcel is R1, he said.

Mr. Tully said that Mr. Turner points out that the density of the site cannot be changed without changing the zoning throughout the Village. Mr. Turner said the total area of the site is 3.4 acres and that according to the SEQRA form there is 1.3 acres of wetlands, leaving over two acres of build-able area, so that the actual number of units allowable on the build-able area is ten, not twenty units. The proposal is doubling the density allowed.

Mr. Botti point out that there are few parcels in the Village that fit the R3 zone. One of them is Goodtime Park.

Ms. Lafargue pointed out that there is another issue – a request for a waiver changing minimum lot size in an R3 from five acres to three acres.

Mr. O'Donnell said the PB should take time to digest this and be ready with comments by its August 20<sup>th</sup> meeting.

**Highpoint Estates Subdivision, NorthChurch Street, #110-4-11.2 R-R Zone**

Representing the applicant:

Steve Esposito

Mr. Esposito said this is a 20-lot subdivision on the westerly side of N. Church St. The PB gave it sketch plan approval for layout. He said the engineering is now done. The layout remains essentially the same. Mr. Esposito said the plan has been more fully developed and now includes profiles, the sanitary design, the storm water design and a storm water drainage report. He said he has met with Mr. Nuzzolese of the DPW.

Mr. Tully reported that his office is in the process of doing a detailed review but said he wants to bring out the major issues which are drainage, grading and blasting. There will be a lot of rock removal in close proximity to other homes, he said. Storm drainage is important as is drainage from lot to lot. Mr. Tully pointed out that there is little useable space in the rear yards of the homes, especially Lots #12 & #13, and the applicant will have to show how he is going to address this. "People have to have some kind of backyard," Mr. Tully said.

The plan is a first draft, Mr. Tully said, but the way the lots are situated and the grading that will be necessary to make the plan work, will have to be given a lot of attention so that the neighbors and new homeowners aren't bothered. It may be that only certain types of homes can fit on some of these lots, he said, adding that more time will have to be spent on this subdivision to make sure the houses work on the lots, than has been spent on previous subdivisions. "A lot of attention must be paid to the details," he said.

Mr. Tully said the road should be staked out first and test holes done to see where the rock is. Mr. Esposito said they have mapped all of the visible rock out-crops but haven't dug any test holes. The PB scheduled a site walk for 5 p.m. July 31<sup>st</sup> with August 1<sup>st</sup> as a rain date.

**VOTE BY PROPER MOTION**, made by Mr. DeRosa, seconded by Mr. Torelli, the Village of Goshen Planning Board declares it intent to serve as lead agency for SEQRA, on the High Point Estate Subdivision. Passed unanimously.

Bob Chaffee of 12 Oakcrest Drive told the PB that there are huge drainage problems on Oakcrest with water coming off the hill and asked members to think of that as they walk the property. Mr. Chaffee said the shale on the property is part of the Reading Prong, known to be a heavy radon producer. He said there is concern from Oakcrest Drive residents about the blasting operation and how it might increase the amount of radon in

their basements. He said residents want to see seismic monitoring next to their foundations, paid for by the applicant.

**OTHER BUSINESS**

Ms. McClung reminded members that she would like to discuss the entryway to the Quick Chek gas station. PB attorney Michael Donnelly is reviewing the approval resolution to see if it stated that if the entryway didn't work the PB could require the applicant to come back before the Board to discuss it.

**APPROVAL OF MINUTES** – The minutes of the June 25, 2013 Planning Board Meeting were approved.

**ADJOURNMENT** - The Village of Goshen Planning Board meeting adjourned at 9:05 p.m.

Jerome O'Donnell, Chair  
Notes prepared by Susan Varden