The regular meeting of the Village of Goshen Planning Board was called to order at 7:35 p.m. on Tuesday, June 28, 2016 by Chair Scott Wohl.

**Present:** Scott Wohl, Chair

Adam Boese

Elaine McClung

Molly O’Donnell

Michael Torelli

**Also Present:** Michael Donnelly, PB Attorney

Ted Lewis, Village Building Inspector

Art Tully, PB Engineer

**Approval of Minutes**

**UPON MOTION MADE** by Michael Torelli and seconded by Elaine McClung, the Minutes of the Planning Board’s April 26, 2016 meeting approved.

AYES 4 NAYS 0 ABSTAINS 1(Adam Boese)

**Applicants Before the Board**

**Goshen Historic Track, 44 Park Place, #109-5-13, R-1 Zone, Site Plan**

Representing the applicant: Timothy Masters

Mr. Masters discussed that the application before the Board requests enclosing 2 stalls, but after receiving cost estimates would like to enclose 3 stalls. The purpose of enclosing the stalls is to provide salt water spas for horses, which helps with their blood circulation. It is already an existing building. They would be taking out dirt floors and replacing them with cement.

Mr. Tully noted this item is before the Board as a non-conforming use within the zone. The Board has the environmental assessment for which they have no comments. There are no changes to the footprints of the building.

Mr. Donnelly spoke of Section 10.2, which discusses when plan approval is required:

1. Erection/enlargement of all building
2. All usage of vacant land
3. Change of usage with regard to things that effect the characteristics of the site: off-street parking, access, drainage, utilities and architectural design district considerations.

Board determined that this application does not fall under these criteria, therefore, no approval is required by the Board. There is no jurisdiction before the Board. The Building Inspector is authorized to renew and issue required building permits and certificate of occupancies/compliance.

**Goshen Plaza Diner, #114-5-14, D-S Zone**

Representing the Applicant: Steve Esposito, Architect

1. **Site Plan – Awnings**

Mr. Esposito discussed that the new owners of the diner will be making upgrades to the kitchen and dining area of the diner. They would like to put up 3 awnings:

1. Over main vestibule
2. Over handicap ramp
3. Over windows that are on the south/southwest side of the building to help reduce heat in that seating area.

The awning over the main vestibule will be an interim one until the entrance is reconfigured.

Mr. Wohl inquired why this action is before the Board.

Mr. Donnelly read section 42-58: No awning, shed or structure of any kind shall be erected over any sidewalk of the village, nor shall any awning frame be so erected, nor shall any awning posts be put in the village, unless the style, form and material of such awning, shed, frame or posts shall be approved by the enforcement officer.

Mr. Lewis stated that historically applicants were brought before the Board for awning approval. Most came usually due to advertising concerns on the awnings.

**UPON MOTION MADE** by Mr. Boese and seconded by Mr. Torelli, the Goshen Planning Board approves the request on the Building Inspectors discretion regarding rules, regulations and requirements. Approved unanimously.

1. **Amended Site Plan – Revised Drainage Analysis**

Mr. Esposito discussed that the current owners would like to do two things: expand existing parking and propose direct access to Clowes Ave. The owners believe they have, based on counsel, latent rights to access and the right to sewer and water lines in that parcel. It is their opinion that it is an issue between two property owners and not an issue with the Village. The applicant would want to remove the access drive and continue to use access over CVS parking lot, but expand parking, due to their desire to add a small addition to the building. This addition would be 450 sq. ft., mainly in the dining area and improving circulation. In addition, the existing handicap ramp would be extended along the front of the building which would make the handicap access the main vestibule.

Mr. Wohl and Mr. Donnelly agree that the issue of the 450 sq. ft. expansion needs to go to the Zoning Board.

Mr. Esposito was before the Board to seek comments from this Board on some issues. The first is it is the applicants position that although they have the right to direct access over Clowes Ave, they are not seeking it. But they are looking to expand the parking lot. Mr. Tully asked that a floor plan be provided which includes seating, so that parking calculations can be made based on seating. Mr. Lewis stated that when ownership of the diner changed, no new certificate of occupancy was required, but a new occupancy permit was needed, which speaks to maximum occupancy level based on 15 sq. ft. per patron. Mr. Esposito felt that a floor plan would not be necessary since they know the occupancy. Mr. Tully agreed. They agreed the number of parking spots was determined by dividing the occupancy by three.

Mrs. McClung inquired how many more seats are planned. Mr. Esposito estimated 4 booths and a small row of tables which seat 2 per table. Mr. Lewis notes that the small addition is not all seating, it also includes aisle space.

Mr. Donnelly asked if there would be enough parking with the enlarged parking or will they need a variance. Mr. Esposito replied that with the additional parking they would be fine. Mr. Donnelly further asked if they would not be referred for a parking variance but only for lot coverage. Mr. Esposito replied yes. He further explained that under code for lot coverage, the building impervious surface maximum percentage is 65%. The new parking associated with the new addition would then be 68%. If they are not successful, they will either need to eliminate the addition or reduce the size to get back to 65%.

Mr. Esposito also discussed the code that requires that if there are more than 12 parking spaces in a row there must be an interruption with a planter. With the plan they have, they would prefer to not to give up a parking space with the planter requirement, but would like to have a handicap space instead. Mr. Donnelly inquired if they were seeking a referral from the variance from the 12 in a row provision and/or an interpretation. Mr. Esposito replied yes.

Mr. Esposito would like the Board to declare themselves as lead agency in SEQR with the ZBA. Mr. Donnelly stated that the Board would need to decide how to handle it, whether a coordinated review or uncoordinated review. The Board can issue a notice of intent to be lead agency if the Zoning Board is comfortable with uncoordinated review. Mrs. McClung asked for clarification of an uncoordinated review. Mr. Donnelly explained that when multiple agencies have approval over a project, one has to take the lead under SEQR. An exception to this is an uncoordinated review, which allows an agency to do a discrete part on their own as long as they make an announcement that the method used is at least as protective of the environment as if done as a coordinated review. Since this is a commercial property seeking a variance, SEQR applies. If there is a coordinated review, the ZBA cannot act until the Planning Board gives a negative declaration. If it is uncoordinated, then they can continue to act.

Mr. Donnelly will send a referral to the ZBA with regard to the two variances: lot coverage and the interpretation that the handicap space will save need to have a planter in the parking area.

**25-27 St. John Street, #108-6-24, 25, O-B Zone, Petition to Amend Zoning Code and Zoning Map**

Representing the Applicant: Richard Guertin, Attorney

Franco Rossi, owner, was referred to Planning Board for review by Village Board.

Mr. Guertin said the applicant is looking for a change in zoning. Dr. Rossi’s business is located at 25 St. John Street. He shares the building with Omni Communications. Next door at 27 St. John Street, the first floor is vacant and the second floor is an apartment. Mr. Rossi has been approached by a woman who would like to have a salon in the first floor of #27. Personal services are not allowed in the O-B zone. They are asking for a change from O-B to C-S zone. Key Bank next door is in the C-S zone and they would like to extend the zone more 2 lots to include Mr. Rossi’s lots. Previously, there had been another beauty salon in the building (Hairway to Heaven). Making the change would be consistent with other business that already exist on the street. The applicant is asking the Board to refer back to the Village Board in a positive recommendation.

Mr. Donnelly stated that there are 5 criteria to look at in the code concerning a proposed amendment involving a change in the zoning map:

17.2.2.1. Whether the uses permitted by the proposed change would be appropriate in the area concerned. Mr. Donnelly restated that Mr. Guertin felt this would be a logical extension and the proposed use would not be inconsistent with other uses already in the area.

17.2.2.2. Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change. Mr. Donnelly would report that the salon would not overtax the water/sewer system in the C-S zone.

17.2.2.3. Whether the proposed change is in accord with any existing or proposed plans in the vicinity. Mr. Donnelly would report that there are already other non-conforming uses in the area.

17.2.2.4. The effect of the proposed amendment upon the growth of the village as envisaged by the comprehensive development plan. Mr. Donnelly stated that the 2 small lots will house a personal service business in a residential development and will bring new citizens to town.

17.2.2.5. Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the village and the probable effect thereof. Mr. Donnelly stated that the change to C-S would be a slight increase to the zone residential capacity of the Village.

Mr. Wohl stated that the Board will send a referral to the Village Board subject to finding of fact.

**The Knolls of Goshen Subdivision, #104-2-40, 41, R-R Zone, Extension of Conditional Final Approval**

No one was present to represent the project. The Board received a letter from the applicant seeking another 90-day extension of the conditional final approval granted to the project.

Mr. Tully noted that the Board can keep granted this, but it can only give 90 days at a time.

**UPON MOTION MADE** by Mr. Boese and seconded by Mrs. McClung, the Goshen Planning Board approves the request for a 90-day extension of the Conditional Final Approval granted the Knolls of Goshen. Approved unanimously.

**Correspondence:**

Letter from J.R. Bourassa regarding Stagecoach Inn was received and acknowledged.

Copies of Z.B.A. decisions were received and acknowledged:

* (SKAD Goshen, LLC) Beer World, #112-12-6, internally illuminated sign
* Goshen Stagecoach Properties, LLC, #107-2-39.2
* Minutes of Z.B.A. meeting of 5/19/16

Comment letter from A. Tully. P.E. addressed to S. Esposito, RLA regarding Stagecoach Properties, LLC, #107-2-39.2 was received and acknowledged.

ADJOURNMENT – The Village of Goshen Planning Board adjourned at 8:13 p.m.

Scott Wohl, Chair

Notes respectfully prepared by Maureen Farrell