

**VILLAGE OF GOSHEN
PLANNING BOARD
Work Session/Regular Meeting
April 22, 2014**

The work session/regular meeting of the Village of Goshen Planning Board was called to order at 7:30 p.m. on Tuesday, April 22, 2014, by Chair Jerome O'Donnell.

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

Also Present: Michael A. Donnelly, PB Attorney
Art Tully, Engineer

Public Hearing

Application of Thomas Marrone, 24 St. James Place, CS District, #112-2-9 for approval of a site plan allowing the applicant to convert an existing residential building into retail space on the first floor and as an apartment on the second floor.

Representing the applicant: Thomas Marrone, Applicant
James Clearwater, Land Surveyor

Mr. Clearwater said this is a plan to renovate the existing building at 24 St. James Place. He said that he has met with the PB's engineers about the drainage. He said currently there is a question regarding the parking as there is no parking now. He said the building is a dilapidated, old two-family house that had no parking on site. He said the applicant plans to tear down most of the building, narrow the street dimension and provide three parking stalls in the rear. Mr. Clearwater said the applicant proposes commercial use on the first floor and residential on the second floor. Mr. Clearwater said the current code requires eight parking stalls on site but that there is no room on site to provide more than three spots. The site is 52 ft. by 93 ft., he said.

Mr. Clearwater said that Mr. Donnelly suggests they go to the Zoning Board of Appeals for a variance on parking. Mr. Clearwater said he will also ask for a variance from the ZBA for the width of the driveway. The plan proposes only a 10 foot wide access drive although the code requires a minimum of 12 feet, he said. Mr. Clearwater said he could make it 12 feet but he would lose plantings.

Mr. Tully had a memo with some new comments which Mr. Clearwater will review and answer.

Mr. O'Donnell opened the public hearing.

Floyd McEwen of 72 S. Church St. said he has no objection to the parking but that he would appreciate it if the applicant could put a fence there. Mr. McEwen said it looks like it will be an asset to the community.

Mr. Torelli said he wanted it noted on the record that the site is in close proximity to a municipal parking lot. One lot to the west is the ice cream stand and next to it is public parking so there is availability within close walking distance, he said. Ms. Lafargue added that there is street parking as well.

Mr. Marrone said he feels that he is going to do some good for the Village but that he is running into "obstacle after obstacle."

Mr. Donnelly told Mr. Marrone that the PB tried to alert him to the parking issue at his first

appearance. He told him that there were a lot of positive things he could put before the ZBA but that it is not a decision (the parking and driveway width) that the PB can make, rather it is a decision of the Zoning Board of Appeals.

It was noted that no one remembers the building ever being commercial. Mr. Donnelly explained that the issue is the change of use. He said that if the use proposed today had the same bulk table requirements, that it would be okay but that the applicant is increasing the degree of the non-compliance. The applicant proposes to change the use at the site from two residential units to a residential unit upstairs and commercial use downstairs. The nonconforming use building protection is only applicable if the degree of nonconformity is not increased. The non-conforming use requirements and the proposed change of use increases the number of off street parking spaces required by the zoning code. The proposed use change is not protected under the nonconforming use requirements and the off street parking will require a variance.

VOTE BY PROPER MOTION, made by Mr. DeRosa, seconded by Mr. Torelli, the Village of Goshen Planning Board agrees to close the public hearing on the application of Marrone. Passed unanimously.

The Planning Board agreed that Mr. Donnelly should write a letter to the ZBA but it was noted by Mr. Donnelly that the applicant must file with the ZBA himself.

Mr. O'Donnell acknowledged receipt from the applicant of the certified mailings.

MINUTES

VOTE BY PROPER MOTION, made by Mr. Torelli and seconded by Ms. Lafargue, the minutes of the March meeting were approved. Passed unanimously.

Mr. O'Donnell asked Mr. Donnelly to write another letter to the Village Board asking it to consider changing the parking requirements in the CS zone.

ADJOURNMENT – The Village of Goshen Planning Board meeting adjourned at 8:05 p.m.

Jerome O'Donnell, Chair
Notes Prepared by Susan Varden