

**VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
November 20, 2014**

The regular meeting of the Zoning Board of Appeals of the Village of Goshen was called to order at 7:30 pm on November 20, 2014 in the Village Hall by Chairman Wayne Stahlmann.

Present: Garfield Clark
Neal Frishberg
Molly O'Donnell
Wayne Stahlmann, Chairman
John Strobl

Also Present: David Donovan, Esq., ZBA Attorney

Chairman Mr. Stahlmann opened the meeting with the Pledge of Allegiance.

Application of Woodchip's Construction, Inc. 252 Sinsabaugh Road Pine Bush, New York 12566

Premises Affected: Section 113, Block 6, Lot 14; 82 Wickham Avenue Goshen, New York 10924

Relief Requested: Variance to permit a front yard setback on a corner lot of 0.5 on Ryerson Avenue and 7 feet on Wickham Avenue where a minimum of 25 feet is required.

Mailing receipts were submitted to the ZBA.

Mr. and Mrs. Boroden owners of 82 Wickham Avenue are proposing to construct a twenty foot by thirty five foot front porch. Their house is on the corner of Wickham and Ryerson Avenue; currently they have a small porch in the front that leads up to the steps. Mr. Boroden said the new porch would extend out five feet and would face out more towards Wickham Avenue, he said it would be covered and wrap around.

Chairman Mr. Stahlmann commented that the porch would be close to the property line, and asked board member Mr. Strobl to comment on his earlier observations of the property. Mr. Strobl commented that the variance requested for 0.5 foot setback on Ryerson Avenue and 7 feet on Wickham Avenue, Mr. Strobl commented that it was alarming in respect to the half foot setback on Ryerson Avenue, until he physically saw the property and took some measurements. He measured over twenty one feet between the corner of the house and the road. He also noted that if a variance is granted, it should be clear what the variance is for because of the unique situation.

Mr. Donovan asked Mr. Strobl based on his observations that there wouldn't be any adverse impact on traffic as a result of the addition projected closer to Ryerson than Wickham because of the width of the right of way between the house and pavement. Mr. Donovan also noted that this is an existing non conforming condition only five and a half feet from the property line on Wickham and Ryerson.

Chairman Mr. Stahlmann asked Mr. and Mrs. Boroden their opinion on the porch and if it would improve the neighborhood. They replied yes, and Mrs. Boroden said she wanted it to look like a Victorian house, and her dream is to make it fit in with Goshen Village. Mr. Frishberg confirmed there are other porches in the neighborhood.

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen closes the public hearing on the application of Woodchip's Construction, Inc.

(Aye 5)

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen grants the area variance on the application of Woodchip's construction, Inc. for premises at 82 Wickham Avenue Motion approved unanimously. (Aye 5)

Application of Susan Armistead and Robert Armistead 312 Hulsetown Road Campbell Hall, New York 10916

Premises Affected: Section 112, Block 2, Lot 4 62-64 South Church Street Goshen, New York 10924

Relief Requested: An interpretation of Village Code Section 8.2.2.1 (d) that the permitted non-conforming use of the premises as a two-family home has not been abandoned and, if that use has not been abandoned, permission to change that use to a single-family home pursuant to Code Section 8.2.2.1 (c).

Mailing receipts were submitted to the ZBA.

Present for the Applicant: John Lavelle of RJ Smith Realty and Mike Ferrante of Hudson Valley Remodelers.

Mr. and Mrs. Armistead are the owners of 62-64 South Church Street. Mr. Lavelle said they have owned the two family- house on South Church Street for many years. He stated that one side of the house is uninhabitable due to storm damage, and the other side has been unoccupied up until recently. Mr. Lavelle said Mr. and Mrs. Armistead previously looked into some commercial applications, however, they couldn't find a vital way to make it work. Mr. Lavelle said the owners feel that renovating the structure and given the nature of neighborhood, it would be best to make it a single family structure instead of a two family structure, which would fit the character of the neighborhood.

Chairman Mr. Stahlmann, welcomed owner Mr. Armistead, and refers to Section 8.2.2.1 of the Village Code for the relief being requested. Mr. Donovan said that this is not a variance, and advised the board that they would have to reach a determination to whether or not it's been an abandoned use as a two family home. He also noted that residential users are not permitted in this zone. Mr. Donovan refers to Village Code Section 8.2.2.1(c) and said without approval from the ZBA and that you give approval

that it is your opinion that the use is of the same or a more restrictive nature. Mr. Frishberg questioned the issuance of the determination of whether or not the use has been abandoned.

Mr. Lavelle said its CS Zoned and is pre-existing non-conforming use currently, and the objective is to renovate it to a single family home. Mr. Armistead owned the property since 1984, and it's always been a two-family home, since the hurricane it has been occupied as only one side. Mr. Donovan confirmed it's a non-conforming use because it was used as a residential use. He also said that maintaining only one side as a residential use is a continuation in the non-conformity, because residential use is not allowed at all. Mr. Donovan noted that other Zoning Board of Appeals that he represents take the following into account water, sewer, traffic and drainage.

Mr. Armistead said he had a lot of plans for the house, and Mr. Ferrante is interested in purchasing the property and he would like to see him be able to buy the house and renovate it. He said it would be an improvement to the Village of Goshen; he would like to see something nice happen to the house.

Mr. Makuen, who lives next door, commented that he would like to see it fixed up, and see someone take care of it. He stated that his house has been in the Makuen family for five generations.

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen will closes the public hearing on the application of Susan Armistead and Robert Armistead.

(Aye 5)

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen grants the relief requested as a two family home has not been abandoned.

(Aye 5)

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen grants the permission to change that use to a single-family home pursuant to Code Section 8.2.2.1(c).

(Aye 5)

OTHER BUSINESS

Kikkerfrosch, LLC Tax Map 117-1-1, 2 and portion of 3

The Village of Goshen Planning Board adopted a Negative Declaration under SEQRA; Mr. Donovan stated that the ZBA can now grant the variance.

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Stahlmann, the Zoning Board of Appeals of the Village of Goshen grants the variance to allow direct vehicular access onto a state, county, or limited access county state highway.

(Aye 5)


2015 ZONING BOARD OF APPEAL MEETING DATES

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Strobl, the Village of Goshen Zoning Board of Appeals of the Village of Goshen approves the meeting dates for 2015 as submitted (see attached). Motion Passed unanimously.
(Aye 5)

APPLICATION CHECKLIST AND PROCEDURES

ZBA members commented on the new proposed Zoning Board of Appeals application, which is to be further discussed. Mr. Frishberg said that people should be able to fill out the application online. The board members also agreed that notices and applications should be submitted by email, as well as the hard copy in their meeting folders. This would eliminate the cost of mailings.

ADJOURNMENT- The Village of Goshen Zoning Board of Appeals meeting adjourned at 8:13 p.m.


Wayne Stahlmann, Chairman

Notes prepared by Courtney Cancellieri