**VILLAGE OF GOSHEN**

**ZONING BOARD OF APPEALS**

**April 29, 2019**

The regular meeting of the Zoning Board of Appeals of the Village of Goshen was called to order at 7:30 p.m. on Monday, April 29, 2019, in Goshen Village Hall by Chairman Wayne Stahlmann.

Members present: Wayne Stahlmann, Chairman

 Susan Cookingham

 Nick Pistone

 John Strobl

 Kerri Stroka

Also present: David Donovan, Esq., ZBA Attorney

Chairman Stahlmann opened the meeting with the Pledge of Allegiance.

**PUBLIC HEARING**

**King Zak Warehouse, 3 Police Drive, 122-1-11 IP Zone (Industrial Park)**

**Relief Requested:** (1) An area variance to permit a rear yard setback of 28 feet where 50 feet is required; (2) An area variance to permit the omission of certain specific parking spaces.

**Representing Applicant:** Steven T. Esposito, RLA

Mr. Esposito provided an overview of King Zak, which is a distribution center for paper and party goods that has been in business at the location for approximately 17 years. There are approximately 80 employees and the business is strictly distribution.

Chairman Stahlmann noted that relief was granted approximately a year ago from the required 349 parking spaces to 324 parking spaces.

Discussion was held regarding parking spaces and members expressed their agreement that 87 paved spots would be sufficient.

It was noted that the drawing Mr. Esposito was reading from was not identical to the one in the Board Members’ Meeting folders.

Mr. Esposito and the Board then discussed the area variance to permit a rear yard setback of 28 feet. Members found no problem with the request.

Vote by proper motion made by Ms. Stroka, seconded by Mr. Strobl, the Zoning Board of Appeals moved to close the Public Hearing. Motion carried 5-0.

Ms. Stroka moved the following, which was seconded by Mr. Strobl: to approve the relief of bank parking by 153 spaces, which would make 84 banked spots and 87 paved spots, and to allow relief of the 50’ setback to allow, in this case, a 28’ setback as noted on the plans. Motion carried 5-0.

Chairman Stahlmann stated that these decisions are in accordance with the Esposito and Associates drawing revised April 25, 2019.

**PUBLIC HEARING**

**Orange Inn LLC (Limoncello), 109-2-3 OB Zone (Office Building)**

**Relief Requested:** An interpretation that alterations to the existing building will not result in the loss of protection of the pre-existing, nonconforming use allowed at the premises.

**Representing Applicant:** Steven T. Esposito, RLA

**Also present:** property owners Luigi Kapiti and Edison Narkaj

Chairman Stahlmann explained the interpretation that the Board was being asked to consider.

Mr. Esposito provided information about the request. In addition to the first floor dining facilities, the building has 32 rental units on the 2nd and 3rd floors. All 32 are leased on a monthly basis.

The proposal to add an additional floor would accommodate 30 hotel rentals, including 7 luxury suites. The addition of a 4th floor would not increase the building’s height, and the physical parameters would remain the same.

Chairman Stahlmann read section 8.3.2 of the Zoning Code:

*Nothing in this article shall be deemed to prevent normal maintenance and repair, structural alteration within, moving or reconstruction of, or enlargement of any noncomplying building, provided that such action does not increase the degree of, or create any new, nonconformity with regard to the district regulations, bulk table provisions or required offstreet parking requirements pertaining to such building. Any such action increasing the degree of, or creating any new, nonconformity shall result in a loss of protected status, to the extent of the new use.*

Chairman Stahlmann polled Board members, who agreed that the relief should be granted.

Vote by proper motion made by Ms. Stroka and seconded by Mr. Strobl, the Public Hearing was closed. Motion carried 5-0.

Mr. Strobl moved the following, which was seconded by Ms. Stroka: that we issue the interpretation that the alterations proposed to the existing building will not result in the loss of protection of the pre-existing, nonconforming use allowed at the premises.

Motion carried 5–0.

The Meeting concluded at 8:30 p.m.

Notes by Meg Strobl

Wayne Stahlmann, Chairman