**VILLAGE OF GOSHEN**

**ZONING BOARD OF APPEALS**

**August 15, 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 Thursday, August 15, 2019, in Goshen Village Hall by Chairman Stahlmann.

Members present: Wayne Stahlmann, Chairman

 Susan Cookingham

 Nick Pistone

 John Strobl

 Kerri Stroka

Also present: David Donovan, Esq., ZBA Attorney

 Kristen O’Donnell, Village Planner

Mr. Stahlmann led those present in the Pledge of Allegiance.

**PUBLIC HEARING**

**Fiddler’s Green at Good Time Park, Greenwich Avenue, 115-1-5; R-3 Zone**

**Relief Requested:** (1) An interpretation and/or area variance with regard to the permitted length of parking garages; (2) An area variance to allow four (4) of the six (6) buildings proposed to have a building height in excess of the maximum 35 feet that is permitted; and (3) an area variance to allow four (4) of the buildings to have four (4) stories and to allow the remaining two (2) buildings to have three (3) stories where 2.5 stories is the maximum permitted.

**Representing the Applicant:** Jay Myrow, Esq.

 Mark Siemers, P.E.

Mr. Myrow addressed those present noting that the applicant was last in front of the Zoning Board of Appeals on April 20, 2017. Over the last two years they have been in front of the Planning Board with about five different plans and have now come to some consensus. There is also an “as of right” plan, that would require the removal of the “tree of life” and would involve parking all over the place.

Mr. Myrow spoke about the variances being requested, noting that the building length issue had been discussed in 2017, and the impression he got at that time was that the Board’s interpretation would be that underground parking did not make two buildings one.

Mr. Siemers gave an overview of changes to the plan, beginning with 2017, to bring the Board up to date on the various iterations. The most recent site plan shows the buildings further away from the Heritage Trail and required removal of the underground parking from buildings #5 and #6. The current plan is a building coverage of 12.6% of the site.

As a result of the redesign, they were able to complete SEQR and the Planning Board adopted a negative declaration at its June meeting.

Chairman Stahlmann noted that as there are four issues to discuss, the Board would deal with them one at a time.

First relief to be discussed was an interpretation and/or area variance with regard to the permitted length of parking garages, and specifically, whether underground parking made two buildings one.

Attorney Donovan noted that the maximum building length allowed by Code is 160’.

Board Members asked questions about the parking garages and the buildings.

Mr. Siemers explained that when discussing the visual aspect with the Planning Board, in order to have all the buildings look like three stories with a pitched roof, the compromise was to remove the underground parking from buildings #5 & #6. This was necessary due to the grades of the property.

Questions were also asked by attendees Sandra Sciortino, Mark Gargiulo, and Beth Sciortino.

Chairman Stahlmann directed the discussion to move on to the area variances of height, and the number of stories.

Mr. Siemers explained that buildings #5 & #6 meet the code and do not require a variance, but that the fronts of buildings #1, #2, #3, and #4 would have building heights of 40’4”, and would need a variance from the allowed 35’.

Questions were posed regarding the building heights.

Attorney Donovan provided the definition of building height from the village code.

Mr. Siemers noted that the design was all part of the visual analysis required by the Planning Board.

Chairman Stahlmann noted that one issue was that the Zoning Board was not provided with the results of visual testing.

Following discussion, Chairman Stahlmann noted that the variances for height and stories should be tabled until next month, to allow for review of any material provided.

Mr. Myrow agreed to provide the Board with all visual material. Upon receipt it will be posted on the Village website.

Ms. O’Donnell recommended that the applicants submit visual simulations that were part of the EAF as it would be helpful for the Board to see. She also noted that it would be beneficial for the Board to see the landscaping plans.

A discussion was held regarding the requested area variance to permit 277 parking spaces where a minimum of 356 parking spaces is required by the Village Code. The requested number translates into 1.5 spaces/unit plus 10.

It was agreed that all of the reliefs requested should be considered together.

Ms. Stroka made a motion, which was seconded by Mr. Strobl, to adjourn the Public Hearing to the September 19th Meeting of the Zoning Board of Appeals.

Motion carried 5 – 0

The Meeting concluded at 8:25 p.m.

Notes by Meg Strobl

Wayne Stahlmann, Chairman