**VILLAGE OF GOSHEN**

**ZONING BOARD OF APPEALS**

**January 17, 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, January 17, 2019, in Goshen Village Hall by Chair Wayne Stahlmann.

Members present: Chair Wayne Stahlmann

Nick Pistone

Kerri Stroka

Also present: David Donovan, Esq., ZBA Attorney

Chair Stahlmann opened the meeting with the Pledge of Allegiance.

**PUBLIC HEARING**

**Jeffrey L. Abraham, 23 Gregory Drive, 124-1-5**

**Relief Requested:** An area variance to permit an accessory structure to be located 3.5 feet from the property line where a minimum of 5 feet is required.

**Representing**

**Applicant:** Jeffrey L. Abraham

Mr. Stahlmann announced that this was a continuation of the Public Hearing from the December meeting. He asked the applicant if he had a survey done as requested last meeting. The applicant produced a survey indicating the accessory structure was located about 3 feet from the sideline and about 1.5 feet from the rear line. In both cases a 5 foot setback was required.

Mr. Stahlmann then asked if the applicant had ever made application for a building permit before putting up the accessory structure. The applicant said he had “talked” with Ted Lewis but he could not produce a copy of the permit.

Marie Colgan, a neighbor, expressed her displeasure with the idea that the applicant would put up his structure without a building permit.

Ryan Alders, Mrs. Colgan’s grandson also expressed his displeasure.

Mr. Pistone and Ms. Stroka questioned the applicant further about the lack of a building permit and the location of the shed.

Vote by proper motion made by Ms. Stroka, seconded by Mr. Pistone, the Zoning Board of Appeals moved to close the Public Hearing. Motion carried 3-0.

Vote by proper motion made by Ms. Stroka, seconded by Mr. Pistone, the Zoning Board of Appeals moved to deny the variance as requested. Motion carried 3-0.

**English Dana Enterprises LLC (Dana Distributers) 126-1-5.22**

**Representing Applicant:** Mike Lynch, Engineer

The ZBA responded to a letter received from Steven Esposito on behalf of the applicant. The applicant was requesting an interpretation from the ZBA as to whether a large outdoor sign, previously approved by the board, could be moved from the center of the building to the far left

side of the building. Mike Lynch, an Engineer, appeared on behalf of the applicant.

Mr. Lynch indicated that the board approved a large sign that would be centered on the newly expanded outer warehouse wall which faced Route 17. This new proposal was to put the sign, not in the center at the outer warehouse wall, but on the left side of the building. Mr. Lynch said the revised location would offer better sign visibility for Route 17.

Mr. Stahlmann opined that the applicant should properly get on the board’s agenda and serve proper notice to neighboring property owners and members of the general public. Receiving a letter from Mr. Esposito the day before the meeting and asking the board to make a decision bypasses the transparency owed to the community.

Vote by proper motion made by Ms. Stroka and seconded by Mr. Pistone it was resolved that the applicant should make a formal request to amend the previous variance, with proper notice to the community. Motion carried 3-0.

**Yidel Realty Warehouse, Route 17M, 117-1-1.22**

**Relief Requested:**  An area variance permitting a building height to exceed the 35 feet permitted by code; An area variance permitting 453 parking spaces where a minimum of 920 spaces is required.

**Representing Applicant:** Mike Lynch, Engineer

This was a continuation of a presentation by Attorney Blustein at a prior meeting. The ZBA could not render a decision at that time because that matter was not yet ripe. The ZBA received a letter indicating that SEQRA was concluded and the matter could now be heard.

Mr. Lynch reviewed the two issues:

1. The height of the proposed warehouse is 40 feet where a 35 foot height is permitted. Mr. Lynch reiterated prior testimony that 40 feet is now the standard for modern warehouses and modern equipment.

2. Mr. Lynch reiterated prior testimony showing the parking plans which called for 189 parking spaces with an additional 251 land-banked spaces.

Mr. Pistone and Ms. Stroka questioned Mr. Lynch about the banked parking spaces. Mr. Donovan helped explain to the board the concept of banked parking spaces.

Mr. Stahlmann inquired if anyone from the public wished to comment. There was no comment or inquiry from the public.

Vote by proper motion made by Ms. Stroka and seconded by Mr. Pistone, the Public Hearing was closed. Motion carried 3-0.

Vote by proper motion made by Ms. Stroka and seconded by Mr. Pistone the two variances were approved as presented. Motion carried 3-0.

The Meeting concluded at 8:15 p.m.

Wayne Stahlmann, Chair