**VILLAGE OF GOSHEN**

**ZONING BOARD OF APPEALS**

**November 19, 2020**

The regular meeting of the Zoning Board of Appeals of the Village of Goshen was called to order by Chairman Stahlmann at 7:30 p.m. on Thursday, November 19, 2020, in Goshen Village Hall.

Members present: Wayne Stahlmann, Chairman

Susan Cookingham

John Strobl

Kerri Stroka

Member attending via Zoom: Nick Pistone

Also present: David Donovan, Esq., ZBA Attorney

Village Clerk Strobl

Chairman Stahlmann led those present in the Pledge of Allegiance.

**Harness Estates, LLC; 12 Cane Court; 127-5-45**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Village Law, Section 7-712 et. seq. and the Village of Goshen Zoning Ordinance, Section 13.2.2 a public hearing will be held before the Village of Goshen Zoning Board of Appeals at 7:30 P.M. or as soon thereafter as the matter may be heard, on November 19, 2020 at the Village Hall, Maplewood, 276 Main Street, Goshen, New York, for the purpose of considering the application for a variance from the regulations imposed by the Revised Village of Goshen Zoning Ordinance; said application being hereinafter named and more fully described as follows:

1. (a) Relief Requested: (1) An area variance to permit a front yard setback of 29 feet where 30 feet is required.

2. (b) Owner/Applicant: Harness Estates, LLC

214 Murray Avenue

Goshen, NY 10924

3. (c) Premises Affected: Section 127, Block 5, Lot 45

12 Cane Court

Goshen, New York 10924

PLEASE TAKE NOTICE that the Zoning Board of Appeals meeting scheduled for November 19, 2020 at the Village Hall, 276 Main Street, Goshen, New York 10924 will be conducted in accordance with the applicable Executive Orders heretofore issued by New York State Governor Andrew Cuomo suspending certain provisions of the New York State Open Meetings Law. Physical attendance at the meeting will not be permitted. The public may view the meeting live using the following link: <https://us02web.zoom.us/j/6219628673> and using meeting ID: #621 962 8673 or call in to 646 558 8656, 6219628673#

As permitted by Section 104 of the Public Officers Law and the Governor’s Executive Orders, individual Zoning Board Members may participate from remote locations. Consistent with the aforementioned Executive Orders, physical attendance at said remote locations by members of the public shall not be permitted.

A transcript will be posted on the Village’s website at a later date.

The said Board of Appeals will at the time and place aforesaid hear all persons in support of such matter or any objections thereto.

The application filed in connection with this matter is on file in the Office of the Zoning Board of Appeals and may be examined at said office by interested parties.

Dated: Goshen, New York

October 28, 2020

BY ORDER OF THE ZONING BOARD OF APPEALS

OF THE VILLAGE OF GOSHEN

By: Wayne Stahlmann, Chairman

Marcia Jacobowitz, Esq., of Jacobowitz and Gubits,LLP, was present via Zoom, for the application. Also present via Zoom was Frank Jackson, Construction Manager at Harness Estates.

At Mr. Stahlmann’s request, Ms. Jacobowitz provided history leading to the appearance before the ZBA, calling the need for a 1 foot Area Variance for the front setback de minimus. The loss of a foot was discovered in the final survey.

Mr. Stahlmann polled Board Members, none of whom had questions.

On a motion by Mr. Strobl, seconded by Ms. Cookingham, the Public Hearing was closed at 7:40 p.m. The motion carried 5 – 0.

On a motion by Ms. Stroka, seconded by Mr. Strobl, the requested Area Variance was granted. The motion carried 5 – 0.

**Limoncello; 158-167 Main Street; 109-2-3; O-B, ADD, CPHD**

Requested: By the Village of Goshen Planning Board: Clarification of the Zoning Board of Appeals Decision of April 29, 2019, regarding the extent of preexisting nonconforming protection.

Attorney Donovan advised that the specific question posed by the Planning Board, is whether or not the Zoning Board was aware of the fact that the roof above the taproom building was proposed to be raised 1 ½ stories when the determination that the use intended and renovations proposed for the building would not result in the loss of the preexisting, nonconforming, protection afforded to this property.

Steven Esposito, RLA, provided the Board with the history of the project, including the application to the Planning Board and a review of the previous application to the Zoning Board.

Discussion followed, with Members concluding that they are upholding their Decision on the application.

On a motion by Ms. Stroka, seconded by Mr. Strobl, the Village of Goshen Zoning Board of Appeals directed Attorney Donovan to communicate to the Planning Board that they affirm the Decision approved at the meeting of April 29, 2019. The motion carried 5 – 0.

On a motion by Ms. Stroka, seconded by Ms. Cookingham, the meeting was adjourned at 8:05 p.m. The motion carried 5 – 0.

Notes by Meg Strobl

Wayne Stahlmann, Chairman