**VILLAGE OF GOSHEN**

**ZONING BOARD OF APPEALS**

**March 18, 2021**

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, March 18, 2021 virtually, via Zoom.

Members present via Zoom: Wayne Stahlmann, Chairman

 Susan Cookingham

 Nick Pistone

 John Strobl

 Kerri Stroka

Also present via Zoom: David Donovan, Esq., ZBA Attorney

 Village Clerk Strobl

 Clerk Darby

**Verizon Wireless, 15 Matthews Street; 119-1-3**

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 March 18, 2021 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: A use variance permitting a cellular tower to be located in the Designed Shopping Zoning District.

2. (b) Owner: Prag Holding, LLC

 15 Matthews Street

 Goshen, NY 10924

3. (c) Applicant: Verizon Wireless of Hudson East LP

 d/b/a Verizon Wireless

 1275 John St., Suite 100

 West Henrietta, NY 14586

4. (d) Premises Affected: Section 119, Block 1, Lot 3

15 Matthews Street

Goshen, New York 10924

PLEASE TAKE NOTICE that the Zoning Board of Appeals meeting scheduled for March 18, 2021 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.

 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 February 22, 2021

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF GOSHEN

 Wayne Stahlmann, Chairman

At Chairman Stahlmann’s request, Attorney Donovan gave a brief overview of the application, noting that it was for a small cell tower to be located on Matthews Street, behind the former Middletown Savings Bank building. He advised that Verizon is requesting a use variance as the Designated Shopping (DS) zone does not permit cell towers.

Attorney Donovan further explained that the normal rules applicable to use variances, which make them very difficult to obtain, do not apply to cell towers. The law deems cellular telephone service a “public necessity”.

Scott Olson, Esq. gave an overview of the proposal, including the properties they had looked into in the Industrial Park (IP) zone, which does allow towers.

Project Engineer Mike Crosby explained the need for the tower, as the lower frequencies in the area are overloaded.

Mr. Stahlmann polled Board Members, none of whom expressed questions or concerns.

Attorney Donovan noted that the proposed cell tower would allow the applicant to remedy gaps in their service area that currently prevent them from providing adequate service to their customers, and that it would present a minimal intrusion or burden on the community.

On a motion by Ms. Stroka, seconded by Mr. Strobl, the Public Hearing was closed. The motion carried 5 – 0.

On a motion by Ms. Stroka, seconded by Ms. Cookingham, the Board voted to grant the use variance permitting a cellular tower to be located in the Designated Shopping Zoning District. The motion carried 5 – 0.

**Village Place; 100-300 Canter Court; 114-4-1, 3.21, 3.22 & 111-10-17.2; O-B, ADD, CPHD**

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1. (a) Relief Requested: (1) An area variance permitting the construction of 10 foot high fence where the maximum height permitted is 8 feet; and (2) An area variance permitting a lot coverage of 44.74%.

2. (b) Owner and Applicant: Wainco Goshen 1031 LLC (Village Place)

 75 South Orange Avenue, Suite 218

 South Orange, New Jersey 07079

3. (c) Premises Affected: Section 111, Block 10, Lot 17.2

 Section 114, Block 4, Lots 1, 3.21 & 3.22

260 West Main Street

Goshen, New York 10924

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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

 February 22, 2021

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF GOSHEN

 Wayne Stahlmann, Chairman

Chairman Stahlmann reviewed the requested area variances, which are for a fence height of 10 feet, where 8 feet is allowed, and a lot coverage of 44.74%, where 44% had been already granted.

Steven Esposito, RLA, representing the applicant, reviewed an amended site plan showing the proposed increase in amenities available to existing and future residents of Village Place. The improvements include a modest size dog park, a pickleball court, which is very desirable to young residents as well as senior residents, additional seating areas, picnic area, barbeque grills, fencing and additional landscaping.

Board Members asked questions, which were answered by Mr. Esposito.

Ms. Darby verified that there were no members of the public on the Zoom meeting.

On a motion by Mr. Strobl, seconded by Ms. Cookingham, the Public Hearing was closed. The Motion carried 5 – 0.

On a motion by Ms. Stroka, seconded by Ms. Cookingham, the Board voted to allow both area variances, the construction of a 10 foot high fence, and the lot coverage. The Motion carried 5 – 0.

On a motion by Mr. Strobl, seconded by Ms. Stroka, the meeting was adjourned at 8:10 p.m. The motion carried 5 – 0.

Notes by Meg Strobl

Wayne Stahlmann, Chairman