

VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
May 29, 2013

The regular meeting of the Zoning Board of Appeals of the Village of Goshen was called to order at 7:30 pm on Wednesday, May 29, 2013 in the Village Hall by Chair Wayne Stahlmann.

Present: Garfield Clark
Neal Frishberg
Wayne Stahlmann, Chair
John Strobl

Absent: Lynn Cione

Also Present: David Donovan, Esq., ZBA Attorney

Mr. Stahlmann opened the meeting with the Pledge of Allegiance.

Mr. Stahlmann said that the ZBA received a letter today from the applicant Betro & Pray, Inc. (Delancey's Restaurant) requesting a postponement of the public hearing scheduled for this evening. Mr. Stahlmann said the hearing has been postponed to the ZBA's next meeting on June 12, 2013 and that the applicant has been instructed to re-notice the hearing.

Application of GAM Property Corp. 3 Police Drive Section 122 Block 1 Lot 11

Relief Requested: Variance to permit an internally illuminated sign on the premises. Signs which are internally illuminated are not permitted.

Elisha Dorfman represented the applicant. He said he is the comptroller of GAM Property Corp. (King Zak Industries). He presented mailing receipts of the public notice.

Mr. Dorfman said the company is a distributor of paper products. The applicant is proposing a 9 ft. tall x 8 ft. wide sign facing Police Drive. It will be double-sided aluminum with LED lights. Mr. Dorfman said the sign itself costs \$12,000 and will give the property "a touch of class." The lights will be on all night, he said, and will be a way of identifying the entrance for delivery trucks and the public. He said there is no traffic on the road, which he described as a dead-end road with no residences in close proximity. Mr. Dorfman acknowledged that there are two signs being proposed, both to be internally illuminated. The second sign will be on the building itself.

Mr. Stahlmann clarified that the applicant is asking for a variance for the sign that runs along the street and the one on the face of the building.

It was noted that the Village of Goshen is considering modifications to its sign ordinance allowing for internally illuminated signs.

Mr. Stahlmann opened the meeting to public comment. There was none.

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen closed the public hearing on the application of GAM Property Corp. Motion approved unanimously.

Members of the ZBA discussed the application and agreed to grant the variance allowing for the internally illuminated signs. Mr. Frishberg noted that the facts of this application are sufficiently different from other applications that came before the Board because of its location and its surroundings. Specific reasons for the approval will be included in the resolution written by Mr. Donovan.

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen grants the variance on the application of GAM Property Corp. for a sign that runs along the street and a sign on the façade on the front of the building as shown to the ZBA at its meeting. Motion approved unanimously.

Betro & Pray, Inc. (Delancey's Restaurant) 40 Park Place. Property owned by Chester LeBaron.

Mr. Donovan told ZBA members that he wanted to disclose on the record that the owner of the property in the Betro & Pray application, Chester LeBaron, was previously involved in litigation against the DeProspero law firm when the firm was seeking approval to build its office structure next door to Mr. LeBaron's property at 40 Park Place. The litigation didn't involve the same issues as today but they involved the same parties, Mr. Donovan said, and his firm represented one of the parties, the DeProspero law firm, in the litigation. That was over ten years ago and was before Mr. Donovan's tenure as Village attorney, he said. Nevertheless his firm represented DeProspero in a position adverse to LeBaron, he said. Mr. Donovan said he wanted to disclose that, although the issues are different and the representation has long ago ceased, so that everyone had the opportunity to voice at the outset whether or not they had an objection to his continued representation of the Village Board and ZBA. He said that he verbally informed both attorneys representing both sides of this issue, and that both said they had no objection to him representing the ZBA on the matter. Members of the ZBA also said they had no objection.

ADJOURNMENT – Upon motion made and seconded, the ZBA adjourned at 7:55 p.m.

Wayne Stahlmann, Chair
Notes prepared by Susan Varden