

**VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
November 19, 2015**

The regular meeting of the Zoning Board of Appeals of the Village of Goshen was called to order at 7:30 pm on Thursday, November 19, 2015 in the Village Hall by Chair Wayne Stahlmann.

Present: Garfield Clark
Molly O'Donnell
Wayne Stahlmann, Chair
John Strobl
Kerri Stroka

Absent: (none)

Also Present: David Donovan, Esq., ZBA Attorney

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

Application of Goshen Stagecoach Properties, LLC, 268 Main Street, Section 107, Block 2, Lot 39.2

Relief Requested: An interpretation and/or an area variance granting relief from the requirements of the Village of Goshen Zoning Code Section 8.2 and Subsection 8.2.2.1 allowing the construction of a new carriage house and breezeway following the demolition of an existing accessory structure.

ZBA Attorney Donovan explained that an application for the same property was heard by the Planning Board on Tuesday November 17th for a five lot subdivision. Mr. Donovan said that the Planning Board will be the "lead agency" for the application, and that the ZBA is not in a position to make a decision at this time. He submitted a letter to the Board from Planning Board Attorney Michael Donnelly which raises the issue of nonconforming use possibly losing its protection upon the subdivision of the property, and requesting that the ZBA interpret this issue.

Steve Esposito, representative of the applicant introduced Mr. Ron Boire a principle owner of the project and described the property. He presented plans and offered a brief history of the property since the construction of the original building in 1747, and the use of the property as an inn during the late 1700's to mid 1800's as well as continuously being used for that purpose since 1985 until the previous owner passed away. He described the recent aesthetic improvements to the exterior, and described the interior renovations that are planned such as updating the plumbing and electric and remodeling the kitchen. He also mentioned the Zone Change Petition that was requested last year from the Village Board, and that it was withdrawn after hearing the community's resistance to the proposal. Mr. Esposito explained that they wish to remove the existing detached garage and build a carriage house style structure to house four guestrooms, two on each level, and a breezeway connecting it to the main building. He stated that there are currently nine guestrooms in the main building, but that they wish to make five updated and enlarged guestrooms in the main building and four in the carriage house, so that there will still be nine guestrooms total and occupancy will not be increased.

In response to questions from Mr. Stahlmann and Mr. Strobl, Mr. Esposito said the guest parking will be in the same as the current location but paved and upgraded, the carriage house will be two stories – about half a story higher than the existing garage, and they plan to use wood clapboard on the carriage house to match the main building.

Mr. Stahlmann asked board members for comment.

Ms. O'Donnell said she appreciated the effort that the owners were putting into the property to improve the overall appearance, but that the public needs to feel satisfied as well. She also felt that due to the Planning Board matter the ZBA should coordinate with the Planning Board before making any decisions.

Mr. Clark agreed that they needed to wait on the Planning Board matter.

Mr. Strobl suggested that the nonconforming use may or may not be continued since it appeared not to be used as an inn for a couple of years. He added that he too appreciated the efforts made by the owners so far to improve the property.

Ms. Stroka concurred with Ms. O'Donnell's comments and added that she was glad the owners did not abandon the project after withdrawing the zone change request.

Mr. Donovan explained the requested variance and the code 8.2.2.1. He stated that due to the subdivision application the ZBA may need to interpret whether decreasing the lot size would require a use variance.

Mr. Stahlmann opened the meeting to public comment.

Marcia Mattheus of 11 Lincoln Avenue requested that the public hearing could remain open to allow everyone to get more information, and asked where the food service for the inn would be located.

Mr. Esposito showed on the plans that the layout of the first floor will stay substantially the same, and that there will be only guestrooms and bathrooms in the carriage house.

Gary Kerstansky of 13 Orange Avenue said he attempted to increase the height of his garage to match his home a few years ago and was denied, and questioned why this is different. He also inquired if moving the guestrooms to a location where there were none existing was a change or expansion of the use.

Mr. Esposito noted that there will be the same number of guestrooms, a total of nine, and occupancy will not be increased.

Mr. Kerstansky said he would like to see the Planning Board application plans, and was worried that the applicant was still attempting to expand the business.

John Bourassa of 284 Main Street felt that changing the garage use to guestrooms seems like a change in use. He asked if the intentions of the owners are to make the inn a wedding or event location.

Mr. Esposito pointed out that anyone could have a wedding or event on their own private property, but emphasized that the owners withdrew their original plan and have changed their intent to the current plan presented, for use as an inn.

Michael Disimone of 4 Maplewood Terrace expressed concern about possible increased traffic, and inquired about the location of proposed driveways on the subdivision.

At Mr. Stahlmann's request Mr. Esposito showed the subdivision plan, and explained the driveway locations. He said that for the two lots facing Main Street the proposal has their driveway location off of Maplewood as a shared drive at the existing first curb-cut for the property. The other lots would also have curb-cuts and driveways on Maplewood.

Mrs. Mattheus asked about the status of the Planning Board application and expressed concern about the openness of the process.

Mr. Esposito said notices will go out to the adjoining properties for the Planning Board application shortly as prescribed by the applicable rules.

Kit Wallace of 152 South Church Street requested clarification about the rooms that would be in the carriage house and if they would be rentals.

Mr. Esposito reiterated that the carriage house would contain guestrooms and bathrooms, but the main building would have the common areas and eating areas.

Marcia Faber of 19 Orange Avenue expressed her concern about how the expansion and subdivision would affect run-off and other impacts it may have to neighboring properties.

Cosmin Negru of 7 Maplewood Terrace stated that he is not in favor of the application and that he still feels they are attempting to have a restaurant at the location. He said he may rather see residential homes, and may be in favor of a subdivision, but had concerns about parking and traffic congestion. He also articulated concern for the residents of the ARC house on Maplewood Terrace with regard to increased traffic.

Ms. O'Donnell expressed gratitude to the public for their concerns and questions, and said the ZBA had a lot to consider.

Mr. Clark felt they needed to reserve their decision until the Planning Board has time to review.

Mr. Strobl said the public seemed to have a lot of concerns that applied to the Planning Board application, and it makes sense to withhold a decision at this time. He added that the ZBA was not in a position to vote this evening because the property is on a state road and the County has time to offer comments.

Mr. Boire spoke about the initial idea to have a nice restaurant, but that after hearing the concerns of the public they withdrew that application and changed their plans. He said that they lost some of their investors, who were interested only in developing a restaurant, and they are now very committed to investing in improvements at this property and making it a successful bed and breakfast. He described the change in layout of the second floor to create five guestrooms with a bathroom each, with four guestrooms and bathrooms being located in the carriage house. He explained the work being done on the downstairs of the inn mostly involves repairs and upgrades, and the exterior work being done will keep it in line with the current aesthetics. He also explained that they hope the subdivision plan will allow them to recuperate some of the costs they are investing in the property, and the ultimate goal is to have an economically viable business as a bed and breakfast.

John Bourassa of 284 Main Street spoke again of his and other neighbor's concerns about noise, traffic, and other issues that may arise from having weddings and other events at the inn.

Cosmin Negru of 7 Maplewood Terrace spoke again and expressed concern about where people would park if there were events.

Mr. Boire said they do not plan to make it an event location but that an occasional wedding or event may take place.

Mr. Stahlmann asked if someone wanted to make a motion.

Mr. Strobl made a motion to keep the public hearing open until a date to be announced later.

Mr. Donovan explained that if the ZBA leaves the date open ended the applicant will be required to re-notify the public once the date is determined, but that announcing the postponement to an actual meeting date will fulfill the notification requirement.

VOTE BY PROPER MOTION made by Ms. O'Donnell, seconded by Ms. Stroka to leave the public hearing open to the December 17th meeting. The motion was approved unanimously.

ADJOURNMENT – upon motion and seconded, the Village of Goshen Zoning Board of Appeals meeting adjourned at 8:36 PM.

Wayne Stahlmann, Chair
Notes prepared by Sara M. Winters