

VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
April 20, 2017

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, April 20, 2017 in the Village Hall by Chair Wayne Stahlmann.

Members present: Kerri Stroka
 John Strobl
 Chair Wayne Stahlmann
 Susan Cookingham
 Nick Pistone

Also present: David Donovan, Esq., ZBA Attorney

Chairman Stahlmann opened the meeting with the Pledge of Allegiance.

Continued Public Hearing of Fiddlers Green at Good Time Park, 115-1-15

Relief Requested: An interpretation and/or variance with regard to permitted length of parking garages.

 An area variance to allow a building height of 47.8 feet and 4 stories where a maximum building height of 35 feet and 2.5 stories is permitted.

Representing

Applicant: Steven T. Esposito, RLA
 Jay Myrow, Esq.
 Barbara George

Mr. Esposito stated he would give a brief description of the project. In 2006 or 2007 the project received approval for 116 townhouses with two-to-three bedroom units. The current proposed project is 178 rental units with one bedroom with a den. The difference between the old plan and new plan is 8000 gallons per day less water and sewage which also corresponds to less trips generated.

The site is located between Green Street, South Street and North Connector Road and borders Finan's Pond and the Heritage Trail.

Six buildings are proposed with surface parking and underground garage parking. Surface parking is 123 spaces and the garage parking is 174 spaces.

One of the things this applicant is before the ZBA for is an interpretation of building length. The buildings are 160 feet which conforms to the maximum building length but if it is interpreted that the underground garages which connect two buildings together is a building itself, a variance will be needed.

Mr. Esposito stated some of the constraints on the site are wetlands. The 43-acre site contains substantial wetlands. The site also has flood plain and flood way. The 100-year flood plain is at elevation 431. The buildings are partially in the flood plain. The general elevation of the site in and around where the buildings are located is roughly 426. The grade is 4 to 5 feet above the 100-year flood plain. One of the things that is driving the height of the building up is the finished portion of the garage parking is a half-a-foot above the 100-year flood plain and habitable space will be 12 feet above the flood plain.

Another factor that drives the height of the building up is the pitched roof. The proposed pitched roof from the eave to the ridge is approximately 17.8 feet. The applicant believes aesthetically the pitched roof is more desirable and consistent with the neighborhood.

VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
April 20, 2017

Mr. Esposito stated the old track will be renovated for a walking path and a boardwalk will be placed around Finan's Pond and a connection made to Green Street. It is also hoped a connection to the Heritage Trail can be made.

Chairman Stahlmann stated the concern with the height is the proximity to the Heritage Trail and the homeowners on South Street. The board asked how that elevation would look. Mr. Esposito displayed to the board a view shed cross section with elevations. He stated the site plan application will have a landscape plan which will be quite significant in addition to existing vegetation. Mr. Esposito stated the topography itself mitigates some of that concern.

Chairman Stahlmann polled the board for comments and questions.

Mr. Donovan instructed the board that the Planning Board is the lead agency for SEQR review so this board cannot take any action until they finish their environmental review. The public hearing can be closed tonight if the board wants.

Chairman Stahlmann asked between the people who live on South Street and their backyards, how much buffer is there. Mr. Esposito stated the Heritage Trail is about 12 to 15 feet from the edge of the pavement to the backyards.

Chairman Stahlmann stated the first thing for the board to consider is the length of the building and if they should interpret the garage as a building. Mr. Donovan defined "building" as a structure, extension or addition having a roof supported by things such as columns, posts, piers or walls and intended for shelter, business, housing or enclosing of persons, animals or property. Mr. Donovan stated that if the garage is deemed to be a structure under that definition, the board would have to consider granting a variance to allow for the garage.

Ms. Stroka stated the connection is underground and asked if there is any connection above ground. Mr. Esposito stated the roof of the garage will have landscaping above it so it will be green space between the buildings.

Chairman Stahlmann polled the board and asked whether they determine it to be an interpretation or variance, did the board have any problem with the space between the buildings. All members of the ZBA stated they did not have a problem with the space between the buildings.

Regarding the height of the buildings, Chairman Stahlmann polled the board. Mr. Pistone had no problem. Ms. Cookingham said aesthetically speaking she understands the height and thinks it's reasonable. Mr. Strobl stated without the height, the building would be in the flood plain and who wants to live in the flood plain. He said the renderings were nicely done and is agreeable to what he has seen. Ms. Stroka stated she had no issues and felt it was beautifully done and would be a nice addition for young people to live in since many of the younger generation do not want to live in the big, old houses that Goshen has.

Chairman Stahlmann stated for him, his rationale was this project could be built differently but it would have taken away green space, landscaping and the enjoyment of the community. He feels the height variance isn't precedent setting in any way due to the unique circumstances of this particular lot.

VOTE BY PROPER MOTION made by Mr. Strobl, seconded by Ms. Stroka, the Village of Goshen Zoning Board of Appeals moved to close the public hearing. The motion was approved unanimously.

Mr. Donovan stated there is a provision in the law that says the ZBA has 62 days to make a decision. The 62 days doesn't run until after the SEQR process is completed. In the event that the ZBA doesn't meet within 62 days after SEQR is finished with the Planning Board, he asked the

VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
April 20, 2017

applicant to waive the timeframe. Mr. Myrow stated that the applicant would waive the enforcement of that time constraint unless he gives the board 62 days' notice.

The meeting concluded at 8:00 p.m.

Wayne Stahlmann, Chair

Notes prepared by Tanya McPhee