

**VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
May 18, 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, May 18, 2017 in the Village Hall by Chair Wayne Stahlmann.

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

Members absent: Kerri Stroka

Also present: David Donovan, Esq., ZBA Attorney

Chairman Stahlmann opened the meeting with the Pledge of Allegiance.

PUBLIC HEARING OF GREEK MOUNTAIN DAIRY, 122-1-1.2

Relief Requested: An area variance where a proposed loading dock encroaches into the required 50-foot front yard setback.

An area variance of provided parking versus required parking of the bulk table.

Representing

Applicant: Peter Manouvelos, A.I.A.
LAN Associates, E.P.A.S., LLP

Mr. Manouvelos introduced himself and stated the project is also currently before the Planning Board and was referred to the ZBA. He stated there are two proposed loading docks off Dikeman Drive. The client needs these docks as access points to the interior of the facility for operations. The loading docks will be used on an as-needed basis versus a full-time basis. The loading docks are part of a proposed addition that is before the Planning Board.

The proposed loading docks are within the front-yard setback.

Mr. Donovan stated §6.1.2.3 of the code states no entrance or exit for any off-street parking area shall be located within 50 feet of any street or intersection. No off-street loading berth shall be located in any front yard.

Mr. Manouvelos stated the building itself is set at 50 feet, but a truck at the loading dock will extend out beyond the face of the building into the setback. The building is on a corner lot. Mr. Manouvelos stated the loading docks need to be located in the production area associated with the operations. Any other area is a different operational area of the building.

Mr. Stahlmann asked how a truck makes the severe turn into the dock. Mr. Manouvelos stated the truck will back into the dock eliminating the need to turn. There is enough turning radius to back into the loading dock. The overhead door is set in 12 to 15 feet from the face of the building. The applicant is also proposing to screen the loading docks from the street as shown in the landscape plan.

Mr. Stahlmann asked how often trucks will be at the loading docks. Mr. Manouvelos stated at the current operational level, two to three times a week. When fully operational it would be expected a maximum of five times a week, one truck per day.

Chairman Stahlmann polled the board for comments and questions.

**VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
May 18, 2017**

Mr. Pistone asked how long a truck is expected to be at the dock. Mr. Manouvelos stated based on a tractor trailer, three to four hours to unload and perhaps load to ship product. At no time will the truck be on Dikeman Drive during loading or unloading. Dikeman Drive only services the firehouse at this time.

Ms. Cookingham asked if there would be any interference with the firehouse operations. Mr. Manouvelos stated it will not affect the fire department at all. All trucks will be within the property of Greek Mountain Dairy.

Mr. Strobl stated he visited the site earlier today. His concern is trucks blocking fire engines in case of emergency.

The second variance requested is a parking variance. Mr. Manouvelos stated the bulk table requires 249 spaces based upon the proposed square footage of the building. The applicant is providing 108 spaces. Currently there are 25 employees and with the new facility there will be a maximum of 50 employees. There is an area designated for future parking on site plan SP21. With that area added in there will be a total of 210 spaces. There is enough parking for all the employees even with future expansion. He feels it doesn't make sense to spend money to develop additional parking that will go unused. It is not a retail business where customers come and go. The size of the facility is large but many of the operations are automated and do not require very many employees.

Mr. Stahlmann asked if there was more than one shift. Mr. Manouvelos stated currently there is only one shift that is 8 am to 5 pm. There would also be a different level of storm water management if more parking spaces were put in due to the impervious surfaces.

Chairman Stahlmann polled the board for comments and questions.

Mr. Strobl asked for clarification that entering from the parking lot is not possible due to a drop in grade. Mr. Manouvelos stated that it was correct that a drop off in grade made entering from the parking lot not feasible. The only way to access the proposed docks are from Dikeman Drive and to back into them.

Mr. Pistone asked if the production grows, would trucks ever be waiting on Dikeman Drive to enter the loading docks. Mr. Manouvelos stated the additional parking spaces in the lot would act as a waiting area should one be needed. Each loading bay also serves a different function in the production process.

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

VOTE BY PROPER MOTION made by Mr. Strobl, seconded by Ms. Cookingham, the Village of Goshen Zoning Board of Appeals moved to grant an area variance allowing two loading docks in the front yard within 50 feet of Dikeman Drive. The motion was approved unanimously.

VOTE BY PROPER MOTION made by Mr. Strobl, seconded by Ms. Cookingham, the Village of Goshen Zoning Board of Appeals moved to grant an area variance allowing for 108 parking spaces where 249 are needed based upon the bulk tables with a provision that after 18 months of completion of the addition and issuance of the Certificate of Occupancy, if the Village Engineer or Building Inspector find a problem, the applicant will reappear before the board. The motion was approved unanimously.

Public Hearing of 60 Erie Street, LLC, 106-2-116

VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
May 18, 2017

Relief Requested: An area variance from the requirements of Section R-2 zone where free-standing signs are not allowed in a residential zone.

Representing Applicant: Richard Croughan, Esq.

Mr. Donovan stated in the interest of full disclosure he lives across the street from the applicant property and did receive a notice of public hearing. If Mr. Croughan would like Mr. Donovan to recuse himself he can request to have special counsel appointed. Mr. Croughan declined and stated he believed Mr. Donovan to be fair. Mr. Donovan also stated that he believed Mr. Croughan got notice of the public hearing at 5:30 this evening and would do his best with the presentation under such short notice.

Mr. Croughan stated the applicant is seeking a variance under the R-2 zone. The application was denied by the building inspector. Mr. Donovan stated free-standing signs are not allowed in residential zones. The property is the old Garr Building. The applicant is requesting to put up a sign that would identify the tenants of the building. The drawing shows the proposed sign to be about 36 square feet, six feet tall. Mr. Donovan stated that in the commercial zone 30 square feet is allowed.

Mr. Stahlmann asked where on the property the sign is proposed. Mr. Croughan stated to his belief, in the landscaped area setback 15 feet. Mr. Donovan asked if it was proposed on Erie Street or Murray Avenue. Mr. Croughan excused himself to make a phone call to find out. Mr. Croughan stated it will be on Murray across from the Lippincott sign.

Mr. Stahlmann asked if Lippincott had a free-standing sign. It was confirmed that they did. Mr. Croughan stated that the proposed sign would then not be out-of-character with the neighborhood. Mr. Donovan stated the sign has been there a long time and they have a pre-existing non-conforming sign. It was noted St. John's Catholic Church also has a free-standing sign. The proposed sign is not internally illuminated and no spot lighting has been requested.

Chairman Stahlmann opened the meeting to public comments and questions.

Cecile Ayres, 114 Murray Avenue – Ms. Ayres stated she has lived in her residence since March of 1968. She is against the sign because Murray Avenue is a residential neighborhood. The former school that used to occupy the subject building received a variance in the 1970's for professional use. Some of the businesses that have been there over the years have not fulfilled the status of being professional. She doesn't believe the building has ever been fully occupied. She feels it is not necessary to place a large sign advertising who is in the building. Ms. Ayres feels the current tenants can do their own advertising if they so desire. She believes the lawn for the house next door should be restored as the deed reads that the property is 50 x 200 feet. She said the owners do not take care of the building.

Patricia Sherlock, 103 Murray Avenue – Ms. Sherlock is concerned with the proposed size of the sign. She questioned whether it needs to be that large. She stated the Lippincott sign is not this large. She stated if she sits on her porch she will be looking straight at this sign. She stated she would like to know exactly where it's going to be placed and that the landscaped area description is too vague. Ms. Sherlock also stated the intersection is already treacherous at times and to have another distraction there would not be prudent.

Mr. Stahlmann stated he would like to see a map or survey of the property showing exactly where the sign is proposed to be located so that the neighbor can see what is intended.

Chairman Stahlmann polled the board for comments and questions.

VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
May 18, 2017

Mr. Strobl said he would like to see where it's going to be placed and have someone stand there so that sight lines can be visualized. He wants to be able to get in his mind where it's going to be placed on that corner lot. He stated only Murray Avenue travel has a stop sign and supposedly travel up and down is Erie is at 20 miles per hour. There are busses from the school as well that add to the factors to be considered at that intersection. He also asked if the sign could be attached to the building instead. Mr. Donovan said he believes recently a sign was attached to the building on the Erie Street side.

Ms. Ayres asked why suddenly the building feels it needs to have a sign. Mr. Croughan stated there has been a change of ownership and they feel a sign would be more desirable for tenants to advertise and display their location.

Mr. Stahlmann requested that the applicant come back next month with plans showing the exact location of the sign so that the neighbors can see what is being requested.

VOTE BY PROPER MOTION made by Mr. Strobl, seconded by Ms. Cookingham, the Village of Goshen Zoning Board of Appeals moved to keep the public hearing open until plans are presented showing the exact location of the proposed sign. The motion was approved unanimously.

The continued public hearing will be held on June 15, 2017 at 7:30 p.m. in Village Hall.

Public Hearing of 2 Sayer Street, 111-17-8

Relief Requested: An area variance from the requirements of Appendix A Bulk Regulations which requires a 25-foot yard setback in the R-2 zone. The proposed covered porch only provides two feet seven inches (2' 7".)

Representing

Applicant: Robin and Mike Knoblock, owners

Mr. Knoblock stated he is almost positive a porch used to be on his house. He showed the building inspector a picture from 1910. Mr. Stahlmann stated on the Sayer Street side of the building there is a concrete pad. Ms. Knoblock stated there is already a small front porch and she is proposing a full-length porch where the concrete slab currently is for one large front porch.

Mr. Stahlmann stated this is a substantial variance. Mr. Knoblock stated that every house in his neighborhood either has a front porch or an enclosed porch. Mr. Stahlmann stated all the houses in that neighborhood were built very close together. Mr. Donovan stated it is one of the oldest portions of the Village. Mr. Stahlmann said a front porch in that neighborhood that close to the road is not out of character with the neighborhood. Ms. Knoblock said there are many houses that have porches and she would like to bring her home back to how it looked historically.

Chairman Stahlmann polled the board for comments and questions.

Ms. Cookingham asked about the existing porch. Ms. Knoblock stated she moved into the home in 1991 and that's the way it was purchased. Ms. Cookingham asked if the neighbors would have any problems. Ms. Knoblock stated she sent out the adjoiner notices and out of 11 she got back 4 and presented them to the board.

Mr. Donovan stated the home is a good distance away from the intersection of Prospect and Sayer and will not cause any sight distance issues. Mr. Pistone stated there would be more of an issue with a car parked on the road than an open porch.

VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
May 18, 2017

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

VOTE BY PROPER MOTION made by Ms. Cookingham, seconded by Mr. Strobl, the Village of Goshen Zoning Board of Appeals moved grant the area variance allowing a covered porch within the 25-foot setback. The motion was approved unanimously.

VOTE BY PROPER MOTION made by Mr. Strobl, seconded by Ms. Cookingham, the Village of Goshen Zoning Board of Appeals adjourned the meeting. The motion was approved unanimously.

The meeting concluded at 8:12 p.m.

Wayne Stahlmann, Chair

Notes prepared by Tanya McPhee