

**VILLAGE OF GOSHEN  
ZONING BOARD OF APPEALS  
May 17, 2018**

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 17, 2018 in the Village Hall by Chair Wayne Stahlmann.

Members present: Kerri Stroka (arrived at 7:36 p.m.)  
John Strobl  
Chair Wayne Stahlmann  
Susan Cookingham

Members absent: Nick Pistone

Also present: David Donovan, Esq., ZBA Attorney

Mr. Stahlmann opened the meeting with the Pledge of Allegiance

**PUBLIC HEARING**

**Application of** King Zak, GAM PROPERTIES, 122-1-11, 3 Police Drive

**Relief Requested:** Variance to permit 324 parking spaces where a minimum of 349 parking spaces is required

**Representing**

**Applicant:** Steve Esposito, RLA

There is an existing 130,000 square foot warehouse and distribution center. There was a 90,000 square foot addition showroom. Access to the facility is off Police Drive. There is an approval for a 50,000 square foot addition and they would like to add a 20,000 square foot additional along the side of the building.

The applicant is requesting a parking space variance. The code calls for parking for every 600 square feet of warehouse space and 250 square feet of office space. That requires the applicant to have a large amount of parking. The relief requested is for 25 parking spaces, which is a 7 percent variance.

The warehouse employs approximately 50 people. Mr. Esposito stated as it is right now there is an abundance of parking available.

**Chairman Stahlmann asked the board members for comment.**

Ms. Cookingham stated she had no questions.

John Strobl said he has no problem with it.

**Chairman Stahlmann asked if there was any public comment.**

There were no questions or comments from the public regarding this application.

**VOTE BY PROPER MOTION** made by Mr. Strobl, seconded by Ms. Cookingham to close the public hearing. The motion was approved by all those present 3 ayes. (Ms. Stroka was absent for the vote.)

**VOTE BY PROPER MOTION** made by Mr. Strobl, seconded by Ms. Cookingham to grant the variance to permit 324 parking spaces where a minimum of 349 parking spaces is required. The motion was approved by all those present 3 ayes. (Ms. Stroka was absent for the vote.)

**MS. STROKA ARRIVED AT 7:36 pm**

**APPLICANTS BEFORE THE BOARD**

**Application of**            **WAINCO GOSHEN 1031, LLC, 111-10-17.2**

**Relief requested:**      Request for clarification as to whether the ZBA intended to grant a variance for building type to allow one 16-unit apartment building in this zone

**Representing Applicant:**      Steve Esposito, RLA  
   Michael Blustein, ESQ

Chairman Stahlmann stated he would like to open the meeting for this application by having Attorney Donovan explain to the board the circumstances surrounding the applicant's return to the ZBA.

Mr. Donovan stated the applicant was granted a use variance for this application. When the application went back to the Planning Board it was discovered by Village Planner Kristen O'Donnell that the proposed building did not comply with the PAC zoning, nor did what was built 10 years ago on the original lot as far as allowed building types. The zone permits single-family detached homes, 2-to-4 family detached homes, townhouses (without a definition) and any combination thereof. What is proposed is a 16-unit apartment complex.

The Planning Board is requesting clarification from the ZBA as to whether the ZBA intended to grant a variance for building type to allow one 16-unit apartment building.

Ms. Kristen O'Donnell stated the Planning Board felt it would be guessing from reading the minutes and resolution because there wasn't anything specifically addressed about building type.

Chairman Stahlmann stated he remembers visual pictures of the intended structure to which Mr. Donovan stated that was true. Mr. Stahlmann stated he believed that is what the board was intending would be built when the variances were granted.

Mr. Donovan stated the board could say implicit in the granting of the variance is an area variance for building type. He stated the only issue is it is difficulty to imply that when the board didn't know it was being asked to consider building type as a variance.

Alternatively, the board could require an area variance, schedule a public hearing for next month and vote on an area variance.

Mr. Blustein stated a public hearing was held, no one from the public appeared, and he didn't understand the need for another public hearing. The board stated it is the proper procedure. Mr. Strobl stated he can't act on something that was asked for. Mr. Donovan stated to be fair, he doesn't think anyone knew the variance was needed, but since the building has yet to be constructed, the variance should be granted properly.

Mr. Esposito stated his position on this application is that the PAC designation doesn't apply. He stated he was granted a use variance which is for a non-conforming use not subject to any bulk requirements. His position is he does not need an area variance. He believes the issuance of the use variance releases the application from any of the bulk requirements.

Mr. Donovan stated this parcel across the street was part of the PAC zoning, the PAC floating zone landed on both sides of the street and one side of the street was given relief specifically from the age-restriction and left the PAC zoning in place on the lots. He believes the intention of the board and the resolution was to give relief for the same thing which is the lifting of the age restriction only on the undeveloped lot. The property was not rezoned.

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**Chairman Stahlmann asked the board members for comments.**

Ms. Cookingham asked what would happen if someone else would want to put an apartment building in the surrounding area.

Mr. Donovan stated the PAC zone is only this property in this area. The Village Board would have to land it someplace else. At this time this use is only permitted on this property.

Mr. Strobl stated he felt that since the board didn't know it had to grant a variance on the building, he believes the board's intention was to grant the variance anyway.

Ms. Stroka stated she didn't have anything different to add. She didn't know that the board had to decide on building type. She feels no one is in dispute to now grant the variance. She believes the board should go through the proper process to grant the variance.

Mr. Donovan stated the applicant should directly apply for the area variance as per Village Law without a referral from the Planning Board or Building Department. He suggests scheduling the application for public hearing for the next month.

The meeting concluded at 8:03 p.m.

Wayne Stahlmann, Chair  
Notes prepared by Tanya McPhee