

**VILLAGE OF GOSHEN  
ZONING BOARD OF APPEALS  
AUGUST 13, 2008**

The regular meeting of the Zoning Board of Appeals of the Village of Goshen was called to order at 7:30 pm on Wednesday, August 13, 2008 in the Village Hall by Acting Chair John Strobl.

Present: Garfield Clark  
Neal Frishberg  
Michael Nutt  
John Strobl

David Donovan, Attorney

Absent: Wayne Stahlman, Chair

Acting ZBA Chair John Strobl opened the meeting with the Pledge of Allegiance.

**UPON PROPER MOTION**, made by Mr. Nutt, seconded by Mr. Frishberg the minutes of the July 9, 2008 meeting of the Zoning Board of Appeals of the Village of Goshen were approved.

**PUBLIC HEARINGS**

**HAIGHT CEMETERY ASSOCIATION, 370 Main Street, 105-1-1**

Relief Requested: Variance to permit construction of a two-story building consisting of approximately 5,000 sq. ft. that will be 61 feet from the front yard lot line. The minimum front yard setback is 200 feet.

Present for the applicant: Chad Wade, Esposito & Associates

Mr. Wade presented the proof of certified mailings to the ZBA.

Mr. Strobl opened the public hearing to comment.

Village Trustee Marcia Mattheus, 10 Lincoln Ave., read a statement raising questions and expressing concerns. She noted that the proposed building is actually next to the VFW building, a pre-existing, non-conforming structure in the R-R zone and asked whether the applicant, the Haight Cemetery Association, is the owner of the mausoleum. She questioned what assurances there are that the proposed building will not be used as an office building which is not permitted in the R-R zone. While it is the applicant's intent to rent the space to other fraternal organizations, if the space is not filled, can the owner claim hardship and develop the building as an office building? she asked. If the application is approved will the Village be opening the door to office building development throughout the R-R District, noting that other applications would be entitled to equal application of the law. She said she feels the last historic entrance to the Village would be compromised and subject to other applications wanting equal variances and treatment. Ms. Mattheus said that the 23 parking spaces proposed for the side-yard of the VFW building violate the buffer zone and exceed the number of spaces mandated by the zoning. She said that the 21 space parking area proposed for behind the VFW and the proposed building create a black-topped area, unbroken with plantings and soil, that will cause run-off as it is proposed. She asked about the distances necessary to prevent development disturbances to grave sites. Ms. Mattheus said that the buffer zone along Route 207 was created with great effort and forward thinking and was done to protect the character and park-like atmosphere of the historic corridor, in perpetuity. She said she believes the proposed building is in the State Historic District and the Village of Goshen

Architectural Design District, and that if so, the application is a Type 1 action under SEQRA and no action can be taken by the ZBA until SEQRA is completed. She said the application will also have to be referred to SHIPPO for review. Ms. Mattheus asked that the application be analyzed thoroughly and with the understanding that any and all applications may request and are entitled to the same treatment.

The applicant's representative, Chad Wade, said the proposal is for construction of a two-story 5,000 sq. ft. building in line with the VFW building on a 4.32 acre site at the corner of Route 207 and Sarah Wells Trail and that the applicant is requesting a 61 ft. setback from the front yard lot line, where the minimum is 200 feet, stating that "We have reasons we feel this is a good option." He said the permitted use is Group Q for Other Annual Membership Clubs and that the Masons have an interest in it. Mr. Wade said the applicant feels that Local Law #1 was passed when the County owned the Salesian property and the 200 ft. setback was done to stop residential units next to the highway and to keep that corridor green. He said it is not an unusual change or detriment to nearby properties because it will provide a consistent setback with the rest of the Main Street Corridor. He said there are currently no buildings in conformity with the 200 ft. setback, and said even the government building doesn't comply with that setback. By putting the proposed building in line with the existing VFW building, it allows us to put the parking behind the building to hide it from Main St. and by putting the building up, we will be able to salvage more of the existing vegetation, serving as a backdrop to the new building. Very limited vegetation will be cleared, Mr. Wade said. The building can fit within the required setback, he said, but the proposed building would then be at 200 feet from the lot line when the existing building is at 60 ft. and the mausoleum is at 70 ft. and the parking will then have to be in front. He said there would then be an inconsistent streetscape considering the rest of the Main Street Corridor. Mr. Wade admitted that the variance, approximately 140 ft. is substantial, but added again that it is consistent with existing conditions. He said there won't be an adverse impact on environmental conditions because the applicant will actually be salvaging more trees by putting the building at 60 ft. He noted that the lot was created prior to Local Law #1.

Mr. Strobl told the audience that Village Law #1 requires a 200 ft. barrier in the area in front of the Salesian property and that the applicant is requesting a variance from that so that they can build closer than the 200 ft.

Mr. Wade was asked who are the principals of the Haight Cemetery Association. He said he didn't know, but that the Association currently owns the VFW building and the mausoleum. It was noted that the Cemetery Association is responsible for maintaining the property.

Mr. Donovan said that Local Law #1 of 2000 was an amendment of the bulk requirements in the zoning ordinance which means it is subject to a variance from the ZBA. The words "buffer" or "forever green" do not appear in the amendment. This will be reviewed as a front yard setback, he said.

Mr. Donovan said that the issue of whether the property is in a State Historic District has to be resolved first. If it is, the application is a Type 1 action under SEQRA which will require a coordinated review with the Planning Board. What it means for the ZBA is that the PB will need to circulate a Notice of Lead Agency and once lead agency is established, SEQRA review can commence. No board can make a determination before SEQRA is completed. The PB will have to hear back from SHIPPO. The County Planning Department will also do a 239 Review of the project because it is on a state highway. Mr. Donovan said he has confirmed that the property is in the Architectural Design District so it will also have to be reviewed by Mr. Abt.

Peter Manouvelos, of Pond Rd and Main St., said that the applicant has to define the use for the building to the public. "We could make a more intelligent decision if we knew what the 5,000 sq. ft. is going to be used for," he said. He said he agrees "if you mess

with the buffer you are opening the possibility of office buildings being built in the residential corridor.”

Mr. Frishberg said the ZBA has the authority to issue variances with provisions restricting the use of a particular building.

Nicole Becky of 359 Main St. said she is concerned about the setback being changed. It is a residential area and the owners of these older homes are trying to maintain a certain character, she said. She said she disagrees with Mr. Wade who says the character of the neighborhood will not be changed by a multi-use, 5,000 sq. ft. building. She said she is also concerned about a larger volume of traffic coming out of the site, calling it “hazardous” without a traffic light.

Mr. Donovan said that the applicant states it qualifies as a permitted use under Annual Membership Club. He said he doesn’t know what use will go in the building and that the PB has asked for a narrative as to who will be in the building, what hours, and what they will be doing.

Mr. Nutt said he also has issues and concerns about what the building is going to be used for. Mr. Wade said the applicant will get the information out on uses.

Mr. Donovan suggested adjourning the public hearing without date and sending notices again when it is reconvened.

**VOTE BY PROPER MOTION**, made by Mr. Nutt, seconded by Mr. Frishberg, the Zoning Board of Appeals of the Village of Goshen hereby adjourns the public hearing on the application of the Haight Cemetery Association without date with the intent that the neighbors will be re-notified of the adjourn date. Passed unanimously.

**JOHN AND ANDREA EGBERTSON**, 151 Murray Avenue, 104-1-13

Relief Requested: Variance to permit construction of a single-story addition that will be 12.7 feet from the side yard line. The minimum side yard setback is 20 feet.

Present for the applicant: Chris Memmelaar, Hudson Valley Remodeling

Mr. Memmelaar said the applicant will be over 7 ft. from the 20 feet setback requirement.

Mr. Frishberg asked how it relates to the neighborhood and Mr. Memmelaar said the neighbors are not that close. He said it is a corner lot and the applicant could not build the addition without the variance. Mr. Memmelaar said the lay of the house will keep in character with the existing home. He said he doesn’t see any adverse impact on the area.

Mr. Egbertson said he has shown most of his neighbors what he wants to do and there were no objections.

Mr. Strobl asked for comment from the public. There was no one in the audience to speak to the application.

Mr. Strobl said he doesn’t see any drainage problems developing.

**VOTE BY PROPER MOTION**, made by Mr. Clark, seconded by Mr. Frishberg, the Zoning Board of Appeals of the Village of Goshen hereby closes the public hearing on the application of John and Andrea Egbertson. Passed unanimously.

**VOTE BY PROPER MOTION**, made by Mr. Clark, seconded by Mr. Frishberg, the Zoning Board of Appeals of the Village of Goshen hereby grants the variance on the application of John and Andrea Egbertson. Passed unanimously.

**ADJOURNMENT**

**VOTE BY PROPER MOTION**, made by Mr. Nutt, seconded by Mr. Frishberg, the Zoning Board of Appeals of the Village of Goshen adjourns at 8:15 p.m. Passed unanimously.

John Strobl, Acting Chairman  
Notes prepared by Susan Varden