

**VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
OCTOBER 8, 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, October 8, 2008 in the Village Hall by Chair Wayne Stahlman.

Present: Michael Nutt
Wayne Stahlman, Chair
John Strobl

David Donovan, Attorney

Absent: Garfield Clark, Neal Frishberg

ZBA Chair Wayne Stahlman opened the meeting with the Pledge of Allegiance.

PUBLIC HEARING

GAM PROPERTY CORP., 17 Dikeman Drive, Section 122-Block 1, Lot 5.22

Relief Requested: Variance to permit construction of a building addition onto an existing warehouse. After construction of the proposed addition the rear yard setback will be 10 feet. The minimum rear yard setback requirement is 50 feet.

Present for the applicant: Steve Esposito

Mr. Esposito said that the owners of the property, GAM, want to expand their existing warehouse because their volume of business has increased. Most of their business is in paper products, he said. The warehouse expansion would increase its present size from 71,000 sq. ft. to 80,000 sq. ft. The applicant looked at other sites to purchase for the expansion but were not successful in purchasing nearby property. Consequently, they are asking the ZBA to grant them relief from the rear yard setback requirement on their parcel.

Mr. Esposito gave his opinion on the five factors to be considered by the ZBA when analyzing a variance request. He said he did not believe the request will change the character of the neighborhood and added that the development coverage will still be below what it should be. He said the owner cannot achieve its goal without the variance, stating they tried to do so by acquiring additional land but could not. Mr. Esposito said that the variance represents 13% of the building's square feet footage, that the setback is an interior lot line inside an Industrial Park and that the closest building to it (the Orange County Records building) is about 200 ft. between away. There is a big drainage ditch and a parking lot separating the two, he said.

Mr. Donovan told the ZBA that the same five factors apply to analyzing a variance request in an Industrial zone as in a Residential zone.

He said this request can be analyzed as an 80% change in the requirement, from the 50 ft. setback required to a 10 ft. setback. However, he said the courts have ruled that while the mathematical calculation should be looked at, the overall effect of the variance should be analyzed.

Mr. Stahlman commented that there will be at least two approaches for emergency vehicles. Mr. Nutt said he had no issue with the variance because of the situation in the rear of the property and the fact that the closest building is a distance away.

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

VOTE BY PROPER MOTION, made by Mr. Nutt, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen hereby closes the public hearing on the application of GAM Property Corp. Passed unanimously.

VOTE BY PROPER MOTION, made by Mr. Nutt, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen hereby grants the variance requested by the applicant GAM Property Corp. Passed unanimously.

MINUTES

The ZBA did not approve the minutes of the September, 2008 meeting because only two of the members who attended that meeting were present.

ADJOURNMENT

VOTE BY PROPER MOTION, made by Mr. Strobl, seconded by Mr. Nutt, the Zoning Board of Appeals of the Village of Goshen adjourned at 8:06 p.m. Passed unanimously.

Wayne Stahlman, Chairman
Notes prepared by Susan Varden