

VILLAGE OF GOSHEN
June 18, 2015

ZONING BOARD OF APPEALS

The regular meeting of the Zoning Board of Appeals of the Village of Goshen was called to order at 7:30 pm on June 18, 2015 in the Village Hall by Chairman Wayne Stahlmann.

Present: Garfield Clark
Molly O'Donnell
Wayne Stahlmann, Chairman
John Strobl
Kerri Stroka

Also Present: David Donovan, Esq., ZBA Attorney

Chairman Mr. Stahlmann opened the meeting with the Pledge of Allegiance.

OTHER BUSINESS

Goshen Central High School District; Section 103-3-2, was approved for the internally illuminated digital LED sign at the May 21st ZBA Meeting. Orange County has not yet responded.

Application of Eastgate Offices VII, LLC; 97 Route 416 Campbell Hall, NY 10916

Premises Affected: Section 123, Block 1, Lot 7; 5 Coates Drive Goshen, New York 10924.

Relief Requested: An interpretation of the Village Zoning Code as to whether a child care facility is permitted in the IP Zone.

Mr. Matta, Owner of Eastgate Offices VII, LLC is proposing an independent day care facility in the Eastgate offices location on Coates Drive. Mr. Matta explained to ZBA members that the Eastgate Offices are 126,000 square feet with over 1200 employees; a day care facility would be beneficial to many of employee's throughout the Eastgate Offices.

Chairman Mr. Stahlmann asked if the day care facility is an accessory to use by an independent company, and if that would have an impact on the traffic during the AM and PM hours. Mr. Matta doesn't think it would be an issue. It was noted that the code does not specify if an independent child care facility is allowed. Mr. Matta said it would meet all New York State regulations of daycare facilities.

ZBA members discussed the fact that it is located in the IP Zone, and had some concerns regarding the accessory of use by an independent company. Attorney Mr. Donovan referred to section 18.1 of the Village Code. Mr. Donovan discussed with members that they are there to interpret the code and to indicate whether or not a child day care facility is an accessory to principal use in which Mr. Matta proposes.

Chairman, Mr. Stahlmann, asked if there were any public comments. There was none.

VOTE BY PROPER MOTION, made by Mr. Strobl, The Zoning Board of Appeals of The Village of Goshen closes the public hearing on the application Eastgate Offices VII, LLC. Motion approved unanimously.
(Aye 5)

VOTE BY PROPER MOTION, made by Ms. O'Donnell, seconded by Mr. Strobl, The Zoning Board of Appeals of The Village of Goshen to deny the relief requested of Eastgate Offices VII, LLC for the accessory use permitted by right in the IP Zone.
(Aye 5)

Application of Goshen Realty Holdings, LLC; 400 Greenwich Avenue, Goshen, NY 10924

Premises Affected: 400 Greenwich Avenue, Goshen, New York 10924 Section 114, Block 5, Lot 10;

Relief Requested: An area variance to permit a lot coverage of 70% where 65% is the maximum allowed to permit the addition of a Dunkin Donuts with associated drive thru to the existing commercial building.

Mailing receipts were submitted to the ZBA.

Representing the applicant: Steven Esposito, Esposito & Associates

Mr. Esposito provided ZBA members with a map of the site plan for Dunkin Donuts drive thru; the applicant is seeking a 70% development coverage which is a 7.6% variance of what is permitted with the Zoning Code. The applicant is proposing a 5% increase in total development coverage, and 30% of the site to be landscaped with 7,500 square feet of green area within the Matthews Street right-of-way. Mr. Esposito discussed that it is in the DS Zone (Design Shopping Zone District) under Use Group H which permits 65% development coverage.

The property is just under an acre, the pre-existing 65% is covered by pervious paving. Mr. Esposito explained to ZBA members that the applicant has been to the Planning Board prior and is partnering with the existing Dunkin Donuts in the CVS plaza. Mr. Esposito stated that due to the hardship with the current situation at the CVS Plaza, it has caused a negative impact on their business, especially with the disarray of the parking lot and building.

Chairman Mr. Stahlmann asked if the foot print of the building would change, Mr. Esposito said no, the only configuration would be the parking and the drive-thru, which would provide 11 to 12 spaces for vehicular queuing.

Mr. Esposito said the site was a former auto repair shop, and a convenience store to a deli. One of the conditions would be taking out the existing activity of the deli, including Subway. It will be indoor seating for Dunkin Donuts. He stated it is the opinion of the Applicant that the additional 5% of coverage is not substantial and will not have an issue with the surrounding neighborhood. Mr. Esposito said the applicant presented an alternative which was reviewed by the Planning Board and The Village Engineer and was found to not be viable with the climate, it was concluded that paving the area would be significant, however, that exceeds the permitted amount allowed.

Mr. Stahlmann noted that a response was received from Orange County Planning on behalf of this application.

ZBA members discussed the impact of traffic and congestion. Mr. Strobl asked for clarification on the seating and if there would be any issue with the parking. Mr. Esposito said it would be seating for 16 people, and the parking is one space per three seats.

Mr. Stahlmann asked Mr. Cameron of Dunkin Donuts, how he feels this would impact his business opposed to being at the current location in the CVS plaza. Mr. Cameron loves the area and feels this is a great opportunity compared to the current location. He said having a drive-thru is an upside, and the Dunkin Donuts protocol is about 90 seconds per car, that's their target. He also noted that the Department of Transportation has no objection to the configuration. Mr. Cameron looks forward to this opportunity and working with the partners of the Gulf Gas Station.

VOTE BY PROPER MOTION, made by Ms. Stroka, seconded by Mr. Clark, the Zoning Board of Appeals of the Village of Goshen closes the public hearing on the application of Goshen Realty Holdings, LLC. Motion approved unanimously.
(Aye 5)

VOTE BY PROPER MOTION, made by Mr. Strobl, seconded by Mr. Clark, the Zoning Board of Appeals of the Village of Goshen grants the variance requested on the application of Goshen Realty Holdings, LLC. Motion approved unanimously.
(Aye 5)

Application of AK Equities, LLC; 289 West Main Street, Goshen, New York 10924

Premises Affected: 285-289 West Main Street Goshen, New York 10924 Section 111, Block 19, Lot 1;

Relief Requested: An area variance to permit two (2) thirty-seven (37) square foot wall-mounted facade signs on the premises where fifteen (15) square feet is the maximum allowed square footage for signage.

Representing the applicant: Steven Esposito, Esposito & Associates

Mr. Esposito represents the applicant AK Equities, on behalf of the owners Paul Leduc and his brother. Mr. Esposito demonstrated to the ZBA members the site plan for the Goshen Car Wash, which would include a 4 bay garage with auto repair services including tires and oil changes. He noted that the applicants had several site plan approvals since 2009. The new building would have the stone along the bottom of the building with the same siding as the existing building, and said the traffic would remain the same.

The location is in the CS District which permits 40 square feet per wall mounted sign, which entitles to one sign per front. He said in this matter, there are two frontages, one on Williams Street and one on West Main Street and demonstrated the site map to the board members. Mr. Esposito said the proposed signs conform to the CS, DS, and IP Zones that are outside of the ADD (Architectural Design District) and the maximum sign permitted outside is 40 square feet, the proposal is for 37 square feet.

Mr. Stahlmann asked if these would be illuminated signs, Mr. Esposito said there would be some soffit lighting, not illuminated lighting. Mr. Donovan asked if the measurements were based on the sign or the lettering. Mr. Esposito said the letters would be mounted on the side of the building. Mr. Esposito stated that the applicants have been through previous site plan approval and architectural design approval. He said the Village Consultant, Wheldon Abt reviewed the appropriate colors and materials to be used. The proposal includes landscaping on the corner of Nelson Street and West Main Street. The lettering and color would be consistent with the existing building, and it would consist of two signs one on each building. Mr. Esposito feels the request is reasonable to the context of the area and overall CS Zone.

Mr. Stahlmann commented that if we were not in the ADD district then these signs would be permissible. Mr. Donovan said that is his understanding, however, he would have to check with the Building Inspector. Mr. Donovan said although it was confirmed through the Planning Board, he asked if the signs were shown at the site plan. Mr. Esposito said no. Mr. Donovan asked if Mr. Abt had reviewed the proposed signs, and suggested that the review may be useful in this matter. Mr. Esposito explained where the wall mounting would be at the site plan, and stated he was referred by the Building Inspector.

Mr. Stahlmann asked if we approve the variance does that still make the design of the sign subject to approval. Mr. Donovan said it would be up to the board and suggested they can have it reviewed by Mr. Abt and have a report made for the next scheduled ZBA meeting.

ZBA members expressed concern with setting a precedent in issuing the variance. Ms. Stroka questioned what the architect review would determine. Mr. Donovan said he would be a resource and review the proposed signage. Mr. Esposito commented that he appears before the board for the square footage not the signage.

Mr. Stahlmann asked if we approve the variance as it is proposed to us, then they can put up a wall mounted sign the size that's approved with no restriction to what that means other than size. Mr. Donovan confirmed if the board decides to approve the request; the applicant would still have to get a Building Permit for the sign.

Mr. Stahlmann said the other option would be to keep the public hearing open until further review by Mr. Abt of Wheldon Abt, and get a report for the next meeting in July. Mr. Esposito commented that the board could grant the relief requested with conditions of the sign design being reviewed by Mr. Abt. Mr. Stahlmann stated that Goshen created a design district for a reason, and we want to make sure it is pleasing and satisfying to the district. The members agreed that it's important to set a precedent and agree on the suggestion of having it reviewed by the architect.

VOTE BY PROPER MOTION made by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen to continue to keep The Public Hearing open on the application AK Equities, LLC; until the next scheduled meeting in July and refer the matter to Wheldon Abt for his input on the proposed signage.

Gar Clark (Nay)
Molly O'Donnell (Aye)
Wayne Stahlmann (Aye)
John Strobl (Aye)
Kerri Stroka (Aye)

APPROVAL OF MINUTES – The minutes of the May 21, 2015 Zoning Board of Appeals were approved.

ADJOURNMENT- upon Motion made by Mr. Strobl and seconded by Mr. Clark, The Village of Goshen Zoning Board of Appeals meeting adjourned at 8:37 p.m.

Wayne Stahlmann, Chairman
Notes prepared by Courtney Cancellieri