

**VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
August 16, 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, August 16, 2018 in the Village Hall by Chair Wayne Stahlmann.

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

Also present: David Donovan, Esq., ZBA Attorney

Mr. Stahlmann opened the meeting with the Pledge of Allegiance

PUBLIC HEARING

Application of **Sarah Hadden, 8 Garden Terrace, 113-7-6**

Relief Requested: Variance to permit a six-foot fence in a front yard where fences of no more than four feet in height shall be permitted in front yards.

Representing

Applicant: Sarah Hadden, applicant

Ms. Hadden stated she lives on Garden Terrace. Her property is in between Garden Terrace and Ryerson Avenue. She purchased the lot that fronts onto Ryerson Avenue to extend her back yard. She plans to install a swimming pool on that lot. For privacy and safety purposes she would like to install a six-foot fence around the pool. Technically the front yard of that lot abuts Ryerson, even though she is considering it the back yard of her property.

Chairman Stahlmann asked Ms. Hadden if she had her mailings. She presented the mailings to the board.

Ms. Hadden presented the board with a survey and photographs from different vantage points to demonstrate the fence will not obstruct visibility from the street in any way.

Chairman Stahlmann asked the board members for comment.

Ms. Stroka stated she had no comments.

Mr. Strobl stated what is also there is the Carriage Hill Apartments. No houses will be affected by the fencing and in fact, will provide privacy to the applicant and safety for the public. There will be no obstruction of visibility. It's a unique set of circumstances that creates the front yard on Ryerson.

Mr. Donovan stated for the record there is also a Village prohibition to pools in a front yard. He wanted to make the board aware and possibly deem the application amended to include the allowance of a pool in a front yard as well in the consideration of the variance.

Neither Ms. Cookingham nor Mr. Pistone had any additional comments.

Chairman Stahlmann noted there was no one from the public present at the hearing.

VOTE BY PROPER MOTION made by Ms. Stroka, seconded by Mr. Strobl to close the public hearing. The motion was approved unanimously.

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VOTE BY PROPER MOTION made by Ms. Stroka, seconded by Mr. Strobl to amend the application to include a variance to allow a swimming pool in a front yard and grant a variance to permit a six-foot fence in a front yard where only four-foot fencing is allowed. The motion was approved unanimously.

CORRESPONDENCE

RE: YIDEL REALTY WAREHOUSE (117-1-1.22)

The above-referenced applicant appeared before the planning board on July 24, 2018 seeking site plan approval for the construction of a fully-enclosed 500,000 +/- square foot warehouse and 24,900 +/- square feet of office space with requisite site improvements including parking, infrastructure, lighting and associated parking. The proposed building exceeds the maximum building height permitted in the IP Zoning District. In addition, the site will not have the required parking spaces. Therefore, the planning board has asked the application to be referred to the Zoning Board of Appeals for consideration of the following area variances:

- An area variance permitting a building height to exceed the 35 feet permitted by code;
- An area variance permitting 453 parking spaces where a minimum of 920 spaces is required.

The planning board has not yet closed out SEQRA. Because of significant traffic issues need to be resolved, the planning board requests the Zoning Board of Appeals withhold action until it does so.

RE: Matta Subdivision, Horseshoe Court, 124-2-2.2 & 124-2-2.142, R-1 Zone

Background

The above-referenced applicant appeared before the planning board on July 24, 2018 proposing the merger of tax map lots 124-2-2.142 and 124-2-2.2. This merger constitutes an amendment to the approved Murphy Subdivision. Lot 2.142 was one of five lots created by the Murphy subdivision. Access to all homes in the Murphy subdivision was to be from Horseshoe Court. Lot 2.142 has no other frontage. Lot 2.2 was not part of the Murphy subdivision. It is improved by a single-family home having its driveway access onto Scotchtown Avenue.

The Amended Subdivision Application

The applicant now proposes to amend the Murphy subdivision by carving a 50-foot strip out of lot 2.2 and attaching that strip of land to lot 2.142 (the Murphy subdivision lot). The strip runs along the northwest side of lot 2.2 and, when attached to lot 2.142, will give that lot frontage on both Horseshoe Court and Scotchtown Avenue. The applicant desires to build a house on lot 2.142 and to construct a driveway along the attached strip, amending the original approval.

The issue presented to the Zoning Board of Appeals

The applicant proposed driveway access to Scotchtown Avenue. In this configuration, the 100-foot lot width requirement (measured at the required minimum front yard depth of 30 feet) is not satisfied. The applicant argues that lot width is achieved when measured at the setback from Horseshoe Court. The Planning Board finds this argument strained and has directed that the application be referred to the ZBA for an interpretation on whether lot width is satisfied in this configuration. This issue is important because driveway grades between the street and the setback line may not exceed 10 percent under village code. The minimum width, due to the now-proposed flag lot configuration, cannot be achieved until 400 feet back from Scotchtown Avenue.

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and the proposed driveway far exceeds the minimum 10 percent grade. It is such a long driveway with unsatisfactory grades that the village code seeks to prohibit.

DISCUSSION

RE: Fiddler's Green, 115-1-5, R-3 Zone

The board discussed the circumstances surrounding this project and the possibility of re-opening the public hearing on the said application since the ZBA was unable to take any action back in February of 2017. Mr. Donovan stated a lot more information has been developed since that time at the planning board level. His opinion is that the ZBA would want to re-open the public hearing. He stated that the applicant will probably push not to.

Chairman Stahlmann stated he will write a letter to the planning board and copy the applicant setting the record straight that the public hearing was over a year ago to present their proposal. The Zoning Board of Appeals did not formally vote at that time. When the time comes for a formal vote the board will give the applicant a fair hearing.

ADJOURNMENT

VOTE BY PROPER MOTION made by Ms. Stroka, seconded by Mr. Strobl to adjourn the meeting. The motion was approved unanimously.

The next scheduled meeting of the Zoning Board of Appeals is September 20, 2018.

The meeting concluded at 7:53 p.m.

Wayne Stahlmann, Chair
Notes prepared by Tanya McPhee