

**Town of Goshen Zoning Board Meeting
Town Hall
41 Webster Avenue
Goshen, New York 10924**

October 1, 2019

Members Present:

Ed Garling, Chairman
Trino Canton
Phil Canterino
Richard Florio
Robert Farfalla

Also Present:

Ashley Torre, ZBA Attorney
Neal Halloran, Building Inspector

The Zoning Board Meeting was opened with the Pledge of Allegiance at 7:30 pm by Chairman Edwin Garling.

Public Hearing

Authentic Antique Lumber 18-2-5 on 2.752 +/- acres located at 1962 NYS Route 17A in the HC district. The applicant is requesting area variances from the minimum side yard setback of 30 feet required under Town Code §97-14(A) to move two existing storage sheds to 7 feet from the southern property line, and for an existing storage trailer located 9.2 feet from the northern property line.

VOTE BY PROPER MOTION, made by Mr. Canterino and seconded by Mr. Florio, the Town of Goshen Zoning Board moved to open the public hearing for applicant Authentic Antique Lumber. Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

Karen Emmerich, Lehman & Getz Engineering, appeared for applicant. Ms. Emmerich reviewed the project with the Board.

Chairman Garling asked if anyone was present from the public. There was no response.

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mr. Canton, the Town of Goshen Zoning Board moved to close the public hearing for applicant Authentic Antique Lumber. Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

Whereupon, there was a discussion on moving the trailer located on the property.

31 Gate Schoolhouse Road 12-1-85.1 on 14.58 +/- acres located along Route 17M and Gate Schoolhouse Road in the HC and CO districts. The applicant is requesting two area variances in connection with the proposed construction of a 53,500 SF warehouse. Variances are sought from (1) the requirement to place buildings in front of parking lots under Town Code §97-14(D)(1)(b); and (2) the minimum distance between curbs cuts required under Town Code §97-14(D)(6).

VOTE BY PROPER MOTION, made by Mr. Canterino and seconded by Mr. Farfalla, the Town of Goshen Zoning Board moved to open the public hearing for applicant 31 Gate Schoolhouse Road. Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

Jay Samuelson, Engineering Properties, appeared for the applicant. Mr. Samuelson reviewed the project.

James Leo owner of Ward Brothers, adjacent to the property, requested the variances be explained to him and see where the warehouse is set. He was concerned about the well.

Steve Betancourt, Ruth Court, asked what type of warehouse and how high it was.

Mr. Samuelson responded they were proposing 35 feet in height, and 100 feet from back line lot, and it is screened with a wooded buffer. There is no tenant at this time and it's built on specs.

Gabriel Previllon, Ruth Court, was concerned with noise pollution, animal displacement and fencing issues.

Mr. Samuelson responded the noise issue will be discussed with the planning board, the property is 14 acres and the disturbance will be less than five, and they are not proposing any fencing at this time.

Chairman Garling asked if there was any more questions from the public.

No comment from the public.

Attorney Torre stated this was a type 1 action, planning board is lead agency, and the zoning board would take no action until the planning board completed SEQRA. .

Genevieve Trigg, Whiteman, Osterman & Hanna, LLP, for applicant, stated it was their position the variances were not required, and they applied for them in an abundance of caution. It is her position if there not needed that would not be a determination subject to SEQRA and they can proceed with the planning board.

Attorney Torre stated it would be an action of the board to make the determination, which would basically be an interpretation. That is a determination the board would have to make as part of the whole action and would require the planning board to complete SEQRA.

Chairman Garling stated the applicant should come back once SEQRA is completed.

Whereupon, there was a discussion on how the applicant should move forward.

VOTE BY PROPER MOTION, made by Chairman Garling, seconded by Mr. Canton, the Town of Goshen Zoning Board moved to close the public hearing for applicant 31 Gate Schoolhouse Road. Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

RDM Goshen 17M 12-1-116 on 61 +/- acres located along Route 17M in the CO district. The applicant is requesting four area variances in connection with its proposed subdivision and construction of a 300,000 SF warehouse. Variances are sought from (1) the requirement to place buildings in front of parking lots under Town Code §97-14(D)(1)(b); (2) the minimum distance between curb cuts required under Town Code §97-14(D)(6); and (3) the maximum footprint for nonresidential structures permitted under Town Code §97-14(A); (4) the maximum height permitted under Town Code §97-14 (A).

VOTE BY PROPER MOTION, made by Mr. Florio and seconded by Mr. Canterino, the Town of Goshen Zoning Board moved to open the public hearing for applicant RDM Goshen 17M. Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

Jay Samuelson, Engineering Properties, appeared for the applicant. Mr. Samuelson reviewed the project.

Brad Barnhorst, Maple Avenue, stated the current code allows for a 200,000 square foot warehouse and this one is 50% larger. Asked if the Town had any other structures that have significantly exceeded the zoning code similar to this.

Mr. Halloran responded possibly Science of the Soul.

Genevieve Trigg, Esq., stated that the project is in the CO Zone but the HC district surrounds it. The HC district allows for 45 feet maximum height. There are other large facilities nearby.

Mr. Halloran stated that in the HC it is a maximum of 40,000 square feet.

Attorney Torre stated the board is waiting for SEQRA and the project is referred to the County.

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mr. Canton, the Town of Goshen Zoning Board moved to close the public hearing for applicant RDM Goshen 17M.

Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

Approval of Minutes

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mr. Canterino, the Town of Goshen Zoning Board moved to approve the September 17, 2019 minutes. Approved unanimously with one abstention.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Abstained	Mr. Farfalla	Aye
Mr. Florio	Aye		

VOTE BY PROPER MOTION, made by Mr. Canterino, seconded by Mr. Farfalla, the Town of Goshen Zoning Board moved to close the meeting. Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

Meeting adjourned at 8:40 pm