

**ZONING BOARD OF APPEALS**  
**TOWN OF GOSHEN, ORANGE COUNTY , NEW YORK**

**MINUTES OF THE MEETING FOR**  
**NOVEMBER 25, 2003**

**Members Present:**

Donna Roe, Chairwoman  
Trino Canton  
Robert Farfalla  
Priscilla Gersbeck  
Dawn Santoro

**Also Present:**

Brian Morgan, Esq.  
Neal Halloran, Bldg. Inspector



**I. Call to Order**

Chairwoman Roe called to order the November meeting of the Town of Goshen Zoning Board of Appeals at 7:30 p.m. It was noted that the December Zoning Board of Appeals work session will be at 7:30 p.m. on December 17, 2003; the regular meeting on December 23, 2003 at 7:30 p.m.; and the filing deadline for applications would be December 10, 2003.

**II. Public Hearing**

**ASU Associates Inc. - Upper Magic Circle, 6-4-6.3, 6.4, & 6.5; area variance of §280-A, access for 2 subdivision lots from a third, in an SR 2.5**

Mr. Ischa Nagar, owner of the property, was in attendance with Mr. Gary Rich, surveyor. Mr. Rich explained that he “came into this late” and did not prepare the plans (only did foundation location). Mr. Nagar provided Chairwoman Roe with proof of mailing. Mr. Rich stated that two lots are only allowed over an easement and Mr. Nagar is asking for a third. To Mr. Rich’s knowledge, the only access to the lots is up the single driveway as it was built and providing an easement for each lot.

Chairwoman Roe asked if Mr. Rich had performed a site visit before he had staked out the houses. Mr. Rich said that he had performed a site visit and provided Chairwoman Roe with foundation locations showing all three lots and existing gravel driveway. These foundation locations were not presented to the Town for the building permit. Chairwoman Roe asked Mr. Nagar who obtained the building permits for him. Mr. Nagar replied that he had purchased the property with a permit. The property was purchased sometime before August.

Ms. Gersbeck questioned the distance of the house on Lot #2. Mr. Rich stated he could move the easement down 20 ft. (it is currently at 12 ft.). It would be hard to move the roadway because it is all rock. Mr. Rich could not answer Ms. Santoro’s question of why the house was not pushed back further.

Chairwoman Roe asked for the percentage of construction that has been completed on the houses. Mr. Nagar stated that the first two houses are after the rough electric and the third house is in rough plumbing. The houses are up. Mr. Farfalla asked what the septic was for these houses. Mr. Nagar replied water and sewer.

Chairwoman Roe referred to the declaration of the purchase of property as February of 2003. Autumn Sky sold the property to Frank Finney, who sold the property to Mr. Nagar. Mr. Nagar was aware that there would be a common driveway during the purchase of the property.

Mr. Nagar was presented with a memorandum from the Town Engineer. Chairwoman Roe and Ms. Santoro also did a site visit. Ms. Santoro expressed her concern about the property being very steep. Mr. Rich stated that a guard rail could be provided. According to the memorandum, the Town Engineer would like to see a more formal plan regarding erosion settlement control, driveway, geometrical profile, and cross-section showing materials to be used to prevent from going over the bay at the front of the property. Chairwoman Roe stated that the Board would like to see this as well.

Chairwoman Roe asked if the Board had any questions. Mr. Morgan asked if there is an original subdivision plat for this property. Mr. Halloran replied yes. There was no driveway cut on the original site plan. An erosion settlement control is not normally addressed by Mr. Halloran, but he can have the Town Engineer address it. Mr. Halloran did not know if the Planning Board is aware of the application and changes.

Mr. Morgan suggests that the slope does not permit normal driveway configurations. Before making a final decision, the Board should see what the Town Engineer signs off on. If the Board thinks it is appropriate, then they can take action on the variance. Mr. Morgan also suggests that the Board can ask the Planning Board Chairman if the Planning Board would like to exercise jurisdiction.

Chairwoman Roe would like communication from the Planning Board and to see the easement as far away from the house as possible. Chairwoman Roe questioned the front entry of the garage located on Lot #2 in which a driver would be backing out of the driveway into the traffic line. Ms. Santoro mentioned that there is no room for error due to the steep hill. Mr. Farfalla suggested the stopping of work until the Board receives more information.

Ms. Gersbeck asked if there was any room on the side line to put a side garage. Mr. Rich said there is not really any room (23.9 ft.). The easement is 25 ft. wide and 12 ft. from the front of the house. Ms. Gersbeck also asked if there was any tree-line. Mr. Rich and Mr. Nagar replied that the land is flat at that level and clear (no tree-line).

Chairwoman Roe asked if anyone in the audience had any questions regarding this application. Ms. Dolores Rodstrom of 1 Goodtime Court questioned a car being able to pass while a car is backing out of the driveway. Mr. Rich replied that one car would have

to wait due to the narrowness of the road. A resident of Magic Circle Drive asked if a catch basin would be installed at the top of the road to control the amount of the water that comes down during the winter time. Mr. Halloran explained that this concern would be addressed by the Town Engineer. Chairwoman Roe stated it appears that the next hearing will be open to the public and residents would be able to review the proposed plan regarding this matter. Mr. Richard Rodstrom of 1 Goodtime Court also expressed his concern regarding the amount of rain that comes down the street. Water collects and floods over the curb; a Roto-Rooter is needed to fix it. In the original plan of Hambletonian Park, there were two catch basins on both sides, but they were never put in. A clogged catch basin at the corner of the road was also mentioned in which Mr. Halloran asked for a letter in order to address this matter.

Chairwoman Roe stated that the Board expects to see the storm water issues and erosion grades addressed in the next plan. Chairwoman Roe asked if there were any further questions from the Board or the audience. There were none.

Chairwoman Roe asked if there was a motion to continue the Public Hearing. Ms. Gersbeck made a motion to continue the Public Hearing. Ms. Santoro seconded the motion. All in favor. Aye. Motion carried.

### **III. Topic**

#### **Robert Sardino- An rear yard setback variance from Section 97-64 from 150 ft. to 15 ft., located on 62 Old Chester Road, in an AR-1 Zone: Tax Lot No. 11-1-13.**

Mr. Sardino was in attendance with Mr. Peter Giordano's brother. Mr. Sardino stated that the proposed barn is 25 ft. from the property line in the rear and at least 300 ft. from the side property. Chairwoman Roe stated she needs an accurate reading of how far the barn is from the property Mr. Giordano's house is sitting on. Mr. Sardino gave the approximate distance of 300+ feet.

Chairwoman Roe asked why the barn could not be moved. Mr. Sardino stated Ms. Gersbeck has seen his property and its layout. The property noted is the only possible location for the barn and where the land is actually flat. Past the proposed barn location, the property drops and is very wet. Chairwoman Roe asked to be provided with a drawing including Mr. Giordano's property location. Chairwoman Roe also stated that the Board is looking for a variance of 125 ft.

Originally, Mr. Sardino had wanted the proposed barn at 15 ft., but Mr. Giordano agreed to 25 ft. Mr. Sardino explained that he needed an answer as soon as possible due to the weather conditions. He has animals on his property now being housed in two running sheds.

Mr. Farfalla suggested turning the barn to be parallel with the property line in order to get more footage. Chairwoman Roe stated she would like to see the barn as far as possible

from the line. Mr. Sardino stated that 50 ft. would be the furthest distance in order to get enough space and not destroy every paddock. The fencing and paddocks are not shown on the map provided. Horses would be running on the upper side.

Ms. Santoro asked if Mr. Sardino had a barn design. Mr. Sardino does have a barn design, but it was in his office. The proposed barn would have fourteen stalls. Ms. Santoro stated her concern of being able to have access for a trailer to reach the barn door. Straightening the barn would allow more access for a trailer.

Mr. Sardino stated that he has an architect, Phil Hicksbe, working on the barn. Chairwoman Roe stated that the Board would like a site map, the barn turned to get it as far as possible from the rear property line, and sketch of the proposed building. Mr. Sardino stated that he could have these documents by tomorrow. Ms. Santoro asked what would be put into the barn. Mr. Sardino replied there would be no septic, just wash stalls.

Chairwoman Roe asked the Board for their availability for a special meeting for the first week of December. Ms. Santoro, Ms. Gersbeck and Mr. Canton would be available, but Mr. Farfalla and Mr. Morgan would not be able to attend. Mr. Morgan could arrange for another attorney to be present at the special meeting.

Mr. Sardino stated that he will have a surveyor set forth the farthest distance possible for the proposed barn. Chairwoman Roe stated that Mr. Sardino must have a professional picture of the proposed barn and site map. Chairwoman Roe scheduled a special meeting regarding this matter for Tuesday, December 2, 2003 at 7:30 p.m.

Chairwoman Roe asked if there was a motion to continue for a special meeting. Ms. Gersbeck made a motion to continue to a special meeting. Ms. Santoro seconded the motion. All in favor. Aye. Motion carried.

#### **IV. Topic**

**John Pellegrino & Jacqueline Sculley - 8-1-8.1 for a variance from 150 feet to 123.6 feet, §97-64 Bulk and parking schedule and/or a variance from the definition of lot width as being at the required set back distance from the road §97-2, located on the west side of Knoell Road, approximately 200 feet south of Craigville Road, in an AR-1 zone, S.B.L. 8-1-8.1**

Chairwoman Roe recalled the Sculley application from a previous work session in March for a flag-light application. The location was modified by flipping the proposed smaller lot to the other side and a dedicated town road was suggested for access to the second lot.

Chairwoman Roe stated that the Board has suggested that the Planning Board look at this application. Ms. Gersbeck made a motion to send this application to the Planning Board. Mr. Farfalla seconded the motion. All in favor. Aye. Motion carried.

## **V. Adjournment**

Ms. Gersbeck made a motion to adjourn the November 25, 2003 Zoning Board of Appeals meeting at 8:45 p.m. Ms. Santoro seconded the motion. All in favor. Aye. Motion carried.

Respectfully Submitted,

Lisa Alvarado, Secretary

Date Approved: