

**Town of Goshen Zoning Board Meeting  
Town Hall  
41 Webster Avenue  
Goshen, New York 10924  
January 23, 2024**

**Members Present:**

Thomas Burnham, Chairman  
Samuel Bergsohn  
Kenneth Banghart, Alternate Participating  
James Barrett  
Robert Farfalla

**Also Present:**

Rory Brady, Esq., ZBA Attorney  
Frank Leva, Building Inspector  
Grace Avagnano, Planning & Zoning Clerk

**Members Absent:**

Trino Canton

The meeting of the Town of Goshen Zoning Board of Appeals was opened with the Pledge of Allegiance at 7:30 pm.

**Approval of Minutes**

**VOTE BY PROPER MOTION**, made by Mr. Barrett, seconded by Mr. Farfalla, the Town of Goshen Zoning Board of Appeals approved the minutes of the January 3, 2023 meeting as prepared. Approved unanimously.

Chairman Burnham	Aye	Mr. Banghart	Aye
Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Farfalla	Aye		

**Public Hearing**

**Empire Solar - 7 Vetri Road – 14-28-8:** Applicant seeking seeks two (2) variances for ground mounted solar panels as per Town Code 97-55C(2)(b)[1].

- Proposed surface area size of array exceeds the maximum aggregate area of 750 square feet
- Panels are to be placed on a parcel less than one (1) acre in size (0.998599)

**VOTE BY PROPER MOTION**, made by Mr. Barrett, seconded by Mr. Farfalla, the Town of Goshen Zoning Board of Appeals opened the public hearing. Approved unanimously.

Chairman Burnham	Aye	Mr. Banghart	Aye
Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Farfalla	Aye		

Courtenay Roberts, present for Empire Solar.

There were no members of the public present who wished to speak.

**VOTE BY PROPER MOTION**, made by Mr. Bergsohn, seconded by Mr. Banghart, the Town of Goshen Zoning Board of Appeals closed the public hearing. Approved unanimously.

Chairman Burnham	Aye	Mr. Banghart	Aye
Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Farfalla	Aye		

Attorney Brady reviewed the Five-Factor Balancing Test with the Board regarding the proposed surface area size of array exceeds the maximum aggregate area of 750 square feet.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Chairman Burnham	No	Mr. Banghart	No
Mr. Barrett	No	Mr. Bergsohn	No
Mr. Farfalla	No		

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Chairman Burnham	Yes	Mr. Banghart	No
Mr. Barrett	Yes	Mr. Bergsohn	No
Mr. Farfalla	No		

Chairman Burnham and Member Barrett state the roof was an option for the solar mount.

3. Whether the requested area variance is substantial.

Chairman Burnham	No	Mr. Banghart	Yes
Mr. Barrett	No	Mr. Bergsohn	Yes
Mr. Farfalla	Yes		

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Chairman Burnham	No	Mr. Banghart	No
Mr. Barrett	No	Mr. Bergsohn	No
Mr. Farfalla	No		

5. Whether the alleged difficulty was self-created.

Chairman Burnham	Yes	Mr. Banghart	Yes
Mr. Barrett	Yes	Mr. Bergsohn	Yes
Mr. Farfalla	Yes		

Attorney Brady polled the Board as to whether to grant this requested area variance.

Chairman Burnham	Yes	Mr. Banghart	Yes
Mr. Barrett	Yes	Mr. Bergsohn	Yes
Mr. Farfalla	Yes		

The Board stated the roof-mounted panels would have created a subpar solar gain for the applicant.

Attorney Brady reviewed the Five-Factor Balancing Test with the Board regarding the solar panels are to be placed on a parcel less than one (1) acre in size (0.998599)

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Chairman Burnham	No	Mr. Banghart	No
Mr. Barrett	No	Mr. Bergsohn	No
Mr. Farfalla	No		

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Chairman Burnham	No	Mr. Banghart	No
Mr. Barrett	No	Mr. Bergsohn	No
Mr. Farfalla	No		

3. Whether the requested area variance is substantial.

Chairman Burnham	No	Mr. Banghart	No
Mr. Barrett	No	Mr. Bergsohn	No
Mr. Farfalla	No		

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Chairman Burnham	No	Mr. Banghart	No
Mr. Barrett	No	Mr. Bergsohn	No
Mr. Farfalla	No		

5. Whether the alleged difficulty was self-created.

Chairman Burnham	Yes	Mr. Banghart	Yes
Mr. Barrett	Yes	Mr. Bergsohn	Yes
Mr. Farfalla	Yes		

Attorney Brady polled the Board as to whether to grant this requested area variance.

Chairman Burnham	Yes	Mr. Banghart	Yes
Mr. Barrett	Yes	Mr. Bergsohn	Yes
Mr. Farfalla	Yes		

**Items for Discussion/Action -**

**IWS – 12-1-21.21:** The applicant is requesting a variance for the side yard setback of 35.3 feet for the proposed accessory structure (50,000-gallon water storage tank).

Engineer Christine Thorndal present for applicant.

Engineer Thorndal stated applicant is requesting relief from the required 50-foot side yard setback for the proposed accessory structure, asking for 35.3 feet from side yard setback.

Whereupon the Board discussed the placement of the tank, proximity to the Heritage Trail, and fire suppression being the reason for the water storage tank.

**VOTE BY PROPER MOTION,** made by Mr. Barrett, seconded by Mr. Banghart, the Town of Goshen Zoning Board of Appeals set a public hearing for February 6, 2024 at 7:30 pm or as soon thereafter as can be heard. Approved unanimously.

Chairman Burnham	Aye	Mr. Banghart	Aye
Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Farfalla	Aye		

**Cannon Hill Flex – 12-2-43:** Requesting multiple variances:

- Minimum front yard setback to state road is 200 ft - requesting to allow 75 ft
- Parking shall be placed behind buildings - requesting parking allowed along southern & western side of building
- Continuous green landscape buffer shall be maintained along road with bike paths and sidewalks withing buffer - requesting relief of construction of bike

paths/sidewalks

- Minimum distance between curb cuts is 600 ft. - requesting 2 on-site cuts within 120 ft of each other

Engineer Joe Pfau present for applicant.

Engineer Pfau presented the requested area variances to the Board.

Whereupon the Board discussed the Environmental Review Board's comments provided to the Planning Board, consideration of a turn lane on 17M, berm wrapping around the westerly side and easterly side, mirror the building orientation, the blocking of the loading areas, and consideration of an alternative plan.

Engineer Pfau stated he would review the Environmental Review Board comments. Consideration of all four variances is preferred but would consider an alternate plan with only two variance requests for front yard and parking.

Whereupon the Board discussed the code regarding sidewalks and the merits thereof.

Attorney Brady would review prior projects in the vicinity and the historical sidewalk requirements.

**VOTE BY PROPER MOTION**, made by Mr. Barrett, seconded by Mr. Banghart, the Town of Goshen Zoning Board of Appeals set a public hearing for February 20, 2024 at 7:30 pm or as soon thereafter as can be heard. Approved unanimously.

Chairman Burnham	Aye	Mr. Banghart	Aye
Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Farfalla	Aye		

**Adjournment**

**VOTE BY PROPER MOTION**, made by Mr. Banghart, seconded by Mr. Barrett, the Town of Goshen Zoning Board of Appeals moved to adjourn the meeting. Approved unanimously.

Chairman Burnham	Aye	Mr. Banghart	Aye
Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Farfalla	Aye		

Meeting adjourned at 9:01 pm