

TOWN OF GOSHEN
Zoning Board of Appeals
September 15, 2015

Members Present:

Frank Leva, Chairman
Priscilla Gersbeck
Trino Canton
Bob Farfalla

Also Present:

Kelly Naughton, Esq., ZBA Attorney
Neal Halloran, Building Inspector
Tanya McPhee, ZBA Secretary

The ZBA meeting was opened at 7:30 p.m. by Chairman Frank Leva.

Orange County Fellowship Church – Tax Map 11-1-100.2

Site plan and special permit application for a religious use on 7.12 +/- acres on Duck Cedar and Old Chester Roads in the RU District with AQ-6, Floodplain & Ponding Area, Stream Corridor and Water Supply Watershed and Scenic Road Corridor Overlay Districts.

Representing the applicant:

Jay Myrow, Esq.
Anthony Trochiano, Pietrzak & Pfau
Reverend Shellie Sampson

Jay Myrow introduced himself to the Board. He stated that there is an application in before the Planning Board to build a church for the fellowship. A number of issues have been worked through with the Planning Board. In June the applicant knew they may need a variance and asked Neal Halloran for an interpretation for what may be needed. What is needed is a requirement in the RU Zone that in small scale development the bulk requirements limit maximum impervious coverage to 10 percent. The plan as it stands covers approximately 33 percent of the area.

Mr. Myrow stated the applicant is either before the ZBA for an interpretation or an area variance as to whether or not the 10 percent coverage actually does apply to the proposed development or to seek a variance from the 10 percent requirement if it does apply. Mr. Myrow stated that in the RU Zone §97-19c small scale developments are described and defined as a development of no more than four (4) new residential lots.

Neal Halloran previously rendered the interpretation that this project, based on prior subdivisions, should be considered a small scale development and the regulation should apply. Mr. Myrow's position is that the regulations in the use tables of the RU Zone state that religious uses are permitted as a specially permitted use. He said there are no separate regulations anywhere in the code that set forth bulk regulations for building a church.

Mr. Myrow stated that the proposed project is a non-residential development and the 10 percent standard is a residential standard. It is a low threshold for impervious materials that bears no

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relation to what would be expected in a commercial development. In other code districts in the Town, commercial developments allow up to 70 percent.

Anthony Trochiano stood before the Board and gave a brief description of the project. The property is located off of Old Chester Road and Duck Cedar Road near the intersection of 17M. On the southern boundary of the project is Heritage Trail. The eastern side of the property is the Otter Kill. Mr. Trochiano stated all of the overlay districts on the site. The proposed project is for a 410 seat-church, along with a 70 seat youth room, classroom space, office space and storage space. They are also proposing potential future expansion for a multi-purpose room. There will be parking facilities associated with the church, a proposed carriage house for an on-site caretaker, storm water facilities, and a gravel parking area that is within the floodplain area.

The Board was polled for questions and comments. Chairman Leva asked Neal Halloran about the history of the subdivision before this point in time. Trino Canton asked if this church was associated with the one further up the road with the trailers. That is the applicant's current facility. Entrance and egress was discussed. Chairman Leva stated the site was a sensitive area in terms of asphalt parking and oils. He stated there were ways to make some of that area pervious. Bob Farfalla inquired about the plan for runoff. Mr. Trochiano stated a bio retention facility and explained how that works. The Board asked questions of the Reverend. The allowed bulk regulations of other zones were discussed.

Mr. Myrow pointed out a conflict in the bulk table on the map, that conflicts with the below calculation. The 38.7 is the correct calculation not the 33 percent. Mr. Myrow asked that the Board please amend the application to reflect 38.7 as what is needed.

Kelly Naughton stated this application is before the Planning Board. The Planning Board has declared their intent to be lead agency for SEQRA. Involved agencies include the ZBA, the DEC and the Department of Health and it is a Type I action. The ZBA cannot act until SEQRA has been completed by the Planning Board.

VOTE BY PROPER MOTION, made by Mr. Canton, seconded by Bob Farfalla, the Town of Goshen Zoning Board of Appeals sets a public hearing on the variance application of Orange County Fellowship Church for October 20th, 2015. Approved unanimously.

Mr. Leva	Aye
Mr. Canton	Aye
Mr. Farfalla	Aye

Note: Priscilla Gersbeck left before the vote was taken.

VOTE BY PROPER MOTION, made by Bob Farfalla, seconded by Trino Canton to adjourn the Town of Goshen Zoning Board of Appeals meeting at 8:15 p.m. Approved unanimously.

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Mr. Leva	Aye
Mr. Canton	Aye
Mr. Farfalla	Aye

Respectfully submitted,

Tanya McPhee
ZBA Secretary