

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

**MINUTES OF THE MEETING FOR  
SEPTEMBER 23, 2003**

**Members Present:**

Donna Roe, Chairwoman  
Robert Farfalla  
Priscilla Gersbeck  
Dawn Santoro  
Michael Wilson

**Also Present:**

Brian Morgan, Esq.  
Neal Halloran, Bldg. Inspector



**I. Call to Order**

Chairwoman Roe called to order the September meeting of the Town of Goshen Zoning Board of Appeals at 7:30 p.m. It was noted that the October Zoning Board of Appeals work session will be at 7:30 p.m. on October 12, 2003; the regular meeting on October 28, 2003 at 7:30 p.m.; and the filing deadline for applications would be Wednesday, October 8, 2003.

**II. Public Hearing - continued**

**Buchheit-Ward, Marie Louise - An area variance from Section 97-63.3 B.(1), B.(2), B.(3)(a)(1) and (c) for a lot size variance from 4 acres to 2.7 acres, lot frontage from 300 ft. to 286 ft., rear yard from 100 ft. to 50 ft., one side yard from 100 ft. to 50 ft. and a waiving of the requirement for a marginal access road, located on Route 17A in an Industrial Zone with a PBD Overlay: Tax Lot No. 18-2-1.**

Laura Mosher of Lanc & Tully, P.C., was in attendance and representing the applicant. Ms. Mosher asked if the Board had received any correspondence from the Planning Board. Mr. Halloran stated no, but that the Planning Board had become Lead Agency. Chairwoman Roe stated that this application is before the Planning Board at the present time and asked if there was a motion to continue the Public Hearing. Mr. Wilson made a motion to continue the Public Hearing to the next meeting that will be held on October 28, 2003; Mr. Wilson seconded. All in favor. Aye. Motion carried. Ms. Santoro seconded the motion. All in favor. Aye. Motion carried.

**III. Public Hearing**

**Lawless, Joseph and Tammy - An area variance from Section 97-65 (B)(4)(c) for an oversized swimming, located on 1 Spruce Hill Lane, in an AR-1: Tax Lot No. 18-1-119.**

Mr. and Mrs. Lawless were present, along with the pool contractor Richard Williams of Crystal Pools. Proof of certified, return receipt mailings were presented to the Board. Mr. Lawless went on

to explain that one section of the pool is a 3 ft. deep area for water sports and children. The L-shaped section is for diving. The total area of the pool is 1,080 sq. ft. and the Town code only allows 800 sq. ft. Mr. Williams explained that the pool is the smallest one allowed for the deep end and is the closest point of the pool to the house is 38 ft. Chairwoman Roe asked about the side yard distance and Mr. Williams stated that the property is quite large and the one side yard is 97.6 ft., and the other side is 94.3 ft. which abuts Reservoir Road. The rear setback is 129.8 ft. which has a buffer of trees. Chairwoman Roe asked about the septic system was quite a distance and the well, as shown on the plan is located in the front of the house. There will be fencing surrounding the whole pool area.

Chairwoman Roe asked if the Board had any questions, there were none. Mr. Wilson made a motion to close the Public Hearing; Mr. Farfalla seconded the motion. All in favor. Aye.

Mr. Wilson made a motion to grant the variance as proposed. Ms. Santoro seconded the motion. All in favor. Aye. Motion carried.

The application is granted. Chairwoman Roe stated the formal Resolution would be ready to be picked-up in five days from the Building Department.

**KRSLB Corporation- An area variance from Section 97-65 (A) for a rear yard setback next to a residential district from 200 ft. to 99 ft., located on 10 Industrial Drive, in an I Zone: Tax Lot No. 20-2-1.**

Jim Dillin, L.S., was present and representing the applicant. Proof of certified, return receipt mailings were presented to the Board. Mr. Dillin explained that the building was constructed in 1988 and the addition was built and a variance granted in 1992, which gave the building a 179 ft. rear yard. Quality TV, which is a warranty repair business owns the building. There are three outside trailers used for storage. Additional space is needed to meet the requirements of their present supplier with regard to inventory. It was stated that the if the variance was not granted, the business would re-locate to Chester, to accommodate the supplier demands and keep their distributorship. There is approximately 10, 000 sq. ft. at the present time and the proposal for another 10, 400 sq. ft. of building space. The variance requested is for a rear yard variance from 200 ft. to 99 ft., but it should be taken into account that this situation is unique as there is a large hill which goes up right behind the property. Also, the rear yard is totally screened with a tree barrier and the applicant would be agreeable to a 25 ft. buffer, which would not allow any cutting of the trees. Photographs were presented to the Board showing the trailers, storage of pallets outside, and back of the building.

Ms. Santoro asked what was the distance from the property line to the nearest building. Mr. Dillin responded that the nearest building was up on Route 17A. Mr. Dillin stated that the trailers would be removed and the pile of pallets would be moved inside, and the only thing outside the building would be a dumpster. As far as the parking was concerned, there are 20 employees and four company trucks. The amended plan shows 35 parking spaces and an additional 12 parking spaces is available, if needed. There will not be any additional employees with the expansion, as this space is just for warehouse purposes. Chairwoman Roe asked about the utility easement and Mr. Dillin stated that it was re-located.

Chairwoman Roe asked if the Board had any questions, there were none. Mr. Wilson made a motion to close the Public Hearing; Ms. Santoro seconded the motion. All in favor. Aye. Motion carried

Mr. Wilson made a motion to grant the variance with conditions.

1. Removal of the rental trailers once the expansion is completed.
2. The area is to be cleared of debris and lean-up of the pallets.
3. The area for future parking spaces will be shown on the plan.
4. Maintain a 15 ft. buffer along the rear property line.

Mr. Farfalla seconded the motion. All in favor. Aye. Motion carried.

Mr. Dillin inquired about the variance for the parking spaces, 51 spaces are required and 47 will be created. Mr. Wilson made a motion to amended the variance; Mrs. Gersbeck seconded. All in favor. Aye. Motion carried.

The application is granted. Chairwomen Roe stated the formal Resolution would be ready to be picked-up in five days from the Building Department.

#### **IV. Approval of Minutes**

Chairwoman Roe asked if there was a motion to accept the August 2003 minutes as noted with corrections. Mr. Farfalla made a motion to accept the August 2003 minutes as noted. Mrs. Gersbeck seconded the motion. All in favor. Motion carried.

Chairman inquired as the timing for the submittal for minutes. Mr. Halloran stated that the public is required to see minutes with 14 days of the meeting. The secretary stated that this might be problem. Mr. Morgan stated that is correct, however, there is no penalty for not being able to do this. Also, there is no requirement that a draft or final be prepared, in other words, notes or an outline would be acceptable. Chairwoman Roe asked if the minutes, as currently prepared are too detailed. Mr. Morgan stated that they were and that he would prepare a format for future use.

#### **V. Adjournment**

Mrs. Gersbeck made a motion to adjourn the September 23, 2003 Zoning Board of Appeals meeting.

Mr. Farfalla seconded the motion. All in favor. Aye. Motion carried.