

**Town of Goshen Zoning Board Meeting
Town Hall
41 Webster Avenue
Goshen, New York 10924
December 13, 2022**

Members Present:

James Barrett
Samuel Bergsohn (arrived 7:35)
Thomas Burnham, Acting Chairman
Trino Canton
Robert Farfalla

Also Present:

Rory Brady, Esq., ZBA Attorney
Frank Leva, Building Inspector

Members Absent:

Joanne Donovan

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. Canton, the Town of Goshen Zoning Board of Appeals approved the minutes of the October 16, 2022 meeting as presented. Approved unanimously.

Mr. Barrett	Aye	Mr. Burnham	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye

VOTE BY PROPER MOTION, made by Mr. Canton, seconded by Mr. Barrett, the Town of Goshen Zoning Board of Appeals approved the minutes of the November 15, 2022 meeting as presented. Approved unanimously.

Mr. Barrett	Aye	Mr. Burnham	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye

VOTE BY PROPER MOTION, made by Mr. Barrett, seconded by Mr. Burnham, the Town of Goshen Zoning Board of Appeals approved the minutes of the December 6, 2022 meeting as presented. Approved with three ayes and one abstention.

Mr. Barrett	Aye	Mr. Burnham	Aye
Mr. Canton	Abstained	Mr. Farfalla	Aye

Member Bergsohn joined the meeting.

Items for Discussion/Action

RDM Goshen 17M/2602 Route 17 Developers – 12-1-116: Application for site plan, special permit and subdivision for a warehouse and single-family dwelling on two (2) lots totaling 61.59 +/- acres on NYS Route 17M in the CO Zone with AQ-6 and Floodplain & Ponding Overlays.
Written Comments Discussion.

Attorney Cherubino, Engineer Dates, Architect O’Connell, and Operations Manager Pomeranz present.

Attorney Brady reviewed the draft resolution with the Board.

Whereupon there was a discussion regarding the curb cut interpretation.

VOTE BY PROPER MOTION, made by Mr. Burnham, seconded by Mr. Barrett, the Town of Goshen Zoning Board of Appeals moved to interpret §97-14 D (6) curb cuts as not needing a variance from the code. Approved unanimously.

Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Burnham	Aye	Mr. Canton	Aye
Mr. Farfalla	Aye		

Attorney Brady reviewed the five factors with board regarding §97-14 A. Code allows 35 feet in the CO Zone for building height. Applicant is requesting 48 feet, a 13-foot variance.

VOTE BY PROPER MOTION, made by Mr. Bergsohn, seconded by Mr. Farfalla, the Town of Goshen Zoning Board of Appeals granted a 13-foot height variance of building height. Approved unanimously.

Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Burnham	Aye	Mr. Canton	Aye
Mr. Farfalla	Aye		

Board granted the variance due to the unique topography of the site.

Attorney Brady reviewed the five factors with board regarding §97-14 A. Code allows 200,000 square foot maximum building footprint in the CO Zone. Applicant is requesting 300,000 square feet, a 100,000 square foot variance.

VOTE BY PROPER MOTION, made by Mr. Bergsohn, seconded by Mr. Barrett, the Town of Goshen Zoning Board of Appeals granted a 100,000 square foot variance on building footprint. Approved unanimously.

Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Burnham	Aye	Mr. Canton	Aye
Mr. Farfalla	Aye		

Attorney Brady reviewed the five factors with board regarding §97-14 D (2) (b) peaked roofs.

Whereupon there was a discussion of cornices versus parapet differences.

VOTE BY PROPER MOTION, made by Mr. Barrett, seconded by Mr. Farfalla, the Town of Goshen Zoning Board of Appeals granted a variance to allow a flat roof for this application. Approved unanimously.

Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Burnham	Aye	Mr. Canton	Aye
Mr. Farfalla	Aye		

Attorney Brady reviewed the five factors with board regarding §97-14 D (2) (e) large buildings. Code calls for large buildings to be broken up into smaller volumes.

VOTE BY PROPER MOTION, made by Mr. Barrett, seconded by Mr. Canton, the Town of Goshen Zoning Board of Appeals granted an area variance to allow one large warehouse building. Approved unanimously.

Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Burnham	Aye	Mr. Canton	Aye
Mr. Farfalla	Aye		

Attorney Brady reviewed the five factors with board regarding §97-75 D (5) (b) which reads exterior lighting fixtures shall be directed downward and shielded to prevent light from shining upward into the sky or directly onto neighboring properties or public ways. Light standards shall not exceed 20 feet in height.

Applicant is requesting five (5) exterior building mounted lights at 25 feet, for an area variance of five feet, and four (4) pole mounted lights at 30 feet for an area variance of 10 feet.

VOTE BY PROPER MOTION, made by Mr. Barrett, seconded by Mr. Bergsohn, the Town of Goshen Zoning Board of Appeals granted the exterior lighting area variances as requested. Approved unanimously.

Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Burnham	Aye	Mr. Canton	Aye
Mr. Farfalla	Aye		

VOTE BY PROPER MOTION, made by Mr. Barrett, seconded by Mr. Farfalla, the Town of Goshen Zoning Board of Appeals adopted the Findings Statement as reflecting Board’s votes on variances. Approved unanimously.

Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Burnham	Aye	Mr. Canton	Aye
Mr. Farfalla	Aye		

WSH Realty Corp/Healey Lincoln Dealership – 12-1-8.11: Area variance for site signage.

Engineer Dates, General Manager Kern, and General Contractor Tompkins present.

Board member Barrett recused himself from this application and left the dais.

Engineer Dates gave a presentation of the application. There is a dealership change to Lincoln Ford and updated signage is requested.

A pylon sign is requested at 187.2 square feet.

An additional sign of 46 square feet where 32 square feet is allowed with sign area bonus for name and no illumination equals a requested 3.59 square foot area variance. This sign hangs from the building soffit, covering a window which is not allowed by Code. Applicant requesting an interpretation as sign is not on the glass window.

A Lincoln logo sign mounted over a showroom window is sought where not allowed by Code. Interpretation requested.

Finally, area variance sought on increasing cumulative signage on project site to 642.37 square feet, where previous area variance granted 600 square feet in total signage.

General Contractor Tompkins reviewed 2009 granted area variances with the Board.

Board requested more information from applicant and Town consultants.

Attorney Brady advised application will be referred to County for 239 GML review.

2023 Meeting Calendar –

Member Barrett returned to the dais.

Attorney Brady reviewed the proposed 2023 Meeting Schedule with the Board. The first meeting of January 2023 may need to be changed.

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mr. Canton, the Town of Goshen Zoning Board of Appeals adopted the 2023 Meeting Calendar. Approved unanimously.

Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Burnham	Aye	Mr. Canton	Aye
Mr. Farfalla	Aye		

Adjournment

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

Mr. Barrett	Aye	Mr. Bergsohn	Aye
Mr. Burnham	Aye	Mr. Canton	Aye
Mr. Farfalla	Aye		

Meeting adjourned 9:06 pm