

**Town of Goshen Zoning Board of Appeals
Town Hall
41 Webster Avenue
Goshen, New York
May 23, 2017**

Members Present:

Robert Farfalla, Deputy Chairman
Edwin Garling
Philip Canterino
Trino Canton

Also Present:

Richard Golden, Esq., ZBA Attorney
Neal Halloran, Building Inspector
Alec Gladd, Esq.

Absent:

Frank Leva, Chairman

The ZBA meeting was opened at 7:30 p.m. by Deputy Chairman Robert Farfalla.

Lands of Ver Hage 12-1-19.2 on 17.10 +/- acres located on Harley Rd in I districts, and within the AQ-6, Stream Reservoir overlay. The Applicant is requesting variance from warehouse setback requirements of Section § 97-26(D) and § 97-14(D)(1)(b).

Representing Applicant: Tom DePuy

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mr. Garling, the Town of Goshen Zoning Board opened the public hearing. Unanimously approved.

Mr. Farfalla	Aye	Mr. Garling	Aye
Mr. Canton	Aye	Mr. Canterino	Aye

Mr. DePuy gave a brief presentation on the two variances the Applicant is requesting. The Stream Corridor and Reservoir Watershed Overlay District requires a 100-foot setback and the Applicant is requesting a setback of 65-feet. Additionally, development within the Industrial zone does not allow parking lots in front of buildings, and the Applicant is requesting to place its parking lot in front of the building.

The Board opened the meeting for comments from the public.

Deborah Corr asked a series of questions regarding what the stream/waterway is on the site plan, how the Applicant intends to handle the runoff from the parking lot, whether they are in a flood plain, if they have to adjust the height of the building's roof, what the use of the building is, how many trees are to be cleared, if it is a clear span building or columns, the width of the building, if the building is steel framed, who the manufacturer is, if the foundation is a poured foundation that is treated, access to the site, and if they are proposing a drive up dock or

loading dock. Mr. DePuy, responded that the stream/waterway is the Cheechunk Creek, for runoff they have an infiltration pond and wet pond which will treat the water prior to discharge in the stream corridor. They are encroaching into the floodplain, but are doing compensatory storage. The Applicant will leave the roof as a flat roof so they do not need a variance; it is a warehouse and it is just for storage, not manufacturing. There will be mostly shrub clearing. The Applicant is not sure if the building will be a clear span building. As the building is 110 feet in width, it will be steel-framed. Mr. DePuy is unsure who the manufacturer will be; it will be a poured foundation above the floodplain. The Applicant will have shared access with Amy's Kitchen, and they are proposing a loading dock.

Sandra Rothenberger asked what the floodplain is and what happens to the building if it floods. Mr. DePuy responded that it is a 100-year floodplain; they are constructing compensatory storage and the building is being set above the floodplain.

Mr. Halloran asked why the Applicant is seeking a variance to have the parking in front of the building. Mr. DePuy responded that it is so they do not mix truck traffic with cars.

Mr. Garling asked if the building is in a floodway. Mr. DePuy responded that the floodway is not near the site, and in any case, it is a backwater effect from the Wallkill River, not the Cheechunk Creek.

Mr. Canton asked if the proposed buffer is to block the view from Hartley Road, and Mr. DePuy stated that was the intent of the buffer.

Mr. Canterino reviewed the two recommendations the Board received from the Town Engineer – those being that the Board “may wish to consider, as part of your action, a requirement for the Applicant to provide landscaping in sufficient quantity and spacing as determined by the Planning Board, in consultation with the Town Engineer, to screen the proposed parking lot from Hartley Road” and that “as part of your action, a requirement for the Applicant to direct, to the greatest extent practical, all stormwater runoff from the proposed impervious areas (*i.e.*, warehouse roof, pavement, sidewalks, etc.) to the proposed stormwater infiltration basin to protect water quality and further reduce the risk of flood damage.”

VOTE BY PROPER MOTION, made by Mr. Canton, seconded by Mr. Canterino, the Town of Goshen Zoning Board of Appeals hereby closes the public hearing on this application. Unanimously approved.

Mr. Farfalla	Aye	Mr. Garling	Aye
Mr. Canton	Aye	Mr. Canterino	Aye

Mr. Golden stated that the Board has to consider the five-factor general balancing test as to whether the variances are more of a benefit to the Applicant than they are a detriment to the community and neighborhood.

The Board discussed that for the first factor, there will be screening, and Hartley Road is a very commercial road. The Board noted that the stormwater issues are being addressed. For the second factor, the Applicant needs a certain size facility to get the benefit they want, and to avoid the variance they would need to substantially reduce the size of the building to where it may not be economically feasible. For the third factor, the Board noted that moving the parking to the front of the building is substantial where parking in front is not allowed, but requesting a setback variance from 100 ft. to 65 ft. is moderate. For the fourth factor, the Board agreed that it is similar to the first, in that it is a commercial and industrial area and there are no residences. For the fifth factor, the difficulty is self-created. The Board believed these are the minimum variances necessary.

Mr. Garling noted that Goshen has had a problem with access to the highways and a lot of the land is low and wet and if Goshen wants any industrial land at all it has to be on this industrial corridor which is suitable for access and it would be difficult for anyone to develop this property without having some form of variances.

The Board requested the conditions as outlined by Mr. Canterino be included as conditions to the Applicant's respective variance requests.

VOTE BY PROPER MOTION, made by Mr. Garling, seconded by Mr. Canterino, the Town of Goshen Zoning Board of Appeals directed the attorney to draft a proposed decision. Unanimously approved.

Mr. Farfalla	Aye	Mr. Garling	Aye
Mr. Canton	Aye	Mr. Canterino	Aye

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mr. Canton, the Town of Goshen Zoning Board of Appeals adjourned the meeting at 7:54 p.m. Unanimously approved.

Mr. Farfalla	Aye	Mr. Garling	Aye
Mr. Canton	Aye	Mr. Canterino	Aye