

TOWN OF GOSHEN
Zoning Board of Appeals
February 16, 2016

Members Present:

Frank Leva, Chairman
Ed Garling
Cynthia Hand
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.

A motion to adopt the minutes from the January 19, 2016 meeting was made by Chairman Leva, seconded by Cynthia Hand. Motion carried 4-0.

7 Durland Road, LLC 20-1-26.23 - +/- .5 acre located on 7 Durland Rd in the RU, AQ3 overlay district. Convert a single-family dwelling into a two-family dwelling. The applicant is requesting an area variance from 97-19 B & C and 97-36A.

Appearing for the applicant was Peter Kimechik. He explained he would like to convert the property from one family to a two-family by creating two, two-bedroom apartments. He wishes to attract older tenants without children or young, professionals. He states there is adequate septic and well. There is only one house that abuts the property which is the Coleman residence. The Coleman's have submitted a letter of support. The applicant states the yard is large.

Kelly Naughton stated she would put together a memo for the board on this application. She stated it is permitted under the code to convert to a two-family dwelling. The application would have to be referred to Orange County Planning for review because it is within 500 feet of St. Rte. 94. She stated it is an area variance due to a substandard lot size. This application will require a public hearing.

Chairman Leva polled the board for questions and comments. Chairman Leva questioned the septic signoffs. He recommended it be certified by an engineer or have the town engineer look at it.

Kelly Naughton stated the application could be scheduled for public hearing on March 1, 2016.

Chairman Leva made a motion to schedule a public hearing for March 1, 2016, seconded by Bob Farfalla. Motion carried 4-0.

Orchard at Towner Farm, LLC 12-1-103 – 3.42 +/- acres located on Musket Court and St. Rte. 17M in the I zone. The applicant is requesting an area variance from 97-14D 2(b), 3 (a) and 4.

TOWN OF GOSHEN
Zoning Board of Appeals
February 16, 2016

Appearing before the board was the engineer and the applicant for the project. The project had previously appeared before the board a few years ago. There is an existing variance on the property. Part of the current application is to increase the variance to add onto an outbuilding.

The applicant also would like to address two other issues. Previously the board had requested that the applicant keep a berm along the property's frontage on 17M undisturbed. During initial construction the applicant did do that. Subsequently in its unmaintained condition it was ugly and created site distance issues. Mike Tiller, the applicant, spoke to the Town Supervisor about removing the berm and then did so, unaware that the Supervisor lacked the authority to allow that.

Secondly, there are two existing propane tanks on the site. Initially the chain link fencing was incorrectly installed slightly over the property line approximately two-and-a-half feet. The propane tanks were measured off of the fence, therefore the tanks are two-and-a-half feet too close to the property line. The fence was subsequently moved to the correct location, but the tanks are a massive undertaking to relocate. The applicant is requesting a setback variance for the tanks.

Regarding the berm, because of its removal, many of the visual criteria in the industrial zone now applies to the property where before it did not. Specifically, the required roof pitch on the commercial building was not constructed on any of the three existing buildings, nor is it proposed on the additions. There is a substantial increase in the cost of construction to make the roofs conform to the pitch. There is also existing chain-link fencing surrounding the developed portion of the property. The chain link was allowed because the property was not going to be highly visible from 17M. The applicant is requesting that the board allow that fence to stay.

There is also a requirement for a bike path and/or walkway through the property's green space frontage. The property is welding supply and chemical storage. The applicant feels this is not an ideal space for a walking path and bike trail and there is nothing for it to connect to. They would like for this requirement to be waived as well.

The board discussed the site distance issues coming over the hill on 17M and the snow piles created in the wintertime. Neighbors have thanked the applicant for removing the berm.

Chairman Leva asked about the addition to the building. Kelly Naughton stated the applicant is before the Planning Board with an amended site plan. She stated she would send the ZBA members the paperwork regarding the prior decision on the property for review as well as the resolution of the Planning Board. The applicant did provide a visual analysis of before and after the berm.

Cynthia Hand questioned the roof pitch. The engineer explained because the building exists, it would be difficult to change with an addition. The board further discussed landscaping to make the property appealing. The board was in favor of further landscaping.

**TOWN OF GOSHEN
Zoning Board of Appeals
February 16, 2016**

Kelly Naughton stated the application must go for a 239 referral to Orange County Planning.

Chairman Leva made a motion to adjourn the application to March 1, 2016, seconded by Bob Farfalla. Motion carried 4-0.

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Tanya McPhee
ZBA Secretary