

TOWN OF GOSHEN
Zoning Board of Appeals
March 1, 2016

Members Present:

Frank Leva, Chairman
Trino Canton
Cynthia Hand
Bob Farfalla
Ed Garling

Also Present:

Rick Golden, Esq., Town Attorney
Neal Halloran, Building Inspector
Tanya McPhee, ZBA Secretary

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

Motion to adopt the minutes with revision made by Frank Leva, seconded by Trino Canton.
Motion carried 5-0.

PUBLIC HEARING

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

Ken Coleman, a neighbor to the applicant appeared at the public hearing. He stated he had no problem with the project.

Chairman Leva polled for questions and comments. He stated he would like to see an engineer certify and look over the review that the septic company had put on paper stating that the capacity would be okay for the extra bedrooms.

Trino Canton asked as to what type of precedent would be set by granting a variance like this. Attorney Rick Golden stated it was just a public hearing at the moment and that had not yet been discussed. He did state that it is a little bit of an unusual situation when it is not asked in an area variance to go ahead and vary typical dimensional aspects such as setbacks or coverage issues. In this application the use says for only one family. If a two-family is requested, is it dimensional or a separate use? Mr. Golden stated that because residential is permitted in the zone, one versus two-family is dimensional in nature and is subject to the typical balancing test using the five factors.

Mr. Golden stated the applicant should make their case. The applicant stated the home would match the rest of the neighborhood and that they planned to make it more attractive than it is currently. He stated economically, creating a two-family home would prove to be more lucrative. They planned to add a second story to the existing home and the surrounding homes are also two-story.

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Mr. Golden stated that according to the five factors, two of them are against the applicant. The first factor is that the variance is substantial and the second being that the need for the variance is self-created. He stated more weight would be placed on how the variance would change the character of the neighborhood and whether or not it would hurt the environment. That is something that the ZBA would have to consider.

With no other comments, Chairman Leva made a motion to close the public hearing, seconded by Bob Farfalla. Motion carried 5-0.

Mr. Golden stated the application is a Type II action and a Municipal 239 Referral was sent to the Orange County Planning Department. He stated he would provide a draft resolution to consider at the next meeting of the ZBA on March 15, 2016.

Mr. Golden asked the Board if they would like to discuss the relevance of the five factors at this time. He stated that it was fairly apparent that the variance is substantial and the issue self-created. He asked the Board if they felt there would be a change in the character of the neighborhood and could the variance the applicant was asking for be achieved in another way. Mr. Golden stated that the applicant stated for financial reasons, they could not achieve their goal any other way.

The Board discussed the other neighbors in the surrounding area and identified one single-family residence adjoining the application property. Trino Canton felt the surrounding area will not be affected and/or changed by granting the variance. Mr. Golden suggested to the board members they should take a visit to the site before the next meeting to see it in person. Ed Garling stated that there were no negative impacts that he could see.

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

Appearing for the applicant was John Petroccione, PE. A previous variance granted by this ZBA required maintenance of a vegetative berm along Rt. 17M. The owner was unaware that the Town Supervisor did not have the authority to tell him he could remove it, yet it was removed. Based on the discussion at the last ZBA meeting, the owner has put in a row of plantings along the extent of the disturbed portion of the berm. There are a total of 12 white pines that are seven-to-eight-feet in height, 15-foot on center. It is basically matching what the Board had required for screening on the last application several years ago screening the site from the church across the street.

The property owner is hoping for some thinner trees as they go along. He does not believe his property is an eyesore and would like his retail business to be seen from Rt. 17M. As mentioned at the last meeting, the old scrub brush berm created site distance issues. Ed Garling mentioned that he visited the site and did not believe the trees would impact the sight distance.

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Neal Halloran stated there were several allowances given to this property at the time of approval as a result of being not able to be seen from Rt. 17M because of the berm. Some of those allowances were the pitch of the roof and the chain-link fence. It was also pointed out that the retail portion of the business was considered to be a smaller, accessory use and the bulk of the operation is wholesale.

Mr. Golden told the applicant that they were given relief from certain design standards based upon the fact that the building was not visible from the public road. Further discussion was had regarding the applicant's wish to be more visible.

The application will be referred to Orange County Planning under 239 Municipal Law. A motion to schedule a public hearing for April 5th, 2016 at 7:30 pm in Town Hall was made by Chairman Leva, seconded by Ed Garling. Motion carried 5-0.

The Board briefly discussed Orange County Fellowship Church's application and where it is in the process with the Planning Board.

A motion to adjourn the meeting was made by Chairman Leva, seconded by Bob Farfalla. Motion carried 5-0.

Meeting adjourned at 8:31 pm.

Respectfully submitted,

Tanya McPhee
ZBA Secretary