

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

July 27, 2021

Members Present:

Charles VanHaaster, Chairman
Thomas Burnham
Trino Canton
Joanne Donovan
Robert Farfalla

Also Present:

Neal Halloran, Building Inspector
Ashley Torre, Esq., ZBA Attorney

Chairman VanHaaster opened the meeting at 7:32 pm with the Pledge of Allegiance.

Items for Discussion/Action-

Kamp Subdivision – 4-1-10.1: Application for a small-scale subdivision and site plan on 16.25 +/- acres along Craigville Road (County Route 66) in the RU Zone with AQ-3 and Scenic Road Corridor overlays. **Draft decision**

James Dillin, PLS and Richard Kamp, applicant, were present.

Chairman VanHaaster discussed that the body of the draft decision previously provided by the attorney seemed to differ from the conclusion drawn at the end. Appendix C of the Goshen Town Code for Water Testing Protocols was read into the record.

Attorney Torre stated there were two parts to the application. First, the interpretation of the Building Inspector and second, an area variance from water testing protocols. The five-part balancing test was previously deliberated. Attorney Torre asked if there were any other deliberations the Board wanted to consider.

Whereupon, there was a discussion about precedence for well testing on three-lot subdivisions, whether there was uniqueness to this subdivision, other options available besides water testing, and the process by which the water testing could be accomplished.

It was noted during Board comments that unlike fencing or a building that can be visualized, without testing there was no way to know how much water may be underground. The Board discussed that in certain areas of the Town there are water issues and without testing it would be difficult to ascertain.

The five-part balancing was revisited, and the substantial nature of the variance was discussed as a determining factor. Based upon the deliberations it was determined that the previously drafted decision's findings and conclusion should be revised.

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mr. Burnham, the Town of Goshen Zoning Board moved to approve the decision as upholding the interpretation of the building inspector as drafted. Approved unanimously.

Chairman VanHaaster	Aye	Mr. Burnham	Aye
Mr. Canton	Aye	Mrs. Donovan	Aye
Mr. Farfalla	Aye		

VOTE BY PROPER MOTION, made by Mr. Burnham, seconded by Mr. Canton, the Town of Goshen Zoning Board moved to deny the area variance from the water testing protocols for reasons set forth on the record. Approved unanimously.

Chairman VanHaaster	Aye	Mr. Burnham	Aye
Mr. Canton	Aye	Mrs. Donovan	Aye
Mr. Farfalla	Aye		

Kimiecik Subdivision – 18-1-22.14: Application for small-scale subdivision on 44.153 +/- acres along NYS Route 94, Clarke Road and Fox Road in the RU Zone with AQ-3 overlay. **Draft Decision**

Daniel Getz appeared for the applicant.

Chairman VanHaaster noted that the conclusion for the Draft Decision was written exactly like the previous decision whereby the conclusion differed from the body.

The five-part balancing factors were deliberated. It was discussed that it would be difficult to determine how a neighbor would be affected without water testing.

Attorney Torre stated this application consisted of three parts. First, is the interpretation of the building inspector. Second, is an area variance from the requirement of well testing. Third, is an area variance from lot size.

Whereupon, there was a discussion about the choice of small-scale subdivision requirements versus a regular subdivision and restrictions of dwelling units on the lots.

Based upon the deliberations it was determined that the previously drafted decision's findings and conclusion should be revised.

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mr. Burnham, the Town of Goshen Zoning Board moved to approve the decision of upholding the interpretation of the building inspector as drafted. Approved unanimously.

Chairman VanHaaster	Aye	Mr. Burnham	Aye
Mr. Canton	Aye	Mrs. Donovan	Aye
Mr. Farfalla	Aye		

VOTE BY PROPER MOTION, made by Mrs. Donovan, seconded by Mr. Canton, the Town of Goshen Zoning Board moved to deny the area variance from the water testing protocols for reasons set forth on the record. Approved unanimously.

Chairman VanHaaster	Aye	Mr. Burnham	Aye
Mr. Canton	Aye	Mrs. Donovan	Aye
Mr. Farfalla	Aye		

VOTE BY PROPER MOTION, made by Chairman VanHaaster, seconded by Mr. Canton, the Town of Goshen Zoning Board moved to grant the area variance from Town Code § 97-19 A (1) as stated in the decision. Approved unanimously.

Chairman VanHaaster	Aye	Mr. Burnham	Aye
Mr. Canton	Aye	Mrs. Donovan	Aye
Mr. Farfalla	Aye		

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mrs. Donovan, the Town of Goshen Zoning Board moved to close the meeting. Approved unanimously.

Chairman VanHaaster	Aye	Mr. Burnham	Aye
Mr. Canton	Aye	Mrs. Donovan	Aye
Mr. Farfalla	Aye		

Meeting adjourned at 8:27 pm.