

**Town of Goshen Zoning Board Meeting
Town Hall
41 Webster Avenue
Goshen, New York 10924
February 21, 2023**

Members Present:

Thomas Burnham, Chairman
James Barrett
Trino Canton
Robert Farfalla

Also Present:

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

Members Absent:

Samuel Bergsohn

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 February 7, 2023 meeting as presented. Approved unanimously.

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

Items for Discussion/Action

Al Turus Solar, LLC – Nexamp Solar, LLC – 12-1-17.122, 21.12, & 23.1: Application for site plan and special permit for a solar energy system on 111.0 +/- acres on NYS Route 17M and Hartley Road in the I Zone with AQ-3, AQ-6, Floodplain & Ponding and Stream Corridor & Water Supply Watershed overlays. Area Variance and Setback Variance

Business Development Manager Schepps present.

Manager Schepps reviewed the variances with the Board which include internal lot line variance setbacks at 100 percent, 60 percent setback for inverter placement off landfill cap to exterior access road, 90 percent variance for implementation of ballasted fencing to fully enclose landfill site, and road frontage of a lot under 10 acres.

VOTE BY PROPER MOTION, made by Mr. Canton, seconded by Mr. Barrett, the Town of Goshen Zoning Board of Appeals moved to vote on proposed variances. Approved unanimously.

Chairman Burnham	Aye	Mr. Barrett	Aye
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Mr. Canton

Aye

Mr. Farfalla

Aye

Attorney Brady reviewed the four variances presented and read into the record a narrative provided by the applicant.

1. Attorney Brady reviewed the five factors with the Board concerning the internal lot line variance setbacks at 100 percent.

Whereupon the Attorney polled the Board on the five factors and the Board granted the requested area variance for the internal lot line setbacks with four yes votes.

2. Attorney Brady reviewed the five factors with the Board concerning the 60 percent setback for inverter placement off landfill cap to exterior access road.

Whereupon the Attorney polled the Board on the five factors and the Board granted the requested area variance for the 60 percent setback for inverter placement off landfill cap to exterior access road in a vote of three yes votes and one no vote.

3. Attorney Brady reviewed the five factors with the Board concerning the requested fence setback variance and read §97-55 E (2) into the record.

Whereupon the Board discussed granting the minimum variance possible and that the entire three property lines do not need fencing within ten feet.

Whereupon the Attorney polled the Board on the five factors and the Board granted the requested area variance for the fence setback with a vote of four yes votes.

The ZBA stated the unique nature of the land and natural barriers and topography lent itself to this decision.

4. Attorney Brady read §97-55 E (1) into the record whereby a minimum lot size of 10 acres is required. This application is unable to merge parcels together due to different tax liens on the properties. The small lot is part of the total project and under the same ownership as the rest of the application.

Attorney Brady reviewed the five factors with the Board concerning the minimum lot size.

Whereupon the Attorney polled the Board on the five factors and the Board granted the requested area variance with a vote of four yes votes.

Future Agenda Items

Attorney Brady reviewed the agenda for next scheduled meeting which will take place on March 7, 2023.

Adjournment

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

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

Meeting adjourned at 9:36 pm