

**TOWN OF GOSHEN**  
**Zoning Board of Appeals**  
**April 5, 2016**

Members Present:

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

Also Present:

Kelly Naughton, Esq., Attorney  
Neal Halloran, Building Inspector  
Tanya McPhee, ZBA Secretary

The ZBA meeting was opened at 7:33 p.m. by Chairman Frank Leva.

Motion to adopt the minutes was made by Frank Leva, seconded by Trino Canton. Motion carried 4-0. Cynthia Hand arrived at 7:35 pm.

**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.

Appearing for the application were Peter and Chris Kimechik.

Attorney Naughton stated the ZBA could not act at the last meeting because it did not have the 239 report from the County Planning Department and 30 days had not yet passed. The County Planning Department recommended this application be a local determination. Comments were also received from the Department of Public Works stating no further review was required by them.

Based on comments at the prior meeting, the attorney drafted a decision which was emailed out and it included one condition regarding the on-site waste water treatment plant. The condition was read by Attorney Naughton.

Upon motion by Ed Garling, seconded by Trino Canton, the variance with mentioned condition was approved unanimously 5-0.

**PUBLIC HEARING**

**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. He stated there were no changes to the plan. However, he understood that the public hearing was not noticed.

Attorney Naughton stated that there was an error and there was no publication of the public notice and it was not mailed to neighboring properties. She advised the Board that they should open the public hearing to hear any comments and then should adjourn to another meeting. The applicant is on the next Planning Board agenda to begin SEQRA.

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Chairman Leva opened the public hearing for this application. There were no comments.

Upon motion by Chairman Leva, seconded by Ed Garling a motion to adjourn the public hearing to May 17, 2016 was unanimously passed 5-0.

**Chaffee Pools – 11-1-120.21 2.49 +/- acres** located on Route 17M in the CO district for business with apartment.

Appearing for the applicant was Nick Rugnetta of Pietrzak & Pfau, Dan Blume, Esq. and Mr. and Mrs. Chaffee. Chairman Leva asked for a brief review of the project.

Nick Rugnetta stated the applicant is in front of the Planning Board for SEQRA. That is pretty much resolved at this point. He gave to Attorney Naughton today all of the variances that the applicant believes they require. Most of the variances have to do with the display area, the main building and the private apartment. The building setback lines, due to two front yards, do not leave much room to do anything within the property. They are here tonight to review the variances and answer any questions that the Board may have.

Attorney Naughton stated Mr. Rugnetta did provide the Board with a listing of the variances that were being requested. There is a change with the accessory apartment. The apartment is now solely going to be located on the second floor. Upper-floor apartments in the CO Zone are permitted, so no variance is required.

Attorney Naughton stated that the code calls for the building to be placed in front of the parking. The building inspector has interpreted that so long as the parking spaces are behind the front plane of the building. The parking spaces are not fully located behind the plane of the building, but coming into the building. This is a variance that is included.

Neal Halloran also stated the front setback from 17M needs a variance. As part of that variance a fence is going to be considered part of it because a six-foot-high fence is not allowed in a front yard. It is for the principal building and accessory pool and patio area. In-ground pools have the same setbacks as principal buildings.

Chairman Leva stated he had some comments on the landscape aspect of the proposed plan. He asked why the applicant is looking to not do a sidewalk/bike path as required.

Attorney Dan Blume stated that the reason why his client was asking for a variance from this in their application is because nearby is the Heritage Trail which offers recreational opportunities for the neighbors. They also indicate that there doesn't appear to be any sidewalks within a mile and half of the property. It would basically involve the construction of a sidewalk to nowhere at this point. Alternatively they were hoping to compensate for that by taking direction from the

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Planning Board and engaging in appropriate landscaping so as to create a very aesthetically pleasing front on 17M.

Attorney Naughton stated the application is on Thursday's Planning Board agenda. At the last Planning Board meeting they authorized the drafting of a negative declaration in connection with an expanded Part 3. She expects them to adopt and issue a negative declaration.

The applicant stated the billboard that is currently on the property will be taken down at the end of May.

The Board discussed why the veterinary hospital did not have a sidewalk. Neal Halloran stated they are also required to have it and it was agreed to let it be put in at some future point. Trino Canton stated that the Board should look at the big picture as to why Town code requires such sidewalks and to consider that if the Board keeps waiving the requirement for applicants, it defeats the purpose of the master plan. Cynthia Hand stated that the Heritage Trail is not maintained in the wintertime, but that a private sidewalk would have to be.

The Board questioned the color of the building and roof and were provided with tile samples of the proposed colors. The applicant should provide a lighting plan with the site plan as well as landscaping plans.

Attorney for the applicant, Dan Blume, summarized in his view the entirety of variances he believed his client was seeking. Attorney for the ZBA, Kelly Naughton, advised the Board that she had combined some of the variances together that had the same requirements in a memo to the Board.

This application has been referred to the OCDPW and Orange County Planning Department for comments.

This application does require a public hearing.

Upon motion by Bob Farfalla, seconded by Trino Canton, a motion to schedule a public hearing for May 3<sup>rd</sup>, 2016 was unanimously passed 5-0.

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

Meeting adjourned at 8:33 pm.

Respectfully submitted,

Tanya McPhee  
ZBA Secretary