

**ZONING BOARD OF APPEALS  
TOWN OF GOSHEN, ORANGE COUNTY, NEW YORK**

**MINUTES OF THE MEETING FOR  
MARCH 25, 2003**

**Members Present:**

Donna Roe, Chairwoman  
Robert Farfalla  
Priscilla Gersbeck  
Dawn Santoro  
Michael Wilson

**Also Present:**

Brian Morgan, Esq.  
Neal Halloran, Bldg. Inspector



**I. Call to Order**

Chairwoman Roe called to order the March meeting of the Town of Goshen Zoning Board of Appeals at 7:30 p.m.

First, Chairwoman Roe wanted to welcome back Mike Wilson, who was on leave of absence, and welcome Dawn Santoro as a new member to the Board.

Chairwoman Roe stated that the April Zoning Board of Appeals work session will be at 7:30 p.m. on April 16, 2003; regular meeting on April 22, 2003 at 7:30 p.m.; and the filing deadline for applications would be Wednesday, April 9, 2003.

**II. Public Hearing - continued**

**A. Joseph Battiato - Area variance from Section 97-64 pertaining to yard width from 200 feet to 50 feet, located on Arcadia Road in an SR-.5 Zone: Tax Lot No. 18-1-13.**

Joseph Battiato and Michael Sandor, P.E., were present. Mr. Sandor stated that at the last meeting the Board was going to research the adjoining parcels which were along Arcadia Road. Deeds were found and submitted to the Building Inspector. These deeds show that the two parcels were created from a parent parcel in 1950 and 1952 prior to zoning. It is the applicant's intention to create two building lots of 4+ acres each. A subdivision street could be created, but it was felt that the creation of such a road, because of its length, but the applicant felt that it is not something that the Town would want to own and maintain. The soil testing shows that actually four lots could be created. When the property was purchased in 1995 it already had the 50 ft. frontage.

Chairwoman stated that although the large lots would conform to the character of the neighborhood, there are no other lots in the vicinity with such a small amount of road frontage.

Mr. Farfalla asked if there was possibly of getting four lots in there. Mr. Sandor stated that the results of the soil testing show that they are within the criteria of four lots, but feel that only two lots are viable. To put a road in it would cost \$200 - \$225 per foot and perhaps the third lot would pay

for the road.

Chairwoman Roe asked if there was a motion to close the Public Hearing. Mrs. Gersbeck made a motion to close the Public Hearing. Mr. Farfalla seconded the motion. All in favor. Aye. Motion carried.

Open discussion was held during which Chairwoman Roe stated that approving another flag lot would only magnify the problem that already exists. The applicant has other feasible options, whether he wants to pursue them or not. Mr. Wilson concurred, as did Mr. Farfalla. In addition, Mrs. Santoro added the suggestion that lots on a dedicated road would be more attractive to a potential purchaser, as well as be of higher value.

Chairwoman Roe asked if there was a motion to rule on the application. Mr. Farfalla made a motion to deny the application. Mr. Wilson seconded the motion.

Chairwoman Roe asked for a roll call to vote on the application.

Dawn Santoro:	No	Robert Farfalla:	No
Priscilla Gersbeck:	No	Chairwoman Roe:	No
Michael Wilson:	No		

The matter is denied. Chairwomen Roe stated the formal Resolution would be ready to be picked-up in five days from the Building Department.

**B. John Pelligrino & Jacquelyn Sculey - Area variance from Section 97-64 pertaining to yard width from 123.6 ft. to 87.67 and 35.93, and /or a variance from the definition of lot width as being at the required set back distance from the road Section 97-2, located on Knoell Road in an AR-1 Zone: Tax Lot No. 8-1-8.1.**

Kurt Eppenbach of Pietrzak and Pfau was present and stated that the applicant was asking for a variance for the lot width at the setback line. The lot is located on Knoell Road and currently has road footage of 123.6 ft. and the intention is to break this down into two flag lots having 35 ft. and 87 ft. frontage, respectively. There are wetlands present, along with being in a 100-year flood zone. The applicant purchased the property one year ago with the intention of using it as a horse farm. The percolation tests were done February of 2002, prior to purchase of the property. The applicant wants to sell off one lot to help re-coup the costs of improvements to the barns and house.

The applicant contends that road frontage cannot be divided equally due to grading issues. It was noted that several of the Board members performed site inspections.

Chairwoman Roe asked if there was a motion to close the Public Hearing. Mrs. Gersbeck made a motion to close the Public Hearing. Mr. Farfalla seconded the motion. All in favor. Aye. Motion carried.

Discussion followed during which Chairwoman Roe stated that two flag lots would be created from

one, magnifying the non-conforming situation and the hardship is self-imposed.

Chairwoman Roe asked if there was a motion to rule on the application. Mr. Farfalla made a motion to deny the application. Mr. Wilson seconded the motion.

Chairwoman Roe asked for a roll call to vote on the application.

Dawn Santoro:	No	Robert Farfalla:	No
Priscilla Gersbeck:	Yes	Chairwoman Roe:	No
Michael Wilson:	No		

The matter is denied. Chairwomen Roe stated the formal Resolution would be ready to be picked-up in five days from the Building Department.

### III. Public Hearing

#### **A. Robert Beliveau- Area variance from Section 97-64 pertaining to side yard width from 30 feet to 17.5 feet and a rear yard from 50 feet to 47.5 feet, located on Knapp Road in an SR1 Zone: Tax Lot No. 7-8-6.**

Robert Beliveau was present and provided the proof of certified mailings to the Board. The applicant explained that in the back of the house the addition would include a kitchen and screened in porch with a study to the right. Due to the layout of the house, which is a L-shaped ranch, this is the only way it will look and fit properly. The addition will only come out 12 ft. from the back, which does not have a visual effect on the neighborhood. The house is almost forty years old with a tree-line along the back of the property.

Ms. Santoro asked if the tree-line was going to be altered in any fashion. Mr. Beliveau stated no, in fact he would be adding trees to it to continue it to the property line.

Chairwoman Roe asked if there were any members of the audience who wanted to speak. There were none.

Chairwoman Roe asked if there was a motion to close the Public Hearing. Mrs. Gersbeck made a motion to close the Public Hearing. Mr. Farfalla seconded the motion. All in favor. Aye. Motion carried.

Discussion followed, Chairwoman Roe stated that the requested variances were fairly minimal, with no change to the character of the neighborhood.

Chairwoman Roe asked if there was a motion to rule on the application. Mr. Wilson made a motion to grant the application. Mr. Farfalla seconded the motion.

Chairwoman Roe asked for a roll call to vote on the application with the amendment that trees be planted as suggested.

Dawn Santoro:	Yes	Robert Farfalla:	Yes
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Priscilla Gersbeck: Yes  
Michael Wilson: Yes

Chairwoman Roe: Yes

The matter is approved. Chairwomen Roe stated the formal Resolution would be ready to be picked-up in five days from the Building Department.

**B. Brian and Kelly Pawlizak - Area variance from Section 280-A of Town Law to access to a building lot over an easement area, 400 feet to a Town Road, located on Snowdrift Lane in an AI Zone: Tax Lot No. 24-1-97.**

Mr. and Mrs. Pawlizak were present and provided the Board with proof of certified mailings. Mr. Pawlizak stated there has been discussion as to whether or not this was a Town Road. This discussion has been ongoing for two years now and it came to light that this is an easement through the property. This is stated on all the prior deeds. Snowdrift Lane starts out paved then turns to gravel, the gravel portion is considered an easement.

Mr. Morgan stated that at the workshop, it was brought to light that when the Pawlizaks' bought this property, the Title Insurance Company thought this was all Town road. So there was no problem. Unfortunately, it was realized at some point later on that it was not a Town Road. However, prior deeds indicate there is an easement from the Pawlizak's to the Town road. To sum up, it is either a Town road or an easement, one way or another they have access. The Board does not have to decide which it is.

Mr. Ken Newbold was present and wanted to go on record stating that this problem has been ongoing for 18 months. Mr. and Mrs. Pawlizak have been very patient and feels that the mistake was made when approval was granted for this parcel and the Pawlizak's should not be penalized for it.

Chairwoman Roe asked if there was a motion to close the Public Hearing. Mrs. Gersbeck made a motion to close the Public Hearing. Mr. Wilson seconded the motion. All in favor. Aye. Motion carried.

Chairwoman Roe asked if there was a motion to rule on the application. Mrs. Gersbeck made a motion to grant the application. Mr. Farfalla seconded the motion.

Chairwoman Roe asked for a roll call to vote on the application with the amendment that trees be planted as suggested.

Dawn Santoro: Yes  
Priscilla Gersbeck: Yes  
Michael Wilson: Yes

Robert Farfalla: Yes  
Chairwoman Roe: Yes

The matter is approved. Chairwomen Roe stated the formal Resolution would be ready to be picked-

up in five days from the Building Department.

#### **IV. Approval of Minutes**

Chairwoman Roe asked if there was a motion to accept the January 21, 2003 minutes with the corrections noted.

Mrs. Gersbeck made a motion to accept the January 21, 2003 minutes as noted. Mr. Farfalla seconded the motion. All in favor. Motion carried.

#### **V. Adjournment**

Mr. Farfalla made a motion to adjourn the March 25, 2003 Zoning Board of Appeals meeting.

Mrs. Gersbeck seconded the motion. All in favor. Aye. Motion carried.

Respectfully submitted,

Gloria J. Lloyd, Secretary

Date Approved: