

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

October 15, 2019

Members Present:

Edwin Garling, Chairman
Robert Farfalla
Philip Canterino
Trino Canton
Richard Florio

Also Present:

Kelly Naughton, ZBA Attorney
Neal Halloran, Building Inspector

The Zoning Board Meeting was opened with the Pledge of Allegiance at 7:30 pm by Chairman Garling

Approval of Minutes

VOTE BY PROPER MOTION, made by Mr. Canterino, seconded by Mr. Farfalla, the Town of Goshen Zoning Board moved to approve the October 1, 2019 minutes. Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

Public Hearing

Chris and Beth Pskowski – Appealing certain interpretations of the Town Building Inspector, pursuant to sections 97-63 and 97-69 of the Town Code, made in connection with the application of Foxfire La Colina, LLC (12-1-45.222) for a special permit and site plan approval for a bed & breakfast and event facility service business on 46.1 +/- acres on NYS Route 17M in the RU & HC Zones with AQ-3 & AQ-6 overlays.

VOTE BY PROPER MOTION, made by Mr. Florio, seconded by Mr. Canton, the Town of Goshen Zoning Board moved to open the public hearing for applicant Chris and Beth Pskowski. Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

Emily Svenson, Esq., Law Office of David K. Gordon, appeared before the Board for applicant. Attorney Svenson reviewed her report to the Board. Stated she was asking the Board to take a look at the information she submitted.

John Kennedy, 54 Dzierzek Lane, Goshen, in summary was concerned about the zoning, Uber cars

coming to the wrong address, parking, noise, and the disruption.

Bob Garloch, 46 Dzierzek Lane, in summary was concerned about the noise and Uber drivers.

Whereupon, there was a discussion on the entrance and signage.

Chris Pskowski, 52 Gate Schoolhouse Road, in summary was concerned about noise, not including all the structures in the square footage, toilet trailer not included in the square footage, the frontage, preexisting nonconforming for a residential use, the change of use, and the tent.

Beth Pskowski, didn't understand the idea of separating it into two businesses.

Whereupon, there was a discussion on prior use, the tent, and frontage.

Brad Barnhorst, Maple Avenue was concerned about the noise, the tent structure, and speakers.

Attorney Naughton asked for a clarification if the applicant agreed that the tent is a structure.

Chris and Beth Pskowski agreed the tent was a structure.

Whereupon, the Board discussed the noise, the use, square footage, and service use.

Mr. Halloran gave the Board the use table.

Whereupon, there was a discussion on the use table.

Chairman Garling asked if there were any further comments.

Brad Barnhorst, in summary was concerned about the road frontage on 17M and the speed of cars.

Chris Pskowski asked if anyone was interested, they could walk his property.

Whereupon, there was a discussion on the noise code and Chapter 70 of the code.

VOTE BY PROPER MOTION, made by Mr. Canterino, seconded by Mr. Farfalla, the Town of Goshen Zoning Board moved to close the public hearing for applicant Chris and Beth Pskowski. Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

Clifford Ryan 19-1-66.1 on 2.007 +/- acres located at 127-129 Cross Road in the RU district. The applicant is requesting an area variance from Section 97-19C, which requires a minimum lot area of 1.5 acres, and two lots of approximately one acre each are proposed. The applicant is also requesting an area variance from Chapter 97, Appendix C, and Well Testing Protocols, which requires a 72-hour

pump test for the proposed onsite wells.

James Clearwater, MJS Engineering, appeared before the Board. Mr. Clearwater reviewed the project.

Whereupon, there was a discussion on the well testing. It was determined that the Planning Board would determine what well test would be adequate.

Mr. Clearwater stated he would go for the area variance hoping the planning board would determine a 72 hour test was not needed.

Attorney Naughton advised they take comments on both the area variance and well testing and not deliberate tonight.

VOTE BY PROPER MOTION, made by Mr. Canterino, seconded by Mr. Florio, the Town of Goshen Zoning Board moved to open the public hearing for applicant Clifford Ryan. Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

Rob Dittert, 133 Cross Road, a neighbor, inquired about the well test.

Whereupon, there was a discussion on well testing. It was established the planning board would determine what test is appropriate.

There were no more comments from the public.

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mr. Canton, the Town of Goshen Zoning Board moved to close the public hearing for applicant Clifford Ryan. Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

Attorney Naughton stated this is a Type 2 action under SEQRA, it was referred to the County and the 30 days hadn't passed yet.

Whereupon, Attorney Naughton reviewed the 5 part balancing test on minimum lot area.

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mr. Florio, the Town of Goshen Zoning Board authorized the drafting of a decision based on the discussions. Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

Items for Discussion/Action

Authentic Antique Lumber 18-2-5 on 2.752 +/- acres located at 1962 NYS Route 17A in the HC district. The applicant is requesting area variances from the minimum side yard setback of 30 feet required under Town Code 97-14(A) to move two existing storage sheds to 7 feet from the southern property line, and for an existing storage trailer located 9.2 feet from the northern property line.

Karen Emmerich, Lehman & Getz Engineering, appeared for applicant.

Whereupon, there was a discussion on the trailer being removed or moved to comply.

Whereupon, Attorney Naughton reviewed the 5 part balancing test.

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Mr. Florio, the Town of Goshen Zoning Board authorized the drafting of a decision based on the discussions. Approved unanimously.

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

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

Mr. Garling, Chairman	Aye	Mr. Canterino	Aye
Mr. Canton	Aye	Mr. Farfalla	Aye
Mr. Florio	Aye		

Meeting adjourned at 9:25 pm