

TOWN OF GOSHEN
Zoning Board of Appeals
October 4, 2016

Members Present:

Frank Leva, Chairman
Cynthia Hand
Bob Farfalla
Ed Garling

Also Present:

Kelly Naughton, ZBA Attorney
Neal Halloran, Building Inspector

Absent: Trino Canton

The ZBA meeting was opened at 7:30 p.m. by Chairman Frank Leva.

Amy's Kitchen & Science of the Soul 12-1-1.222,19.2,23.2,24.2,101 total acres 252.80+/- acres located on Hartley Rd in the CO, I and RU district with an AQ3&6, SC and FP overlay district requesting multiple area variances.

Representing applicant:

Larry Wolinsky, Esq.
Graham Trelstad, AICP

Mr. Wolinsky stated he is the land use counsel for this application. The project has been moving forward for quite some time. There is now a need for a few area variances in connection with design standards that are in the code for the Industrial District. He stated he was here tonight to try to identify all of the variances that are necessary. He presented what he believed may be needed and stated counsel for the board, Ms. Naughton has identified a couple of potential others.

Mr. Wolinsky stated there are three properties that are impacted by the variances. The first is the Verhage property off of Hartley Road, the principal location for Amy's. The second is the Echo Lake property and is the location of the Science of the Soul Conference Center. The third is the access property currently owned by the State of New York that will be conveyed to the Town and by Agreement between Amy's and the Town, Amy's will be able to construct its principal access for the projects off of Route 17M.

Mr. Wolinsky stated he prepared a Supplement C which is his opinion of the justification that will support grant of the variances pursuant to the statutory requirements under New York State law. That was passed out to the Board.

Mr. Wolinsky listed the variances he believes are necessary as follows:

1. 97.14 D2 states that flat roofs are not favored or permitted in the industrial district. Mr. Trelstad stated the SOS and Amy's buildings will need a roof variance.
2. 97.14 D2(E) states that there is a requirement that building be broken up into 10,000 square foot volumes. Many of the buildings do not meet this requirement.

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3. 97.14 D4 is a variance to permit the use of a chain-link fence that will be seen from Hartley Road. Amy's Kitchen is a food production facility that needs to be a secured facility.
4. 97.14 D6 is a variance that would allow the curb cuts for the emergency access roads to be less than 600 feet apart. The actual distance between the two emergency access ways are 200+/- feet.
5. 97.49 C1 is a variance to allow location of an announcement sign off premises. After board discussion this variance was determined to not be necessary at this time.

Ms. Naughton listed the variances that she determined may be needed as follows:

1. Make sure there is compliance with the impervious surface coverage.
2. 97.14 D which speaks to a bike path and sidewalk along Hartley Road and Rt. 17M. It was discussed the argument the applicant could raise to have this variance granted.
3. The code states that parking lot street lighting poles are limited to 12 to 15 feet in height. Outside of the parking lot on interior roads that calls for a 20-foot light standard. Ms. Naughton stated if designed to 15 feet all around, no variance will be needed.

Mr. Wolinsky stated he would amend the application in advance of the hearing so that the variance list is complete and to provide additional information as requested.

VOTE BY PROPER MOTION, made by Mr. Farfalla, seconded by Ms. Hand, The Town of Goshen Zoning Board of Appeals moved to set a public hearing date for this application on October 18, 2016 at 7:30 p.m. Approved unanimously.

VOTE BY PROPER MOTION, made by Mr. Leva, seconded by Ms. Hand, The Town of Goshen Zoning Board of Appeals adjourned the meeting at 8:30 p.m. Approved unanimously.

Frank Leva, Chairman

Notes prepared by Tanya McPhee