

TOWN OF GOSHEN
Zoning Board of Appeals
January 19, 2016

Members Present:

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

Also Present:

Sean Hoffman, Town Engineer
Kelly Naughton, Esq., ZBA Attorney
Rick Golden, Esq., Town Attorney
Neal Halloran, Building Inspector
Tanya McPhee, ZBA Secretary

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

Orange County Fellowship Church – Tax Map 11-1-100.2

Site plan and special permit application for a religious use on 7.12 +/- acres on Duck Cedar and Old Chester Roads in the RU District with AQ-6, Floodplain & Ponding Area, Stream Corridor and Water Supply Watershed and Scenic Road Corridor Overlay Districts.

CONTINUED PUBLIC HEARING

Chairman Leva made a motion to open the continued public hearing, seconded by Trino Canton. Motion carried 5-0.

The Orange County Fellowship church was noticed for a continued public hearing this evening. Board Attorney Kelly Naughton explained that the applicant has not yet completed SEQRA in front of the Planning Board and has requested an adjournment of the public hearing. She advised the Board they should hear out any comments or questions that the public has and then can adjourn the public hearing to April 19, 2016.

Town Attorney Rick Golden advised the Board that since it is a rather long adjournment, while the applicant does not have to send out mailings again, they should require that they republish the notice. Chairman Leva agreed that it would be a good idea to require the applicant to republish the notice.

Chairman Leva asked if the public had any new comments for the Board regarding the application.

First to speak from the public was Alan Jorgenson of 124 Old Chester Road. Mr. Jorgenson stated that the town allows 10 percent impervious coverage. The applicant is asking for 38% percent. He believes that 10 percent is good, but 38 percent is extreme. He stated that his neighbors, the Coreys' well almost goes dry and his does in August. He said the well testing that was done on the property was not done in August. Mr. Jorgenson is afraid of all the runoff from the cars that will end up in the Otterkill. He feels the runoff will be detrimental to his property.

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Next to speak was Gerri Corey. She agreed 100 percent with Alan Jorgenson and wanted to make note of the traffic that she is concerned about on Duck Pond Road. She doesn't see how the road will be able to accommodate the expected volume. She said the traffic currently is impacted on 17M where the church is now located.

Town Attorney Rick Golden responded that none of the traffic issues were going to be discussed by the ZBA. The traffic issues are the exclusive province of the Planning Board. This board is only being asked for an interpretation of the code with respect to what the maximum impervious ratio of coverage is for this particular parcel. If the interpretation is there, then the applicant is asking for a variance for the same thing. The only issue this board is dealing with is the impervious coverage. He stated the Planning Board is doing the environmental review that includes traffic. Any comments with respect to that need to be addressed to the Planning Board.

Gerri Corey asked if the project was before the Planning Board. Rick Golden stated that it was and explained the process an application has to go through in the planning process, versus what the ZBA does.

Next to speak was Sean McGowan of 138 Old Chester Road. He asked if perc tests were done on the parcel. Town Engineer Sean Hoffman stated he did not know how far along the applicant was with the Planning Board, but stated if they have not yet, they will. They have done some preliminary soil testing but they have not yet submitted any perc test results.

Chairman Leva stated that the water that leaves the site should not increase more than it does before it is developed. He stated he is listening to what the public has to say and would like to hear what the project engineer has to say when they appear before the Board in the future. He stated the pictures submitted by Alan Jorgenson said a lot, but he was reserving any judgement until he could hear what the project engineer has to say.

Rick Golden also mentioned that the ZBA could not make any decision until the Planning Board has finished the environmental review under SEQRA. Once the public hearing is closed the board only has 60 days to make a final determination, thus the need for the continual adjournments.

Alan Jorgenson asked if the septic system was shown on the map. Sean Hoffman stated only a conceptual area for the septic system. Mr. Jorgenson asked if he could see that map. He went up to inspect the map along with Sean McGowan.

Chairman Leva polled the board for questions and comments.

Trino Canton asked when the Planning Board does their SEQRA procedure, does that calculate what the runoff would be without the variance. Mr. Golden stated they will look at the plan the way it is presented to them. The way it is being presented is the 38.7 percent impervious coverage. The Planning Board will study that.

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Monti Corey of 125 Old Chester Road stated that he used to own the property and had engineers try to perc it and they never could. He stated the parcel is all clay. He was unable to perc it.

Board member Cynthia Hand asked if she was going to receive copies of the Environmental Assessment Form. She has only seen a short form and would like the long form. Sean Hoffman said they would be provided.

Chairman Leva made a motion to adjourn the public hearing until April 19, 2016, seconded by Bob Farfalla. Motion carried 5-0.

Bob Farfalla made a motion to close the meeting, seconded by Chairman Leva. Motion carried 5-0.

Meeting adjourned at 7:50 pm.

Respectfully submitted,

Tanya McPhee
ZBA Secretary