

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

**September 20, 2022**

**Members Present:**

Charles VanHaaster, Chairman  
Thomas Burnham  
Joanne Donovan  
Trino Canton  
Robert Farfalla

**Also Present:**

Rory Brady, Esq., ZBA Attorney  
Frank Leva, Building Inspector

James Barrett (Alternate)

The meeting of the Town of Goshen Zoning Board of Appeals was opened with the Pledge of Allegiance at 7:30 pm.

**Approval of Minutes**

**VOTE BY PROPER MOTION**, made by Mr. Farfalla, seconded by Mr. Canton, the Town of Goshen Zoning Board of Appeals approved the minutes of the September 6, 2022 meeting as presented. Approved unanimously.

Chairman VanHaaster	Aye	Mr. Burnham	Aye
Mr. Canton	Aye	Mrs. Donovan	Aye
Mr. Farfalla	Aye		

**Public Hearing**

**RDM Goshen 17M/2602 Route 17 Developers** – 12-1-116: Application for site plan, special permit and subdivision for a warehouse and single-family dwelling on two (2) lots totaling 61.59 +/- acres on NYS Route 17M in the CO Zone with AQ-6 and Floodplain & Ponding Overlays.

**Area Variance and Interpretation**

Project Engineer Andrew Fetherston, Attorney Robert Stout, and Managing Partner Isaac Neuman present.

Attorney Stout distributed summary memo.

Notice of public hearing mailings were distributed to the attorney.

**VOTE BY PROPER MOTION**, made by Mr. Burnham, seconded by Mrs. Donovan, the Town of Goshen Zoning Board of Appeals opened the public hearing of RDM Goshen 17M/2602 Route 17 Developers. Approved unanimously.

Chairman VanHaaster	Aye	Mr. Burnham	Aye
Mr. Canton	Aye	Mrs. Donovan	Aye
Mr. Farfalla	Aye		

There were no members of the public present for comment.

Engineer Fetherston stated the application is still before the Planning Board in the SEQRA process, therefore no action can be taken tonight.

Attorney Brady advised the Board that they can close the public hearing and accept written comments via mail for seven (7) business days.

**VOTE BY PROPER MOTION**, made by Mr. Burnham, seconded by Mrs. Donovan, the Town of Goshen Zoning Board of Appeals closed the public hearing of RDM Goshen 17M/2602 Route 17 Developers and will accept substantive written comments via mail for seven (7) business days. Approved unanimously.

Chairman VanHaaster	Aye	Mr. Burnham	Aye
Mr. Canton	Aye	Mrs. Donovan	Aye
Mr. Farfalla	Aye		

Attorney Brady will draft a resolution for next appearance for contemplation.

**Items for Discussion/Action**

**111 Owens Road Solar - 10-1-10.22:** Application for side yard setback variances for large-scale ground-mounted solar photovoltaic energy generating facility consisting of two (2) five-megawatt AC solar system array on approximately 53.9+/- acre site. The proposed project site is located along the northern side of Owens Road, between Echo Lake Road and Phillipsburg Road, in the RU Zone with AQ-6 overlay. **Side Yard Setback Variances**

Attorney Alicia Legland, Engineer ReJean DeVaux and Project Manager Terrance Nolan present.

Attorney Brady read into the record Town of Goshen Introductory Local Law No. 3 of 2022 A Local Introductory Law Adopting a Moratorium on Certain Solar Energy Uses.

As application was received before the adoption of the Local Law, application is not subject to Town of Goshen Introductory Local Law No. 3 of 2022.

Engineer DeVaux circulated requested variance plan to the Board.

Fencing – The Code requires all fencing greater than four (4) feet in height to be located 80-feet from all property lines [§97-55F(12)(d)]. The fence setback required is 80-feet and the minimum proposed setback is 18-feet (for Lot No. 1). This will require an area variance.

Attorney Brady reviewed the five factors with the Board regarding this requested variance.

A poll of the board of whether to grant this requested variance is as follows:

Chairman VanHaaster	No	Mr. Burnham	Yes
Mr. Canton	Yes	Mrs. Donovan	Yes
Mr. Farfalla	Yes		

If the variance is granted, the Board requests the fencing variance to be conditional to the solar use lease and adherence to site plan landscaping.

Setbacks – The front, side and rear yards required are 100-feet and the minimum proposed setback is 42-feet (for Lot No. 1). The Layout and Materials Plan, Sheet No. C-3.0, graphically depicts multiple modules for the Lot No. 1 array encroaching into the required setback toward the north and the minimum setback now appears to be the westernmost module (adjacent to the 18-foot fence setback dimension) which appears less than 42-feet. This will require an area variance.

Attorney Brady reviewed the five factors with the Board regarding this requested variance.

A poll of the board of whether to grant this requested variance is as follows:

Chairman VanHaaster	No	Mr. Burnham	Yes
Mr. Canton	Yes	Mrs. Donovan	Yes
Mr. Farfalla	Yes		

If the variance is granted, the Board requests the area variance to be conditional to the solar use lease and adherence to site plan landscaping.

Attorney Brady will prepare a draft resolution for Board consideration at the next appearance.

**Fierman Produce Exchange, Inc. Subdivision** – 19-1-65: Application for two area variances for a proposed two (2) lot subdivision on approximately 10.0 +/- acres along Cross Road/County Route 42 in the RU Zone with AQ-3 and Scenic Road Corridor overlays. **Two Area Variances**

Engineer Daniel Getz present.

Engineer Getz presented revised plans addressing previous Board comments.

Requested variances are as follows:

- Total impervious surface coverage is approximately 22 percent of the property, where Town Code allows a maximum of 15 percent. After the subdivision, the impervious surface coverage of the new lots is to be approximately 20 percent for Lot 1 and 22 percent for Lot 2.
- Under existing conditions, the warehouse does not meet the required minimum side yard setback of 20 feet, as a corner of it is located approximately 12.1 feet from the property line. No change is proposed to this pre-existing condition.

Whereupon, there were discussions regarding gravel areas for less impervious surface options and driveway distances to be reviewed by building inspector and NYSDOT.

Board was provided photographs for review.

**Adjournment**

**VOTE BY PROPER MOTION**, made by Mr. Farfalla, seconded by Mr. Canton, the Town of Goshen Zoning Board of Appeals moved to adjourn the meeting. Approved unanimously.

Chairman VanHaaster	Aye	Mr. Burnham	Aye
Mr. Canton	Aye	Mrs. Donovan	Aye
Mr. Farfalla	Aye		

Meeting adjourned 9:05 pm