

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

**MINUTES OF THE MEETING FOR
AUGUST 27, 2002**

Members Present:

Donna Roe, Chairwoman
Malcolm Booth
Robert Farfalla
Priscilla Gersbeck
Michael Wilson

Also Present:

Brian Morgan, Esq.
Neal Halloran, Bldg. Inspector



I. Call to Order

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

Chairwoman Roe announced that the next Zoning Board of Appeals work session will be at 7:30 p.m. on September 18, 2002, its regular meeting on September 24, 2002 at 7:30 p.m., and the filing deadline for applications would be Friday, September 13, 2002.

II. Public Hearing

A. Ronald Marks, Jr. - Area variance from Section 97-64 pertaining to front and rear required setbacks, located on NYS Route 207 in an AR-.5 Zoning District: Tax Lot No. 3-1-6.

Mr. Marks presented the certified mailing receipts to the Board, maps and the proposed drawings.

Mr. Marks stated that he wanted to build an attached porch, approximately 24 ft. x 34 ft. All the code requirements are met except for the setbacks from the front of the house to the road, which is 10 ft. short. In the back of the property is an old railroad bed, which the Village of Goshen owns, and the deck is going to be 25 ft. from that property line.

Chairwoman Roe stated that in the rear of the property the requirement, according to the code, is 60 ft. and the front is a 50 ft. requirement. Chairwoman Roe asked Mr. Marks how long has he owned the property. Mr. Marks replied 1½ years.

Regarding the front porch area, Mrs. Gersbeck asked if there was already something there. Mr.

Marks stated that there was a form for the porch structure there and went on to explain that when he went to apply for the Building Permit he did not realize that it did not comply with the Town code. It was only until Mr. Marks called for an inspection of the forms he found out he was not in compliance and needed a variance. There was an existing concrete slab, which has since been broken up and removed. Chairwoman Roe stated for the record that a review of other parcels in the immediate area indicated this particular dwelling is actually further from the road than others.

Chairwoman Roe asked if there were comments from anyone in the audience. There were none.

Mr. Booth asked if doors on the garage will open on the side, and Mr. Marks stated that they would. Chairwoman Roe asked when it would be built and Mr. Marks answered that he hoped it would be built sometime next year.

Mr. Farfalla asked who would be doing the work and Mr. Marks stated that he would.

For the record it was stated that in the front 50 ft. is required and 35.8 ft. is proposed; the side (future garage) 50 ft. is required and 30 ft. is proposed; and in the rear 50 ft. is required and 22 ft. is proposed.

Mr. Marks showed the drawings to Mr. Farfalla and explained his proposed property improvements.

Chairwoman Roe asked the Board if there were any further questions.

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.

Mr. Morgan read the Resolution into record.

Chairwoman Roe asked the Board to vote to accept the Resolution for the area variance.

All in were favor. Motion carried

B. James Wapshare - Variance from Section 97-64(4)(c) pertaining to maximum length of in-ground pools, located on Long Meadow Way in an AR-.5 Zoning District: Tax Lot No. 15-1-80.

Mr. Wapshare stated that he resides on 4.67 acres of land and wants to install an in-ground pool. When the contractor went to apply for the Building Permit he found out that to be in accordance with code a full size is considered a 20 ft. x 40 ft., and his proposed pool is 20 ft. x 45 ft. The actual rectangle is 20 ft. x 36 ft. and the stair section on one end 4.5 ft.; and the opposite end (which is a Roman-end pool) is also 4.5 ft. Therefore, a 5 ft. variance is being requested.

Chairwoman Roe asked what the distance between the house and the pool. Mr. Wapshare replied approximately 20 ft.

Mr. Booth asked if he was in compliance with the property line setbacks, and Mr. Wapshare replied that he was. The side yard distances are 69 ft. and 500 ft. respectively.

Chairwoman Roe asked if there were comments from anyone in the audience. 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.

Mr. Wapshare stated that he was not aware that he had to mail out the Public Notices, "Return Receipt Required." However, he did speak to all his neighbors.

After a brief discussion among the Board members, Chairwoman Roe asked if this was acceptable to the Board. All were in favor.

Mr. Morgan read the Resolution into record.

Chairwoman Roe asked the Board to vote to accept the Resolution for the area variance.

All in were favor. Motion carried

C. Edward & Christine Chelsicla - area variance from Section 97-64(A) pertaining to side yard required setbacks, located on Strack Road in an AR-1 Zoning District: Tax Lot No. 14-10-2.

Mr. Chelsicla presented the Board with the certified mailings.

Mr. Chelsicla bought the property in July 2002 and in the process the Building Department

notified them that house is not in conformance with code regulations. The house is 19.5 ft. from the side property line, instead of the 20 ft. required, and there is a four-car detached garage that is only 2.5 ft. from the side yard.

Mr. Halloran stated that the garage was built without a permit and the house never received a Certificate of Occupancy. The house was built over 30 years ago. Mr. Chelsicla presented the Board with photographs of the property.

Mr. Wilson asked if the construction of the garage was sound. Mr. Chelsicla stated that they were, although the front part of the garage has a roof that leaks. Chairwoman Roe asked Mr. Halloran what his findings were when he performed a site visit. Mr. Halloran stated that the garage is in usable condition.

Mrs. Chelsicla stated that it was their intention to obtain a Certificate of Occupancy for the property, as the responsibility of securing one fell on them. The house had been vacant and unsightly and they have already sided the house and started cleaning up the parcel.

Chairwoman Roe asked what the Chelsicla's intention was with property once the improvements are completed. Mrs. Chelsicla stated that they intended to put the property up for sale.

Mrs. Gersbeck asked if they were going to expand the dwelling, and Mrs. Chelsicla stated absolutely not. When the bank took the property over, there was no Certificate of Occupancy, so that is why it sat vacant for a year and half. Mr. Morgan stated a Certificate of Occupancy is not needed to sell a house. However, one is needed to buy the house.

Chairwoman Roe stated that the previous owners had a mortgage and found it difficult to believe that the bank would allow a loan without a Certificate of Occupancy.

Mr. Farfalla asked what the dimensions of the garage were. Mr. Chelsicla stated that they are approximately 24 ft. x 50 ft. There will be no re-building, just improvements to the existing structure and clean up of the area. There will be no additions. There is a 30-yard dumpster that is there now which is full, and will be taken away this week. If it is necessary to bring in another dumpster Mr. Chelsicla will in order to make the property presentable.

Mr. Farfalla asked if they are considering taking down this garage and Mr. Chelsicla stated no that it is a usable garage. Mr. Halloran agreed. Mr. Chelsicla stated that he was going to side the garage to match the house.

Chairwoman Roe asked how far is the garage from the next door house? Mr. Chelsicla stated approximately 100 ft. A survey was performed in July 2002.

Mrs. Gersbeck asked a member of the audience (Mr. Lombardo), since it was so close to his property line, would he like to see some sort of berm there, such as foliage. Mr. Lombardo stated that there is foliage there now.

Ms. Rossi, from the audience, asked about the septic system. Mr. Chelsicla stated that they are going to hire someone to come in and look at it. At this point, they do not know the condition.

Chairwoman Roe wanted to know the locations of the well and sewage disposal system. Mr. Chelsicla stated that the well is in the back. Mrs. Chelsicla stated that if they did not buy it, Mr. Lombardo would still be looking at the mess that was there before.

Chairwoman Roe asked if there were comments from anyone in the audience. There were none.

Mr. Morgan stated that one of the conditions be that the variance expires or terminates when the garage is removed. The garage variance would not be applicable to the house side yard.

Chairwoman Roe asked if there was a motion to close the Public Hearing.

Mr. Wilson made a motion to close the Public Hearing.

Mr. Booth seconded the motion. All in favor. Aye. Motion carried.

Mr. Morgan read the Resolution into record with the conditions noted.

Chairwoman Roe asked the Board to vote to accept the Resolution for the area variance.

All in were favor. Motion carried

III. Approval of Minutes

Not applicable, as the Secretary was absent.

IV. Adjournment

Mrs. Gersbeck made a motion to adjourn the August 27, 2002 Zoning Board of Appeals meeting.

Mr. Farfalla seconded the motion. All in favor. Aye. Motion carried.

Respectfully submitted,

Gloria J. Lloyd
Secretary

Date Approved: January 21, 2003