

TOWN OF GOSHEN
OFFICE OF THE
BUILDING AND ZONING INSPECTOR
TOWN HALL
P.O. Box 217
GOSHEN, NEW YORK 10924
TELEPHONE: 845 294-6430x 226

October 7, 2022

Ross Winglovitz, P.E.
Engineering & Surveying Properties, P.C.
71 Clinton Street
Montgomery, New York 12549

Re: 11 Gurda Lane – All in Audio
Response to Request for Interpretation

Dear Mr. Winglovitz:

You have requested three interpretations in connection the project proposed at 11 Gurda Lane known as All in Audio.

Request No. 1 – 200-foot landscaped buffer

Town Code § 97-13(F) provides, “Unless otherwise provided, all nonresidential uses and buildings in the AI District shall meet the following bulk regulations: . . . In addition, any nonresidential use shall maintain a suitably landscaped two-hundred-foot buffer strip from the building or use to any lot line abutting the RU District boundary.” (Emphasis added.) Town Code § 97-47(E) is inapplicable to Buildings 4, 5 and 6 as they will be converted from agricultural use to nonresidential use. Therefore, variances from the Zoning Board of Appeals will be necessary.

Request No. 2 – Flood Plain Overlay District

The FP Overlay allows “Agricultural and commercial agricultural operations and accessory uses thereto, including fences and temporary structures” by right. “Barns, silos and related agricultural buildings” are permitted in the FP Overlay district by special permit of the Planning Board. The buildings that are currently located in the FP Overlay district will remain agricultural, and therefore are permitted.

Request No. 3 – Stream Corridor

Section 97-26(D) provides, “Setbacks. No principal structure shall be located within 100 feet of a watercourse, and no accessory structure 200 square feet or larger other than a boathouse shall be located within 50 feet of a watercourse. No hazardous materials may be stored within 100 feet of a watercourse. These setbacks shall apply to all uses including agriculture. Setbacks shall be measured horizontally from the mean high water line of the watercourse.” (Emphasis added. Section 97-26(E)(2) provides, “Within the SC District, the site plan approval requirement shall not apply to . . . agricultural uses.” The buildings that are currently located in the SC Overlay district will remain agricultural, and therefore are permitted.

Request No. 4 – AQ Overlay/Water Testing

Obtaining the approval of the Department of Health for the water supply is insufficient to satisfy the requirements of § 97-27. The residential component of this project requires compliance with this provision of the Town Code.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Leva". The signature is written in a cursive, slightly slanted style.

Frank Leva

Building and Zoning Inspector

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October 25, 2022

Ross Winglovitz, P.E.
Engineering & Surveying Properties, P.C.
71 Clinton Street
Montgomery, New York 12549

Re: 11 Gurda Lane – All in Audio
Supplemental Response to Request for Interpretation

Dear Mr. Winglovitz:

Please allow this letter to supplement my October 7, 2022 interpretation in connection the project proposed at 11 Gurda Lane known as All in Audio.

Request No. 1 – 200-foot landscaped buffer

Town Code § 97-13(F) provides, “Unless otherwise provided, all nonresidential uses and buildings in the AI District shall meet the following bulk regulations: . . . In addition, any nonresidential use shall maintain a suitably landscaped two-hundred-foot buffer strip from the building or use to any lot line abutting the RU District boundary.” (Emphasis added.)

Town Code § 97-47(E)(2) provides, “There shall be no lot line setback restrictions on agricultural structures, except setbacks from lots that are either not within the agricultural district or lots that have existing residential uses. Agricultural structures containing animals, animal feed, or animal waste shall be set back at least 100 feet from lots that have existing residential uses, whether or not such residential lots are within an agricultural district.”

The buildings at issue, Buildings 4, 5 and 6, which are used for agricultural purposes, *already* do not comply with §§ 97-13 or 97-47 in terms of setbacks from lots that have existing residential uses or abut the RU District boundary. The buildings at issue are being converted from nonresidential (agricultural) to nonresidential (commercial). Thus, the failure to comply with the (1) 200-foot buffer strip under § 97-13(F)(2), and (ii) the setbacks required under § 97-47, are legally pre-existing nonconforming conditions. No variances from the Zoning Board of Appeals will be necessary under these provisions of the Town Code.

Respectfully submitted,



Frank Leva
Building and Zoning Inspector