

**TOWN OF GOSHEN**  
**Zoning Board of Appeals**  
**October 18, 2016**

Members Present:

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

Also Present:

Richard Golden, ZBA Attorney  
Neal Halloran, Building Inspector  
John Ahearn  
Kelly Naughton, ZBA Attorney

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

**APPROVAL OF MINUTES**

**VOTE BY PROPER MOTION**, made by Mr. Farfalla, seconded by Ms. Hand, The Town of Goshen Zoning Board of Appeals approved the minutes of the October 4, 2016 meeting. Approved 4-0-1 with Mr. Canton abstaining.

**PUBLIC HEARING**

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 made an amended submission to the board. The variations are of design standards.

**VOTE BY PROPER MOTION**, made by Mr. Leva, seconded by Mr. Canton, The Town of Goshen Zoning Board opened the public hearing. Approved unanimously.

Mr. Trelstad made a lengthy presentation to the members of the board. Via overhead projection he showed the zoning splits of each property on the site. He showed the overall site plan and Amy's Kitchen site plan.

Presented were renderings of the proposed manufacturing facility. Also shown were actual photographs of the Medford, Oregon Amy's Kitchen plant for comparison. Photos of the existing character of Hartley Road were shown along with an existing chain link fence. Roof pitch renderings were discussed and the need for variances.

Photographs of the Science of the Soul site were shown from three vantage points from Echo Lake Road to the S.O.S property. Photos were taken from the Heritage Trail as well. Renderings of the open-air pavilion were demonstrated as well as photos from the Oregon site, with differences between the two being discussed. Lighting markups were also shown.

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There were no comments from the public.

The board was polled for questions and comments.

A question was asked regarding whether a rendering displayed actual windows or panels that only allow in natural light. Discussions regarding visibility of the buildings were also discussed.

The curb cuts for the driveways were discussed for what actual variances would be needed. Also, the issue of requiring sidewalks and/or a bike path was also discussed. Mr. Golden stated the remoteness of the site was not a reason to grant a variance. It was also brought up that the Heritage Trail is also right there.

The window and what is visible from all sides were discussed.

Mr. Golden summarized that the following variances would be needed for Amy's Kitchen:

1. Bike path
2. Chain link fence
3. Curb cuts
4. Roof pitch
5. Windows
6. Breaking up of the building

And for Science of the Soul:

1. Bike path
2. Curb cuts
3. Building not being visible

**VOTE BY PROPER MOTION**, made by Mr. Canton, seconded by Mr. Farfalla, The Town of Goshen Zoning Board of Appeals closed the public hearing. Approved unanimously.

**VOTE BY PROPER MOTION**, made by Mr. Leva, seconded by Mr. Canton, The Town of Goshen Zoning Board of Appeals directed the attorney to draft a proposed decision. Approved unanimously.

**AGENDA**

**Conklin – 1-4-6 - .43 +/- acres** located on Ruby Lane in the RU District with an AQ 6 overlay requesting a variance from 97-36.

Representing applicant:

Timothy Conklin

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Mr. Conklin stated he seeking a 9-foot area variance for a small dining area addition to his home. He is seeking relief from the setback requirements of 20 feet to 11 feet. He has a non-conforming lot. He stated he has a very large extended family and would like to add on a dining area to be able to entertain in, which is currently impossible to do.

Mr. Garling requested a copy of a survey for the property.

Ms. Naughton stated this application is a Type 2 action under SEQRA. On October 14, 2016, this application was referred to Orange County Planning. A public hearing will be required for this application.

Ms. Naughton polled the board regarding the ZBA balancing test. She asked if the proposed variance would cause an undesirable change in the neighborhood. It was noted that the home is of the same type of construction as the surrounding neighborhood. Ed Garling stated he went out to see the site and sees no problem with it.

Ms. Naughton asked if the benefit could be achieved other than by area variance. If the addition was put on the back of the house, the septic is placed there and there would be no head room from the trusses. The board was okay with this.

Ms. Naughton asked if the area variance is substantial. It was noted it is a 45% variance request.

It was decided there was no adverse effect to the neighborhood.

Finally, the need for the variance is self-created.

**VOTE BY PROPER MOTION**, made by Mr. Leva, seconded by Mr. Farfalla, The Town of Goshen Zoning Board of Appeals moved to set a public hearing for this application on November 15<sup>th</sup>, 2016 at 7:30 p.m. Approved unanimously.

**VOTE BY PROPER MOTION**, made by Mr. Leva, seconded by Mr. Canton, The Town of Goshen Zoning Board of Appeals authorized the attorney to draft a proposed decision. Approved unanimously.

**ADJOURNMENT**

**VOTE BY PROPER MOTION**, made by Mr. Canton, seconded by Mr. Farfalla, The Town of Goshen Zoning Board of Appeals adjourned the meeting at 10:25 p.m. Approved unanimously.

Frank Leva, Chairman

Notes prepared by Tanya McPhee