

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

**MINUTES OF THE MEETING FOR  
JANUARY 21, 2003**

**Members Present:**

Donna Roe, Chairwoman  
Robert Farfalla  
Priscilla Gersbeck

**Also Present:**

Brian Morgan, Esq.  
Neal Halloran, Bldg. Inspector



**I. Call to Order**

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

Chairwoman Roe stated that the February Zoning Board of Appeals work session will be at 7:30 p.m. on February 19, 2003; regular meeting on February 25, 2003 at 7:30 p.m.; and the filing deadline for applications would be Wednesday, February 12, 2003.

There were two new items on the agenda, which the mailing was sent out for tonight's meeting (January 21, 2003). These two applications are Everything Grows Child Care Center and Gary Job. However, the published Notice stated that the meeting was January 28, 2003. Therefore, the Board will open the Public Hearing for both applications and they will be held opened at least through the special meeting date of January 28, 2003 for a full discussion.

**II. Public Hearing**

- A. Everything Grows Child Care Center- For an interpretation and/or area variance from Section 97-65 M(4)(e)(2)(a) pertaining to the size of an outdoor recreation area from 200 sq. ft./child to 75 sq. ft./child and from Section 97-65 M (4)(e)(s)(d) pertaining to the excluding of fencing of the entire 200 sq. ft./child (if required), located in an IP Zoning District with a Planned Business Development Overlay Zone: Tax Lot No. 20-1-148 & 149.**

Chairman Roe opened the Public Hearing and the applicant presented the certified mailings and letter from the owner to the Board. Chairman Roe stated that because of the need to continue the Public Hearing, the discussion on the application will be held to a minimum and apologized for the misunderstanding of the Notice date, which was published.

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

Mrs. Gersbeck made a motion to continue the Public Hearing. Mr. Farfalla seconded the motion. All

in favor. Aye. Motion carried.

**B. Gary Job - Area variance from Section 97-64 pertaining to front yard setback from 100 feet to 79 feet and the required number of parking spaces from 35 to 26, located on Industrial Drive in an I Zoning District: Tax Lot No. 20-2-16.**

Chairman Roe opened the Public Hearing and the applicant presented the certified mailings to the Board. Chairman Roe stated that because of the need to continue the Public Hearing, the discussion on the application will be held to a minimum and apologized for the misunderstanding of the Notice date, which was published.

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

Mr. Farfalla made a motion to continue the Public Hearing. Mrs. Gersbeck seconded the motion. All in favor. Aye. Motion carried.

Chairwoman Roe stated that before the meeting continued, the Board would like to memorialize the passing of Malcolm Booth. Malcolm served this Board as a member and Chairman, together with the community for many, many years. Malcolm made major contributions to this Town and was a very helpful to this Board. He takes with him a great amount of knowledge of Town history and he will missed.

**Public Hearing - continued**

**C. Skelly - Area variance from Sections 97-9(c)(2) pertaining to raising or keeping goats on a parcel, from 20 acres to 1.2 acres; and from Section 97-11(g) to keep goats on less than two acres, located on Orchard Hill Vista in an SR-8 Zone : Tax Lot No. 28-3-3.**

Kevin and Judy Skelly were present to represent the application. They have provided the Board with the certified mailings, correspondences from the veterinarian and the Orange County Department of Health, as requested.

Chairwoman Roe read the letter from the veterinarian, Dr. Tuttle, which stated that the goats receive routine medical care, as needed, and are in good health and up-to-date with vaccines. It is Dr. Tuttle's belief that the goats are well taken of and will be continue to be under Dr. Tuttle's care, as needed.

Chairwoman Roe read the letter from Orange County Department of Health, which reflects some guidelines with respect to water quality. It states that the well head should be completely fenced or the goats should be kept 10 ft. from the well head. The water should be tested for nitrates and coliform on annual basis, and results will be made available to the Town of Goshen for review.

Mr. Skelly informed the Board that the goats' pen is approximately 20 feet from the well cap.

Chairwoman Roe stated that the Board received a letter from a neighbor who is not happy with the situation with the goats. The letter stated that there is odors and is afraid that the goats might be in distress being in such a small space.

Mr. Skelly stated that the neighbor's account is totally untrue, as the goats are approximately 150 feet away from the neighbor's house and the pen is more than sufficient in size.

Chairwoman Roe asked if was anyone in the audience who would like to speak. Mr. Ralph Huddleston, who lives on Conklintown Road, stated that he was familiar with the goats and that he had been at the Skelly's at different time throughout the year and has never heard or smelt them. If the Skelly's did not bring you out back, one would never know the goats were there.

Chairwoman Roe asked what is the goats' life expectancy. Mrs. Skelly stated that it much like a dog, approximately 12 years. Mr. Farfalla asked if they were going to breed them, and Mrs. Skelly stated no.

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.

Chairwoman Roe read the Resolution in record with conditions noted.

1. Variance is temporary for one year, terminating upon conveyance or lease of the premise or upon the death of the animals.
2. Building Inspector will review the condition in one year and recommend an extension, if appropriate. If the extension is recommended, the variance will remain in force without further action by the Zoning Board of Appeals, until the death of the pygmy goats presently on the premises or owned by the Skelly's.
3. Guidelines, as noted by the Orange County Department of Health, will be followed.

Chairwoman Roe asked the Board to vote whether to accept the Resolution, as stated, for an area variance.

Robert Farfalla: Aye

Priscilla Gersbeck: Aye

Donna Roe: Aye

All in favor. Motion granted.

**D. Matchpoint - Use variance from Sections 97-39 and 97-40 pertaining to indoor/outdoor recreation facility, which is not a permitted, located on Route 17M (approximate 300 feet west of Arcadia Road) in an OR Zoning District: Tax Lot No. 11-1-25.22.**

Chairwoman Roe noted that the Board was provided with all requested correspondence.

Chairwoman Roe asked if there were any further questions from the Board. There were none.

Mr. Morgan stated earlier in the application process, he had drafted a Resolution of Approval and also because of the pending issues, drafted a Resolution of Denial. Since there were more materials recently submitted, which had an impact on both of the Resolutions, Mr. Morgan has provided the Board tonight with amended Draft Resolutions. It should be noted that they are quite lengthy and he has no objection to providing the applicant with copies.

Mr. Bluestein stated that after a discussion with the applicant, he understands that he needs a unanimous vote, and asks for guidance with regard to the appointment of new members to the Board by the next meeting. In other words, it might be beneficial for the applicant to consent to a staying of the 62 days for the Board to make a decision, if the Board felt that would be appropriate.

Chairman Roe stated that it was uncertain at this point when we will have that other member. Also, bear in mind that the absent member has not been privy to any of the communication that the Board has had and a summary would be required.

Mr. Roberts stated that he would like to Board to vote on it, as there has been sufficient evidence to show it is worthwhile project. Chairwoman Roe noted that there were other individuals in the audience.

At this point, Henry Wicky, owner of the golf driving range across the street, stated he no objection to what they want to put there, however, there is drainage problem. The runoff drains onto his property. Mr. Bluestein stated that this issue is a Planning Board issue and would be discussed during site plan approval. Mr. Roberts stated that he would give Mr. Wicky the name of the engineer handling this matter and all necessary plans.

Chairwoman Roe stated that it is the general consensus of the Board is that they would like to have an opportunity to review the revised draft Resolutions, and asked if the applicant was in agreement to postpone the voting until next month's meeting. Mr. Roberts asked what the draft Resolutions had to do with voting. Chairwomen Roe stated that a review by a Board member might result in a modification, perhaps a condition.

Mr. Morgan stated that there is no penalty if the time limitation is missed. Especially, in recognition of the fact that some materials were recently submitted.

### **III. Approval of Minutes**

Chairwoman Roe asked if there was a motion to accept the August 27, 2002 minutes with the corrections noted.

Mrs. Gersbeck made a motion to accept the August 27, 2002 minutes as noted. Mr. Farfalla seconded the motion. All in favor. Motion carried.

Chairwoman Roe asked if there was a motion to accept the September 24, 2002 minutes with the

corrections noted.

Mrs. Gersbeck made a motion to accept the September 24, 2002 minutes as noted. Mr. Farfalla seconded the motion. All in favor. Motion carried.

Chairwoman Roe asked if there was a motion to accept the October 22, 2002 minutes with the corrections noted.

Mr. Farfalla made a motion to accept the October 22, 2002 minutes as noted. Mrs. Gersbeck seconded the motion. All in favor. Motion carried.

Chairwoman Roe asked if there was a motion to accept the November 26, 2002 minutes with the corrections noted.

Mrs. Gersbeck made a motion to accept the November 26, 2002 minutes as noted. Mr. Farfalla seconded the motion. All in favor. Motion carried.

Chairwoman Roe asked if there was a motion to accept the December 17, 2002 minutes with the corrections noted.

Mr. Farfalla made a motion to accept the December 17, 2002 minutes as noted. Mrs. Gersbeck seconded the motion. All in favor. Motion carried.

#### **IV. Adjournment**

Mrs. Gersbeck made a motion to adjourn the January 21, 2003 Zoning Board of Appeals meeting.

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

Respectfully submitted,

Gloria J. Lloyd, Secretary

Date Approved: March 25, 2003