

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

February 26, 2002

Present Members:

Donna Roe, Chair
Malcolm Booth
Robert Farfalla
Priscilla Gersbeck

Also Present:

Brian Morgan, Esq.

I. Call to Order

Chair Roe called to order the Town of Goshen Zoning Board of Appeals at 7:35 p.m.

Chair Roe announced that the next Zoning Board of Appeals work session will be at 7:30 p.m. on March 20, 2002, its regular meeting on March 26, 2002 at 7:30 p.m., and the filing deadline for applications would be Friday, March 15, 2002.

Mr. Booth asked if the meeting calendar for the balance of the year could be adopted.

Chair Roe stated if the Board was prepared, they would do so. The work session and regular meeting times would be at 7:30 p.m. The Zoning Board of Appeals meeting calendar for the year 2002 is as follows:

Filing Deadline	Work Session	Regular Meeting
April 12	April 17	April 23
May 29	May 24	June 4
June 14	June 19	June 25
July 12	July 17	July 23
August 16	August 21	August 27
September 13	September 18	September 24
October 11	October 16	October 22
November 15	November 20	November 26
December 6	December 11	December 17

Chair Roe asked if there was a motion to accept the dates as stated.

Mrs. Gersbeck made a made the motion to accept the aforementioned dates.

Mr. Farfalla seconded the motion.

All in favor. Aye. Motion carried.

Mr. Booth pointed out that the calendar should be given to Julie (Building Department secretary) so that the dates and times can be advertised in the appropriate publications.

Chair Roe wanted to thank Mr. Booth for taking the time to prepare the meeting schedule for the year.

II. Topics

A. The application of Nextel of New York, Inc., d/b/a Nextel Communications for a use variance to Sections 97-93(A) and 97-94(B) for the erecting and use of antennas and support structures located on Industrial Drive in an I Zoning District: Tax Lot No. 20-2-6

Chair Roe stated that at the January 2002 meeting the Public Hearing was closed, and that a proposed Resolution has been drafted and reviewed. The Board was asked if there was any additional comments.

Mr. Booth stated that the Board received additional correspondence from Holly O’Hern. In this correspondence she stated that the clock tower design would be preferable, as it would, in her opinion, be the least intrusive visually. Mr. Booth went on to state that it is the consensus of the Board not to get into the design of the tower. The Planning Board would take up this matter. The Zoning Board of Appeals primary concern was the use and setbacks. Chair Roe also wanted to state that the correspondence was received after the close of the Public Hearing.

Mr. Booth made a motion to accept the Resolution dated February 21, 2002 be adopted as printed and that the reading of the Resolution, which is twelve pages long, be waived.

Mrs. Gersbeck seconded it.

Roll call was then taken, as follows:

- Mr. Farfalla: Aye
- Mrs. Gersbeck: Aye
- Mr. Booth: Aye
- Chair Roe: Aye

Douglas Warden, Esq., representing Nextel, wanted to thank the Board and requested a copy of the signed Resolution. Chair Roe asked council if it was acceptable to have a duplicate original. Mr. Morgan stated that it was. Chair Roe then signed two copies of the Resolution, one of which was presented to Mr. Warden.

Mr. Farfalla asked how long once the Planning Board granted final approval would it take to break ground. Mr. Joseph Sullivan, consulting engineer for Nextel, stated that it would be probably be late summer.

Mr. Farfalla asked where would the next tower be? Mr. Warden stated that there were no definite plans.

II. Topic

B. Weslowski - An interpretation of existing truck repair facility located on Arcadia Road and NYS Route 94 in an AR-1 Zoning District: Tax Lot No. 18-1-127.2

Chair Roe stated that after review, it was the Board recommendation that they apply for an amended variance. This is due to the fact that the Board has nothing but a letter dated 1992 from Carlton Lloyd, Building Inspector at the time, regarding the use of the property. .

Mr. Farfalla stated that he drove by the site, and there were six tractor-trailers lined up and he feels that this is a big operation. Chair Roe stated that this will give the Board the opportunity to clean up and restrict the operation.

C. Lands of George Miller and Sons, Inc. - Area variance - lot width to be 200 feet at setback (Section 97-64) located on Coleman Trail in an Ar-5 Zoning District: Tax Lot No. 14-27-12.2

Mr. Dan Yanosh, LS entered the conference room asking if he was late. Chair Roe stated that this application was not advertised and it is being discussed as a topic only, as the application was received after the deadline and it was not published. Mr. Yanosh stated that he presented the paperwork on Thursday, February 14 and that the paperwork was on the secretary's desk. Mr. Booth explained that there was a funeral for a member of the Town Board and this may have caused the delay on the secretary's part.

Mr. Yanosh asked the Board if they wanted to take a look at the maps. Mr. Booth stated that they would, but nothing could be approved without a Public Hearing.

Chair Roe asked Mr. Yanosh to explain what it is that the applicant is asking for. It is the Board's understanding that it is a flag lot.

Mr. Yanosh explained that this property is located in the old Indian Trail Subdivision at the end of Coleman Trail, which is a paper street. All the roads coming down into Coleman Trail are paper streets and they can not be reached because of the incline. There are also Federal wetlands on the property, which already have been flagged and located, there is a small pond which is now dry anyway. Coleman Trail will be extended and subdivided into five lots. Lot 1 is behind the existing house on the corner and in order to maximize the use of the property and meet all other zoning requirements, a cul-de-sac would be constructed to Town specifications. This would provide a better turn-around at the end of Coleman Trail. Only one side of the road will be developed right now, making it cost effective. Because usually if you are going to construct a road both sides are developed, this helps reduce the road cost. The owner has owned this property for years and is now looking to get rid of it. Soil testing was performed and soils were suitable for septic systems. Lot 1 would be the flag lot.

Chair Roe asked if all the houses are going to be significantly setback? Mr. Yanosh stated yes.

Mr. Booth asked what is the proposed width of the right-of-way. Mr. Yanosh stated that it would be 50 ft., even though the roads going through there are only 12 ft. 18 ft. in some places. This road will probably never be extended.

Chair Roe stated that since Mr. Yanosh was not present earlier, the next work session is March 20 at 7:30 p.m. and the next meeting is March 26, since you already filed. Mr. Yanosh asked where could be obtain a list of names for the mailings; Mr. Booth stated the assessor's office.

Mr. Booth stated that he would like to see listed on the map the names of the adjoining property owners and the names of the streams.

Mr. Farfalla asked for clarification of where the property is in relation to the Reservoir. Mr. Yanosh pointed it out on the map.

Chair Roe wanted to know the distance of the side yards. Mr. Yanosh stated that they were 80 ft. and that he would clearly label them.

Mr. Yanosh thanked the Board and stated he would see them at the work session.

IV. Approval of Minutes

Chair Roe asked if the Board had any comments relating to the December 2001 minutes. The Board had no comments.

Mr. Booth made a motion to approve the December 18, 2001 minutes.

Mr. Farfalla seconded the motion

All in favor. Aye. Motion carried.

Chair Roe stated that the January minutes were significant and asked the Board to take another look at them. These minutes would be tabled until the next meeting. Chair Roe asked Mr. Morgan if would like a copy; counsel accepted a copy.

V. Adjournment

Mrs. Gersbeck made a motion to adjourn.

Mr. Farfalla seconded the motion.

All in favor. Aye. Motion carried.

Respectfully submitted,

Gloria J. Lloyd
Secretary