

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

**Minutes of the Meeting for
April 22, 2003**

Members Present:

Donna Roe, Chairwoman
Priscilla Gersbeck
Michael Wilson

Also Present:

Brian Morgan, Esq.



I. Call to Order

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

Chairwoman Roe stated that the May Zoning Board of Appeals work session will be at 7:30 p.m. on May 14, 2003; regular meeting on May 20, 2003 at 7:30 p.m.; and the filing deadline for applications would be Wednesday, May 7, 2003.

II. Public Hearing

A. Eileen and John Dorian - Area variance from Section 97-64 pertaining to side yard setback of 20 feet to 8 feet and rear yard setback from 40 ft. to 32 ft., located on Florican Lane in an SR-.5 Zone: Tax Lot No. 7-9-11.

John Dorian was present to represent the application and provided the required proof of certified mailings to the Board. Mr. Dorian explained that he is proposing to construct a two-car garage in back yard of his property. The garage would be setback slightly from the right rear of the house. It would be necessary to excavate the back yard, as the house and yard are elevated and the driveway is street level. The plans are for a 24 ft. x 32 ft. garage. The garage itself will be setback 4 -5 ft. from the rear edge of the house to allow for a walkway or an entrance way into the rear yard. Presently, there is a concrete wall and plantings, which would be removed. Therefore, as proposed, the rear corner of the garage to the side property line would be 8 ft.

Chairwoman Roe stated that at the work session it was noted that the garage is turned slightly towards the property line, and the question of why it could not be angled to permit a better distance from the corner of the garage to the property line. Mr. Dorian stated that the way it is illustrated on the plans shows the garage in line with the existing house. The driveway angles away from the right side property line and measurement from the corner of the driveway to fence line is approximately 11 ft.

To construct the garage at that position, at a more severe angle, the garage would not be properly

aligned with the house. Mr. Dorian stated that an option would be to go to 10 ft. (to the side yard line), this would still allow enough room in the back yard and still have a proper angle from the house.

Chairwoman Roe asked when the house was purchased was there a garage? Mr. Dorian stated that was a small one car garage under the house, which was subsequently converted to a family room. Mr. Dorian was asked if he would entertain the notation of building a smaller garage. Mr. Dorian stated that they wanted to garage their two cars during the winter months. Mr. Dorian presented photographs of the property and the existing conditions and explained that the shrub line and fencing would remain.

Chairwomen Roe asked if there was any one in the audience who had any comments. Mr. Marvin Irons, who resides behind the Dorian's asked if he could look at the plans. Mr. Irons then stated that he had no objection.

Mrs. Gersbeck stated that 8 ft. was too close and asked if there was any way that the driveway could be moved. Mr. Dorian stated that it was already aligned with the steps and the existing house.

Mr. Wilson concurred with the comment that 8 ft. is too close to the property line. Eight feet would not allow an emergency vehicle between the garage and the fence. Mr. Wilson stated that he would feel more comfortable allowing 10 ft., at least it would allow for a piece of equipment to pass, if the need arose.

Chairwoman Roe stated that she agreed with Mr. Wilson and would not like to see the garage 8 ft. from the property line. The rear yard setback was not the major concern, as the 2 ft. variance was allowable. Mr. Dorian stated that he was amenable to the 10 ft. side yard allowance.

Based upon the discussion, Chairwoman Roe stated that the Board could make a motion. With that said and Mr. Dorian's agreeing to the 10 ft. distance to the side property line, Chairwoman Roe asked if there was a motion to close the Public Hearing.

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

Chairwoman Roe asked if there was a motion to rule on the application. Mr. Wilson made a motion to approve the rear setback as requested, and the side yard variance at no less than 10 ft. Mrs. Gersbeck seconded the motion. All in favor. Aye. Motion carried.

The matter is granted. Chairwomen Roe stated the formal Resolution would be ready to be picked-up in five days from the Building Department.

B. James and Joan Rugnetta - Area variance from Section 97-64 pertaining to side yard setback from 20 ft. to 14.4 ft. , located on Larchwood Drive in an SR-2.5 Zone: Tax Lot No. 25-4-9.

James and Joan Rugnetta were present and supplied the certified mailings to the Board. Mrs. Rugnetta also presented photographs and letters from adjacent property owners to the Board. Mrs. Rugnetta stated that their house is a bi-level and it proposed to construct an addition onto the left side that would include a family room upstairs and storage area downstairs. The addition would be approximately 20 ft. x 28 ft.

It was noted for the record that the adjoining property owner on the side where the addition would be constructed and effected most, does not have any opposition to this application.

Chairwoman Roe asked if there was any one in the audience who would like to speak on behalf of this application. There were none.

Mr. Morgan asked if it was keeping with the character of the neighborhood? Mrs. Rugnetta stated that there were other homes on Larchwood Drive and Tanglewood Drive that had similar situations. Chairwoman Roe asked if they had any intention on extending the tree line as a buffer. Mrs. Rugnetta stated that there were already a significant number of trees already in front of where the addition would be, that the photographs that were presented were deceiving.

Chairwoman Roe asked if there was a motion to close the Public Hearing. Mr. Wilson made a motion to close the Public Hearing. Mrs. Gersbeck seconded the motion. All in favor. Aye. Motion carried.

Chairwoman Roe asked if there was a motion for Resolution granting the application as requested for a 14.4 ft. side yard variance. Mrs. Gersbeck made a motion to grant the variance. Mr. Wilson seconded the motion. All in favor. Aye.

The matter is approved. Chairwomen Roe stated the formal Resolution would be ready to be picked-up in five days from the Building Department.

C. Chris and Mary Pat Smith - Area variance from Section 97-64 pertaining to front yard width from 50 feet to 42.3 feet, located on Orchard Hill Vista in an SR-8 Zone: Tax Lot No. 28-3-2.

Mr. Ed Gannon, L.S., was representing the applicants and provided the Board with proof of certified mailings to adjoining property owners and letter from Mr. Smith authorizing Mr. Gannon's representation. Mr. Gannon stated that the Smith's purchased this home approximately six months ago and there was no garage. This home was the model home for the development and the Smith's would like to construct a garage on the side of the house facing Durland Road, and because this a corner lot it has two front yards, which require 50 ft. set backs. The concrete pad, which is located in the rear of the house, would be removed and screening would be provided in the form of trees. Mrs. Gersbeck asked if it was a two or three car garage. Mr. Gannon stated that the plan states three, but it shows two. The size of the garage is 50 ft. 40 ft. and this will not change. Mr. Gannon asked the Board if the relief could be granted for 10 ft., since the calculation computes to 42.3 and structures are not always built to such precise dimensions.

Chairwoman Roe stated that this is not changing the character of the neighborhood; Mr. Wilson added that removing the concrete slab in the back of the house and constructing the garage would only be an improvement.

Chairwoman Roe asked if there were any members of the audience who wanted to speak. Mary Ann Munzer stated that she did not know that this was on the agenda this evening, however, being the realtor that sold the Smith's the property, wanted it noted that the garage was to be located in the interior of the dwelling, but instead that space was utilized as a family room. Ms. Munzer also concurred that the garage would not interfere with the character of the neighborhood.

Chairwoman Roe asked if there was a motion to close the Public Hearing. Mr. Wilson made a motion to close the Public Hearing. Mrs. Gersbeck seconded the motion. All in favor. Aye. Motion carried.

Chairwoman Roe asked if there was a motion to rule on the application. Mr. Wilson made a motion to grant the application with the condition that the existing second concrete pad be removed. Mrs. Gersbeck seconded the motion. All in favor. Aye. Motion carried.

Mr. Morgan stated that at the work session, there was a question of the upstairs of the garage being used for a living area and that egress or ingress not be provided to Durland Road.

Chairwoman Roe asked for a motion to accept the amendment to the variance for the two items as discussed above. Mr. Wilson made a motion to accept the amendment. Mrs. Gersbeck seconded the motion. All in favor. Aye. Motion carried.

The matter is approved. Chairwomen Roe stated the formal Resolution would be ready to be picked-up in five days from the Building Department.

D. Remeo Products - Area variance from Section 97-64 for the reduction in the number of parking spaces, located on Route 17A in an I Zone: Tax Lot No. 20-1-148.

Mr. Mike Canterino, Vice President of Manufacturing, was present and representing the application before the Board. Proof of certified mailings were handed to the Board. Mr. Canterino explained that he was in front of the Planning Board on another matter and based on that appearance, they asked for full calculations of the site for parking.

The parking for warehouse and manufacturing is 1 space/400 sq. ft. To that end, the following is the calculations for the parcel.

- The present warehouse space is 28,750 sq. ft., which requires 72 spaces, there are presently 23 spaces. Currently, there are between 10-12 employees.
- The parking for main building, which is 97,000 sq. ft., requires 243 spaces, there are presently 100 spaces. Currently, between three shifts there are 52 employees.
- In the back warehouse building is 41,000 sq. ft., the requirement is 103 spaces, but there are only 19 existing spaces. There are two people currently employed.

In the office portion of the building there are an adequate number of parking spaces. As discussed at the work session, just south of the 97,000 sq. ft. building, there is a gravel area that parking could be expanded into, if the need arose for additional parking.

Chairwoman Roe asked what entrance do the trucks use to enter the property. Mr. Canterino stated that the utilize Gen Lane for both ingress and egress. There are signs that indicate that the trucks are not allowed to go to the front of the building.

Mr. Morgan stated that although the Zoning Board did not receive a letter from the Planning Board, he did speak to John Cappello, Esq., Planning Board attorney and he indicated that there was support by the Planning Board for the variance.

Mr. Canterino also stated that Neal Halloran, Building Inspector, stated that this was an area that the Master Plan Committed was looking at in regards to number of parking spaces required per building square feet. He stated that the plant has been in operation for approximately 15 years and when it was running at it full capacity, which was two years ago, the most employees they had on the manufacturing side was 108 over three shifts.

Chairwoman Roe asked if there was anyone from the audience who wished to speak. Mary Ann Munzer questioned if the number of employees were to increase, how would additional parking be accommodated. Mr. Canterino reiterated that the existing gravel areas could be expanded into paved parking to accommodate more employees.

After a brief discussion, Chairwoman Roe asked if there was a motion to close the Public Hearing. Mr. Wilson made a motion to close the Public Hearing. Mrs. Gersbeck seconded the motion. All in favor. Aye. Motion carried.

Chairwoman Roe asked if there was a motion to grant the variance as requested for the reduction of parking spaces based upon the approval of the Planning Board and that the variance be reviewed if the number of the employees increased. Mr. Wilson made a motion to grant the variance. Mrs. Gersbeck seconded the motion. All in favor. Aye.

The matter is approved. Chairwomen Roe stated the formal Resolution would be ready to be picked-up in five days from the Building Department.

IV. Adjournment

Mr. Wilson made a motion to adjourn the April 22, 2003 Zoning Board of Appeals meeting.

Mrs. Gersbeck seconded the motion. All in favor. Aye. Motion carried.

Respectfully submitted,

Gloria J. Lloyd, Secretary

Date Approved: August 26, 2003