

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

**MINUTES OF THE MEETING FOR  
OCTOBER 22, 2002**

***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 October meeting of the Town of Goshen Zoning Board of Appeals at 7:35 p.m.

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

**II. Public Hearing**

**A. Barbara Mielke - Area Variance from Section 97-64 (B) pertaining to front yard setback from 68 ft. to 61 ft. , located on Route 17M in an HC Zoning District:  
Tax Lot No. 12-1-8.12.**

Mr. Joe Pfau, the applicant's engineer, and Daryl Anderson was present and representing the applicant. Chairwoman Roe asked if they had any authorization from the applicant to act on her behalf. Mr. Pfau stated that Mr. Anderson was her son and was acting on her behalf.

Mr. Pfau presented the Board with proof of the certified mailings.

Mr. Pfau stated that the property is located on Route 17M prior to the Maple Avenue Extension next to the car dealership. There is an existing gas pump station with a canopy and this application is for the removal of that canopy and the construction of a new canopy centered in front of the existing building. Also, new gas pumps will be constructed using the existing underground tanks.

There is an existing abandoned car wash and the Planning Board has granted approval to convert that into retail space. In other words, as part of this application the existing convenience store

will be relocated to the eastern end of the buildings, which will lie in front of the proposed gas pumps and canopy. The dimensions in front of the building allow for parking and a 24 ft. back-out space. Thereby, making the dimensions for the proposed canopy 61 ft. from the front yard.

Chairwoman Roe asked if there was going to be a diesel pump and Mr. Pfau replied that there will only be one and it will be located in the general vicinity of the existing canopy, which will be taken down. Chairwoman Roe asked if there were going to be tractor-trailers there.

Mr. Anderson stated that there are small dump trucks coming in there now. Chairwoman Roe asked if they were going to prevent tractor trailers from coming in and fueling, as it is now a pretty cluttered space. In other words, where the diesel pumps are proposed is where the gas pumps are now. Mr. Pfau stated that was correct that the canopy would be taken down, but the building would remain. Chairwoman Roe noted that there would be no restrictions from tractor trailers pulling in and fueling. Mr. Pfau stated that it was not planned and that they have not been in front of the Planning Board yet. The diesel pump would be parallel to the road and the gas pumps would be perpendicular to the road. As far as the gas pumps are concerned, the applicant is leaving 24 ft. from the canopy for cars to come and turn with cars parked next to the building. Mr. Pfau stated that was correct; the parking spaces are 18 ft. deep with 24 ft. beyond that. It was his belief that it is the standard for gas stations and also the Town standard for required distance.

Chairwoman Roe stated that there are also 16 parking spaces along the road. Mr. Pfau stated that was also correct, and this was already approved. Chairwoman Roe asked who approved the parking on the road and Mr. Pfau stated that the parking was always there, they are just going to stripe it. The outline of the paved area is not going to change. Again, Chairwoman Roe asked who approved the parking and Mr. Anderson stated the Planning Board did at it last meeting before the moratorium was placed into effect. Mr. Pfau stated it was signed August 21, 2002, and that it was the Planning Board's view that the parking and the building were already existing.

Mr. Anderson stated that area is in disrepair and he is trying to get it so that it looks good. Chairwoman Roe agreed however, she felt that the plan is very congested and did not know how you would have the space with a new canopy (72 ft. x 28 ft.) and three fueling stations.

Mrs. Gersbeck agreed that it can be a very congested area. Mr. Anderson stated that the Country Convenience Store will be relocated and it was his feeling this would allow for more room. Chairwoman Roe agreed but there would also be more traffic.

Chairwoman Roe asked if there was a reason why the existing gravel area could not be utilized. Mr. Farfalla stated this is the area where the car dealership parked cars. Mr. Pfau replied that it was not feasible to park all the way over there and walk to the store when you are just picking up a loaf of bread. Mr. Anderson stated it would be more a problem of people pulling into this little area. The blacktop will be re-done and people will be able to pull in on both sides.

Chairwoman Roe stated that there could be improvement to this design. Mr. Pfau stated that the plan exceeds traffic distances and maybe the Town engineer could take a look and verify this. As far as the vehicle movement within the site, Mr. Pfau was more than comfortable with it. Mr. Anderson stated that the parking spaces will be striped and arrows painted. Mr. Farfalla stated that no tractor trailers should be allowed and Mr. Anderson stated that then they would park on

the road. Mr. Farfalla stated that he meant fueling and Mr. Anderson replied that this was proposed and that he was not looking to fuel tractor trailers like a truck stop. Chairwoman Roe stated that if you build it, they will come.

Mrs. Gersbeck asked how long have the existing underground tanks been in place. Mr. Anderson stated that they are regularly check and have been re-lined, in fact they were just signed-off on by the NYS Department of Environmental Conversation. Also, new piping will be installed from the tanks to the pumps.

Mr. Halloran stated that the parking does not conform to code, as it is too close. Also, that the cars backing out into where the cars are fueling is a concern. The plan needs to have site plan review.

Mr. Pfau stated that this not part of the application and that nothing has changed from the signed map. The parking was always there. Mr. Anderson stated that if there is a problem with the diesel pump, he would eliminate it. This was just for the convenience of the local people who come in there. Chairwoman Roe stated that she did not know how they would restrict tractor trailers from coming in there. Also, that there was going to be pumps in the center with cars backing out. Mr. Pfau stated that there was standard and if you took a tape measure and went to Stewart's, across the street, it would be the same. Chairwoman Roe stated that she looked at Stewart's and their egress and ingress are totally opposite from what is proposed, and that the Board has to look at where these approvals came from, if they do exist.

Mr. Farfalla stated that he would have no problem with placing the pumps and the new canopy where the pumps presently exist. Mr. Anderson stated that right now it is two separate businesses and he is trying to consolidate the two and that it would be too far for the customer and also for the attendant to monitor the pumps.

Mrs. Gersbeck asked what was the purpose of leaving the little brick building up and Mr. Anderson stated it would be to run the proposed diesel pump.

Chairwoman Roe asked what is the distance between the new piping and the well. Mr. Pfau stated is was approximately 35 ft., but to keep in mind it is existing. Mr. Anderson stated that the water gets tested all the time.

Chairwoman Roe asked if the Board could get comments in writing from the Town engineer outlining all of these issues with the applicant being copied. Mr. Pfau asked if it was the intent that the site plan review was happen in front of this Board. Chairwoman Roe stated that the Board wanted to look at all of the concerns. Mr. Morgan stated that the variances are indirectly connected to the traffic and this was why this Board wanted to have the issues addressed by the Town engineer. This Board wants to be sure that the Planning Board will look at these issues. Mr. Pfau stated that he would more than happy to change the plans to appease this Board, but did

not want to go in front of the Planning Board and have them changed them again.

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. Panstar Propane - Area variance from Section 97-64 (B) pertaining to side yard setback from 200 ft. to 50 ft., and rear yard setbacks from 200 ft. to 140 ft., located on Quarry Road in an I Zoning District: Tax Lot No. 17-1-12.**

Jay Myrow, Esq., was present and representing the applicant. This is a re-visit of the prior application that received approval, and the applicant is back for side yard variances, because the project is within 25 ft. of a residential district. The plan that has now been presented to you has been presented to the Planning Board for site plan approval and is pending on approval from this Board. When this matter was previously here in July - August 2002 the configuration that you see is exactly the same, nothing has been changed. This application is a result of an oversight on Mr. Myrow's part. The lot is 187 ft. wide and if the applicant were to comply with the ordinance, it would require 400 ft. of side yard setback, and therefore making it impossible for compliance. The line that adjoins the residential district is uphill and is essentially not able to be developed. The land is owned by the County and their development is much further up the road. This is not a very intense use of the property and there will be no employees on-site. If the property is going to be put to any kind of use, a setback variance would be required. Although 200 ft. to 50 ft. is substantial, it is lessened by the particulars of the existing environment.

Mr. Farfalla asked if there was an existing house close to this property and Mr. Myrow stated that there was and has since been taken down. Chairwoman Roe asked if it was the property, which is already been dug-out. Mr. Myrow stated that was it. Chairwoman Roe asked how many feet is the property from the cemetery that is across the street. Mr. Myrow did not know. Chairwoman Roe stated that there was a provision of the Town code regarding building near a cemetery (Section 97-99-97.100) which requires 200 ft. distance. Mr. Myrow stated that he would look into this.

Catherine Bartlett, Esq., County Attorney, was present and representing Orange County. Ms. Bartlett asked that this Board continue the Public Hearing to allow the County time to investigate the distances between the proposed site and the Health Care facility and make a determination for the safety and well-being of the elderly and infirmed population that there will be no impacts. This determination will be make by the time of the next meeting. Ms. Bartlett asked for indulgence of the Board and the applicant knowing that this involves time and money on behalf of the applicant. But a determination must be made on behalf of those people to ensure that they will not be impacted. The DPW will be sent out to take exact measurements based on

this a determination will be made.

Mr. Myrow stated that he had no problem with this and asked if there was anything, besides the cemetery measures that the Board needed. There was nothing.

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.

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

Chairwoman Roe asked the Board had a chance to review them. The Board stated that they had. Mrs. Gersbeck offered corrections. Chairwoman Roe asked if there was a motion to approve the July 23, 2002 minutes with the noted corrections. Mr. Farfalla made a made the motion to approve the July 23, 2002 minutes. Mrs. Gersbeck seconded the motion. All in favor. Aye

### **IV. Adjournment**

Mrs. Gersbeck made a motion to adjourn the October 22, 2002 Zoning Board of Appeals meeting.

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

Respectfully submitted,

Gloria J. Lloyd  
Secretary

Date Approved: January 21, 2003