

ZONING BOARD OF APPEALS  
Town of Goshen, Orange County, New York

MINUTES OF THE MEETING FOR  
OCTOBER 26, 2004

**Members Present:**

Donna Roe, Chairwoman  
Mike Wilson  
Dawn Santoro  
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 7:40 p.m. It was noted that the November Zoning Board of Appeals work session will be held at 7:30 p.m. on November 9, 2004 and the next Zoning Board of Appeals meeting will be held on November 23, 2004 at 7:30 p.m.

**II. Public Hearing**

**ASU Associates, Inc. – 6-4-6.3, 6.4 & 6.5, located on Upper Magic Circle for a variance of §280A, access for 2 subdivisions lots from a third, in an SR 2.5**

Ischa Nagar, owner of the property, was in attendance with his attorney, Donald Tirshwell, Esq., and engineer, Mr. Clearwater of MJF Engineering.

Chairwoman Roe stated that since the last Zoning Board of Appeals meeting (dated September 28, 2004), the Board has met with the Chief of the Fire Department and one of its drivers. The Fire Department requires a turning radius of a minimum of 40 ft. The Fire Department also requests a path to accommodate 20 ft. which does not have to be completely paved, but at least 15 ft. should be paved.

Chairwoman Roe stated that the bump at the base of the property is to be removed and the slope, which was originally 15 to 14, is to be reduced to 12. Mike Wilson addressed the issue of curbing. Mr. Halloran stated that curbing was addressed by the original owner.

Mr. Tirshwell stated that the width of the right of way was increased from 25 ft. to 30 ft. to accommodate the increase in pavement. Mr. Tirshwell also referred to the Town of Goshen's ability to be able to enforce the provisions of the easement. The Town has been granted the right to enforce.

Chairwoman Roe stated that the site plans by MJF Engineering for determinations (C1 and C2) are now dated October 13<sup>th</sup> (instead of June 13<sup>th</sup>).

Chairwoman Roe asked if there were any questions from the Board. Brian Morgan, Esq. provided Mr. Tirshwell with a memorandum which listed a number of changes. Mr. Tirshwell reviewed the document. Mr. Tirshwell questioned clause #5 which required proof of recording with the Orange County Clerk before the issuance of a certificate of occupancy. Mr. Morgan stated that this clause is also stated in the maintenance agreement. Mr. Tirshwell stated the clause would not be a problem.

Mr. Morgan also stated that all major projects are to be reviewed and approved by the Town's Engineer and Building Inspector. Chairwoman Roe stated that this memorandum is the very minimum in regards to maintaining the property. Chairwoman Roe does not want to see any deviation of a minimum standard. Mr. Tirshwell stated that this memorandum would be added to the maintenance agreement as a minimum standard.

Chairwoman Roe asked if there were any further questions from the Board. There were no further questions from the Board. Brian Morgan asked that the Fire Department's recommendations be added to the agreement.

Chairwoman Roe asked if there was a motion to close the public hearing. Ms. Gersbeck made a motion to close the public hearing. Mr. Wilson seconded the motion. All in favor. Aye. Motion carried.

Mr. Wilson made a motion to adapt the Resolution as written with changes indicated which are to bring the width of the pavement to 20 ft. overall clear area between the retaining wall and the side of the hill, change the date on the engineering documents, and to incorporate the items in the memorandum with today's date [dated October 26, 2004]. Dawn Santoro seconded the motion. All in favor. Aye. Motion carried.

## **VI. Adjournment**

Ms. Gersbeck made a motion to close the October meeting of the Zoning Board of Appeals at 8:00 p.m. Mr. Wilson seconded the motion. All in favor. Aye. Motion carried.

Respectfully Submitted,

Lisa Alvarado, Secretary

Date Approved: November 23, 2004

*Zoning Board of Appeals  
October 26, 2004*