

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

MINUTES OF THE MEETING FOR
November 23, 2004

Members Present:

Donna Roe, Chairwoman
Dawn Santoro
Robert Farfalla
Priscilla Gersbeck

Also Present:

Neal Halloran, Bldg. Inspector



I. Call to Order

Chairwoman Roe called to order the November meeting of the Town of Goshen Zoning Board of Appeals at 7:35 p.m. It was noted that the December Zoning Board of Appeals work session will be held at 7:30 p.m. on December 14, 2004 and the next Zoning Board of Appeals meeting will be held on December 28, 2004 at 7:30 p.m.

II. Public Hearing

Kimiecik – S.B.L. 18-1-69 & 20-1-21.11 located at Durland Road, in the CO zone. Request for a variance from 97-14 (D)(5)...all permitted and accessory uses shall be confined within completely enclosed buildings. Request to have existing wood processing equipment set up outside of a building

Mr. Kimiecik, applicant, was in attendance with his engineer, Steve Esposito. Mr. Esposito was unable to provide any proof of mailings to the Board. Chairwoman Roe advised that the Board would keep the public hearing open regarding this matter until the next Zoning Board of Appeals meeting.

Mr. Esposito informed the Board that the applicant is seeking relief from housing the firewood saw in a building. Mr. Esposito explained that the saw is only operated seasonally and needs to be accessible from all four sides.

Chairwoman Roe asked the applicant for the estimated size of the proposed building. The applicant answered 65 x 70. The estimated height would be a minimum of 25 ft. Mr. Esposito advised that the property met all setback criteria before the Planning Board.

Mr. Esposito stated that the proposed building would be an estimated \$200,000 and that his proposed plan is less disruptive to the environment. The proposed plan includes no clearing and leaving all vegetation. In addition, a boulder wall would provide an attractive entrance and better screening from Durland Road. Mr. Esposito also stated that cost is prohibitive due to seasonal use.

Mr. Esposito stated that there are three residences to the north of the property and the closest residence is 120 ft. towards the back of the property line. While this matter was before the Planning Board, twenty-four mailings were sent out regarding the application. Mr. Esposito informed the Board that out of those twenty-four mailings only two or three residents attended the public hearing for general information.

Mr. Esposito stated that readings were observed during mid-day at the northern entrance, by the operating saw and the rear of the property. A readings chart was provided to the Board. The highest reading was 8.5 decimals, which was taken by the operating saw and while a truck was loading (i.e. finger snapping = 1 ½ decimals).

Chairwoman Roe asked if there were any further questions from the Board. There were no questions from the Board. Mr. Halloran advised that the County has recommended more plantings along the road.

Chairwoman Roe asked if there was a motion to continue the public hearing. Ms. Gersbeck made a motion to continue the public hearing. Mr. Farfalla seconded the motion. Motion carried.

III. Discussion

Al Pacione had attended the November Zoning Board of Appeals work session and was in attendance at the ZBA meeting to further discuss a project with Brian Morgan, Esq., who was not in attendance.

Mr. Pacione advised that the project, under the new code, falls short of a six acre requirement. Mr. Pacione stated that a 9% small scale variance application can go forward. Chairwoman Roe stated that Mr. Morgan would need to be in attendance to determine this matter.

Chairwoman Roe stated that the minutes from the Planning Board would be reviewed for the next Zoning Board of Appeals meeting and this discussion would be continued at the next work session.

II. Approval of Minutes

The Board was given an opportunity to review the minutes of the September and October Zoning Board of Appeals meetings. Chairwoman Roe asked if there was a motion to

accept the September 28, 2004 minutes with modifications. Ms. Gersbeck made a motion to accept the September 2004 minutes with modifications. Ms. Santoro seconded the motion. All in favor. Motion carried.

Chairwoman Roe asked if there was a motion to accept the October 26, 2004 minutes. Mr. Farfalla made a motion to accept the October 2004 minutes as noted. Ms. Gersbeck seconded the motion. All in favor. Motion carried.

VI. Adjournment

Ms. Gersbeck made a motion to close the November meeting of the Zoning Board of Appeals at 8:20 p.m. Ms. Santoro seconded the motion. All in favor. Aye. Motion carried.

Respectfully Submitted,

Lisa Alvarado, Secretary

Date Approved: December 21, 2004