

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

**MINUTES OF THE MEETING FOR  
DECEMBER 17, 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 December meeting of the Town of Goshen Zoning Board of Appeals at 7:35 p.m.

Chairwoman Roe stated that the dates for the January meetings will need to be adopted and that future dates can be voted on once the Board has had time to review them. Therefore, the January Zoning Board of Appeals work session will be at 7:30 p.m. on January 15, 2003; regular meeting on January 21, 2003 at 7:30 p.m.; and the filing deadline for applications would be Wednesday, January 8, 2003.

Chairwoman Roe asked if there was a motion to accept the dates for the January meetings.

Mr. Farfalla made a motion to accept the January dates.

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

**Matchpoint - Use variance from Sections 97-39 and 97-40 pertaining to indoor/outdoor recreation facility, which is not a permitted, located on Route 17M (approximate 300 feet west of Arcadia Road) in an OR Zoning District: Tax Lot No. 11-1-25.22.**

Chairwoman Roe announced that although the Public Hearing was closed, Mr. Morgan contacted Mr. Bluestein, the applicant's attorney, requesting further information. The packet, which was delivered to the Town Building Department earlier in the day included: correspondence from Scott Furman, owner of the parcel; summary of requested information; accountant statement outlining costs to maintain the property which is approximately \$50,000; and letters from realtors who listed the property.

It was stated that the correspondence from the realtors was ineligible and verification was needed. Mr. Bruce stated that the property was listed for \$95,000/acre, but he was not paying that suggested price. The taxes on the property are approximately \$6,000/year.

Chairwoman Roe stated that the Board needed to time to digest this new information, given the task before with respect to the hardship and requested signatures on all correspondence presented to the Board along with a redacted face of the present contract.

Chairwoman Roe asked if there were any further questions or comments. There were none.

## **II. Public Hearing**

### **A. Skelly - Area variance from Sections 97-9(c)(2) pertaining to raising or keeping goats on a parcel, from 20 acres to 1.2 acres; and from Section 97-11(g) to keep goats on less than two acres, located on Orchard Hill Vista in an SR-8 Zone : Tax Lot No. 28-3-3.**

Kevin and Judy Skelly were present. Mrs. Skelly received the three (sister) pigmy goats as a present 2 1/2 years ago. The goats are only 20 inches in height and will get no bigger. The goats are kept behind the house in a neatly contained pen. The Skelly's have owned the property for ten years and were unaware of the zoning with regard to keeping the goats. Mrs. Skelly presented the Board with twenty letters from various people who have visited the house and her veterinarian who stated that the goats were well kept and healthy.

Chairwoman asked for the proof of certified mailing to adjourning property owners. Mr. Skelly stated that he did the mailings, but they were not sent certified with a return receipt. Chairwoman Roe stated the mailings would have to done appropriately. The Board also requested a letter from the Orange County Department of Health stating that there are no impacts from manure runoff to neighboring wells; and a statement from the veterinarian indicating a care plan.

Chairwoman Roe asked what is the distance from the neighboring houses to the pen. Mr. Skelly stated is was approximately 100 ft. away on each side .

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. Schreibeis Enterprises, Inc. - Variance from Section 97-47 pertaining to outdoor storage without the use of an opaque fence, using a substantial tree buffer as a substitute, located on Route 17A and Quarry Road in an I Zone: Tax Lot No. 18-2-8.**

Karen Emmerich of Lehman & Getz Engineering and Rosemarie Schreibeis were present. Ms. Emmerich stated that mailings were done properly, but she did not bring the proof of certified mailings. However, they would be delivered to the Town tomorrow. Ms. Emmerich stated that Mrs. Schreibeis would like to expand the rear of the storage facility for outdoor storage. The application is presently before the Planning Board for site plan approval. One of the restrictions in the Code calls for the requirement of opaque fencing surrounding an outdoor facility. Mr. Lehman, Mr. Halloran and the Town engineer performed a site visit and concluded that a screening of evergreen trees would be more effective than a 6 ft. opaque fence. The trees would be approximately 6-8 feet high and would eventually grow higher.

Plans were presented to the Board and it was noted that Lot 8 was the parcel in question. The outdoor storage would include boats, trailers, and recreational vehicles. The access to rear storage area will only be through the existing facility with a locked gate.

Chairwoman Roe asked if the facility is going to be paved. Ms. Emmerich stated that they are now in discussion with the Planning Board regarding this issue, but have not gotten any further because of the variance needed for the screening. The applicant wants to have the same surface that is there now which is Item #4. Mr. Halloran stated that the original site plan approval called for the site to be paved. Mrs. Schreibeis stated they have to pave when the facility when is was completed, but to date the phasing of facility is not finished. The Certificate of Occupancy was issued five years ago. The lot in question was not part of the original site plan approval, and was purchased three years ago. The objections of the visual impact were raised from the residents in the Spruce Hill subdivision. It was noted that no one from that subdivision was present for the Public Hearing, however, they were not qualified to be noticed, as they are outside of the 500 ft. requirement.

Chairwoman Roe stated that she had concerns of the open violations on the property and would like to hear from the Planning Board. These items include the paving issue and the present storage of these types of vehicles already on the property (which is not a permitted use).

Mrs. Gersbeck asked if the fencing, originally required, was for security reasons. Ms. Emmerich stated that the existing chain link fence will remain and the evergreens would be planted as an addition. Chairwomen Roe noted that boats and recreational vehicles can be as high as 10 ft. and the existing fence is only 6 ft. The Board can place a height requirement on the plantings to be used.

Chairwoman Roe asked if there are any further questions or comments. There were none.

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.

A discussion ensued regarding the schedule of meetings for 2003. The Board agreed to change the dates for the months, which were affected by holidays. The Board agreed that some changes were needed and were then noted. Chairwoman Roe asked if there was a motion to accept the listed meeting dates for 2003 of the Zoning Board of Appeals.

Mrs. Gersbeck made a motion to continue the Public Hearing. Mr. Farfalla seconded the motion. All

in favor. Aye. Motion carried.

The Zoning Board of Appeals meeting schedule for the year 2003 is as follows:

<b>Filing Deadline</b>	<b>Work Session</b>	<b>Regular Meeting</b>
February 12	February 19	February 25
March 12	March 19	March 25
April 9	April 16	April 22
May 7	May 14	May 21
June 11	June 18	June 24
July 9	July 16	July 22
August 13	August 20	August 26
September 10	September 17	September 23
October 8	October 15	October 21
November 12	November 19	November 25
December 3	December 10	December 16

**III. Approval of Minutes**

Not applicable.

**IV. Adjournment**

Mrs. Gersbeck made a motion to adjourn the December 17, 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