

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

MINUTES OF THE MEETING FOR
December 21, 2004

Members Present:

Dawn Santoro, Chairwoman
Robert Farfalla
Priscilla Gersbeck
Trino Canton

Also Present:

Brian Morgan, Esq.
Neal Halloran, Bldg. Inspector



I. Call to Order

Chairwoman Santoro called to order the December meeting of the Town of Goshen Zoning Board of Appeals at 7:30 p.m. It was noted that the January Zoning Board of Appeals work session will be held at 7:30 p.m. on January 11, 2005; the next Zoning Board of Appeals meeting will be held on January 25, 2005 at 7:30 p.m.; and the filing deadline for applications is December 28, 2004.

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, owner of the parcel, was in attendance with his engineer, Steve Esposito. Mr. Esposito provided a background for the property. The site is located at the intersection of New York State Route 94 and Durland Road. Mr. Kimiecik has owned the property for 24 years and has operated the facility for 23 years. The site consists primarily of wood processing for firewood.

Mr. Esposito stated that the saw is seasonal and only used for three months out of the year. Mr. Esposito advised that the saw requires 21-24 ft. to operate. In order to house the saw, the building structure would need to be at least 34 ft. in height and 80-85 ft. in length with a clear span for trucks to be able to access the saw. The minimum size of the building would be 6000 square feet with an estimate of \$400,000 to \$500,000.

Mr. Farfalla confirmed that the usage of the saw would only be during the daylight hours. Mr. Halloran advised that he has never received any complaints regarding this site and compared the noise level of the saw to that less of a chainsaw. Chairwoman Santoro stated the County's recommendation which asks to have additional landscaping along the street side and along the buffers adjacent to the residential area.

Chairwoman Santoro asked if there was a motion to close the public hearing. Mr. Farfalla made a motion to close the public hearing. Ms. Gersbeck seconded the motion.

Chairwoman asked if there were any further questions from the Board. Mr. Canton asked if there was any possibility that the use of the site could expand. Mr. Esposito stated that the site is in two zones and that the facility is at its maximum for its C.O. There were no further questions or comments from the Board.

Chairwoman Santoro asked if there was a motion for the relief of a 97-14. Mr. Farfalla made a motion to grant the application to continue the existing use without the enclosed structure. Ms. Gersbeck seconded the motion. All in favor. Aye. Motion carried.

III. Approval of Minutes

The Board was given an opportunity to review the November minutes of the Zoning Board of Appeals meeting. Chairwoman Santoro asked if there was a motion to accept the November 23, 2004 minutes. Mr. Farfalla made a motion to accept the November 2004 minutes. Mr. Farfalla seconded the motion. All in favor. Aye. Motion carried.

IV. Discussion

Chairwoman Santoro made a recommendation to put the County on notice that the Zoning Board of Appeals has discussed the 239. Mr. Morgan suggests that the 239 causes some hardships because the Board is not administratively staffed to do this kind of area variance. Mr. Morgan advised that the Board is willing to try to comply, but the Zoning Board of Appeals needs the County's assistance in setting a date that the compliance is required. The Board would like input from the County Legislator and Town Supervisor in order to assure the Board that the effective date of termination is proper.

VI. Adjournment

Mr. Farfalla made a motion to close the December meeting of the Zoning Board of Appeals at 8:30 p.m. Mr. Canton seconded the motion. All in favor. Aye. Motion carried.

Respectfully Submitted,

Lisa Alvarado, Secretary

Date Approved: February 22, 2005