

**VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
May 13, 2009**

The regular meeting of the Zoning Board of Appeals of the Village of Goshen was called to order at 7:30 pm on Wednesday, May 13, 2009 in the Village Hall by Chair Wayne Stahlman.

Present: Garfield Clark
Neal Frishberg
Wayne Stahlman, Chair
John Strobl

Absent: Michael Nutt

Also Present: David Donovan, Attorney

ZBA Chair Wayne Stahlman opened the meeting with the Pledge of Allegiance.

Mr. Stahlman said that the application of Katherine Schmidt of 55 Murray Avenue, previously scheduled for a continued public hearing tonight, has been withdrawn.

Danilo Pacheco, Tax Map Designation 111-2-18.2, 55 Golden Hill Avenue

Relief requested: Variance to permit a 6 ft. tall fence to be erected in a front yard. The maximum height allowed for fences in a front yard is 4 feet.

Present for the applicant: Danilo Pacheco

Mr. Pacheco presented proof of his mailings to the Board. He said he is seeking permission to put a fence, 6 ft. high or a little less, in the front yard of his property for the safety of his two children, 6 and 3, and to make the property "neater". He is already locating a fence along the side of his property. The side fence is wrought iron, similar to other wrought iron fences on Golden Hill Avenue, he said. Mr. Pacheco said he would like to put stone on the bottom part of the fence and wrought iron on top of that. He is building the fence himself.

Mr. Stahlman stated that the ZBA's concern is with the fence in the front of the house.

Mr. Frishberg said that the Board has approved 6 foot wrought iron fences in the past but is always concerned about sight issues, which is one of the reasons the code addresses the height of fences. He asked if it would impede the sight distance.

It was noted that there is approximately 8 to 8-1/2 ft. from the curb to the proposed fence.

Mr. Stahlman said that Fletcher Street faces Mr. Pacheco's property but that the property is not on a corner so that sight distance shouldn't be an issue.

Mr. Strobl asked about the front and back yards stating that the back yard facing Wickham was at one time the front yard and the property facing Golden Hill Ave. was considered the back yard. Mr. Donovan said that by definition of the Code, it is a front yard, that any area between a street and the house is considered to be the front yard. It was noted that technically Mr. Pacheco's property fronts two streets and so has two front yards.

Mr. Frishberg commented that there are other 6 ft. fences on the street so the 6 ft. tall fence would be in character with the neighborhood. Mr. Stahlman said that the Board has twice approved 6 ft. fences on Golden Hill Ave. and that both were wrought iron because

they look nice and didn't spoil sight lines. He said he didn't think the Board would approve a stockade fence 6 ft. high in a front yard.

Mr. Stahlman asked for public comment.

Peter Osner of Wickham Ave. said he wanted to make sure "the front is the front and not the back". He said Mr. Pacheco's property faces his back yard and he didn't want a 6 ft. fence there.

Mrs. Homar of 45 Golden Hill, whose property also borders Mr. Pacheco's, said she has no problem with a 6 ft. fence but is concerned about "the stuff" he has stored in his back yard and wondered if there is an ordinance about what can be stored on your property. Mr. Pacheco said he has a small shed for keeping tools and has a small tractor and eventually will come back to the ZBA to seek permission to build a barn on the property to put all his tools. Mr. Stahlman suggested that when the meeting is over, Mrs. Homar could speak with her neighbor about what he plans to do with his things.

Mr. Strobl suggested that there needs to be a drawing of the fence for the records and that the measurements should appear on a map, stating that otherwise the Board has nothing. He asked what the dimensions of the fence will be.

Mr. Pacheco said he was planning to keep the fence 2 inches from his property line.

Several conditions to the approval were discussed and agreed upon. They include: that the fence shall be located within 12 inches of the property line or in accordance with the Building Inspector's recommendation, that the fence shall be black and a wrought iron design with at least 5 inches between the rails and no more than 6 feet tall.

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen hereby closes the public hearing on the application of Danilo Pacheco. Passed unanimously.

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Clark, the Zoning Board of Appeals of the Village of Goshen hereby grants the variance sought in the application of Danilo Pacheco, subject to the conditions discussed. Passed unanimously.

MINUTES - Mr. Stahlman said he will sign the minutes of the April 28, 2009 meeting of the ZBA if there are no objections. There were none.

ADJOURNMENT – The ZBA adjourned at 8:03 p.m.

Wayne Stahlman, Chair
Notes prepared by Susan Varden