

**VILLAGE OF GOSHEN  
ZONING BOARD OF APPEALS  
JUNE 11, 2008**

The regular meeting of the Zoning Board of Appeals of the Village of Goshen was called to order at 7:30 pm on Wednesday, June 11, 2008 in the Village Hall by Chair Wayne Stahlman.

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

David Donovan, Attorney

Mr. Stahlman opened the meeting with the Pledge of Allegiance.

**Michael Babyak**, Section 113, Block 6, Lot 1.2 - 20 Hillcrest Avenue

Relief Requested: Variance to permit a six foot tall fence to be erected in a front yard. The maximum height allowed for fences in a front yard is four feet.

Present for the Applicant: Michael Babyak, applicant/owner

Mr. Nutt asked the applicant for proof of certified mailings of his adjoining notices. Mr. Babyak said he hadn't understood that he was to send out the notices and so did not do so. Mr. Babyak was told that neighbors within 200 ft. of his property must be given notice through a certified letter so they are informed and given the opportunity to attend the public hearing. The public hearing cannot be conducted without that notice having been sent, Mr. Donovan said. The hearing will be adjourned until next month, he said.

Mr. Babyak was given an opportunity to tell the ZBA about his need for a variance. Mr. Babyak said that his fence is six feet tall and said he doesn't want to cut it down to four feet, "because it wouldn't look right". He said it is a shadow box style fence, each side is the same and was installed by the builder after he purchased the house. Mr. Babyak's property is a corner lot, off Ryerson Road, and is located at the dead-end. Mr. Donovan said that it is only that small portion of the fence that extends past the front of Mr. Babyak's house that is in question.

Mr. Stahlman said that ZBA members will view the site prior to the next meeting and that the public hearing can be put on for July 9<sup>th</sup>. Mr. Babyak was instructed to mail the certified, return receipt requested adjoining notices.

**Cynthia K. Ortiz**, Section 111, Block 2, Lot 24 - 31 Golden Hill Avenue.

Relief Requested: Variance to permit construction of porch that will be 5 feet, 6 inches from the front yard line. The minimum front yard setback is 25 feet.

Present for the Applicant: Cynthia Ortiz, applicant/owner

Ms. Ortiz said she did her certified mailings of the public hearing notice but did not bring the proof of mailings to the meeting. She said she can deliver them to Village Hall. Mr. Donovan said that since the mailings were done, the ZBA can hold the public hearing and any approval will be subject to delivery of proof of the mailings. Mr. Stahlman stated that

if they received notice, they had an opportunity to be present so the applicant just needs to show the proof of mailing and instructed her to deliver the proof to Village Hall within 48 hours.

Ms. Ortiz said that her house originally had a porch which was removed between 1950 and 1960. She wants to construct a porch again and it will be 5' 6" from the front yard line. The normal set back is 25 ft. She said her lot is not a normal size and she has 30 ft. from the curb to the front door of the house.

Mr. Stahlman asked her about other houses on the street. Ms. Ortiz said that a neighbor (Mills) have the same setback and have a porch. She said if she constructed the porch it would be within the character of the neighborhood.

Mr. Donovan said her lot is a pre-existing non-conforming lot in one of the older parts of the Village. It was noted that there are other pre-existing non-conforming lots in this neighborhood.

Ms. Ortiz said the porch will be colonial style, a front porch with a wrap-around on the right-hand side of the house. The porch will extend the front of the house an extra 6' 6" and the side will come out 7' 7-1/2". The variance is only required for the front.

There was no one from the public present to comment.

**VOTE BY PROPER MOTION**, made by Mr. Frishberg, seconded by Mr. Nutt, the Zoning Board of Appeals of the Village of Goshen closes the public hearing on the application of Cynthia K. Ortiz. Motion passed unanimously.

**VOTE BY PROPER MOTION**, made by Mr. Frishberg, seconded by Mr. Clark, the Zoning Board of Appeals of the Village of Goshen grants the variance requested on the application of Cynthia K. Ortiz, subject to the receipt of the proof of mailing. Motion passed unanimously.

## **MINUTES**

**VOTE BY PROPER MOTION**, made by Mr. Frishberg, seconded by Mr. Clark, the Minutes of the May 14, 2008 meeting of the Zoning Board of Appeals of the Village of Goshen were approved.

## **ADJOURNMENT**

The meeting was adjourned at approximately 7:55 p.m.

Wayne Stahlman, Chairman  
Notes prepared by Susan Varden