

**VILLAGE OF GOSHEN
ZONING BOARD OF APPEALS
January 9, 2013**

The regular meeting of the Zoning Board of Appeals of the Village of Goshen was called to order at 7:30 pm on Wednesday, January 9, 2013 in the Village Hall by Chair Wayne Stahlmann.

Present: Lynn Cione
Garfield Clark
Neal Frishberg
Wayne Stahlmann, Chair
John Strobl

Also Present: David Donovan, Esq., ZBA Attorney

John Strobl opened the meeting with the Pledge of Allegiance.

Application of Brian Mitchell, 55 Montgomery St. Section 108, Block 5, Lot 11

Relief Requested: Side yard variance to permit construction of a covered porch and rear addition. The minimum side yard requirement of 10 feet will not be met after the proposed construction.

Owner Brian Mitchell presented his mailing receipts of the public hearing notice.

Mr. Mitchell said his home needs a second bathroom and the addition will provide a bathroom at the back corner of the house. There will also be a covered porch with a landing and steps and a back door. It is a one-story addition, he said, but the roof on the addition will have a sharp pitch to it reaching to the second story roof line. He wants the addition and porch to follow the architectural lines of the house.

Mr. Mitchell said that a 4 ft. variance is needed on the side yard.

It was noted that the current side yard distance on the opposite side of the house is at 7.8 feet so neither corner of the house will have the required 10 ft. side yard distance from the property line.

Ms. Cione asked if the addition could be put directly behind the house rather than at the corner of the house. Mr. Mitchell said he placed it at the corner for design purposes and believes it will be aesthetically pleasing.

Mr. Stahlmann opened the meeting to public comment.

Marianne and Bob McIntee of 53 Montgomery St., next-door-neighbors, said they were not opposed to the addition but are concerned that the construction process may cause damage to their property. They share a driveway and plumbing pipe are located under the driveway. Heavy trucks have disturbed those plumbing pipes in the past causing major problems. They are concerned that heavy trucks, like cement trucks, may damage the underground pipes. The McIntees asked if the applicant will be insured in case there is damage to their property.

Mr. Mitchell said no cement trucks will be used and that he will make it clear that any trucks are to be parked on the road, not the driveway. Mr. Mitchell made representations that he will do the construction in the less obstructive way so as not to interfere with the McIntees.

It was noted that the Building Inspector will not issue a building permit if there is not proof of adequate insurance.

Mr. Frishberg noted that the neighbors don't object to the variance but object to the process and that those concerns seem to have been satisfied. He noted that side yard variances are frequently granted but recited the criteria the ZBA must use to consider variances. He said after weighing all of the factors, he is satisfied that the criteria has been met.

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen closed the public hearing on the application of Brian Mitchell. Motion approved unanimously.

VOTE BY PROPER MOTION, made by Mr. Frishberg, seconded by Mr. Strobl, the Zoning Board of Appeals of the Village of Goshen grants the variance on the application of Brian Mitchell as requested. Motion approved unanimously.

ADJOURNMENT – Upon motion made and seconded, the ZBA adjourned at 7:50 p.m.

Wayne Stahlmann, Chair
Notes prepared by Susan Varden