

Minutes of the Zoning Board of Adjustment Public Meeting of Wednesday, May 27, 2015

Present are Mr. Falco, Mrs. Friedman, Mr. Phillips, Mr. Phelps, Mr. Byock

Also present are Marc Leckstein, Esq., Leckstein and Leckstein.

Absent are Mr. Bucco and Mrs. Gotell.

Mrs. Anderson has resigned her position as a member of the Zoning Board of Adjustment. The Board members thank her for her time over the last years.

New Business, V 15-101/Air Plus Trampoline Sports, Inc., Applicant: Air Plus Trampoline Sports, Inc., Property Owner: Hillcrest Development, 111 Highway 35 at County Road, Block 227, Lot 1, Block 231, Lot 1, Variance request for second façade sign, 117 sq. ft., where one sign is permitted and can be no larger than 75 sq. ft., on building located in the LI (Light Industrial) zone. **This application is carried from the March 25 Public Meeting pending payment of property taxes.**

Mr. Leckstein announces this application will be carried to the June 24 Public Meeting, pending payment of taxes. Mr. Phillips moves to carry, seconded by Mr. Falco, and on voice vote all members agree.

Some Board members indicate they will not be present for the June 24 public meeting; the Board will not have a quorum as a result. Mr. Leckstein announces the Air Trampoline application will be carried to the June 10 public meeting.

New Business, V15-105/Panzer, Applicant and Property Owner: Anthony Panzer, 131 Grove Street, Block 181, Lot 3, Variance application to construct a 28 ft. W x 34 ft. L x 19 ft. H detached garage. Maximum height permitted in the R100 zone for an accessory structure is 10 ft; applicant proposes 19 ft. high garage.

Mr. Leckstein announces he has a problem with this application. The applicant previously received a Certificate of Nonconformity from the Zoning Board for the property. The property with the existing structures on it are nonconforming. Now he is before the Board seeking approval for a nonconforming garage, which is an expansion of a nonconforming structures on the property. The proposed garage is to be higher in height than the Ordinance permits for an accessory structure. Mr. Panzer says he has owned the property for many years. Mr. Leckstein says the applicant did not notice for the expansion of the nonconformities; he only noticed for the variance to construct the garage.

Mr. Leckstein says the Board does not have jurisdiction to hear the application. Mr. Leckstein says in 2012 the Board recognized he had a nonconforming property and gave him the Certificate of Nonconformity. Mr. Panzer says everything was approved at that time. Mr. Leckstein says there was nothing about a shed in this application. He must renounce stating he is seeking a use variance for expansion of a nonconforming use.

Over the objections of Mr. Panzer, who wants to go forward, Mr. Leckstein explains the Board does not have jurisdiction to hear the application. If it did and granted approval and someone complains, he would have to tear down the garage because the Board never had jurisdiction to hear the application in the first place. That would be worse.

Answering Mr. Panzera, Mr. Leckstein says he does not have to redo the plans; just renote the neighbors and the newspaper. We will put him on the June 10 agenda.

New Business, **V15-102/Bucco, Applicant and Property Owner: Russell Bucco, 53 Lower Main Street, Block 267, Lot 3, Variance** request to install 51" x 103" side porch enclosure, with side yard setback 3.6 ft. where 9 ft. minimum required; install 59" x 35.5 inch awning over front door, with front yard setback 7.99 ft. where 25 ft. minimum required; building coverage 28% where 20% maximum permitted, and habitable square footage 951.49 sq. ft. where 1,100 sq. ft. required, on single family home in the R 75 zone. **This application is carried to the May 27 Public Meeting for insufficient noticing.**

Mr. Leckstein marks as Exhibit A-1 a survey dated April 15, 1966, prepared by Louis Booz, with the proposed additions marked in yellow; marked as Exhibit A-2 are a series of 14 pictures depicting the property as it is today taken by the applicant and by Mr. Fisher, who Mr. Bucco says is the contractor on the proposed project.

Mr. Leckstein swears in Mr. Bucco, who says they want to enclose the back porch for his elderly mother. It will be panels and windows. The proposed awning in the front yard with hand rails for his mother who is having a tough time going out getting the paper in the morning. She has nothing to grab on to.

They want the shelter for the mother on the side porch for when she goes out there to put a trash bag out or just sit it there waiting for the applicant to come home to put it out. It will also be protecting her from snow and ice when she has to put the recycling out. He can take it outside if she can't get out.

Mr. Bucco says there is a roof already over the side porch. All they are doing is putting in the windows and walls. There is a light there now underneath the roof; will be a light in the room but no heat, no plumbing. Just an enclosed porch with a light. Mr. Bucco agrees to a restriction of no heating or plumbing.

Answering Mrs. Friedman, Mr. Bucco does not believe there will be siding on the addition; it is glass windows and walls.

Barry Fisher, employed by Ace Home Improvements, is sworn in by Mr. Leckstein, and states he is on the Zoning Board of his town.

Mr. Falco asks if Mr. Fisher has a picture of the proposed porch enclosure. Mr. Fisher replies he has pictures of the existing porch, that had an awning from the holes he saw. He is duplicating what he believes was there as to the size of the awning, which was not fastened properly and blew up, and there were no posts. She is an elderly woman who can slide off, so she needs a hand rail on one side. He believes it is code because it is three steps.

Mr. Fisher says they are replacing rotted wood with a 3 inch foam knee wall, white on both sides, similar to what he put on the firehouse on Lloyd Road; the windows will be sliding windows. On the outside, the knee wall from the floor to the bottom of the sliding windows will be 3 inch foam, white aluminum on both sides. The windows will be white sliding windows. This room will be someplace for the mother to sit in cold, wintry weather when she can't go outside.

A railing will go on the back porch as well, replacing the wood railing there now.

No one from the public is present to be heard.

Mr. Falco moves to grant the variances, seconded by Mrs. Friedman.

Yes: Mr. Falco, Mrs. Friedman, Mr. Phillips, Mr. Phelps, Mr. Byock

No: None

Abstain: None

Memorialization of Resolution **V15-100(Rev)/Zeller, Applicant and Property Owner: John Zeller, 207 West Prospect Avenue, Block 210, Lot 17, Amended Variance** request to install 6 ft. high fence in second front yard (Garden Place), where 6 ft. high fences are not permitted in front yards, on single family home in the R 50 zone, is summarized into the record by Mr. Leckstein. Mr. Phillips moves to memorialize, seconded by Mr. Falco.

Yes: Mr. Falco, Mrs. Friedman, Mr. Phillips, Mr. Phelps, Mr. Byock

No: None

Abstain: None

Memorialization of Resolution **V 15-103/Pressler, Applicant and Property Owner: Joseph and Linda Pressler, 132 Idlebrook Lane, Block 76, Lot 20, Variance** request to install a 4 ft. chain link fence in second front yard (Line Road), where fences are not permitted in front yard in the R75/PC zone, is summarized into the record by Mr. Leckstein. Mr. Byock moves to memorialize, seconded by Mr. Phillips.

Yes: Mr. Falco, Mrs. Friedman, Mr. Phillips, Mr. Phelps, Mr. Byock

No: None

Abstain: None

Memorialization of Resolution, **V14-105/Jaffrey, Applicant and Property Owner: Ferkhanda Jaffrey, 477 Angel Street, Block 225, Lot 2, Use Variance** request to convert single family home into a two family home with the addition of a second story, on property located in the R 100 single family residential zone. **Application denied**, is summarized into the record by Mr. Leckstein. Mrs. Friedman moves to memorialize, seconded by Mr. Phelps.

Yes: Mrs. Friedman, Mr. Phillips, Mr. Phelps

No: None

Abstain: None

Meeting adjourned.

