

MEMBERS PRESENT: Rich Carey, Howard Haberman, Nanci Seltzer, Joseph Tuozzola

ALTERNATES PRESENT: William Evasick

STAFF PRESENT: Kathy Kuchta, Zoning Enforcement Officer, Rose Elliott, Clerk

The meeting was called to order at 7:00 p.m.

A. CONSIDERATION OF AGENDA ITEMS

1. **37 Shell Avenue** (Zone R-7.5) Christopher B. Carveth, attorney, for J & M Champagne, LLC, owner – request to vary Sec. 3.1.4.1 side yard setback to 9.5' in lieu of 10' required for garage; to 1' in lieu of 5' and 6.2' in lieu of 10' required to allow existing dwelling to remain according to Sec. 6.2.6; vary Sec. 4.1.4 Projection into required side yard to 2' in lieu of 6.3' required. CAM received. Map 27, Block 444, Parcel 14.

Christopher Carveth, 26 Cherry Street, attorney, passed out information to the Board. He said the house was built in 1910. The application is to allow the garage to be constructed directly in front of the wall of the house. It could be built to the regulations but this would allow for a more pleasing appearance. The lot is narrow and undersized at only 60% of the required size. A variance is required for the projection of the deck into the side yard because of the more than 50% renovations proposed.

Acting Chrmn. Haberman summed it up by saying they are proposing more than 50% renovations of the existing structure and adding a garage which requires ½' variance to keep it in line with the house.

Ms. Seltzer asked the hardship to which Atty. Carveth answered the hardship for the garage is the lot is very narrow and non-conforming to the current regulations. The hardship for the deck is it would make sense from a safety standpoint to have that little bit extra. It is a pre-existing, non-conforming lot.

Acting Chrmn. Haberman noted the deck extension being asked for is in line with the rear of the house, not encroaching any further into the setback.

Atty. Carveth said they were trying to meet the current regulations not in existence when the house was built.

Mr. Tuozzola confirmed the current distance from the street is 40'. The proposed garage would be 20' with 20' remaining for the parking area.

Atty. Carveth agreed.

When asked by Acting Chrmn. Haberman if there was anyone in favor or opposition of the application, members of the audience asked if they could ask questions.

Nancy Herman, 33 Shell Avenue, wondered what the height of the garage was and asked if she could see the plans.

Acting Chrmn. Haberman suggested taking a brief recess to allow the attorney to show the plans to the neighbors in the audience. (7:14 p.m. – 7:21 p.m.)

There being no one to speak in favor or opposition the hearing was closed.

DISCUSSION:

Acting Chairman Haberman said they were only redoing more than 50% renovations on an existing house. The garage requires ½' variance and he didn't have a problem with it. Ms. Seltzer said she didn't see a hardship but would go along with the ½' variance request.

Mr. Carey made a motion to approve with Mr. Tuozzola seconding. The hardship is the narrow lot. The house currently exists and is being renovated more than 50%. The motion carried 4-1 with Messrs. Carey, Evasick, Tuozzola and Haberman voting in favor and Ms. Seltzer voting against.

B. TABLED ITEMS

C. OLD BUSINESS

D. NEW BUSINESS

1. **767 East Broadway** (Zone R-5) Stephen W. Studer, attorney, for Irene Buckley and Ann Marie Mockler, owners – request for rehearing prior to the six month waiting period.

Atty. Studer, reminded the Board they were here last month for an appeal of the ZEO and a variance request. He was asking to be allowed to reapply for the variance because of new evidence. After reading the minutes of the meeting, it appeared there was concern regarding the survey. They would present the Board with a new survey that includes the 1988 datum. This new survey should clear up the ambiguity. The owners had not received or were aware of the DEP notice of violation because it was sent to this address, not to their winter address in New York and wasn't forwarded. They have since obtained a copy and spoken with DEP and that issue should hopefully be resolved by the April meeting. He asked the Board to allow the item to be reheard prior to the six month waiting period.

Ms. Seltzer asked about the encroachment of the fence into the City right of way.

Atty. Studer said he has spoken to Kathy about it and will have subsequent conversations with her. They will address the matter.

Ms. Seltzer made a motion to approve with Mr. Carey seconding. The motion carried unanimously with Ms. Seltzer, Messrs. Carey, Evasick, Tuozzola and Haberman voting.

E. STAFF UPDATE

Ms. Kuchta told the Board there was only one application so far for the next meeting in addition to the rehearing of 767 East Broadway. There could be an additional two more applications coming in.

G. ACCEPTANCE OF MINUTES FROM FEBRUARY 8, 2010 HEARING

The minutes were accepted unanimously.

Minutes of Public Hearings of Zoning Board of Appeals Meeting held March 8, 2011

G. ACCEPTANCE OF APPLICATIONS FOR APRIL 12, 2011 HEARING

The meeting was adjourned at 7:31 p.m.

Attest:

Rose M. Elliott,
Clerk ZBA