

October 21, 2015

A regular meeting of the Board of Adjustment was held in the Municipal Complex at 7:00 p.m.

Present	Also Present
Harvey Langer	Jeanne McManus
Eileen Della Volle	
Dawn Marie White	Michael Fowler
Stephen Leitner	Sean Kinnevy
Jeffrey Schneider	Denise Sweet
Jennifer Grenier	
Dennis Raftery	
Frank Mizer	
Joseph Morrell	

Mr. Langer led the salute to the flag: and the roll was called.

The Board Professionals were sworn in.

BA-2953- Ryan Homes Central Division

Dennis Collins was present to represent the applicant.

The applicant is requesting to construct a large number of second story timber decks on the already approved townhomes at the existing complex. A number of decks are within required setback, requiring relief from the bulk requirements of the Ordinance. The Ordinance requires that permanent decks connected to the dwelling maintain a minimum setback of 20 feet from any property line.

EVIDENCE

A-1- Colored rendering of the site plan

In 2011 the Planning Board approved 170 townhomes at the site. Buildings 21, 5 and 6 have no decks proposed because of the setback problem. Buildings 22, 23 and 24 the balconies have been abandoned. It was suggested additional landscaping be planted behind buildings 3 and 4. A 6 ft. white vinyl fence will be constructed behind building 2 and will replace any other fencing at that space. The applicant agreed to comply with Kevin Batzel's, Fire Safety report. A Letter Of No Interest must be obtained from CARFA to widen the driveways. River rock stone was suggested between the driveways rather than grass. Planting a row of evergreen trees by the fence was suggested for a more efficient buffer. The applicant agreed to comply with Michael Fowler, Ted Wilkinson and Kevin Batzel's reports.

Jeffrey Westlune adjoins the property. He has a privacy issue with the decks and would like to see additional landscaping planted.

Jessica Lewis lives behind building 3 and thinks the decks will be very evasive to her property.

Mark Smith faces the project and is not in favor of the decks.

Christopher Brewer also lives behind building 3 and opposes the decks.

Jessica Lewis was sworn in. She stated the decks will be very evasive to her property. Also she is worried about the neighbor seeing over into her yard at her children.

Mark Smith was sworn in. He stated the sliding door were already installed.

Public Portion Closed

Factual Findings

Ms. White- The applicant came to the Board for an Amended Site Plan application for an approval for second story decks. Buildings 22, 23 and 24 have abandoned the plans for decks. The applicant agreed to install a 6 ft. white vinyl fence to help with the buffering. All other fencing will be removed. The applicant agreed to comply with Michael Fowler, Ted Wilkinson and Kevin Batzel's reports. Also to obtain all necessary outside agency approvals. Approve this application.

Ms. Grenier- Concurred

Mr. Leitner- Concurred

Ms. Della Volle- Concurred

Mr. Schneider- Concurred

Mr. Langer- Deny this application

A motion was made to approve case BA-2953- Ryan Homes. It was moved by Ms. White and seconded by Mr. Leitner. Ms. White, Ms. Grenier, Mr. Leitner, and Mr. Langer voted AYE. Ms. Della Volle and Mr. Schneider voted no.

The application was denied.

BA- 2938-John and Carmen Cafro

Vincent DeSimone was present to represent the applicant. Mr. DeSimone stated to the Board that he and Mr. Duffy (BA-2922-Brian Duffy) will try to come to an agreement. He requested to have this application carried to a later date. This application will be carried to December 2, 2015. Mr. DeSimone granted a time waiver.

BA-2922- Brian Duffy

Mr. Duffy agreed to carry this application. He also agreed to waive the time. This application was carried to be heard at the January 20, 2016 meeting.

Recess: 8:30 Meeting resumed: 8:40 p.m.

BA-2944- James Rice

John Jackson was present to represent the applicant.
Ed Liston was present as an objecting attorney.

The applicant is requesting to elevate the existing single family residential dwelling on the property and shift the location of the dwelling closer to the front property line to allow for the construction of an expanded elevated rear deck. The existing attached 2 car garage is proposed to remain and be relocated with the dwelling.

The following variances are requested:

Item	Permitted	Existing	Proposed
Minimum front setback	25 ft.	29.7 ft.	20 ft.
Minimum /rear setback	15 ft.	14.9 ft.	5 ft.

Mr. Jackson stated that Mr. Rice agreed to keep the original setback so Mr. Liston's client retracted his objection.

Mr. Stevens was sworn in. (engineer) The home will be raised and the rear yard deck will remain the same. The home will be FEMA compliant. The home will be located 25 ft. from the front property line. Mr. Stevens stated that this application will cause no detriment to the area.

EVIDENCE

- A-1- Copy of a Plot Plan
- A-2- Photos of the deck

Public portion closed

Factual Findings

Ms. White- The site is in the R 7.5 zone. The home was damaged by Superstorm Sandy. The home is being raised and will be FEMA compliant. The home will remain at the 25 ft. front setback. This application is a benefit to the area not a hindrance. There were no comments from the audience.

Ms. Grenier- Concurred

Mr. Leitner- Concurred

Ms. Della Volle- Concurred

Mr. Schneider- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2944- James Rice. It was moved by Ms. White and seconded by Ms. Della Volle. All eligible members voted AYE.

BA-2945- John E. Georgalas

This application's Public Notice was deficient. A new hearing date will be given to the applicant.

BA-2921- Rocon Construction Group, Inc.

Mr. Landis was present to represent the applicant.

The applicant is requesting to construct side and rear elevated decks with staircases. The minimum rear setback is 15 ft. where a setback of 13 ft. is being proposed. Mr. Erxleben, the applicant, has health problems and need the deck to possibly fit a wheel chair comfortably. His wife is also handicapped. The deck is needed for access to the home. The applicant must submit an updated survey for the Board engineer to review.

Public portion closed

Factual Findings

Ms. White- The site is in the R-5 zone. The applicant is requested to construct a deck 13 ft. from the rear setback where 15 ft. is required. The applicant and his wife are both handicapped and will possibly need a wheel chair. The larger deck will be able to accommodate the wheel chair to move around. The applicant must submit an updated plot plan to the Board engineer for review. This application does not cause a detriment to the neighborhood. There were no comments from the audience.

Ms. Grenier- Concurred

Mr. Leitner- Concurred

Ms. Della Volle- Concurred

Mr. Schneider- Concurred

Mr. Langer- Concurred

A motion was made to approve BA-2921- Rocon Construction Group, Inc. It was moved by Ms. White and seconded by Ms. Della Volle. All other eligible members voted AYE.

A motion was made to approve case BA-2938- Joseph and Joann Granatell. It was moved by Ms. White and seconded by Ms. Della Volle. Ms. White, Ms. Della Volle, Mr. Schneider and Mr. Langer voted AYE. Mr. Leitner and Ms. Grenier were ineligible. Mr. Raftery, Mr. Mizer and Mr. Morrell were absent.

A motion was made to adjourn the meeting at 9:00 p.m. All members voted AYE.

Respectfully submitted,

Christine Papa, Secretary
Planning Board /Zoning Board