

DRAFT MINUTES – NOT TO BE USED AS AN OFFICIAL DOCUMENT

A regular meeting of the Zoning Board of Appeals was held on November 18, 2020. Present: Chairman Peter Hofmann, Jon Maass, Paul Monte, and 1st Alternate Joseph Capasso, and Dan Roemer/Assistant Building Inspector and Trustee Liaison Christy Knell, (arrived at 8:14 p.m.) Excused: Mr. Bruce Gombos and Mr. Jeremy Gutman.

Chairman Hofmann opened the meeting.

1. Adopt Minutes for Zoning Board of Appeals Meetings of September 9, 2020

No discussion or action taken.

2. 21 Riverside Place – Public hearing for plans to construct a new deck on property

Mr. Steven Secon/Architect and Ms. Amy Jo Neill were present to represent the application.

Motion by Chairman Hofmann, seconded by Mr. Monte to open the public hearing for the application of 21 Riverside Place for plans to construct a new deck on property

CHAIRMAN HOFMANN	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
BRUCE GOMBOS	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" type="checkbox"/> ABSENT/EXCUSED
JEREMY GUTMAN	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" type="checkbox"/> ABSENT/EXCUSED
JON MAASS	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
PAUL MONTE	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
JOSEPH CAPASSO, 1ST ALTERNATE	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
VOTE TOTALS	4 AYE	0 NAY	0 ABSTAIN	0 RECUSE	2 ABSENT/EXCUSED
RESULT:	MOTION: PASSES				

Chairman Hofmann said the application is for a rear yard deck, a required front yard setback and a required parking space.

Mr. Secon said there are two factors that are driving this project, 1) the rear deck is in very bad repair; and 2) the owner who has lived there for approximately 50 years wants to change the use of the house from single family with in-law accessory to a two family house. Mr. Secon said the project has three components, 1) Replacing and enlarging the rear deck; 2) Creating the second dwelling unit in the basement; and 3) Creating the additional off street parking at the front.

Mr. Secon discussed the proposed application.

Ms. Neill said she received letters of support from her neighbors at 35 Riverside Place and 31 Riverside Place.

Chairman Hofmann asked if the neighbors were noticed.

Mr. Roemer said the neighbors were noticed. Mr. Roemer said the two letters of support were received today.

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Chairman Hofmann asked if anyone from the public cared to address the Board. No one from the public addressed the Board.

Ms. Neill said her family has lived in the house for 50 years and that she grew up in the house and moved away for many years and moved back in the house in 2000. Ms. Neill said in 1985 her mother put the addition of the kitchen and deck that is existing now, that required a variance at that time. Ms. Neill said in 2004 she built the mother-in-law apartment in the basement, which is a studio/one room apartment that exists now. Ms. Neill said she is not enlarging the two bedroom unit, she is just adding an egress.

Chairman Hofmann said typically we do not decide on making one-family's two-family's.

A discussion was held and Mr. Roemer, Ms. Neil and Mr. Secon addressed questions from the Board.

Trustee Knell arrived at the meeting.

Chairman Hofmann said he feels a little uncomfortable with making a decision on adding an addition family unit here, approving that, and the parking space, because that is really the main purview of the Planning Board. Chairman Hofmann said he feels like we could address the deck, but that might be better addressed after those other issues have been addressed. Chairman Hofmann says he says this because this is a small piece of property and the house on Riverside Drive behind you is being encroached on a great deal. Chairman Hofmann said the rear yard setback is supposed to be twenty-five feet and it's already being encroached on and you want to encroach on it and put the deck eight from the rear yard and that is really close. Chairman Hofmann said that is going to be an active entertainment area for the main house according to what you say here and to me, being so close to neighbors that are above you, where it really can't be blocked by a fence seems problematic to me.

Mr. Monte said he echoes Chairman Hofmann's concerns. Mr. Monte said his concern is not the front yard setback, it's the rear yard setback. Mr. Monte said he thinks it's a significant variance that is being asked for, which is self-created. Mr. Monte said he wouldn't want to go there unless the Planning Board first makes a determination. Mr. Monte said the Planning Board has the right to grant the variance for the parking and he thinks it would be wise to allow for this to go to the Planning Board first, with regard to the one versus two, and then revisit the plan.

Mr. Capasso said he agrees with Chairman Hofmann and Mr. Monte.

Mr. Maass said he also supports that direction.

Mr. Secon said they could offer up some additional plantings and screening from the rear deck to make it feel more private so it doesn't impinge on the neighbors.

Ms. Neill asked if the Board was referring to impingement on 19 Riverside Place. Chairman Hofmann said no, and that it's Chestnut. Ms. Neill said the only thing that she can offer is that the house adjacent and behind her is not really above her, it is sort of at the same level/elevation. Ms. Neill said she could do plantings but there are already quite a substantial amount of plantings, foliage and trees between our two houses already that especially in the spring, summer and fall offer a lot of coverage for both of us.

Mr. Secon said they could provide aerial photographs from satellite imagery if that would help.

Chairman Hofmann said drawings would help.

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Ms. Neill asked if it would make a difference if the neighbors gave a letter of support. Chairman Hofmann said it would make a difference by maybe not a big difference. Chairman Hofmann said we are approving things for the property, not for the individual resident. Chairman Hofmann said local support would be helpful but it's not determinative. Chairman Hofmann said he would ask Mr. Second to look at this and give you the space that you need without encroaching as much.

Chairman Hofmann said we will continue the hearing and have the applicant go to the Planning Board to deal with the first two issues and then we can deal with the deck after there is a resolution there.

Motion by Chairman Hofmann, seconded by Mr. Monte to continue the public hearing for the application of 21 Riverside Place for plans to construct a new deck on property

CHAIRMAN HOFMANN	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
BRUCE GOMBOS	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" type="checkbox"/> ABSENT/EXCUSED
JEREMY GUTMAN	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" type="checkbox"/> ABSENT/EXCUSED
JON MAASS	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
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JOSEPH CAPASSO, 1ST ALTERNATE	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
VOTE TOTALS	<input type="text" value="4"/> AYE	<input type="text" value="0"/> NAY	<input type="text" value="0"/> ABSTAIN	<input type="text" value="0"/> RECUSE	<input type="text" value="2"/> ABSENT/EXCUSED
RESULT:	MOTION: PASSES				

The meeting adjourned at 8:28 p.m.