

DRAFT MINUTES – NOT TO BE USED AS AN OFFICIAL DOCUMENT

A regular meeting of the Zoning Board of Appeals was held on January 13, 2021. Present: Chairman Peter Hofmann, Bruce Gombos, Jon Maass, and 1st Alternate Joseph Capasso, and Dan Roemer/Assistant Building Inspector. Excused: Jeremy Gutman and Paul Monte, and Trustee Liaison Michael Patino

Chairman Hofmann called the meeting to order.

1. Adopt Zoning Board of Appeals Minutes for Meeting of December 9, 2020

Motion by Chairman Hofmann, seconded by Mr. Maass to approve the meeting minutes of December 9, 2020 as amended.

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 checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input 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 type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" 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				

2. 2 Storm Street – Continuation of Public Hearing for Plans to Construct a New Fence on Property

Mr. Ismet Dega was present to represent the application. Mr. Dega said he was unable to join the last meeting because his internet was having problems.

Chairman Hofmann said the applicant is asking for a variance on fencing that was already put up illegally. Chairman Hoffman asked the applicant to tell the Board the story, and why this happened and why he needs it and why he thinks he needs it.

Mr. Dega said last year he put in a protection fence. Mr. Dega since it was a year of the Coronavirus his children were home and had nowhere to go but in the backyard. Mr. Dega said it came as an idea that building that fence would help them to entertain a little more on their free time. Mr. Dega said the main thing was since they want to play both basketball and soccer on one hand he didn't want their safety to be in danger. Mr. Dega said before building that protection fence they were still playing but I saw them go on Ashford Avenue a couple of times and that was very dangerous. Mr. Dega said he thought that fence would prevent that dangerous move. Mr. Dega said this is for the south side because the fence had two sections. Mr. Dega said for the north side he has a multi-family neighbor and the ball was going on their side. Mr. Dega said they had their barbeque set in there and a table and that is where they usually sit, right next to the fence between his house and their house. Mr. Dega said he didn't want to bother them so he figured he had to build the fence on that side too. Mr. Dega said in the beginning, until the Inspector came, actually the Inspector sent me a letter first, he had no idea there was this restriction about the height of that type of fence and that's why he built it in the beginning. Mr. Dega said there is another side, which is the church side. Mr. Dega said the church has a background with children playing there, but since they never interfered with playing with my kids, their time was totally different than that times that my

DRAFT MINUTES – NOT TO BE USED AS AN OFFICIAL DOCUMENT

kids play. Mr. Dega said at the time he did not think to build the fence protection on that side. Mr. Dega said since they play in the morning on the weekdays and my kids play in the afternoon and on the weekends and he has never seen an interference.

Chairman Hofmann said the problem is that Mr. Dega should have checked this out with the Village for any kind of building, whether if it's outdoors or indoors, because permits or variances are needed when you build in the Village. Chairman Hofmann said unfortunately what Mr. Dega has built is well in excess of what is allowed and the perception of the Board is that is something that we cannot issue a variance for.

Mr. Gombos said part of the problem that Chairman Hofmann was referring to is if we give you this variance it's not just for the duration of the pandemic, so if by the summer people have vaccinations and there is no need for being as protective of your children as you were last fall you would still be able to maintain the fence and maintain it forever. Mr. Gombos said the variance is for all time. Mr. Gombos said if the house is sold the variance is still there. Mr. Gombos said the fence itself is in a very prominent location in the Village, near the entrance to the Village near a prominent community facility, so it's not in keeping with the Zoning Code and it's not in keeping with the feel of the area. Mr. Gombos said that is why the sense of the Board has been to not grant a variance for this issue.

Chairman Hofmann said unfortunately the law for this is unforgiving and we cannot issue temporary variances. Chairman Hofmann said that is something that we explored with Counsel in advance of this meeting and the law is not vague, so we are really not in a position to grant this even though it's something that would make your life and your kid's lives a bit easier. Chairman Hoffman said Mr. Dega can talk to the Building Department, but this is something that has to come down as expeditiously as possible.

There was no one from the public present who cared to address the Board.

Mr. Maass said he would add the issue of a precedent if the Board approved this. Mr. Maass said he would support Chairman Hofmann and Mr. Gombos on this.

Mr. Capasso said he agrees as well.

Motion by Chairman Hofmann, seconded by Mr. Gombos to deny the application of 2 Storm Street for plans to construct a new fence 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 checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input 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 type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" 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				

DRAFT MINUTES – NOT TO BE USED AS AN OFFICIAL DOCUMENT

3. 21 Riverside Place – Continuation of Public Hearing for Plans to Construct a New Deck on Property

Ms. Amy Jo Neill/Property owner was present to represent the application. Ms. Neill said she is waiting for Mr. Secon to attend.

Chairman Hofmann said he is still not sure if we can proceed because we would like to hear from the Planning Board first. Chairman Hofmann asked Mr. Roemer to speak about the wall and why that does not need a variance. Chairman Hofmann said if it did require a variance it should be noticed.

Mr. Roemer said the wall does not need a variance because it is just a retaining wall. Mr. Roemer said this is a retaining wall and not a fence or wall for the division of the property.

A discussion was held and Mr. Roemer addressed questions from the Board.

Mr. Steven Secon/Architect arrived at the meeting to represent the application.

Mr. Secon said Hahn Engineering gave us some comments, all of them fairly minor and benign. Mr. Secon said the only thing of significance was the potential additional variance that was required for the front wall, that was a retaining wall, and fortunately Mr. Manley was on the call and clarified that we do not need an additional variance. Mr. Secon said the Zoning Board was comfortable putting everything to a public hearing and we are confident that we have addressed all of Hahn Engineering's comments in a satisfactory manner. Mr. Secon said based on our last conversation he thinks they have addressed the Board's concerns by increasing the rear setback and reconfiguring the deck.

Chairman Hofmann said he thinks it is a good application. Chairman Hofmann said he would like to hear Planning Board approvals before we make our final approval in case they have small issues that need to be adjusted.

Chairman Hofmann said we will carry this application over to the next meeting of the Board.

Ms. Neil thanked the Board.

Mr. Secon thanked the Board for their feedback and guidance.

DRAFT MINUTES – NOT TO BE USED AS AN OFFICIAL DOCUMENT

Motion by Chairman Hofmann, seconded by Mr. Gombos to close the meeting.

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 checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input 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 type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" 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				

The meeting adjourned at 8:22 p.m.