

**ZONING BOARD OF ADJUSTMENT
Minutes of the Meeting**

February 26, 2019

Conference Meeting Agenda:

At 7:02 PM, Chairman Hochberg announced that proper notice had been given and Board Secretary Fass called the Roll:

Present: James Hochberg, Chairman

Jared Resnick

Ed Bier

Vineeta Khanna

Lauren Tabak-Fass

Kalpesh Kenia (arrived 7:12 PM)

Pearl Hwang (arrived 7:06 PM)

Alan Ozarow, Board Attorney

Jackie Coombs-Hollis, Planning Administrator

Catherine Maddrey, Planning Assistant

Absent: Tony Nardone, Vice Chair

Minutes: The minutes of December 11, 2018 & January 22, 2019 were accepted as presented.

New Business: Town Council will make a recommendation for a replacement for Michael Vieira.

Regular Meeting Agenda

At 7:21 PM., it was announced that proper notice had been given and the Roll was called: The Regular Meeting continued with the same attendees.

The following Resolutions were memorialized:

- 1) Tracy Wang – 38 Sycamore Avenue – Application No. 2018-85-V
- 2) 19 Preston Drive LLC – 19 Preston Drive – Application No. 2018-83-V
- 3) Precision Escalator Products, Inc. – 12 Peach Tree Hill Road – App. No. 2018-49-PFSP-UV
- 4) Steve Maletos – 38 Washington Court – Application No. 2018-89-V

Variance (*Adjourned*)
Block 3202; Lot 36
41 Brookside Avenue
Application No. 2018-56-V
Purnima Chakraborty

R-4 Zone

Applicant proposes an addition on the first and second floor in violation of the following sections:
170-99C2 Front Yard Setback – 40’ required; 30’ proposed; 10’ variance requested.
170-99C3 Left Side Yard Setback – 10’ required; 5.6’ proposed; 4.4’ variance requested.
170-87CC44 Habitable Floor Ratio – 30% required; 33.83% proposed; 3.83% variance requested.
170-87BB4 – Habitable Floor Area – 3220 sq ft required; 3383 sq ft proposed; 163 sq ft variance requested.

Chairman Hochberg announced that the application for 41 Brookside Avenue was being adjourned and that new notices are required.

Variance (*Adjourned*)
Block 4305; Lot 2
87 Irving Avenue
Application No. 2018-65-V
Yong Jiang & Xiaoi Sun

R-4 Zone

Applicant proposes an addition in violation of the following sections:
170-99C3 Aggregate Side Yard Setback – 30% required; 27.7% proposed; 2.3% variance requested.
170-87CC4 Habitable Floor Ratio – 30% required; 34.28% proposed; 4.28% variance requested.

Chairman Hochberg announced that the application for 87 Irving Avenue was being adjourned and that new notices are required.

Variance (*Continued from December 11, 2018*)
Block 2503; Lot 20
24 West Lawn Road
Application No. 2018-82-V
Danial Dubinett

R-3 Zone

Applicant proposes an addition in violation of the following sections:
170-98C2 Front Yard Setback – 50’ required; 27.8’ proposed; 22.2’ variance requested.
170-87CC3 Habitable Floor Ratio – 21% required; 25.7% proposed; 4.7% variance requested.

Danial Dubinett appeared and was sworn in and offered testimony. No members of the public appeared in support or objection to the application. The hardships were reconfirmed (existing nonconforming lot) upon motion made by Mr. Bier and second by Ms. Tabak Fass. The members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 1306; Lot 11
89 North Ashby Road
Application No. 2019-3-V
Rose Bickel

R-4 Zone

Applicant proposes a two story addition replacing exiting one story screened porch in violation of the following section:

170-99C4 Rear Yard Setback – 35’ required; 30.25’ proposed; 4.75’ variance requested.

Christine Miseo (Architect) and Rose Bickel (Applicant) appeared and were sworn in and offered testimony. No members of the public appeared in support or objection to the application. The hardships were reconfirmed (undersized shallow lot) upon motion made by Ms. Tabak Fass and second by Ms. Khanna. The members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 3203; Lot 7
108 East Cedar Street
Application No. 2019-5-V
Marcelino Lopes

R-3 Zone

Applicant proposes an addition in violation of the following section:

170-98C4 Aggregate Side Yard Setback – 30% required; 28.48% proposed; 1.52% variance requested.

The applicant was represented by Eugenio Genise, Esq. Jeffrey Lewis (Architect) was sworn in and offered testimony. No members of the public appeared in support or objection to the application. The hardships were reconfirmed (deep, narrow lot) upon motion made by Mr. Resnick and second by Mr. Bier. The members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 6702; Lot 3
6 Huntington Road
Application No. 2019-6-V
Sue Goldberg

R-1 Zone

Applicant proposes to construct a screen porch over existing deck in violation of the following section:
170-96C4 Rear Yard Setback – 75’ required; 61.8’ proposed; 13.2’ variance requested.

Sue Goldberg appeared and was sworn in and offered testimony. No members of the public appeared in support or objection to the application. The hardships were reconfirmed (shallow lot) upon motion made by Ms. Khanna and second by Mr. Bier. The members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 2702; Lot 17
18 Falcon Road
Application No. 2019-7-V
Gabrielle Altstadter

R-4 Zone

Applicant proposes an addition in violation of the following section:
170-87CC Habitable Floor Ratio – 30% required; 37.95% proposed; 7.95% variance requested.

William Figder (Architect), Gabrielle and Jeffrey Altstadter (Applicants) appeared and were sworn in and offered testimony. The hardships were reconfirmed (undersized shallow lot) upon motion made by Mr. Bier and second by Mr. Kenia. Ms. Hwang & Mr. Resnick were recused from hearing this application. The members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Members of the Public with Comments/Questions:
Donna Mollineaux – 9 Sparrow Road

Variance
Block 4502; Lot 17
29 Park Drive
Application No. 2019-4-V
Xinyu Chen

R-4 Zone

Applicant proposes a second floor addition in violation of the following sections:
170-99C2 Front Yard Setback – 40’ required; 35.7’ proposed; 4.3’ variance requested.
170-99C3 Side Yard Setback – 10’ required; 7.6’ proposed; 2.4’ variance requested.

Xinyu Chen and Xianlian Zhou appeared and were sworn in and offered testimony. No members of the public appeared in support or objection to the application. The hardships were reconfirmed (existing condition and placement of the home) upon motion made by Ms. Khanna and second by Ms. Tabak Fass. The members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 7202; Lot 10
14 Devonshire Road
Application No. 2019-2-V
Robert & Lori Gelman

R-1 Zone

Applicant proposes to add a cabana on a corner lot in violation of the following sections:
170-87E(1)(c) Accessory Building – Accessory buildings on corner lots shall not be erected nearer to the side street than the front yard requirement of that street.
170-87L(1)(a) Corner Front Setback – 60’ required; 44’x1” proposed; 15’x11” variance requested.
170-87L(1)(a) - Corner lot front Yard Setback – 60’ required; 44’x1” proposed; 30’x11” variance requested.
170-91B(6) Evergreen Plantings – Fences facing public right-of-way shall be screened from public view by evergreen plantings.

Julie Ann Cecere (Architect), Robert and Lori Gelman appeared and were sworn in and offered testimony. No members of the public appeared in support or objection to the application. Chairman Hochberg was recused from hearing this application. Mr. Resnick acted as Chairman Pro Tempore. The applicant agreed to comply with the fence ordinance and will keep the fence 4 feet high. A Condition of Approval was made that there will be a minimum of 15 trees (Evergreen Leyland Cypress) 10 feet apart and 7 feet from the property line. Upon motion made by Mr. Resnick and second by Mr. Bier, the members of the Board present and eligible voted in favor of the motion, subject to a memorializing resolution.

Variance
Block 6001; Lot 56
17 Tower Road
Application No. 2019-1-V
Weikuang & Chenchi Lien

R-2 Zone

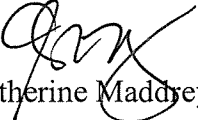
Applicant proposes to construct a new single family home in violation of the following sections:
170-97C2 Front Yard Setback – 60’ required; 47.11’ proposed; 12.89’ variance requested.
170-87L(1)(b) Corner Front Yard Setback – 50’ required; 35.5’ proposed; 14.5’ variance requested.
170-97C4 Rear Yard Setback (Deck) – 50’ required; 26’ proposed; 24’ variance requested.
170-97C4 Rear Yard Setback (House) – 50’ required; 28.1’ proposed; 21.9’ variance requested.
170-87CC2 Habitable Floor Ratio – 18% required; 26.9% proposed; 8.9% variance requested.

Kevin O’Brien (Planner) and Chechi Lien appeared and were sworn in and offered testimony. The Board members raised their concerns regarding the mass of the home and felt it was too large. Ms. Lien agreed to amend plans and requested for an adjournment to April 30, 2019.

Adjournment

With no further business, the meeting adjourned at 9:22 PM.

Sincerely,


Catherine Maddrey, Planning Assistant