

**ZONING BOARD OF ADJUSTMENT
DECEMBER 15, 2022**

PRESENT: John Lisko, Tom Palmisano, Phil Greig, Mark Fitzgerald, Tony Almeida, Mike Melango, and Holly Deitz

ABSENT: Chuck Ross, Annemarie Drazenovich, and Michael Druz

ALSO, PRESENT: Board Attorney Kevin Kennedy and Board Secretary April Claudio

Mr. Greig made a motion to waive the reading and approve the minutes of the November 10, 2022 meeting, which was second by Mr. Melango and approved by the following vote:

AYES: Mr. Greig, Mr. Fitzgerald, Mr. Almeida, Mr. Melango and Ms. Deitz

NAYS:

ABSTAIN: Mr. Lisko and Mr. Palmisano

Resolution for Edelman Investments, 112-114 12th Avenue was carried to the next meeting.

Mr. Greig made a motion to waive the reading and approve the resolution for Sue & Bill Ashnault, 315 11th Avenue, which was seconded by Mr. Almeida and approved by the following vote:

AYES: Mr. Greig, Mr. Fitzgerald, Mr. Almeida, Mr. Melango and Ms. Deitz

NAYS:

ABSTAIN: Mr. Lisko and Mr. Palmisano

The application for Zeynab Abdulkafarova & Batraz Kazimetov, 208 15th Avenue was carried to the January 26, 2023 meeting because only six of the seven board members present were eligible to vote on the application.

CHRISTOPHER & MICHELLE FRANK – 503 ½ 12TH AVENUE

Appearing for this application was Mr. Frank, his attorney Mike Rubino and architect Mary Hearn. Exhibits marked: A1 application, A2 application addendum, A3 minor land use denial, A4 application checklist, A5 minor land use application, A6 survey, A7 plans, A8 aerial photo board and A9 photo board.

Mr. Frank stated he has owned the property since 2006. There is a front house with a rear cottage. The property has been in his family since 1958. The application is proposing and addition and renovations to the front house and to add heat to the rear house.

Mr. Rubino stated most of the variances being requested are for existing conditions that are not changing. The only new variances would be the building coverage is increasing from 48.2% to 52.4%, east side setback of 3.1 feet down from 3.3 feet and total side yard setback of 4.1 feet, down from 4.3 feet. The lot is only 25x150.

Mr. Frank stated he is eliminating two bedrooms in the rear house and he and his wife will live in that house while their children and their families use the front house. The front house will be upgraded with new electric, wider stairs, and a reconfigured floor plan. The number of bedrooms will stay the same. The number of bathrooms will increase from two to two and a half. There is currently no driveway on the property.

Ms. Hearn stated there are thirteen existing variances; of which only four will slightly change. The property is very tight. There was a one-story addition added to the rear house years ago that she would like to take down since it was built improperly and build a new two-story addition. There is no basement, but they can do a crawl space for the mechanicals. The addition and renovation will allow for the rooms to be larger with viable closets and proper egress windows. The rear house will be tweaked to have only one bedroom, the existing sunroom will be made level with the house, and heat and air conditioning will be added.

Ms. Hearn had read an excerpt from the Borough Ordinance regarding accessory dwellings. Mr. Almeida discussed that with her in more detail. She clarified that they are not seeking relief via that ordinance but wanted to read the excerpt to show the Borough's intention to preserve rear houses.

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Ms. Deitz stated she could appreciate the family history on the property and the proposed changes will be a benefit to all. Mr. Melango and Mr. Lisko felt they were asking for minimal changes. Mr. Greig was in favor of the application. Mr. Almeida stated it is a great use of the property and will be a benefit to the town. Mr. Fitzgerald felt it is a better alternative than leaving the existing houses the way they are.

Mr. Greig made a motion to approve the application, which was seconded by Mr. Melango and approved unanimously.

At 7:20 pm the Board took a brief recess. The Board reconvened at 7:30 pm. Roll call was taken. All were still present.

KRISTEN CICCIMARRA – 103 9TH AVENUE UNIT 8

Appearing for this application was Ms. Ciccimarra, her attorney Paul Mirabelli, architect Peter Serpico, and planner John Jennings. Exhibits marked: A1 application, A2 applicant checklist, A3 minor land use, A4 minor land use denial attachment, A5 survey, A6 plans, and A7 condo association approval email.

Mr. Mirabelli stated they are seeking variances for expansion of non-conforming use, and preexisting bulk variances that will not be changing. The proposal is to add a two-story addition on an existing condo unit with a roof deck.

Ms. Ciccimarra stated she has owned the property for six years and is used as her second home. Her goal is to move here full time with her two adult children. The existing house is one story with four bedrooms and two bathrooms. She would like to have seven bedrooms and an office. She would like more space to allow for her parents to move in. The driveway currently parks three vehicles, and she has a fourth spot in the shared parking lot.

Mr. Serpico stated the lot is 4408 square feet and consists of individual homes that are under a condo association. There will be no change to the footprint of the house. The stairwell is at 35 feet high, but the roof deck finished floor is at 27.6 feet.

Ms. Deitz asked if the home would be 3 stories. It was determined that a variance for a full third floor was also needed.

Mr. Jennings stated there is adequate parking. The proposed office provides a necessary use that has become prevalent after the pandemic. The floor area ratio would be increasing from 39% to 88%. There was discussion on that calculation and how it was determined.

Mr. Fitzgerald also pointed out a variance is needed for the proposed balconies because there is a third-floor balcony over the second-floor balcony.

At 8:14 pm the Board took a brief recess so Mr. Mirabelli could confer with this client. The Board reconvened at 8:31 pm. All were still present.

Mr. Mirabelli stated he would move the deck on the third floor to be recessed and therefore not over the second-floor balcony which would eliminate a variance. This would also make the third floor smaller which would reduce the floor area ratio. He suggested the application be carried to the next meeting to allow for them to present revised plans. He stated they are also considering removing the roof deck.

The application was carried to the January 26, 2023 meeting.

Mr. Greig made a motion to adjourn the meeting, which was seconded by Mr. Fitzgerald and approved unanimously.