

MINUTES
ISLAND HEIGHTS PLANNING BOARD – October 11, 2018

The regular meeting of the Island Heights Planning Board was called to order by Chairperson Noble at approximately 7pm. Following the flag salute roll call was taken and present were: Bill Noble, John Bendel, Joe Connors, Karen Kier, Bob MacNeal, Donald Roberts, Bob Baxter, Frank Wetta, Terry Brady, Millis Looney and Wendy Prior. Absent: Ellie Seibert and Sean Asay.

Motion to approve the minutes from August 9, 2018 was made by Mr. Bendel second by Mr. Baxter.

Roll Call Vote:

Mr. Noble	Yes	Mr. Roberts	Yes
Mr. Asay	Absent	Ms. Seibert	Absent
Mr. Bendel	Yes	Mr. Wetta	Yes
Mr. Connors	Yes	Ms. Kier	Yes
Mr. MacNeal	Yes	Mr. Baxter	Yes

Motion to approve the minutes from September 13, 2018 was made by Mr. Bendel second by Mr. Baxter.

Roll Call Vote:

Mr. Noble	Yes	Mr. Roberts	Yes
Mr. Asay	Absent	Ms. Seibert	Absent
Mr. Bendel	Yes	Mr. Wetta	Yes
Mr. Connors	Yes	Ms. Kier	Yes
Mr. MacNeal	Yes	Mr. Baxter	Yes

Michael Brick, 20 Fletcher Place was sworn in by Mr. Brady. Mr. Brick handed out an additional document of an area map of lots 4, 5, 6 and 7 on Fletcher Place which was marked into evidence as A1. Mr. Brick stated that it was brought to his attention by the Board attorney that he misused the use variance terminology that this is an addition to his home as can be seen by the plan drawn up by Mr. Thompson. It is a garage with living space above and a second story breezeway connecting it to the main home. Mr. Brady said the importance of this is if it is a use variance there are different members of the Board who can vote and a different number of votes needed to have it approved. With a use variance only select members of the Board can vote but on a bulk variance all members of the Board can participate and you need a simple majority not 5 out of 7. First thing to make clear is in order to determine who is participating is that the applicant is not proposing a non-conforming use. Mr. Brick said that is correct. Mr. Brady asked if the office use the applicant is talking about is part of home use and not commercial. Mr. Brick said yes that is correct, the appropriate variance would be for the side and front setbacks not the use. Further discussion was held by Mr. Brick and the Board and Mr. Brady.

Chairperson Noble asked if this office would be his primary place to conduct his business. Mr. Brick said no his business office is in Medford this would be for his home bills, etc. Further discussion on this by the Board and Mr. Brick.

Mr. Baxter clarified that this is a bulk variance and not a use variance that it was just a mistake on the applicant's part and that he is requesting relief because of the side of the property for the addition. Mr. Brick said it is for the side and front setbacks. Mr. Bendel said he understands why he wants to do this but does not see any undue hardships. Mr. Brick said that the right of way is typically 10' but on his lot it is 15' on the right hand side and on the left it is 20' along with the road being straight and the property being curved. Further discussion was held by the Board and Mr. Brick about his plans and alternate ways to place the garage, the size of the garage and removal of the shed.

Mr. Brick stated that the structure to be built would be complimentary to the existing house, and it would not be a just thrown together structure. Mr. Robert stated that one of his concerns is how the proposed addition is encroaching on the streetscape. Mr. Roberts further stated that many of the issues the applicant is bringing to the board could be resolved if it was built to the eastern side. Mr. Brick said it could be built there but it would require more major surgery to the existing structure and the more expensive it gets. The reason he is asking for it on the west side is that is where the existing driveway is it would require less landscaping, etc. Further discussion was held on this by the Board and Mr. Brick about the current driveway, dogwood and gaining living space and storage.

Mr. Bendel asked the applicant if he considers aesthetics to be undue hardship which Mr. Brick said no. Mr. Bendel said that Mr. Brick is looking for more living space and a garage and both of

these can be done as two separate projects by adding living space to back of house and a garage done separately then he would not need a variance. Mr. Brick said yes anything is possible with the right amount of money and space but this is what he and his wife envisioned to add space and a garage. Mr. Bendel said it is clear that Mr. Brick wanted to do it this way but the Board is bound by statutes which ask for undue hardship which has not been proven because aesthetics and costs are not hardships. Further discussion was held by Mr. Bendel and Mr. Brick on the hardship and a possible compromise.

Mr. Noble opened the floor to the Public. Mr. Brady swore in George Jablonski, 22 Fletcher Ave. Mr. Jablonski asked to see the plans. Upon review he stated that he had no issues with the plans as they are.

Mr. Brady swore in Dion Frye of 14 Fletcher Ave. Mr. Frye lives next door and is in the process of selling his home. Mr. Frye said he has no issue with this and spoke to his real estate agent who said it should not be an issue in the selling of his home.

Mr. Noble closed the public portion.

Mr. Bendel said that he cannot support this application and the statutory requirement of undue hardship has not been met.

Mr. Baxter stated that the plans that were presented need to be re-worked and that undue hardship has not been proven which is needed in order to approve this type of variance application therefore he is not in favor of this application.

Motion to deny the application was made by Mr. Baxter second by Mr. Bendel.

Roll Call Vote:

Mr. Noble	Yes	Mr. Roberts	Yes
Mr. Asay	Absent	Ms. Seibert	Absent
Mr. Bendel	Yes	Mr. Wetta	Yes
Mr. Connors	Yes	Ms. Kier	Yes
Mr. MacNeal	Yes	Mr. Baxter	Yes

Motion to adjourn the meeting at 7:45pm was made by Mr. Bendel second by Mr. Connors. Unanimous Voice Vote.

Respectfully Submitted by Wendy J. Prior