

## Minutes of the 12/3/15 Preble ZBA Meeting and Public Hearings

**Members Present:** Chairman Dan O'Shea, Amy Bertini, Bob Lieber, Nancy Dalley

**Absent:** Jay Currie

**Also Present:** Attorney Don Armstrong, Hilda and John Stevens, Peter Werner and John Morgan

The meeting was called to order at 7:30 by Dan O'Shea. First order of business is Peter Werner's application for an area variance for his property on Green Lake Rd. The Chairman opened the Public Hearing to comments, but as there were none, he asked if any board members had questions or comments. Attorney Don Armstrong shared that the code enforcer sent him the specs on the septic system which was installed in 1990. There was no feedback from the Health Dept.

Since there were no public comments on the Werner application, Dan O'Shea asked if anyone had any comments or questions about the Steven's application for an area variance. There were none and the chairman closed the Public Hearings.

The regular meeting commenced, with the Board proceeding to its impact assessment as the lead agency. Motion made by Amy Bertini, seconded by Nancy Dalley that there be a negative declaration, all in favor the motion carried. Don clarified that the issue was that the applicant had to meet the setback for the front of the property and discussion followed. The Board then made the following findings in reviewing the criteria for the grant of a variance concerning the Peter Werner application.

1. Whereas the proposed project will improve the property there is no detrimental effect.
2. Whether the benefit sought by the applicant can be achieved by some other method. No, due to the size of the small existing lot size and layout of the existing septic facilities there is no other feasible way to complete this project.
3. Whether the requested variance is substantial. The proposed project will replace the former dwelling with about the same square footage, so there is no substantial variance required.
4. Whether the proposed variance will have an adverse or positive impact. This project will improve the quality of the dwelling.
5. Whether the alleged difficulty was self created. It was not self created as this was an existing lot.

It was therefore Resolved that the application for an area variance be granted to Peter Werner. Approved septic plot is included in the file. Amy Bertini made the motion to grant the Area Variance, seconded by Bob Lieber, all in favor the motion carried. The minutes will serve as a notice of approval for Mr. Werner and he will pick up his building permit from Rick Fritz.

Next order of business is Hilda Steven's application for an area variance. Don Armstrong explained that the applicant's lawyer provided the Board with the requested revised deed that reflects an 8' wide easement. The Board proceeded to complete the impact assessment as the lead agency. No negative or adverse impacts concerning the variance were found. Bob Lieber made the Motion stating the proposed action will not result in any adverse environmental impact, Nancy Dalley

seconded, all in favor the motion carried. The Board made the following findings in reviewing the criteria for the grant of an area variance for Hilda Stevens.

- 1 The proposed variance will not result in any physical changes to the property, therefore there are no detrimental effects.
2. Whether the benefit sought by the applicant can be achieved by some other method; There appears to be no other solution due to the pre-existing building arrangements.
3. Whether the requested area variance is substantial; Yes, but this is a pre-existing condition with multiple homes using a common driveway.
4. Whether the proposed variance will have an adverse impact; the lot layout will not change so there's no detrimental effect to the granting of the variance.
5. Whether the difficulty was self-created; the non-conforming frontage existed prior to the enacting of the zoning variance.
6. Each proposed lot has its own existing septic and well.
7. Whereas the proposed deed provides a perpetual right of way to the resulting land locked lot, be it Resolved that an area variance be granted on the condition that the right of way be incorporated in the final deed. Discussion ensued as to whether the 8 ft. wide proposed right of way was sufficient. Hilda agreed to expanding the width of the right of way to 16 feet.

Don explained that this proposal must return to Planning Board in order for the subdivision to be reviewed and approved.

Next on the agenda is John Morgan's application for a use variance for his property on Steger Rd. After questioning the applicant and as a result of the ensuing discussion the Board determined that the application proposed creating a 2 family unit from his current 1 family unit. The definition of a multi-family dwelling involves a minimum of a 3 family unit, so this project does not meet the criteria of such. Therefore it was determined he does not need a variance for this project.

The Motion was made by Amy Bertini stating that this proposal is a permitted use in an R-1 district, so there is no need for a variance to convert the property into a 2 family dwelling, it was seconded by Nancy Dalley, all in favor the motion carried.

The applicant will return to Rick Fritz for a building permit.

Old Business: Bob Lieber made the Motion to accept the minutes from 11/5/15, Nancy Dalley seconded, the motion carried. Amy Bertini made the Motion to adjourn, Bob Lieber seconded, all in favor, the motion carried. The meeting closed at 8:55.

Respectfully Submitted,

Deborah Putman, Secretary

