

Town of Scarborough

Zoning Board of Appeals

March 14, 2007

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (February 15, 2007)
4. Appeals
 - a. Appeal No. 2353 – A Miscellaneous Appeal by Martin and Susan Macisso, 697 U. S. Route One, Assessor's Map U30 Parcel 19, to construct a sunroom on a dwelling in the B-2 Zone
 - b. Appeal No. 2354 – A Practical Difficulty Variance Appeal by Glenn Morse, 63 Running Hill Road, Assessor's Map R18 Parcel 1, to construct an overhang and patio on the front and side of the home 30 feet from the front property line in the R-F Zone
 - c. Appeal No. 2355 – A Special Exception Appeal by Eric D. Moy, 119 Gorham Road, Assessor's Map U49 Parcel 64, to operate a vending machine business as a home occupation in the R-2 Zone
 - d. Appeal No. 2356 – A Practical Difficulty Variance Appeal by the Loyal Order of Moose, 19 Spring Street, Assessor's Map R37 Parcel 35, to construct an addition 26 feet from the front property line and 12 feet from the side line in the B-2 Zone
 - e. Appeal No. 2357 – A Special Exception Appeal by Paul and Michelle Pritchard, 5 Heather Lane, Assessor's Map R74 Parcel 20, to construct an accessory unit in their home in the R-3 Zone
 - f. Appeal No. 2358 – A Variance Appeal by Leo and Kathy Bruyette, 2 Shipwreck Road, Assessor's Map U1 Parcel 39, to demolish three dwelling units and construct one larger dwelling with a small apartment requiring several setback variances.
 - g. Appeal No. 2359 – A Practical Difficulty Variance Appeal by Jean and Kathleen Kelley and Ann Pakradooni, 24 Greenwood Avenue, Assessor's Map U2 Parcel 68, to construct a porch, dormers and a shed requiring several setback variances
 - h. Appeal No. 2360 – A Practical Difficulty Variance Appeal by Mark Orlando, 6 Bliss Street, Assessor's Map U23 Parcel 9, to construct a second story 3 feet from the front line and 7 feet from the side and rear lines, as well as a landing and steps 4 feet from the rear property line in the R-4A Zone
 - i. Appeal No. 2361 – A Variance Appeal by Stephanie Williston, 135 Winnocks Neck Road, Assessor's Map R83 Parcel 30, to allow an existing shed to remain 10.3 feet from the rear line and 14 feet from the side property line in the R-2 Zone
5. Zoning Board Comments
6. Adjournment

NO NEW APPEALS SHALL BE TAKEN UP AFTER 10:30 P. M.

Town of Scarborough

Zoning Board of Appeals

March 14, 2007

MINUTES

Members Present

Staff

Mr. Blaise
Mr. Craft
Mr. Dryzga
Mr. Loisel
Mr. Maroon (arrived 7:20 P. M.)
Mr. Massengill

Mr. Grysk, Code Enforcement Officer
Ms. Logan, Recording Secretary

1. Call to Order and Pledge of Allegiance

Mr. Dryzga called the meeting to order at 7:00 P. M.; the Pledge of Allegiance was recited.

2. Roll Call

The Recording Secretary called the roll; Messrs. Maroon and Temm were absent. Mr. Dryzga authorized Mr. Craft and Mr. Loisel to vote. He stated that when Mr. Maroon arrived he would vote in Mr. Loisel's place.

3. Approval of Minutes (February 14, 2007)

Mr. Blaise moved to approve the minutes of February 14, 2007; Mr. Craft seconded.

Voted 3-0-2 – Messrs. Loisel and Massengill abstained.

4. Appeals

a. Appeal No. 2353 – A Miscellaneous Appeal by Martin and Susan Macisso, 697 U. S. Route One, Assessor's Map U30 Parcel 19, to construct a sunroom on a dwelling in the B-2 Zone

Ms. Erin Vafiades, of TrueNorth Home Systems, explained that the appellants wanted to build a 20 by 10 foot sunroom on the existing deck at the rear of the property; she stated that there would be no change to the footprint and the setbacks were as required. Mr. Grysk noted that the front of the property was a retail establishment and the rear was a dwelling unit and that expansion of a nonconforming use needed Zoning Board approval. Mr. Dryzga noted that the Planning Board had given a favorable recommendation.

Mr. Dryzga and Ms. Vafiades addressed the criteria. To a question from Mr. Craft, Ms. Vafiades replied that they suggested to the homeowners that they move the shed as required by the Planning Board.

Mr. Dryzga opened the public hearing; no one spoke for or against the appeal; Mr. Dryzga closed the public hearing.

Mr. Blaise moved to approve the appeal with the condition that the existing shed be moved in to meet the setback requirements; Mr. Craft seconded.

Voted 5-0

b. This item was tabled until the arrival of the appellant.

c. Appeal No. 2355 – A Special Exception Appeal by Eric D. Moy, 119 Gorham Road, Assessor’s Map U49 Parcel 64, to operate a vending machine business as a home occupation in the R-2 Zone

Mr. Moy explained that he wanted to use his garage to operate his business. Mr. Grysk noted that this was out of the ordinary as there would be goods stored on the site until they were taken to the offsite vending machines. Mr. Moy stated that there would be no deliveries to the house.

Mr. Dryzga and Mr. Moy addressed the criteria as presented in writing. Mr. Dryzga read the Home Occupancy criteria.

To a question from Mr. Blaise, Mr. Moy replied that he would use the entire 20 by 24 foot garage for his business. Mr. Grysk stated that the Ordinance allowed an accessory structure to be used up to 50% of the floor area of the house. At the request of Mr. Craft, Mr. Moy explained that he would have one extra vehicle and there would be no deliveries and no sales onsite; he stated that he would have several vending machines stored at an offsite warehouse. To questions from Mr. Loisel, Mr. Moy replied that the surface of the driveway was gravel; he stated that no one would be at the site during the day and his one employee would park his vehicle onsite and take the business vehicle.

To a question from Mr. Massengill, Mr. Moy replied that he would take the stored inventory to his property in his own truck; he stated that he had a half ton van and a small, one ton box trailer. Mr. Moy stated that there was room to turn the trucks so they would not back into the street. To a question from Mr. Massengill, Mr. Grysk replied that the Fire Department would do an inspection to ensure that they met fire safety requirements. Mr. Dryzga confirmed that there would be no one on the site during the day other than the applicant dropping in or occasionally repairing vending machines. To a question from Mr. Dryzga, Mr. Moy replied that he did not need a sign.

Mr. Dryzga opened the public hearing; no one spoke for or against the appeal; Mr. Dryzga closed the public hearing. Mr. Dryzga read a note in favor of the appeal by three neighbors: James McLaughlin, 121 Gorham Road; Henry Bellevance, Asselyn Drive; and Anna Warren, 117 Gorham Road.

Mr. Blaise moved to approve the appeal; Mr. Massengill seconded and amended the motion to allow a maximum of three vending machines on the site at one time.

Voted 5-0

Mr. Maroon arrived at 7:20 P. M.

c. Appeal No. 2354 – A Practical Difficulty Variance Appeal by Glenn Morse, 63 Running Hill Road, Assessor’s Map R18 Parcel 1, to construct an overhang and patio on the front and side of the home 30 feet from the front property line in the R-F Zone

Mr. Morse stated that, because of the location of the existing house on the lot, nothing could be done without a variance.

Mr. Dryzga and Mr. Morse addressed the criteria as presented in writing.

Mr. Dryzga opened the public hearing; no one spoke for or against the appeal; Mr. Dryzga closed the public hearing.

Mr. Maroon moved to approve the appeal as presented; Mr. Massengill seconded.

Voted 5-0

d. Appeal No. 2356 – A Practical Difficulty Variance Appeal by the Loyal Order of Moose, 19 Spring Street, Assessor’s Map R37 Parcel 35, to construct an addition 26 feet from the front property line and 12 feet from the side line in the B-2 Zone

Mr. Rick Parady, of the Loyal Order of Moose, stated that their membership was outgrowing the size of their building and they would like to expand; he stated that they could not expand up or to the rear and the parking lot was to the right of the building. He stated that the only area to expand was to the left. Mr. Grysk noted that this alternative was the best fit for the use of the property and the layout.

Mr. Dryzga and Mr. Parady addressed the criteria.

To a question from Mr. Craft, Mr. Parady stated that they could not build toward the rear because some parking spaces, a shed and the stormwater detention area were in that area. To a question from Mr. Dryzga, Mr. Grysk replied that the site had 28 parking spaces which were more than required by the Ordinance for a place of assembly. He noted that the State had an occupancy load limit on the building. To a question from Mr. Maroon, Mr. Parady replied that the floor plan was mostly open with a kitchen, bar and pool table.

Mr. Dryzga opened the public hearing; no one spoke for or against the appeal; Mr. Dryzga closed the public hearing.

Mr. Maroon noted that the addition was about half the size of the existing building. To a question from Mr. Dryzga, Mr. Parady replied that putting the addition to the left of the building would cut off several parking spaces and the fire lane. Mr. Loisel asked about snow loads; Mr. Grysk replied that that would be addressed when the building permit was issued. Mr. Parady stated that the roof would be pitched.

Mr. Blaise moved to approve the appeal as presented; Mr. Massengill seconded.

Voted 5-0

e. Appeal 2357 – A Special Exception Appeal by Paul and Michelle Pritchard, 5 Heather Lane, Assessor’s Map R74 Parcel 20, to construct an accessory unit in their home in the R-3 Zone

Mr. Pritchard stated that they would like an accessory unit to accommodate his wife’s parents during the summer. To a question from Mr. Dryzga, Mr. Pritchard replied that a corner of the unit would be within the setback and the architect would change the design somewhat to get the entire addition into the required building envelope.

Mr. Dryzga and Mr. Pritchard addressed the criteria as presented in writing. Mr. Dryzga read the Performance Standards for an Accessory Unit as presented by the appellant.

Mr. Dryzga opened the public hearing. Mr. Sidney Stather, of 4 Grandview Drive, stated that he was part of the homeowners association and an abutter of the property and distributed page 2 of their declaration of covenants and restrictions. Mr. Stather stated that, according to their bylaws, the Pritchards should not have even applied for an accessory unit because the bylaws allow only one family unit on the property. Mr. Maroon stated that the Board did not deal with bylaws and used only the town’s ordinances. Mr. Stather stated that this would change the neighborhood and impact his property value with two families in a single family neighborhood. He stated that he would like to see the request denied or tabled until the association could meet to discuss the issue.

Mr. Jerry Michaelson, of 5 Edgewater Drive, stated that he was concerned about property values and the character of the neighborhood because this would open the door to other accessory units; he stated that he was also concerned about the impact on their private sewer and the traffic. He also requested time for the association to discuss the issue. Ms. Marilyn Fritz, of 3 Heather Lane, stated that they looked long and hard for a house and she was very concerned about property values and did not want anything that looked like a duplex because it lowered the neighborhood. She stated that the view to Autumn Pond was very important to them and this would compromise that view and the density of the area. Mr. Larry Fritz, of 3 Heather Lane, stated that there would be a separate entrance and a separate kitchen and two separate living units, but their bylaws stated that there could be only single family units and they did not want duplexes in their neighborhood. He stated that they did not know what would happen when the approval expired in five years; he stated that this would have visual, value and character effects. Mr. Fritz stated that his other question was about the setback of the proposed patio toward their house; Mr. Grysk replied that whether or not a patio had to meet the 15 foot setback requirement depended on how it was built. Mr. Fritz stated that they did not know how the addition would look because of the change to the plans to fit the building envelope.

Ms. Valentine Dusek, of 1 Grandview Drive, reiterated the concern about the view of the pond which would affect property values; she asked that the appeal be tabled so that the association could meet to discuss this before any action was taken. Mr. Dryzga closed the public hearing.

Mr. Dryzga noted that an addition could be built within the building envelope on this property that could block the views; he stated that he was not aware of how the Board could consider property values. Mr. Maroon stated that when the Town Council established the Accessory Unit they were concerned about values so it was an important piece of the formula, but no one knew what would really happen with market values. Mr. Dryzga noted that if the property were sold, the property could not be marketed as a multi-unit and the new owner would have to get reapproval for the accessory unit from the Zoning Board. He stated that he was not prepared to say how the homeowners' documents applied to this appeal.

Mrs. Pritchard stated that they would be spending \$150,000.00 on the addition so it was not something that would detract from property values; she stated that the home across the street had an accessory unit and that most houses had two entrances facing the street. Mrs. Pritchard stated that they, too, wanted to maintain the value of the property and their relationship with the neighbors. She stated that they spoke with the Code Officer to get clarification of an accessory unit versus a duplex and sent the homeowners' documents to their attorney, who pointed out that a duplex was not defined in the covenants and an accessory unit was not a duplex as defined in the Zoning Ordinance. Mrs. Pritchard stated that family was not defined and could be several unrelated people; she stated that hers would be an extended family and that was not inconsistent with the covenants. She stated that they, too, were concerned about the neighborhood, the aesthetics, the value of their home and the covenants and would not construct the addition to look like a duplex.

To a question from Mr. Craft, Mr. Grysk replied that the way the ordinance was structured an accessory unit was exempt from the Growth Management Ordinance and was considered an accessory to a single family dwelling. Mr. Maroon stated that it was not the Board's job to interpret the homeowners' documents, and the issue could be settled in court or the Board could table the appeal to allow the issues to be worked out. Mr. Maroon read Section II. E. Conflict with other Ordinances, "Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rule, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern." He stated that the Board did not want to get into definition and an attorney or judge should make that determination. Mr. Dryzga stated that he was not comfortable voting on this issue until there was a legal answer to the issues. He noted that if the Board did vote and the appeal was denied, the appellant could not return with a similar appeal for one year.

The Board agreed that they had to go by the town's ordinances. Mr. Dryzga stated that the town attorney should give an opinion to the Board regarding the homeowners' documents. Mr. Grysk noted that the appellant should send a letter by the 20th of each month requesting that the appeal be tabled until it was ready to be heard; he stated that the new information should also be received by the 20th of the month for the next month's meeting.

Mr. Maroon moved to table the appeal through the August meeting, or earlier if the information was available, with notices being mailed to the abutters; Mr. Blaise seconded.

Voted 5-0

Mr. Dryzga called a recess at 8:25 P. M.; the meeting resumed at 8:35 P. M.

f. Appeal No. 2358 – A Variance Appeal by Leo and Kathy Bruyette, 2 Shipwreck Road, Assessor's Map U1 Parcel 39, to demolish three dwelling units and construct a larger dwelling with a small apartment requiring several setback variances

Mr. Dan Porta, of Maine Living Arts, noted that there were a lot of components to this appeal. He stated that there were two nonconforming cottages, one with another unit, on the lot and they wanted to upgrade the foundations to meet the standards and to reduce from three units to a single house with an apartment; he stated that the impervious surface would be reduced and the structure would be brought closer to conformance with the required setbacks. He stated that they would like to demolish the two existing cottages and rebuild within the existing footprints and add a second story. He stated that they had received their DEP permit.

Mr. Porta stated that Cottage A was 1,000 square feet and Cottage B was 900 square feet; he stated that the cottages, which were in poor condition, were rented during the winter and used by the appellants and their family in the summer. He stated that they had presented 16 signatures from abutters and neighbors in favor of the proposal. Mr. Grysk noted that this was a nonconforming lot, structure and use; he stated that the lot had to be 20,000 square feet for a duplex or 15,000 square feet for an accessory unit; he stated that this lot had only about 4,500 square feet and they were trying to reduce the number of units.

Mr. Porta noted that this site was a corner lot and that the cottages were four feet apart; he displayed the current footprints with six parking spaces as well as the proposed building. He stated that they would create green space in the rear by making the footprint smaller, reallocating area to join the cottages and reduce the parking from six to four spaces. Mr. Porta stated that they would like to demolish the existing cottages and rebuild so they would not be working with substandard construction. He stated that they would like to bring a messy property more into conformance and the finished house would have less lot coverage than the existing.

Mr. Porta read the criteria as presented in writing.

To a question from Mr. Maroon, Mr. Porta replied that the midline of the roof would be 28 feet and the highest peak would be 33 feet. Mr. Dryzga confirmed that there would be a house with an apartment and the appellant would not live onsite year round. He stated that if this were compared to an accessory unit, the apartment could be rented only when the owner lived in the house. Mr. Maroon stated that once the existing buildings were torn down the site lost its grandfathering and a two family house could not be justified on such a small lot. Mr. Blaise noted that the 80 foot long house would be on a 95 to 100 foot long lot; he asked why the house had to be so massive. Mr. Porta stated that they were trying to meet the criteria and if you demolish a house you have to rebuild in the same footprint; he stated that they realized this was a small lot and could not get it all into compliance with the existing structures. He stated that the

appellants wanted to use the house with the apartment for their extended family but reduce the usage and lower the amount of parking and impervious surface. Mr. Porta stated that they felt they needed to replace the house within the same footprint because of the DEP and ordinance requirements.

To a question from Mr. Craft, Mr. Porta replied that the nearby lots were of similar size and the houses varied from small to large and some of them had more than one living unit. Mr. Blaise asked whether they had pursued with the DEP the building of one unit; Mr. Porta replied that they followed the DEP standards in their application and their proposal was accepted. Mr. Blaise noted that no effort was made to decrease the size of the building. Mr. Massengill asked the owners intent for occupying the building; Mr. Porta replied that during the summer the family would be there and the remainder of the year the building would be rented. Mr. Porta stated that they had looked at different options; he stated that the big family required the amount of space they were proposing.

Mr. Dryzga opened the public hearing; no one spoke for or against the appeal. He read the names and addresses of 16 neighbors in favor of the appeal. Mr. Dryzga closed the public hearing.

Mr. Blaise stated that they were trying to clean up the site and getting it under one roof would be nice but he questioned the size of the structure; he noted that he could not vote against something that would clean up the neighborhood. Mr. Maroon noted that the courts had made it clear that reasonable return did not mean maximum return; he stated that he thought most of the four standards for a Variance Appeal were met, but the appellant was pushing the maximum return. He stated that the essential character of the neighborhood did not mean four times the size of the other houses; he stated that he respected the family needs but there was nothing in the ordinance about that. Mr. Porta stated that there were several larger houses there. Mr. Maroon stated that he did not have a problem with the footprint because it was not changing much but once the buildings were torn down this was a clean slate and the lot did not meet the requirements for a two family dwelling or an accessory unit; he stated that he could rationalize only a single family home. He stated that he needed to know reasonable and maximum return on the property. Mr. Maroon stated that he believed the proposal met the requirements to rebuild a home but not a two family home.

Regarding reasonable return, Mr. Porta stated that the building envelope under the Limited Reduction Appeal would be even larger because they could go to a third story and that would have been pushing the reasonable return; he stated that this would not be inconsistent with other large houses at Higgins Beach. Mr. Porta stated that keeping three units would be maximizing the return and they were making every effort to take down the roof heights by creating hip roofs. He stated that he thought they were trying to make the most economical use of the house. Mr. Craft stated that he interpreted the ordinance to say that if the appellant were entitled to the use, it did not say he could not maximize the use as long as he was not changing the neighborhood. Mr. Porta noted the overall reductions on the property as listed in the submittal.

Mr. Loisel stated that this was a very good presentation; he stated that a 29 foot roof line was a huge visual impact on the area; he stated that the footprint was minimum but his concern was the elevation. Mr. Porta stated that they had reduced the height by three feet by raising the foundation only two feet and sills only one foot; he stated that it would be more expensive to make three gable roofs and they flattened the connecting roofs. Mr. Massengill stated that he thought the appellant had done a good job of breaking up the size and he was in favor of the appeal; he noted that many of the neighbors were in favor of the appeal but no one spoke up against it.

Mr. Dryzga stated that he thought the reasonable return was met to tear down the cottages and start over, but he still had a problem with adding about 40% more floor space by adding the second story. Mr. Maroon stated that he was satisfied with the size but had to deal with the request for a two family home.

Mr. Dryzga stated that it was a nonconforming structure which would be brought closer to conformance and the footprint would be tightened up, the rear setback larger, and there would be two units rather than three which was closer to what was allowed in the R-4 Zone.

Mr. Loisel moved to approve the appeal as presented; Mr. Blaise seconded.

Mr. Maroon stated that this was four times the size of a single family home and he would vote in favor of a single family unit; he stated that he would move to approve this as a single family home if that were acceptable to the appellant. Mr. Porta stated that going from three units to two would not change the usage of the site or the size of the building. To a question from Mr. Loisel, Mr. Maroon stated that his concern was not about setting a precedent because the Board heard each appeal on its own merits; he stated that he could not get past having a second dwelling unit on a 4,500 square foot lot. Mr. Bruyette stated that he did not think the Board saw it his way because if he were maximizing the return he would try to get three units and he felt this was a fair compromise; he stated that what was there had been there a long time. Mr. Maroon stated that the overloaded part was not the number of units, but the four time expansion when the reasonable return was easily obtained by a single family dwelling. He stated that dropping it down one unit did not change the impact and the Ordinance required a 20,000 square foot lot and all the appellant had was 4,500 square feet. Mr. Maroon stated that he did not think the argument for a two family was good but the rationale for a single family dwelling was.

Voted 3-2 – Messrs. Craft and Maroon opposed.

g. Appeal No. 2359 – A Practical Difficulty Variance Appeal by Jean and Kathleen Kelley and Ann Pakradooni, 24 Greenwood Avenue, Assessor’s Map U2 Parcel 68, to construct a porch, dormers and a shed requiring several setback variances

Mr. David Costa, who represented the appellants, explained that they wanted to increase the space in the attic and add dormers to get the headroom to provide two bedrooms on the second floor; he stated that they would also like to add a porch and a shed as noted in the submittal.

Mr. Dryzga and Mr. Costa addressed the criteria as presented in writing.

Mr. Dryzga asked whether the covered porch was existing lot coverage; Mr. Costa replied that the porch and the proposed shed were new. Mr. Dryzga asked why the shed was so close to the property lines; Mr. Costa replied that they wanted to take advantage of the garden area but the shed could be moved in.

Mr. Dryzga opened the public hearing; no one spoke for or against the appeal; Mr. Dryzga closed the public hearing.

Mr. Maroon moved to approve the appeal as presented, with the exception of the shed which should be moved to meet the Limited Reduction of Yard Size setbacks of 10 feet side and rear and 20 feet for the front; Mr. Blaise seconded.

Voted 5-0

There was discussion regarding Appeal No. 2361; Mr. Dryzga stated that it would be tabled because the DEP had not been notified and a representative should be present.

h. Appeal No. 2360 – A Practical Difficulty Variance Appeal by Mark Orlando, 6 Bliss Street, Assessor’s Map U23 Parcel 9, to construct a second story 3 feet from the front property line and 7 feet from the side and rear lines, as well as a landing and steps 4 feet from the rear property line in the R-4A Zone

Mr. Jim Fisher, of NorthEast Civil Solutions, explained that the applicant wanted to add a second story on a bungalow with an existing attic; he stated that the house predated zoning and did not meet the setback requirements. He stated that the appellant wanted to go up from the first floor and add a landing and steps in the rear to access the garage. Mr. Fisher stated that the landing would be 10 feet, not four feet, from the back line.

Mr. Dryzga and Mr. Fisher addressed the criteria as presented in writing. Mr. Fisher noted that he had presented photos of many two story homes in the area.

Mr. Dryzga opened the public hearing. David Lewis, of 11 Granite Street, stated that when he wanted to do something on this property, he needed DEP approval before getting town approval. He asked whether this building could support a second story; Mr. Grysk replied that the structure would hold the expansion and that he would not issue a building permit until the DEP permit was issued. Mr. Dryzga read letters in opposition from Don and Louise Casey, 12 Bliss Street; June Collins, 36 East Grand Avenue; Abbott and Kay Mosher, 7 Granite Street; John and Joan Chandler and Martha Kennedy, 7 Bliss Street; and Stephen Record, 5 Bliss Street. Mr. Dryzga closed the public hearing.

In response to the letters from abutters, Mr. Fisher stated that Scarborough did not have view corridor regulations and the applicant could build up to 35 feet if he met the setback requirements. He stated that they proposed going up only four feet from the existing attic. Mr. Fisher stated that they submitted their application to the DEP for a Permit by Rule 21 days ago, which carried a tacit approval after 14 days. He stated that there would be no horizontal expansion other than the landing and the footprint would not change. Mr. Fisher stated that a structural engineer indicated the house was sound enough for a second story. He stated that there would be construction noise no matter what construction was done and a contractor had been lined up to start right away and the appellant hoped to move in this summer. Mr. Fisher displayed an elevation of the proposed structure and stated that, with one exception, all the abutters who opposed the appeal had second stories. He stated that this would be very much like the character of the neighborhood and would bring an old-looking home into the caliber of the area.

Mr. Maroon stated that he thought there were other feasible alternatives to expand this property and could not support the appeal. Mr. Dryzga agreed that an addition could be built within the Limited Reduction setbacks. Mr. Fisher stated that a small addition set off the kitchen would be the only alternative and they would have to remove the garage and move the driveway and would increase the cost by more than the value of the house. He stated that the proposed created the least amount of impact. Mr. Fisher reiterated that eight of nine other nearby houses were larger than the proposed and one had three stories.

Mr. Dryzga noted that no interior photos had been presented; he stated that there was a large, 30 by 30 foot building envelope that did not require any setback reduction. He stated that the Board needed to know whether any other options had been considered and what the floor plan looked like. Mr. Massengill stated that he liked the new rendering but agreed that there are other alternatives and did not think there was enough information to prove this was the only alternative. Mr. Fisher stated that a different addition would damage the integrity of the house and change the footprint with a lot of open space that would be eliminated. He stated that this was one of the few properties that had an open yard. He stated that they were packing more house onto a relatively small lot and thought two stories would be better received rather than adding impact and changing the layout of the house and getting rid of the garage.

Mr. Dryzga stated that he was concerned about the ordinance which required the Board to look at alternative areas for additions that would impact the setbacks. He stated that there could be a two story addition on most of the rear of the house; he stated that the point was that it had not been proved that there was no feasible alternative. Mr. Fisher noted that the Planning Board made every effort to preserve open space

and alternate construction would choke off what little yard space there was. Mr. Dryzga stated that there was nothing in the criteria for this appeal about preserving open space.

Mr. Maroon moved to approve the appeal as presented; Mr. Blaise seconded.

Voted 0-5

The appeal was denied. Mr. Dryzga stated that the finding of fact was that there were feasible alternatives for an addition.

Mr. Dryzga stated that it was past the 10:30 P. M. cutoff and No. 2361 would be heard at the April 11, 2007 meeting, at which time the DEP representative would be present.

5. Zoning Board Comments

There were no comments.

6. Adjournment

The meeting was adjourned at 10:40 P. M.