

City of Northfield

Planning & Zoning Board

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Minutes: July 7, 2005

Notice of this meeting had been given in accordance with Chapter 231 Public Law 1975, otherwise known as the Open Public Meetings Act. Notice of this meeting has been given to The Press, posted on the bulletin board in City Hall, and filed with the City Clerk, stating the date, time and place of the meeting and the agenda to the extent known.

The regular meeting of the Northfield Planning & Zoning Board, held on Thursday, July 7, 2005 in Council Chambers, City Hall, Northfield, was called to order by Chairman of the Board Richard Levitt at 7:35p.m. with the following members present:

Mayor Frank Perri-absent
Mr. Mike Turon, Councilman
Mr. Rich Stevens, Construction Official
Ms. Alice Chambers
Mr. Art Barrera
Mr. Lou Milone-absent
Mr. Nick Droboniku-absent
Mr. Ronald Roegiers
Mr. David Notaro
Mr. Clem Scharff-absent
Chairman Richard Levitt

Solicitor-Tom Subranni, Esq.
Engineer-Matt Doran, PC

Chairman Levitt opened the meeting at 7:35 p.m. The first application on this evenings schedule is for a "D" use variance submitted by Maria Conway. The property is located at 805 Broad Street (Block 139, Lots 13 & 14). The zoning is R-2. The present use is a two family home in a single family zone. The applicants seek approval to allow the daughter to reside in the main home and the mother to reside in a remodeled garage in the back of the property.

The applicant was sworn in by Dr. Levitt and is represented by Robert A. Cooper, Esq. A survey and 6 photographs, which were marked as evidence, were submitted as part of the application. Dr. Levitt had no objection to the late submission of the survey since the variance is for use approval and not a site plan.

Ms. Conway acquired the property in 1998. The garage was already converted to living space and included plumbing and electric, but was in a dilapidated condition. She modernized the 340 sq. ft. assessorly building while renovating the main house. Permits were acquired for the main house but not the garage. Rich Stevens reported that in 1986 the assessorly building was a shed on the tax records and noted that there are 40 to 50 nonconforming duplexes in town. City Council has

passed an ordinance allowing duplexes in existence prior to this time but the applicants have no proof that the structure existed prior to the ordinance.

Andrew Schaffer, the applicant's engineer, reported that the facility already exists, is aesthetically pleasing, conforms with open space, and is a drastic improvement. Ms. Conway also has lived in the accessory building for a number of years. He stated that the building is an efficiency suitable for one or two people.

Mr. Cooper described the renovations. Each building has a new roof, siding, improved kitchens, baths, central air, and gas heat. The property also has been improved with pavers, a vinyl fence, and landscaping. The property owners have spent over \$100,000 in renovations.

Mr. Stevens reported that he has inspected the main house but not the cottage and that there were no permits issued for the cottage improvements. Alice Chambers reminded the board that a variance is granted on the structures not the applicant.

Dr. Levitt opened the meeting to the public. Theresa Pogoda, a neighbor, was sworn in. She commented on the positive changes the Conways have made. She testified that in the twelve years that she resided at her property there have been different people living in the cottage. Since the Conways purchased and renovated the property it is now clean and beautiful and she is very happy with her neighbors. There were no other people who wished to speak and Dr. Levitt closed the public session.

Dr. Levitt commented on the illegal conversion of the shed and the fact that the improvements were made without permits. He noted that he has a problem with possible overcrowding that could exist if the property was to be sold. He is in favor of a restricted variance and wants the use to apply to a single individual who is a blood relative of the dweller of the main building. Mr. Stevens requires that a new deed be written which is restricted and will be approved by Tom Subranni. As the Construction Official, he also requires the building to be inspected and stated that it cannot be used as a rental property. Mr. Turon noted that the accessory building should have a separate sewer bill and connection fees. Mr. Stevens will determine this under inspection.

Mr. Doran gave his Engineer's report which prompted discussion concerning parking and trees. There is ample parking on site for two cars and there are two shade trees at the front of the property. Ms. Chambers asked about the Fire Dept. concerns about life safety issues. Chief Lees does not approve of this situation due to access problems should an emergency arise. Mr. Turon noted that as an elected official he cannot vote on this application but if he could he would vote no due to the precedent it could possibly establish.

Mr. Notaro made a motion to vote on the application. Mr. Stevens seconded. All were in favor with Ms. Chambers voting no. The application was approved with five approval votes.

The second application of the evening is Baywatch Builders, LLC. Representation is by Seth Grossman. They are requesting a "C" variance for six lots on Roosevelt Ave. and Mt. Vernon Ave. to build decks on the sides of the houses that infringe on setback requirements. Alfred Scerni, Jr., who represents the neighboring Harris family, requested that the application not be heard since the 200 ft. letter did not include the time and place that documents could be viewed by the public and the ad in the newspaper did not contain the word 'setback' in describing the variance sought. Mr. Subranni cited the Cox Manual and said the public needs only to be informed of the nature of the application in a common sense manner but he noted that to avoid wasted time and appeals, the applicants should re-notice and re-advertise. After reviewing the

upcoming schedule, Chairman Levitt stated that the applicants will be heard at the next meeting on July 21st and that additional fees would be waived. At this time Mr. Scerni brought up a third objection and Mr. Grossman requested that the objection be dealt with this evening. Mr. Scerni stated that Baywatch Builders is not the proper applicant since they own only three of the six lots in question. Baywatch will need to add the three owner's names to the application.

Two resolutions were memorialized at this meeting (Patrice Howard and House and Garden). Rich Stevens requested and was granted an addition to condition #11 of the House and Garden resolution which states that the owner shall provide the City of Northfield and the Fire Dept. a lease plan annually which will show the location of each occupancy, exits, and the number of employees per occupancy. No changes can be made without Building Dept. approval. The resolutions were accepted by motions made by Rich Stevens and Ron Roegiers.

Alice Chambers made the motion to adjourn the meeting with a second by Rich Stevens at 9:14 p.m.

Respectfully submitted,

Robin Atlas-Clinton, Planning Board Secretary