

**Town of Southeast  
Zoning Board of Appeals  
Minutes of June 21, 2021**

Timothy Froessel, Chairman	Present
Paul Vink, Vice Chairman	Present
Roderick Cassidy	Present
Greg Wunner	Present
John McNeill	Present
Steve Corozine	Present
Andres Gil	Present
Will Stephens, Jr., Town Counsel	Absent
Victoria Desidero, Board Secretary	Present
JoAnne Ciralli, Assistant Secretary	Present

**Work Session:**

**Regular Session:**

**Chairman Froessel:** OK. With that, we are on the record. Good evening, everybody. We'll start the meeting as we usually do with the Pledge of Allegiance.  
Pledge of Allegiance.

**Chairman Froessel:** OK. Thanks everyone and welcome to the June 2021 public meeting of the Town of Southeast Zoning Board of Appeals. My name is Tim Froessel. I am the Chairman. Our Vice Chairman Paul Vink is here this evening as are our assistants, Victoria Desidero and JoAnne Ciralli. In order to comply with the Governor's executive order, I'm just going to do a roll call of each of the Board members and just ask you to say 'present' when I say your name. (Roll Call Taken. Results above). OK. Very good. OK. Thank you, gentlemen. OK. We've got a full Board tonight. You're all in luck because our meeting starts at the same time as the Islanders game which I am eager to go watch. So, we're going to move things along here. We've got... there were six items on the agenda. We're down to four because two have been postponed. Item number one is Frank and Carla Bueti. Number two Jean DeBenedetto is adjourned to next month. Number three Thomas Zahn is also adjourned to next month. Number four is Geoffrey Papsco and Lisa Nilsen. Number five is Dominick Vincenti. Number six is Andrew Troup.

**1. Frank & Carla Bueti, 12 Hill Lane, Tax Map ID 88.8-1-2**

This was a continued Public Hearing to review an application for a proposed portico and an existing deck requiring the following variances: east front setback variance of 18 ft. where 82 ft. is proposed and 100 ft. is required, north side setback variance of 94.28 ft. where 5.72 ft. is proposed and 100 ft. is required, south side setback variance of 82 ft. where 18 ft. is proposed and 100 ft. is required, total side setback variance of 76.28 ft. where 23.72 ft. is proposed and 100 ft. is required, and a west rear setback variance of 100 ft. where -3 ft. is proposed (as the deck encroaches onto the neighboring parcel by 3 ft.) and 100 ft. is required. Carla Bueti represented the application and was sworn in.

**Chairman Froessel:** So, without further ado, why don't we get started? I see Mrs. Bueti is on. Good evening. How are you?

**Carla Bueti:** Hi. I'm good. Thank you. How are you?

**Chairman Froessel:** Very good. Just because we haven't seen you in a while, I'm going to ask the Vice Chairman to swear you in again.

**Ms. Bueti:** OK.

**Boardmember Vink:** Would you raise your right hand please?

**Ms. Bueti:** Yes, sir.

**Boardmember Vink:** Do you swear that the testimony you're about to give is the truth to the best of your knowledge?

**Ms Bueti:** I do.

**Boardmember Vink:** Thank you.

**Chairman Froessel:** Thank you. I just want to make sure we're observing all the... all the formalities here.

**Ms. Bueti:** Of course.

**Chairman Froessel:** So, we... we got the copy of your easement. We got the proof that it was filed with the County. So, I think that, unless any of the Board members can... can correct me if I'm wrong, but I think that eliminates the impediment we had to voting on your application. So, I think that we are prepared to go ahead on this tonight. As a reminder for the Board members, this is an application for a... a deck and, Mrs. Bueti, my recollection is there's a deck there but you're replacing it. Is that correct?

**Ms. Bueti:** We're not doing anything with it. We don't have a mortgage and when we bought the house, we bought it contingent that we knew the deck was... didn't have a Certificate of Occupancy for it, and now we're going through the process of just having it legalized.

**Chairman Froessel:** OK. This is just to legalize the deck then.

**Ms. Bueti:** Yes.

**Chairman Froessel:** OK, and that deck... it's a deck that was existing when you bought the house.

**Ms. Bueti:** Yes, sir.

**Chairman Froessel:** OK. Very good. All right. Do any of the Board members have any questions for the applicant? (Pause.) I don't see any hands going up. Is there any member of the public that's on this Zoom conference that has any questions or comments on this application? (Pause.) I'm not hearing any, so I'm going to assume there aren't any.

**Boardmember Cassidy:** Actually, Mr. Chairman?

**Chairman Froessel:** Yes, go ahead, Rod.

**Boardmember Cassidy:** I have a quick question.

**Chairman Froessel:** Sure.

**Boardmember Cassidy:** And that is... are... are we voting on whether or not we're permitting her to encroach on her neighbor's property by 3 ft.? This is item 5.

**Chairman Froessel:** We are.... Hang on. I'm looking at this...

**Boardmember Vink:** I don't... I don't believe that we have the authority to do that in any event.

**Boardmember Cassidy:** No. We... we don't. We don't have the authority to let anybody be on somebody else's property.

**Chairman Froessel:** We don't, but she's got an easement.

**Boardmember Cassidy:** OK.

**Chairman Froessel:** That's why we sent her to the County. When she was in on... I think it was back in January, we realized...

**Ms. Bueti:** Yes, January.

**Chairman Froessel:** We realized that she was seeking a variance for something that was across the property line and on the neighbor's property and we sent her to go and get the

variance. We've done this before, I know. One... one that I remember was a guy on Hubbard Lane off of Peaceable Hill who had built his shed in the Metro-North right-of-way, and he ended up getting an easement or a license for it. So... so, I think that, you know, we are OK to vote on this. I don't think that we are... we are not approving something that is, you know, unlawful or an encroachment.

**Boardmember Vink:** So, our... the variance... the variance would be a 100% variance. We basically would be giving a variance to the property line and she's got an easement to go over it into the neighbor's property.

**Chairman Froessel:** Yeah. (Pause) Does that... does that clear it up for you, Rod? OK.

**Boardmember Cassidy:** (Inaudible.)

**Chairman Froessel:** OK. Mrs. Bueti, I think we're OK to close the Public Hearing and take a vote but before I do that, do you have any final comments or statement you'd like to make in support of your application?

**Ms. Bueti:** That's it.

**Chairman Froessel:** OK. Very good. Do you feel you've been given a fair and adequate opportunity to present your application to the Board?

**Ms. Bueti:** I do. Thank you.

**Chairman Froessel:** OK. Thank you. OK. So with that, we can close the Public Hearing. I'll entertain if there's any deliberation anyone wants to engage in, we can do that and if not, I will... I'll entertain any motion that anyone would care to make on this application.

**Boardmember Vink:** Mr. Chairman, I'll... I'll make a motion to grant the applicant an 18 ft. variance from the east front setback, a 95 ft. variance from the north side setback, an 82 ft. variance from the south side setback, a 77 ft. variance from the total side setback, and a 100 ft. variance... the entirety 100% of the west rear setback for the purpose of legalizing the deck that is existing.

**Chairman Froessel:** OK. Thank you, Paul. Do I have a second?

**Boardmember Corozine:** Yeah, sorry, Tim, I... I had a question about that. Just to clarify, I believe that includes a portico request as well within those setback configurations? That was the original application we were looking at.

**Chairman Froessel:** Proposed portico with an existing deck. That is correct.

**Boardmember Corozine:** OK. Yeah. So, so just want to clarify that within the motion.

**Boardmember Vink:** Yes.

The motion to grant an east front setback variance of 18 ft., a 95 ft. variance from the north side setback, an 82 ft. variance from the south side setback, a 77 ft. variance from the total side setback, and a 100 ft. variance... the entirety 100% of the west rear setback for the purpose of legalizing the deck that is existing was introduced by Boardmember Vink, seconded by Boardmember Wunner. The criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties.  
There will be no change in the character of the neighborhood. It is existing and has been for some time and it is not near anybody else's property. So, there is no detriment to any nearby properties.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

If you look at the property, you really couldn't do anything with the deck other than need a variance of some... to some degree, and... and as stated, it's... it's pre-existing and has been for some time.

3. Whether the requested variance is substantial.  
Yes it is. There's a 100% variance... one of these variances is 100%. Others are at 82 and 95%. These are substantial variances but given the nature of the property and the pre-existing condition, I don't think that's a reason to deny the request.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.  
There's no evidence of that and, historically, there's no reason to think that that would be the case.
5. Whether the alleged difficulty was self-created.  
It... it was. They bought the property knowing that there was no Certificate of Occupancy for the deck. Presumably, they understood that it had some issues or it would have been. So, I would say in some respects it was self-created, but again I don't think that's a reason to deny this application given the nature of the property.

Roll Call Vote:

A. Gil	In Favor
S. Corozine	In Favor
G. Wunner	In Favor
R. Cassidy	In Favor
J. McNeill	In Favor
P. Vink	In Favor
T. Froessel	In Favor

The motion to grant the variances as stated in the motion passed by a vote of 7 to 0.

**Chairman Froessel:** So, it's unanimous. So, Mrs. Bueti, you've got your variance.

**Ms. Bueti:** Phew! I'm sweating over here. Thank you. (Laughter.)

**Chairman Froessel:** So, I know you didn't want to go through all that with getting the easement filed and then not get the variance. So...

**Ms. Bueti:** Right.

**Chairman Froessel:** It would not have been a great outcome, but I'm... I'm glad it's done and you're on your way.

**Ms. Bueti:** Thank you so much, gentlemen. I greatly appreciate it. And Victoria and JoAnne... they've been fabulous, very helpful through the whole situation as well. I'm very grateful. Thank you so much.

**Chairman Froessel:** You're welcome. Take care and have a good night.

**Ms. Bueti:** You too. Thanks a lot.

## **2. Geoffrey Papsco & Lisa Nilsen, 237 Dingle Ridge Road, Tax Map ID 79.8-1-6**

Public Hearing to review an application for a proposed construction of a shed that requires a west rear yard setback variance of 5 ft. where 15 ft. is proposed and 20 ft. is required. Geoffrey Papsco and Lisa Nilsen represented the application.

**Chairman Froessel:** OK. We'll skip down to number four on the agenda which is Geoffrey Papsco and Lisa Nilsen. Anyone on for that application?

**Secretary Desidero:** I'm asking them to unmute.

**Geoffrey Papsco:** Thanks Victoria.

**Chairman Froessel:** Oh, there you are.

**Mr. Papsco:** Hi, hi. Good evening, Tim. Good evening, everyone. How are you? Nice to see...

**Chairman Froessel:** Fine. Thank you.

**Mr. Papsco:** Nice to see all the Board members here. I echo that Victoria's made this process for us very easy and helpful. Thank you Victoria for all of your help, appreciate it.

**Chairman Froessel:** She makes... she and JoAnne make our lives a lot easier, too, so...

**Mr. Papsco:** Yeah. I can (inaudible.)

**Chairman Froessel:** If I took a vote on that, it would be unanimous also. (Laughter.) Before we get started with your application, can I just have the Vice Chairman swear both of you in please?

**Mr. Papsco:** Sure.

**Boardmember Vink:** Would you raise your right hands please? Do you swear that the testimony you're about to give is the truth to the best of your knowledge?

**Lisa Nilsen:** Yes.

**Mr. Papsco:** I do.

**Boardmember Vink:** Thank you.

**Chairman Froessel:** OK. Why don't you go ahead and... we've read your application. Why don't you go ahead and explain to us the nature of the variance you're seeking?

**Mr. Papsco:** Sure. So, the nature of the variance we're asking for is a... I believe it's... where is my quick notes here... there it is... a variance of 5 ft. on our property where 15 ft. is proposed and 20 ft. is required, only on one side. We are installing a pre-built, 'truck-it-in-drop-it-off' kind of shed on our property. We hired the landscapers and bought a lawnmower so we needed someplace to put it and we bought a shed. We did our best to put it and orient it so that we weren't in violation of anything but we ran in to a couple of problems. The first being an irrigation sprinkler system. When we bought this house, it came with a very exotic sprinkler system. We don't know much about it. We don't want to go near it. We even... so, we started, you know, exploring where to put this building and the... the irrigation system is completely in the way. Also, we wound up with a couple of huge stumps as well in that area of the property. It's near the back of our property. So, it was going to be kind of an expensive proposition to relocate sprinkler system lines and grind out stumps, so we thought: OK, let's at least appeal to all of the Board members here, and submit our proposal, and see if you'll approve it. There is some historical precedent for variance approval on this property by the former owner, Dwight Mossman. Back in 2001, Mr. Mossman applied for and was granted a variance to build a garage, almost on that very same location. He simply didn't build the garage. He put in a variance for it but he never built it. He instead built the garage you see as proposed. These plans are a little old but that's where he put the garage after, I guess, some work. So, that's our request, 5 ft. only on one side of the property. I'll pause there for questions.

**Chairman Froessel:** OK, and we're talking about the rear property line, correct?

**Mr. Papsco:** Yes.

**Chairman Froessel:** Is there... is there a neighbor behind you?

**Mr. Papsco:** There's woods behind us and a neighbor that's back there, but nothing within eyesight, let's put it that way. There's a significant hill as well. So, they can't really see through the woods and see this proposed structure. If you could scroll the screen a little bit towards,

like, north... there you go. Way, way back there is where the proposed structure is... there it is. OK. Now, you can see it.

**Chairman Froessel:** OK. So, there's... so you're saying there's a good amount of trees and other natural screening between you and the neighbor's house behind you, correct?

**Mr. Papsco:** Yes, that's correct.

**Chairman Froessel:** OK. All right. And am I reading this correctly? The... the shed is 10 by 14 in size?

**Mr. Papsco & Ms. Nilsen:** Yes. That's correct.

**Chairman Froessel:** All right. Any of the Board members have any questions for the applicant?

**Boardmember Corozine:** Yeah. I had a question. Yeah. As I understand it, there's two reasons why you're compelled to put the shed there. One is that you have a... a permanent... not a permanent... but a sprinkler system that's built into your property that I guess is buried under the ground and then you also mentioned very large stumps. Those are the two reasons that are compelling you to put it there?

**Mr. Papsco:** That's right.

**Chairman Froessel:** OK. Anyone else? Any other questions? (Pause.) Is there any member of the public on this Zoom conference that has any questions or comments about this application?

**Ms. Desidero:** Just mentioning that if people have a question, they can use the 'raise your hand' feature. We'll be able to tell... I don't see anybody.

**Chairman Froessel:** All right. Nor do I. Well, I think there... there is no public comment then.

**Boardmember Vink:** Dingle Ridge isn't a County road, is it?

**Ms. Nilsen:** I don't believe so.

**Ms. Desidero:** It is... it is a... is it a County road, JoAnne? (Pause.) I may have lost her. JoAnne, did we send this one to County Planning?

**Asst. Secretary JoAnne Ciralli:** I don't recall. I don't have a note. Let me see here.

**Ms. Desidero:** Is Tonetta Lake Road a County Road?

**Chairman Froessel:** Tonetta Lake Road is a County Road.

**Ms. Desidero:** That's the one that went to County Planning. This one did not. I don't believe it is...

**Ms. Ciralli:** Yes... Dominick... the next applicant went to County. I don't have a note that this one went to County.

**Chairman Froessel:** OK. I think that answers your question, Paul. I... I didn't think Dingle Ridge was so...

**Ms. Desidero:** We check them usually when they come in, and so I don't think it is a County road.

**Chairman Froessel:** OK. Very good. All right. Any other comments, questions, anyone? Are the Board members comfortable voting on this tonight? (Pause.) Heads nodding and thumbs up. Very good. Just to be clear, is there anyone who's not comfortable voting on this tonight? Do you want to go see it? (Pause.) OK. I'll take that as a 'no.' All right. OK, folks, the way the proceedings work here is once we've sort of exhausted the comments, we close the Public Hearing and then take a vote. Before I do that and we close ... once I close the Public Hearing no more evidence can be submitted. Before I do that, I want to ask you if you have any final comments or statement to make in support of your application for a variance?

**Mr. Papsco:** No, not at this time. Thank you, and... and again, thank you, Board members. Victoria's made this process pretty straightforward, and we have good relationships with all of our neighbors around the area here and, you know, just informally talking to them, no one had any real strong sense that they weren't in favor of this. So, you know, we... we... we do make

sure that we're not upsetting anyone by doing this. So, I just want you to rest assured that no one that we know, that we've talked to, has any objection.

**Chairman Froessel:** And I will note that one of your neighbors contacted Victoria by phone this morning to state that he had no objection. Mr. Greg Vasick who I've played ice hockey with for probably more than 10 years.

**Mr. Papsco:** Yeah. Of course. (Inaudible.)

**Chairman Froessel:** So, despite Greg's endorsement, I still think this application's OK. (Laughter.) OK. Do you feel you've been given a fair and adequate opportunity to present your application?

**Mr. Papsco:** We do, yes.

**Chairman Froessel:** OK. Great. Thank you. With that, we'll close the Public Hearing. It's a pretty straightforward shed application. We can deliberate on it if you'd like or... or I'll entertain any motion that anyone might care to make.

The motion to grant the west rear yard setback variance of 5 ft. where 15 ft. is proposed and 20 ft. is required for the proposed construction of a shed was introduced by Chairman Froessel and seconded by Boardmember Cassidy. The criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties would be created by the granting of the area variance.  
Not only is there no community opposition but there is at least one person who has contacted the Board to let us know they have no objection to the application. And, also, I'll note that I've driven up and down Dingle Ridge many times over the years. There are many sheds at many houses so it's not out of the character of the neighborhood.
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than the area variance.  
It appears that may not be the case due to the presence of their sprinkler system and... and tree stumps. So, it sounds like this is a feasible method for them.
3. Whether the requested area variance is substantial.  
It's 1/3<sup>rd</sup> of the setback which is arguably substantial. However, from experience I can tell you we've granted variances for sheds that were closer to rear property lines than 15 ft. in the past.
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood.  
There's no evidence of that.
5. Whether the alleged difficulty was self-created.  
No. I don't think it was. The applicants want to put up a shed and they want to put it in a place in the yard that makes sense.

Roll Call Vote:

P. Vink	In Favor
J. McNeill	In Favor
R. Cassidy	In Favor

G. Wunner In Favor  
S. Corozine In Favor  
A. Gil In Favor  
T. Froessel In Favor

The motion to grant the variance as stated in the motion passed by a vote of 7 to 0.

**Chairman Froessel:** So, the variance is granted unanimously, 7 to nothing. I should have mentioned this to the previous applicant. Ordinarily, when we're meeting in public, I... Victoria would fill out the variance form, I would sign it there and hand it to you and you'd be on your way to the Building Department. Because we're doing everything remotely, it takes a day or two to get the paperwork done. But it'll be done tomorrow or the next day. You'll have your variance then you get your building permit.

**Mr. Papsco & Ms. Nilsen:** Great. Thank you very much. Victoria, we'll look forward to some kind of communication from you.

**Ms. Desidero:** OK. I'll get it to you as soon as I can.

**Mr. Papsco & Ms. Nilsen:** OK. Thank you so much.

**Chairman Froessel:** Thank you. Have a good night.

**Mr. Papsco & Ms. Nilsen:** Thank you. You too. Thank you, Board members. Take care.

**Ms. Desidero:** Goodnight.

### **3. Dominick Vincenti, 269 Tonetta Lake Road, Tax Map ID 56.15-1-25**

Public Hearing to review an application for an existing fence that requires a front yard height variance of 3 ft. where 6 ft. is existing and 3 ft. is permitted and a front yard setback variance of 23 ft. where 12 ft. is existing and 35 ft. is required. Dominick Vincenti represented the application.

**Chairman Froessel:** OK. Moving right along, number five on the agenda is Dominick Vincenti. Is there anyone here on that application?

**Dominick Vincenti:** Yes, sir.

**Chairman Froessel:** Hi. How are you?

**Mr. Vincenti:** Good and yourself?

**Chairman Froessel:** Doing well. Before we start on your application, I'm going to ask the Vice Chairman to please swear you in.

**Mr. Vincenti:** Sure.

**Boardmember Vink:** Raise your right hand please. Do you swear the testimony you're about to give is the truth to the best of your knowledge?

**Mr. Vincenti:** Yes, I do.

**Boardmember Vink:** Thank you.

**Chairman Froessel:** OK. Good evening, sir. Why don't you go ahead and describe for us the nature of the variance that you're seeking.

**Mr. Vincenti:** OK. Well, the property that I have... I have a 6 ft. fence running around most of it. In the front yard, the front portion, it's also 6 ft. I do understand it's supposed to be 30 ft. back from the property line. Most of it is in the area of 23 to maybe 20 ft. I guess the property is not exactly straight, and then there's a portion of it, maybe about 7 ft. in length, that's about 15 ft. back. I'm on a very busy road. A guardrail that runs the length of my home and, you know, frequently, you know, cars are going back and forth (inaudible) walking. The other thing that I failed to mention in the statement also is that the road is actually elevated a little bit



more from the property. So, it might be, you know, like 2 ft. higher. So, it is a 6 ft. fence but looking at it from the road, it's not 6 ft. in height from the base of the road. It might be more like 3½ or 4 ft. So, for privacy I'm requesting that I be permitted to keep that front portion of the fence at 6 ft.

**Chairman Froessel:** Let me ask you a... there's a... a survey that's with your... with your application that shows the fence coming out from about mid-depth of your house, and then it curves toward the street, runs parallel to the street, and then cuts back. Why is there that... that cut-out part that goes in front?

**Mr. Vincenti:** You know, you know, when I... when I built the fence, it was actually me who built the fence, and I was talking to my wife about the best way to do it, and we kind of just made a cut-out. I... I could always do away with that, you know. I just... it just seemed like... I thought maybe at one point I can use it maybe for garbage or something like that, you know, to store things like pails. Nothing, you know, that would be, you know, lasting but that was the only reason I did it like that. So, I thought it was creative at the time. I didn't realize that the 6 ft. in height would be an issue, but there's no particular reason. I could... I could change that. It doesn't make a difference. I kind of like it the way it is, but if I have to change it, I will.

**Chairman Froessel:** I don't know how the other Board members feel and I'm just one member of the Board, but I'd feel a lot better about this application if that jog towards the street just went away and just went straight across.

**Mr. Vincenti:** Yeah. I don't have any problem doing that. I could do that.

**Chairman Froessel:** OK. Any of the other Board members have any comments or questions?

**Boardmember Gil:** Yes. I.. I actually have a couple of questions. This is Andres Gil, one of the members. I'm... I have a question for you. When did this fence go up?

**Mr. Vincenti:** The fence went up really, like, in the middle of COVID when I was kind of home. So, I'm trying to think. It was probably, maybe late in the summer, maybe during the summer during COVID. So...

**Boardmember Gil:** And... OK, and how long have you owned the house for?

**Mr. Vincenti:** Well, I bought the house, let's see, it was... it was actually after the Trade Center, 2002.

**Boardmember Gil:** OK, and so you already put up a fence. So, why are we here? You just didn't get a permit for this?

**Mr. Vincenti:** Well, I... well, I did get a permit. I did do all of that completing the work. So, during COVID, I guess things were a little chaotic and I just decided that this was the time for me to finally do this fence that I've been, you know, trying to get done for years.

**Boardmember Gil:** OK, but now... now you have... now you're applying for a permit. So, you have a fence up right now...

**Mr. Vincenti:** Yeah, but I already got the permit. I paid... I paid for the permit. I... I did all of that.

**Boardmember Gil:** OK.

**Mr. Vincenti:** I had to go to the Town.

**Boardmember Gil:** Yeah. OK. So, what about... you have bushes on the other side? Are they still there... bushes on the other side directly across from Peaceable Hill Road... the intersection of Peaceable Hill Road?

**Mr. Vincenti:** Bushes on the other side? You talking about the ones on my... my property?

**Boardmember Gil:** Yeah. They're like right in front of your house.

**Mr. Vincenti:** Yeah. Yeah. There's a guardrail and there's also those trees. That's correct.

**Boardmember Gil:** Yeah.

**Boardmember Vink:** Is there... is there some reason you couldn't plant additional trees in front rather than putting up a... an oversized fence?

**Mr. Vincenti:** I mean, I can do trees. It would have taken years and years. I... I did plant some trees and they didn't survive. I could actually... I'm actually with a Smartphone and I can walk if you want to that part of the property, but some of the trees didn't fare that well for some reason. I have no idea why, but portions of my land just aren't really conducive to that.

**Chairman Froessel:** I'll... I live off Tonetta Lake Road and I drive past your house all the time.

**Mr. Vincenti:** OK. OK.

**Chairman Froessel:** I... I will note for the record that the house is really close to the road.

**Mr. Vincenti:** Yeah.

**Chairman Froessel:** Like unusually close, which is why, you know, I don't mind giving the applicant some relief. I mean, where the... where the fence meets the house is more than halfway back the depth of the house and... and I think that's acceptable. Just the part where it... where it then juts toward the front and toward the street is the part that I have more of a problem with. You know, visually... we have a definition of front yard as a certain number of feet. You know, visually, on your house, the point where the fence meets the house is almost really not even the front from a visual standpoint, not the Code standpoint.

**Mr. Vincenti:** Right.

**Chairman Froessel:** So, it's really just that job in the front that... that I really have a problem with.

**Mr. Vincenti:** Yeah. I'm happy to run a tree across and take that out.

**Chairman Froessel:** All right. I don't know if anyone... how anyone else...

**Boardmember Gil:** I actually agree with you, Mr. President. I think that... I feel the same way.

**Boardmember Corozine:** Mr. Vincenti, I had a question.

**Mr. Vincenti:** Sure.

**Boardmember Corozine:** When you had the permit for the fence, didn't the Inspector come out and inspect the fence when the permit was closed?

**Mr. Vincenti:** I'm going to be honest with you. I haven't seen anybody. I... I built... I went for the permit afterward. I... I haven't had any contact with anybody. I did get a letter and that's what finally brought me to this whole process. I was going to the office. Everyone was really helpful there. I was trying to follow, you know, all the necessary rules that I had to and, but I actually never spoke to anyone at my property. It was really me going there and, you know, speaking to the folks that work there who are very helpful.

**Chairman Froessel:** So, Steve, it looks like the procedure was he got a Violation Notice from the Building Department...

**Mr. Vincenti:** Yes.

**Chairman Froessel:** ...then went in and applied for the permit and they didn't grant him the permit and told him he had to come here.

**Mr. Vincenti:** Yes.

**Boardmember Corozine:** Yes. Right.

**Chairman Froessel:** So, there's an application pending but there's no permit yet for the fence. Now, the other issue that comes up if we... if we grant you the variance without that jog in the fence, I kind of need to know the exact dimension of that because the way your property line curves towards that... that corner of the fence, that's probably going to be the closest point and that's probably going to be the measurement that's going to be critical.

**Mr. Vincenti:** Yes. Yeah. It's actually... that's... that's a box that's a little bit less than 8 ft. by 8 ft. So, if I take that out, it's 80 ft. further back and it'll be 8 ft. going straight to the end of the property.

**Chairman Froessel:** So, then instead of requesting a... a 23 ft. variance, you'd be requesting a 15 ft. variance.

**Mr. Vincenti:** Yeah. Well, it's actually about 15 ft. now. It... if... if I take that box out... correct, it'll pretty much be 23 ft. It's not exactly straight if you see the front. So, it depends on what point you're doing the measurement from but, you know, 23 ft. is probably about the average... 20 ft, you know, and that box... that little box that we're talking about, that's about 15 ft. from the property line. So, it'll be more in the 20 ft. range if I take that out.

**Chairman Froessel:** OK. Well, I'll... I'll give you two options here. One is we can 'guesstimate' the number and vote on a variance and if you get it, you'd better hope it's right because if you fix the fence and it's still not in the right location, you're going to get a violation again. The other option is we continue this to next month. You get us an exact measurement or... or a... or at least a pretty close ballpark measurement and then we can vote on a variance that is close... that is, you know, more certain to suit your needs.

**Mr. Vincenti:** Right. So, when... so when you say you're talking about the measurement of where that boxed out area, how...

**Chairman Froessel:** If you got rid of that boxed out area...

**Mr. Vincenti:** Right.

**Chairman Froessel:** ...and continued the fence just straight across to the corner...

**Mr. Vincenti:** Right.

**Chairman Froessel:** ...on the left. If you're looking at the front of your house, on the left side. If you continued it straight across, I'd want that measurement from that corner to the property line.

**Mr. Vincenti:** OK.

**Chairman Froessel:** It's to... it's to make... it's really for your own protection. It's to make sure that... that we give you the variance you need and not something that doesn't suit your purpose.

**Mr. Vincenti:** Right. I mean I could run out with a tape measure right now. I'm in my backyard and I have a tape measure in my car. If that helps the Board, I'd be happy to do that.

**Chairman Froessel:** I'd rather you not rush it. That... as long as you have an application pending before us, the Building Department isn't going to take any further action against you. So, there's really no harm in... in putting this over to next month.

**Mr. Vincenti:** OK.

**Chairman Froessel:** You can take your time and make sure. Now, the old thing measure twice...

**Mr. Vincenti:** Right.

**Chairman Froessel:** ...is good in many contexts and I think this is one of them.

**Mr. Vincenti:** Right.

**Boardmember Vink:** Mr. Vincenti, can I ask is that... is that jog out there in order to get that shed... I don't know what kind of shed that is. It looks like there's a little shed in there.

**Mr. Vincenti:** Yeah.

**Boardmember Vink:** Is that jogged out so that you can get that shed inside that fence?

**Mr. Vincenti:** No. No. That has nothing to do with the shed.

**Boardmember Vink:** OK.

**Mr. Vincenti:** That actually... no, no, it doesn't have any bearing on that.

**Boardmember Vink:** OK.

**Chairman Froessel:** So, if you're.... if you're agreeable, Mr. Vincenti, I... I think the smart thing to do would be just for us adjourn this to next month.

**Mr. Vincenti:** OK.

**Chairman Froessel:** And have you, you know, get a good... get a good number for us on what's the closest point to the property line and that way, if we vote on variance to allow you to keep a 6 ft. fence, we get the right number in terms of the setback from the front property line for that 6 ft. fence.

**Mr. Vincenti:** OK. That sounds great.

**Chairman Froessel:** OK.

**Ms. Desidero:** Mr. Chairman, we do have one chat from a member of the public. Do you want me to read it or?

**Chairman Froessel:** 'Front yard height should be 6 ft.' from Mr. Lord (Town Councilman John Lord)?

**Ms. Desidero:** Correct.

**Chairman Froessel:** Yeah. I mean that's the height of the fence which is one issue but the other issue and... and the number where we're trying to get the measurement for the depth within the front yard. In other words, you know, there are two components to this. One is the height of the fence and the other is the number of feet into the front yard setback we're going to let it go. So, that's the dimension that we're looking for now so that we don't give Mr. Vincenti a variance that will not suit the needs of where he wants the fence to be. I hope that answered the question.

**Mr. Vincenti:** Yeah. No, that's... that's fine. Thank you.

**Chairman Froessel:** John (McNeill)?

**Boardmember McNeill:** Yes. Mr. Vincenti, you might want to re-sketch that too. You know to give us a visual of... of where that... of how that is being addressed.

**Mr. Vincenti:** Right.

**Chairman Froessel:** That's a really good idea, John.

**Boardmember McNeill:** You could put your measurement right on there and that might give us a better reference.

**Mr. Vincenti:** OK. So, when I re-sketch, you want me to re-sketch without the boxed-out area (inaudible.)

**Boardmember McNeill:** Correct, what your actual 'as-built' would be.

**Mr. Vincenti:** Sure. Absolutely.

**Boardmember McNeill:** And then that way, that'll give us a reference to... to be able to vote on... what the actual variance would be then.

**Mr. Vincenti:** OK. Thank you.

**Chairman Froessel:** That's an excellent suggestion, John. Thank you.

**Mr. Vincenti:** OK.

**Chairman Froessel:** Yeah, and you can do it right on the same survey, Mr. Vincenti. I think that'll work.

**Mr. Vincenti:** OK. OK. I'll... I definitely will.

**Chairman Froessel:** OK. All right. So, we're all set and we will... we'll see you next month.

**Mr. Vincenti:** OK.

**Chairman Froessel:** What's our... what's our date next month, Victoria?

**Ms. Desidero:** July 19<sup>th</sup>.

**Chairman Froessel:** July 19<sup>th</sup>.

**Mr. Vincenti:** OK.

**Ms. Desidero:** I also just want to note for the Board that this application did go to County Planning and it was approved.

**Chairman Froessel:** OK. Very good.

**Mr. Vincenti:** Thank you.

**Chairman Froessel:** OK. So, we'll see you next month, Mr. Vincenti.

**Mr. Vincenti:** OK. Thanks for your time. Thanks very much.

**Chairman Froessel:** You're welcome. Thank you.

#### **4. Andrew Troup, 84 Vails Lake Shore Drive, Tax Map ID 79.-1-40.-28**

Public Hearing to review an application for a proposed porch addition requiring the following variances: west front setback variance of 23.51 ft. where 26.49 ft. is proposed and 50 ft. is required; north side setback variance of 14.05 ft. where 10.95 ft. is existing and 25 ft. is required, south side setback variance of 11.52 ft. where 13.48 ft. is existing and 25 ft. is required; total side setback of 41.28 ft. where 28.72 ft. is existing and 75 ft. is required. Andrew Troup and Everett Taylor represented the application.

**Chairman Froessel:** OK. Number six on the agenda, Andrew Troup.

**Andrew Troup:** Yes, I'm here.

**Chairman Froessel:** Good evening, gentlemen. How are you?

**Mr. Troup:** I'm well. Thank you. How are you?

**Everett Taylor:** We're good.

**Mr. Troup:** Doing well. I'm here with my partner, Everett Taylor.

**Chairman Froessel:** OK. Before we start your application, I'm just going to ask the Vice Chairman to please swear you in.

**Boardmember Vink:** Do you... do you both plan on testifying tonight?

**Mr. Troup & Mr. Taylor:** Yes.

**Boardmember Vink:** OK. Then if you would raise your right hands please? Do you swear the testimony you're about to give is the truth to the best of your knowledge?

**Mr. Troup & Mr. Taylor:** Yes. I do.

**Boardmember Vink:** Thank you.

**Chairman Froessel:** OK. Thanks very much. I see you're in Vails Grove which we're eminently familiar with because nobody can do anything in Vails Grove without coming to see us. (Laughter.) So, why don't you go ahead and describe for us the nature of your application? I mean, I think it was spelled out pretty well in your application, but anyhow I'd like you to describe it.

**Mr. Troup:** Sure. We purchased in Vails Grove in the fall. The home has an existing deck there today. What we're looking to do is replace that existing deck and then also expand it a little bit further across the front of the house. The deck as you'll see in the diagram is across the front of the house today. It's over half, I should say, in front of the house. The... the new deck would cover that existing deck space. It would also cover what today is a set of cement stairs that leads to the front door and then it would go a little bit further across the front of the house. All well within the property line and all of our.... as I'm sure you're well aware, the Homeowner's Association has provided their approval and all of our neighbors in Vails Grove have been notified.

**Chairman Froessel:** OK. And... and just to clarify, the deck you're planning to build will be no wider than the front of the house, correct?

**Mr. Taylor:** No wider.

**Mr. Troup:** Correct.

**Chairman Froessel:** It's only coming out forward from the front of the house?

**Mr. Troup:** Correct.

**Chairman Froessel:** OK, and as a consequence, I'll note this to the Board members, it's only the... if you look at the letter from (Building Inspector) Mike Levine, it's only the front setback that's being changed. While they require a variance on the other setbacks on the house, those are all pre-existing, non-conforming dimensions. Does anyone... any of the Board members have any questions or comments for the applicant? (Pause.) No, not seeing any hands. Is there... is there any member of the public on this conference that has any questions or comments about this application? (Pause.) OK. It looks like there are no comments or questions. Oh, my... the one question I had is there's a picture with your application that shows the existing deck, which if I'm looking at the front of your house, looks like it's on the right side?

**Mr. Troup:** Correct.

**Chairman Froessel:** OK. That deck is still there today?

**Mr. Troup & Mr. Taylor:** Yes. Correct.

**Chairman Froessel:** OK, and that'll be demolished, assuming you get the variance, that'll be demolished and you'll build something... what you're planning across the front of the house.

**Mr. Troup:** Exactly. That would be demolished and then it would be one cohesive deck across the front with a new set of steps to replace the cement stairs.

**Chairman Froessel:** OK. Very good. Thank you. All right. If none of the Board members have any questions for the applicant, I will... we can go ahead and close the Public Hearing. Is everybody OK with voting on this tonight? (Pause.)

**Multiple Board members:** Yes.

**Chairman Froessel:** OK. I see all yes's. That's good. OK. The way the process works once we have taken all the testimony, I close the Public Hearing, and we'll vote on your application. Before I do that, do you have any final statement or comment you'd like to make in support of your application before we close the Public Hearing?

**Mr. Troup:** No additional statement other than to just say thank you for... for your time this evening.

**Chairman Froessel:** OK. Great. Thank you. Do you feel you've been given a fair and adequate opportunity to present your application?

**Mr. Troup:** Yes, we do. Thank you.

**Chairman Froessel:** Great. Thanks. All right. For the Board members, I'll note that among our Vails Grove variances, this is probably one of the lesser intrusive ones that we've seen and it's just a deck. It's not a second floor or a... all sorts of other things that we've seen of late. So, if anyone wants to deliberate, we can do that. Otherwise, I'll entertain any motion that anyone might care to make on this application.

The motion to grant a west front setback variance of 24 ft., a north side setback variance of 15 ft., a south side setback variance of 12 ft., a total side setback variance of 42 ft. for a proposed porch addition was introduced by Boardmember Vink and seconded by Boardmember Cassidy. The criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or nearby properties.  
No. It will not. This is perfectly in keeping with the character of the neighborhood as evidenced by the fact that Vails Grove has approved the application as well.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.  
Absolutely not. There is nothing that you can do in Vails without coming to the Board, as the Chairman noted earlier.
3. Whether the requested variance is substantial.  
In the context of what they're doing and... and Vails Grove, I do not believe so. Certainly for variances in Vails Grove, these are not substantial.
4. Whether the proposed variance will have an adverse effect or impact on the environmental conditions in the neighborhood or district.  
There is no evidence of any negative impact.
5. Whether the alleged difficulty was self-created.  
No, I don't believe it is. It's the nature of being in Vails Grove and the setbacks that are inherent there.

Roll Call Vote:

A. Gil	In Favor
S. Corozine	In Favor
G. Wunner	In Favor
R. Cassidy	In Favor
J. McNeill	In Favor
P. Vink	In Favor
T. Froessel	In Favor

The motion to grant the variances as stated in the motion passed by a vote of 7 to 0.

**Chairman Froessel:** So, that's seven to nothing. It's unanimous. You've got your variance.

**Mr. Taylor:** Thank you very much.

**Chairman Froessel:** As you heard me tell the prior applicant or... or the second applicant, we have to do the paperwork and since we're all remote, it takes a day or two but you'll have your variance and you can submit that to the Building Department and get your Building Permit within just a couple of days.

**Mr. Troup:** Perfect. Thank you so much.

**Chairman Froessel:** All right. You're welcome. Take care and have a good evening.

**Mr. Troup & Mr. Taylor:** Thank you. You, too.

The motion to approve the Meeting Minutes of May 17, 2021 was introduced by Chairman Froessel, seconded by Boardmember Gil and passed all in favor.

The motion to adjourn the meeting was introduced by Chairman Froessel, seconded by Boardmember McNeill and passed all in favor.

Respectfully submitted,  
Victoria Desidero  
JoAnne Ciralli

**FULL VIDEO RECORDING OF THIS MEETING AVAILABLE AT:** <https://www.southeast-nj.gov/335/Zoning-Board-of-Appeals-Audio-Files>