

Giants Neck Beach Association Special Zoning Commission Meeting

June 14, 2019

Present: Gerry van Noordennen, Chair and Jim Lafond

Alternates: Rich Corona and Ken Hotarek

Also Present: Jonathan Roads

1) CALL TO ORDER

Chairman van Noordennen called the June 14, 2019 Giants Neck Beach Association Special Zoning Commission Meeting to order at 6:57 p.m.

2) SEAT ALTERNATES, IF NEEDED

Rich Corona sat in for Tom Fox. Ken Hotarek sat in for Jeff Scull. A quorum was established.

3) APPROVAL OF PREVIOUS MINUTES

The minutes of the May 10, 2019 meeting were reviewed. There were no comments or corrections.

MOTION (1): Mr. Corona moved to approve the May 10, 2019 Giants Neck Beach Association Zoning Commission Meeting Minutes, as presented. Seconded by Mr. Hotarek. (3-0) Unanimous.

4) Review, discuss and take action on the following application submitted:

a) Dworak Residence – 13 Point Road – Replace shed with pergola.

Mr. Roads, Contractor for the applicant, showed Commission members a sketch showing the removal of the old shed and the landscaping around the Dworak pool where they wish to have a pergola constructed. He stated the footprint dimensions are the same and the lot coverage is the same as the shed. Mr. van Noordennen stated if the pergola is cemented in the ground, it will count as a structure. Mr. Roads stated it would have cement footings. Mr. Roads stated the homeowner has discussed the change with the neighbor and they have no objection.

The width of the lot is 100' (15' setback required from the side yard). Mr. Roads stated at 15' the pergola will almost be in the pool. On the other side there is a concrete wall extending to the seawall. Mr. van Noordennen stated if you have an existing non-conforming structure and replace it in kind on the same footprint, it would be allowed. Mr. Roads showed a photo of the old shed. Mr. Hotarek felt the Zoning Regulations would not allow the pergola to be placed in a non-conforming new location. Mr. Corona reported if the shed is replaced in kind at the same location, you can accommodate our regulations. If you move it, you will be violating our regulations. Mr. Corona read from Chapter 4, Article 4000 of the regulations which refers to non-conforming uses. He

referred to the Zoning regulation 4001.1 for unsafe condition. The problem is we have regulations that talk about a previously approved permit which we do not have. Reference was made to Article 4000.4 if you have a non-conforming structure, it may not be extended in any way.

Commission member Jim Lafond arrived.

Mr. Lafond felt if it is better than what was previously there and it is within the regulations per section 4001, he felt it should be approved.

Mr. van Noordennen referred to Article 4000.4 of the Zoning Regulations and added the new location is less non-conforming than the old shed location.

Mr. Corona felt it could be approved if it is a non-conforming structure that was not enlarged. He read from Article 4001 which he felt would allow the modification of a pergola

MOTION (2): Mr. Lafond moved that per Section 4001 of our Zoning Regulations the application from the Dworak Residence at 13 Point Road to replace a shed with a pergola be approved. Seconded by Mr. Corona. (4-0) Unanimous.

Report from Zoning Enforcement Officer

- 5) Current construction activities.** Mr. van Noordennen reported he has had no complaints.
- 6) Report of any correspondence.** Mr. van Noordennen informed Commission members he submitted the Giants Neck Beach Association Zoning Commission budget. The budget will be voted on tomorrow.
- 7) Other items which may come before the Commission.** None.
- 8) Adjournment.**

MOTION (3): Mr. Lafond moved to adjourn the Giants Neck Beach Association June 14, 2019 Special Meeting at 7:35 p.m. Seconded by Mr. Corona. (4-0) Unanimous.

Respectfully submitted,

Frances Gheri, Recording Secretary