

**Borough of Fenwick  
Zoning Board of Appeals  
Public Hearing and Special Meeting – June 2, 2021  
Virtual Meeting  
Minutes**

A Special Meeting of the Borough of Fenwick Zoning Board of Appeals was held on Wednesday, June 2, 2021 at 5:00 p.m. via the Zoom meeting format.

**MEMBERS PRESENT:** Robert Gay, Martha Staniford, Peter Brainard, Kathy Berluti, Laurie Goldsmith, Becki Renshaw (Alternate), Ann Pulver (Alternate), Frank Gilhool (Alternate).

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Marilyn Ozols, ZEO; Ginny Robinson.

**1. Call to Order.**

Chairman Gay called the meeting to order at 5:06 p.m. All regular members were seated as voting members for this meeting.

- 2. Public Hearing: ZBA21-003. 41 Agawam Avenue, map 10, lot 34.** Sarah Frelinghuysen, owner, Virginia Robinson, applicant; request for variance of Section 5.1.f of the Flood Ordinance (electrical equipment shall be 1' above base flood elevation) to permit installation of ac compressors at elevation 8.75 where elevation 12 is required.

V. Robinson presented. She stated that the request is to install two ac units alongside the generator on the northwest side of the house not at the new required elevation because it would obscure two kitchen windows; elevation 12 is required; the request is for elevation 8.75, the same as the generator; the units will be installed on a pad and screened by lattice, and have been approved by HDC; the east and south sides of the house would not work because of windows, etc. and would require setback variances; in the laundry area on the west, the units would be higher than the fence and would require excavation to reach the existing ductwork; the bike shed on the west is a separate building and also would not work because of trenching and the locations of the accessway and outdoor shower.

Members reviewed the pictures submitted with the application.

It was noted that the house was built and the generator was installed in compliance with the flood regulations at the time, and the ductwork for the ac was installed at that time. Since then, the regulations, the flood map, and the datum for computing elevation have all changed. The criteria for a variance from the flood ordinance is included in the ordinance and it differs slightly from that in the zoning regulations. However, in a flood situation, the entire house would be damaged so raising the ac units would not be significant, and their location is not near another structure so they would not be likely to cause other property damage.

There was no public comment. R. Gay verified that no one else wished to speak.

**M. Staniford moved to close the public hearing. K. Berluti seconded the motion and it was approved unanimously.**

**The motion carried, 5-0-0.**

IN FAVOR: Gay, Staniford, Brainard, Berluti, Goldsmith.

OPPOSED: none

ABSTAINED: none

**3. Possible decision: ZBA21-003, 41 Agawam Avenue.**

**M. Staniford moved to grant a variance of Section 5.1.f of the Flood Ordinance (electrical equipment shall be 1' above base flood elevation) to permit installation of ac units at elevation 8.75 where elevation 12 is required. K. Berluti seconded the motion.**

Members further discussed the application.

L. Goldsmith asked if granting the variance would open up any issues for the Borough. M. Ozols stated that not following the ordinance could be an issue, but granting a variance for valid reasons would not, although it could affect the homeowner's insurance costs.

P. Brainard noted that the house is at elevation 8.75 and if major renovations were proposed, they would require it to be raised, but that is not the case. The owner knows the risks and there is no danger to the community with this placement.

M. Staniford added that they had anticipated the ac when they put built the house and included the ductwork. In a flood situation, the likelihood is that the entire house would be damaged so raising the ac would not really matter. She considered this to be a unique situation when everything was considered.

F. Gilhool added that the risk associated with granting this variance is minimal.

**The motion was approved unanimously (5-0-0)**

IN FAVOR: Gay, Staniford, Brainard, Berluti, Goldsmith.

OPPOSED: none

ABSTAINED: none

#### **4. Approval of Minutes: February 1, 2021.**

**R. Gay moved to approve the minutes of the February 1, 2021 special meeting as written. M. Staniford seconded the motion and it was approved unanimously.**

**The motion carried, 5-0-0.**

IN FAVOR: Gay, Staniford, Brainard, Berluti, Goldsmith.

OPPOSED: none

ABSTAINED: none

#### **5. Other Business.**

M. Staniford stated that she had heard very good feedback on the training session and she suggested that it become an annual event. Members concurred.

#### **6. Adjournment.**

**M. Staniford moved to adjourn the meeting at 5:35 p.m. P. Brainard seconded the motion and it was approved unanimously.**

Respectfully submitted,

Marilyn M. Ozols

Acting Recording Secretary