

Minutes of a Regular Meeting of the Verona Board of Adjustment on Thursday October 11, 2018 beginning at 7:30 P.M. in the Verona Community Center, 880 Bloomfield Avenue, Verona, New Jersey.

**Roll Call:**

Present: Dan McGinley, Chairman, Scott Weston, Vice Chairman, John Denton, Pat Liska, Larry Lundy, Lou Russo, Sean Sullivan, and Christy DiBartolo, Alt #1

Also, present: Robert Gaccione, Esq. and Thomas Jacobsen, Township Construction Code Official

Absent: Genevieve Murphy-Bradacs, Alt #2

Secretary read the notice of Open Public Meetings law and called attendance.

Mr. McGinley called the meeting to order at 7:41 PM. He leads the Pledge of Allegiance. He then explains to the Applicants that the Board can grant variances, but the burden is on the Applicant to prove special reason or any undue hardship. Mr. McGinley states the Applicants shall offer sworn testimony on their application and the Board will rule based on the evidence presented. He reports the variance, if granted, will be memorialized at the next regular meeting.

**Application:**

**Case 2018-10: Michael & Jennifer Matarrazzo**

**70 Fairview Avenue, Block 2304 Lot 1**

Jennifer Matarrazzo, homeowner of 70 Fairview Avenue, was sworn in.

Mrs. Matarrazzo that her property is a corner property on Fairview Avenue and Personette Avenue. They have installed an in ground pool in their rear yard. Pool code for fences is 4 feet and they are looking to put the fence around the perimeter of the pool. One part of the perimeter is along Personette Avenue and considered front yard. The town code only allows 3 feet fence in the front yard. She explained that the fence would be behind arborvitaes that are already planted. She included a picture of the chain-link fence they would be using. She stated that the diagram provided in the application showed the gate wrong and that it would in fact swing out. She provided a picture the day of the meeting.

Mr. Weston asked if they were looking to extend the existing fence that is currently there on the property. Mrs. Matarrazzo explained that was correct and that there was a temporary fence coming from the house that they want to push out to make more of a yard, The fence would be on the inside on the trees and not visible from the street.

Mr. Sullivan questioned the front yard and where they access the property. Mrs. Matarrazzo explained that along Personette is where they access the house by their driveway. She also explained there is no access from Fairview Avenue. She explained that Personette is the side of the house but by code because of Personette, it is a front yard.

Mr. Jacobsen explained that by the zoning ordinance for fences the maximum height in the front yard allowed is 3 feet however, the code for pool is minimum of 4 feet fence. Mr. Lundy asked if the existing fence met pool code requirements. Mr. Jacobsen stated it does.

Mr. Denton asked if this were not a front yard would the fence be ok. Mr. Jacobsen stated yes and by fence zoning, they could go to 6 feet.

Public Questions / Comments: None

Mr. Lundy stated that it is common sense; the ordinance for the pool fence is based on safety. Mr. Jacobsen stated that it was State code for the pool fence. Mr. Lundy believes safety tops zoning. Mr. Denton added that the landscaping mitigates the issue. Mr. Weston agreed as he drives by the property every day and cannot see anything because of the landscaping.

Mr. Gaccione offered proof of service is in order.

Mr. Denton motioned for case 2018-10 be approved; Mr. Lundy seconded the motion. All votes aye. Application granted.

Mr. Jacobsen asked that a condition be added that the applicant call for a final inspection of the fence. Mrs. Matarrazzo agreed to the condition. Mr. Denton accepted the amendment.

**Application:**

**Case 2018-09: Paul Sciarra**

**7 Crestmont Avenue, Block 205 Lot 8**

Paul Sciarra, property owner of 7 Crestmont Avenue, was sworn in.

Mr. Sciarra explained to the Board that after receiving letters from Verona Environmental Commission, the Township Engineer and from the neighbor he believed that it would be in his best interest and everyone else's to ask to adjourn his case to the next meeting to address questions in the letters and allow the neighbors to address their concerns.

Mr. Gaccione offered proof of service in order. He also asked the applicant if he waived the time constraint for the Board. The applicant agreed to waive all time constraints.

Mr. McGinley asked for a motion to accept the request. Mr. Sullivan motioned to accept adjournment of case 2018-09; Mr. Weston seconded the motion. Mr. McGinley stated the Board accepted the request and case 2018-09 will be adjourned to the next regular meeting on November 8, 2018 at 7:30 pm.

**Application:**

**Case 2018-08: Kensington Senior Development LLC,**

**420 Bloomfield Avenue & 312 Claremont Avenue**

**Block 701 Lot 3 & Block 1708 Lot 2**

Mr. Podvey, attorney for the applicant, addressed the Board. He discussed the adjournment request from the previous month's meeting. He also let the Board know he had requested in writing a special meeting with the Board. At this time, if the Planning Board does not have their meeting it could be on October 25. He had given an exhibit list for the last meeting and will have more exhibits to add letters given in last few days including letters from Mr. Beckmeyer and the Environmental Commission. He also had letters from other departments that had no comments. He has two witnesses to present for the night; Mr. Petry, the engineer and Ms. Gregory, the Planner. He informed the Board that he wrote to DCA in regards to the RSIS parking applied to the application from Mr. Beckmeyer. He believed that Mr. Beckmeyer was incorrectly calculating 1.5 parking spaces and so reached out to DCA, who is in charge of the RSIS. Mr. Podvey would be attending the committee meeting for DCA in regards to RSIS code the following Thursday.

Mr. Denton asked for explanation of the background of the letter. Mr. Gaccione explained that there was a disagreement between Mr. Beckmeyer and Mr. Podvey's experts in regards to parking. Mr. Podvey's expert calculated 0.5 parking spaces per unit and that covers everything at

the facility. Mr. Beckmeyer says that does not cover the facility and it should be 1.5 parking spaces. DCA agreed with Mr. Beckmeyer, so now Mr. Podvey is going to DCA for clarification and answer on what requirements for this project are with parking. Mr. Podvey explained that he would have the Planner testify in regards to the DCA letter and why they meet the standard for parking.

Mr. Glenn Beckmeyer, Township Engineer, is present at the meeting to answer any questions the Board may have. Mr. Denton asked if he could give background on how issues arose and the interpretation. Mr. Gaccione asked if Mr. Beckmeyer was a licensed engineer and if he was the engineer for the Township of Verona. Mr. Beckmeyer replied yes to both questions. Mr. Podvey stated that the email sent from Mr. Beckmeyer would answer the questions and marked letter and email in as exhibits. Mr. Beckmeyer explained that he asked Mr. Lago, from DCA, about parking and the 0.5 spaces for assisted living units and he mentioned if there was physical therapy and other items. Mr. Lago said that the 0.5 was for units only and not for the others that fall outside of the residential element. Mr. Beckmeyer added that there is question of how much should be added based on ordinance and that it is up to the Board if they want more. Mr. Beckmeyer explained this all arose from reviewing comments made if salon was to be open to public and if offices are covered under the RSIS for assisted living. Mr. Beckmeyer reached out to number he found when researching the RSIS on the DCA website. He spoke to Mr. Lago, who explained that if part of operating an assisted living facility then that portion would be covered in 0.5 parking requirements. He also said that the salon would not be part of the requirements. Mr. Beckmeyer asked for letter from DCA and once received he emailed it to the Board. The RSIS only applies to residential and does not specify any more than just 0.5 for each unit. Mr. Denton asked if he had any views on the parking ordinance and what would be required. Mr. Beckmeyer said that there was nothing that matched up and the Board would have to decide what best and the applicant would have to come up with numbers. The applicant would then have to present that to the Board or the Board could get its own traffic expert. Mr. Podvey stated that their traffic expert testified the ITE is 0.41 in the record.

Mr. Podvey called Mr. Petry to testify again. Mr. Petry was previously sworn in and accepted as expert by the Board. Mr. Petry reviewed the comment letter from Mr. Beckmeyer in regards to the submitted application revisions. Mr. Petry explained he submitted updated drainage calculations and Mr. Beckmeyer's October 9 letter was in response to those resubmissions. The resubmissions address the layout concerns from last meeting. He added sidewalk that connects parking lot to drop off area, changed the easements at both driveways and added layout of piping system within parking lot area. The parking lot layout across the street shows spaces go from 18 feet to 17.5 feet long. 27 spaces on the site do not meet stall size requirements. New fencing is proposed for the lot that is all within fencing ordinance codes. The fence is in 3 feet from property line as it is today to keep up at top of slope to help block headlights from adjacent properties. It is shown on drawing as 3 feet in front yard area per code but Mr. Petry suggests extending the fence to at 6 feet height to edge of parking. That would add another variance. Mr. McGinley questioned the lot zoning being residential but the parking lot is not residential. Mr. Petry stated the parking lot is not residential but pre-existing. The zone protects for future use. Mrs. DiBartolo questioned what the fence looks like. Mr. Petry stated it would be solid vinyl fence so headlights will not go through. Mr. Jacobsen asked if the fence was extended at 6 feet to end of parking what it would do to line of sight. Mr. Petry stated it would not impede and have no impact.

Mr. Petry continued with the new grade and drainage provided. The location size and slope of the existing trench drain on the property provided. The existing 8-inch pipe is undersized and proposed 15-inch replacement. They propose to add inlet two thirds of way back in parking lot. There are two existing floodlights on the property. The applicant requested lighting plan to match the main site. They propose 12 feet high LED fixtures, with house shields, on both sides

of lot and one at the driveway entrance. The landscaping and buffering will be done. Some landscape there in good condition and will leave them. Some trees to be removed and replaced with Cypress. Evergreens are proposed on residence side of fence. Lighting added to main lot per Mr. Beckmeyer request. For storm water, based on comments, some modifications were made to drainage. The property is under an acre and during times of high concentration, the storm water runoff is well below 6-minute standard in TR55. In the longest time of concentration get to 2 ½ minutes. Currently the property is almost all paved, about 18000 square feet paved.

The project proposes to add 1700 square feet of pervious coverage to the site. The property drains to both Bloomfield Avenue and Claremont Avenue. Mr. Beckmeyer asked to have the two systems for the two properties model separately and looked at separately. As the property currently stands the water runs off and ponds. They propose a drainage system that will not pond on the property any longer. Mr. Petry referenced his tables in his report that show that the properties evaluated during the 2, 10 and 100-year storms and all drainage meets those standards. He states that the analysis of the properties down to where they connect together shows that they meet the standard for the town and state standards and that the proposed will not increase runoff. He addressed Mr. Beckmeyer's September 11 letter which comments on drive aisle width increase and changing stalls to 9x18 to accommodate a 2 feet over hang. The inlet will incorporated in next set of drawings. He specifically mentions the comment in regards to variance needed for them to count ADA parking under the building. Mr. Petry also had a discussion with Mr. Neale, from Township Fire Prevention Bureau, in regards to their comments on the project. He indicated that while they may not use the service driveway while fighting fire in building, they may use it if in courtyard and understood parking underneath. He asked for the driveway to be widened to 20feet and they will do that.

Mrs. DiBartolo asked that in future all changes be bubbled in order for them to be tracked easier. Mr. Beckmeyer agreed that would help and would be the engineer's preference.

Mr. Weston asked if anyone would use the driveway to enter the building. Mr. Petry replied yes. Mr. Weston also asked if the turnaround in driveway was using the wider driveway. Mr. Petry explained he spoke after these drawings were done and that the turnaround was shown with the narrower driveway. Mr. Weston asked about previous testimony that trucks would back out of driveway. Mr. Petry explained that garbage and fire trucks would still need to back out but standard delivery trucks would be able to turn around.

Mr. Jacobsen questioned the size of the driveway and that Mr. Neale indicated 24 feet needed in his letter. Mr. Petry stated that Mr. Neale did tell him 20 feet. Mr. Jacobsen asked where the extra feet for the driveway would come from. Mr. Petry explained that the landscape buffer to the next-door neighbor would get smaller.

Mr. McGinley questioned Mr. Beckmeyer asked to calculate onsite and Bloomfield and Claremont Avenues and whether changing runoff. Mr. Petry explained it was correct that not changing runoff on site or affecting off site down street. Mrs. DiBartolo asked if this accommodate with respect to today. Mr. Beckmeyer explained that he does not know that. There is a 10-inch pipe that goes into 18-inch pipe down Claremont Avenue. If Mr. Petry goes to 15-inch pipe then adding over what now and would have to look at what is going on down the street. Right now, the street is at the max and would have to make additional pipe or bigger pipe based on state regulations. Mr. Beckmeyer added that he asked for the two sites separately because in total would not show how they affects both Claremont and Bloomfield Avenues separately. Mr. Petry stated he believed he covered that in his revised report from September 27 in table 2.

Mr. McGinley questioned the flows going off to Bloomfield Avenue will not increase or change. Mr. Petry stated that they would decrease slightly. Mr. Lundy stated that if no increase to either side then no need to look down stream.

Mr. Beckmeyer questioned the drainage indicated in table 2 only includes two onsite drain and does reflect the drains above the retaining wall. Mr. Petry explained that the drains go down back of wall to Claremont or Bloomfield Avenue. They do not own the drains so they cannot change them and he will not count them. He also added that they are not doing anything to the wall.

Mr. Beckmeyer commented on the second lot. Currently is an 8-inch pipe coming of property filled with debris and that creates a certain flow off property and more ponding. The pipe should be increased and if it is made to, 15 inches that would bring more water off into the street drain and could affect downstream. He is not saying that it will but wants the engineer to do the analysis of timing and flow to make sure. Mr. Petry agreed that he could do that.

Mrs. DiBartolo questioned if the architect might consider LEED certified building. Mr. Petry did not anticipate that.

10-minute break

Public Questions for Mr. Petry:

Brad Quick, 180 Claremont Avenue

Mr. Quick questioned how long construction is expected to last. Mr. Lundy explained these are questions for what witness testified on. Mr. Podvey suggested that maybe Mr. Rafeedie could answer that question. Mr. Petry stated that maybe 18 months to 2 years.

Mr. Quick questioned only entrance on Bloomfield Avenue and exit to Claremont Avenue. Mr. Petry explained that it is entrance only on Bloomfield Avenue and both entrance and exit on Claremont Avenue. Mr. Quick asked why they could not have the exit to Bloomfield Avenue instead. Mr. Petry explained site distance issue making it hard to see pedestrians.

Mr. Quick asked about type of equipment that will be used during construction. Mr. Gaccione explained that was not testified to by the witness. He asked if when they come back if there would be detail of equipment. Mr. Gaccione directed him to review plans in construction office if approved and have permits. Mr. Quick asked if anyone was going to provide that information. Mr. Gaccione explained that they do not have to. Mr. Sullivan added that was not issue that the board could make any decisions on. He continued that previous application had blasting but this was not blasting just construction and that was not an issue for the Board to decide under zoning ordinance.

Richard Aloia, 37 Malvern Place

Mr. Aloia questioned if there would be ADA parking spaces. Mr. Petry stated there are on the main site under the building.

Sal Vassallo, 2-4 Park Avenue

Mr. Vassallo had concerns with the height the height of the building and what it is proposed. Mr. Denton asked that he also compare to what there currently. Mr. Petry explained that the proposed is 3 stories and 50 feet high. The current building is 23.71 feet high. Mr., Vassallo asked how high each story is. Mr. Petry explained that he did not have that information. He explained that he did his calculations around the structure based on the town ordinance. Mr. Vassallo questioned that the structure was 3 stories plus 50 feet. Mr. Gaccione explained that the stories and feet were two separate classifications. Mr. Vassallo asked if that meant the building was 50 feet from grade. Mr. Petry explained it is average from grade around the property calculated by ordinance and that the property slopes a whole story as it goes down. The building is less than 50 feet to the westerly side and more to the easterly side; 50 is the average. Mr. Denton asked if the building is twice as high as existing. Mr. Petry agreed. Mrs. DiBartolo added that it would be about 8 feet higher than buildings across the street.

Public questions closed

Mr. Podvey called on his planner, Catherine Gregory. Ms. Gregory was sworn in.

Ms. Gregory gave her licensing and background to the Board. She is a licensed professional planner in state of New Jersey. Ms. Gregory was accepted by the Board as an expert in field of planning.

Ms. Gregory showed exhibits of photos of the property taken by her and an aerial photo taken from Bing maps. She described the zones around the application properties. The areas are surrounded by A-1 a multifamily zone, R-50 single-family zone, and the ETC, extended town center, zone. There are single-family residents next to property on one side and commercial buildings to the other. Across the street from the property are residential apartments with parking underneath. The pictures also show the property from the front and rear. There are no streetscape there today. She shows the surrounding neighborhood pattern in the photos and aerial map. Ms. Gregory explains the application needs a use variance because assisted living is not allowed in this zone and technically is not allowed in any zones in town. She referenced redevelopment zone 4 from the town ordinance. She explained that no matter what zone this was proposed they would be before the Board for a use variance. MS Gregory explained this is an inherently beneficial use. She referenced case law that assisted living is an inherently beneficial use, Sica vs. Township of Wall. This case law regulates a test to follow. The Sica test first asks is there public interest at stake. She explains that there is no assisted living in Verona. Next need to identify detrimental effect or impact on residential. She does not think detrimental effects and that the building meets intent of the zone. There is less traffic than current use. The noise factor is changed; the caterers have high traffic late at night that is lot louder than assisted living. They are proposing to reduce impervious coverage of the property. The separate lot is being greatly improved. The next testis about impact. The impact is not an issue from her point, the applicant is willing to put signs or alter shifts to deter impact that are detrimental. The last part is the positive criteria, which is covered in inherently beneficial use. The proposed has "C" variances as well. Bloomfield Ave property needs variance for parking. Forty-six parking spaces are required by the RSIS. The application proposes 55 spaces under the building but in residential zone parking under is not allowed. The lot across the street that is part of application has 54 spaces. The applicant wanted spaces on the site and with topography of the property made sense to put under the building. This proposal is also in character with buildings in area; two apartment buildings across Bloomfield have parking under the building. The variances for the Claremont lot are as follows; one driveway exists need 2, the aisle size, parking space sizes, overhang, the lot itself. All the variances are existing and making changes tonight to improve the exiting conditions of it. Under special reasoning for inherently beneficial use, Ms. Gregory explains how the property meets those as well. There is promotion of general health of population. The building itself is within the bulk zoning for Town center and no bulk variances are needed. With the parking under the building, there are sufficient spaces. This proposed use meets needs of Verona residents, as there are no existing assisted living in Verona. They are addressing the streetscape of the property and making it visually desirable. There is more parking on site than needed and with offsite, the proposed meets well over the 0.5 required. She explained it is appropriate location with the mixed commercial residential around the site. The use will being employees and visitors that will use the surrounding down town. It is a transitional use between the single family, multifamily uses and the commercial. She feels the application meets the positive and negative criteria.

Mr. McGinley commented that the residential across the street with parking under it, that parking is for residents only.

Mr. Denton questioned the noise determent. Ms. Gregory explained that the noise from the current use is more at night and that the assisted living would have less noise at night. Mr. Denton asked if she agreed more traffic during the day for proposed use. She stated that traffic is more evenly throughout the day while the caterers has all traffic in and out at once. Mr. Denton questioned that if the use was really in character with town center. He questioned the shops and restaurants that are only for the people that live there and their visitors not really being in

character for center. She felt that the visual change from blank wall to having doors and windows gave more sense of community and safety. Mr. Denton questioned looking at a garage for half of the building does not create streetscape appeal. Ms. Gregory did not agree and explained that the topography working with this is good use of property.

Mr. Liska questioned the property not mixed use as it was testified that there is mixed-use in the building. Mr. Denton referenced the Salon discussed. Ms. Gregory stated not mixed use. Mr. Sullivan questioned visitors or guests being able to eat meals there. Mr. Podvey replied yes. Mr. Liska argued guests are public. Mr. Lundy argued that it would be like invited a guest to eat at your apartment and that does not make a commercial use. He continued that it had been testified that there was community dining and guests are invited to eat with the residents. Mr. Gregory added that there was no payment if guest comes to dinner they are there as a guest. Mrs. DiBartolo stated that it was a single use and all other are ancillary uses. She continued this was not mixed use that was open to people off the street, all people are affiliated with residents. Mrs. DiBartolo questioned if they looked at existing Master plan zones and what zone allows for. She explained the Master Plan does not tell what uses. Mr. Denton questioned why she thought it was an oversight of the master plan. Ms. Gregory did not know exact intent of why assisted living is not mentioned and she felt it could be included but only mentioned in redevelopment zone. Mr. Podvey added that only mentioned in zoning ordinance in redevelopment zone 4 and not in the Masterplan. Mr. Liska mentioned Hilltop section 7 Senior Housing and assisted living mentioned.

Mr. Weston questioned the towns where Ms. Gregory is a planner, do they have assisted living in their town center. Ms. Gregory mentioned a Sunrise facility in Edgewater being close to what used to be the town center there.

Mr. Gaccione questioned in her testimony she argued that it is an alternative to inherently beneficial with special reasons. Ms. Gregory stated no it is an inherently beneficial use proposes purpose of zoning with parking variance and with the parking lot flexible, C-1 and C-2 variances to cover all bases. Mr. Denton for Mr. Gaccione's legal opinion on the inherently beneficial use. Mr. Gaccione explained he would like to do more research before making a decision but preliminary he would say it is.

### **Public questions for Planner:**

Brad Quick, 180 Claremont Avenue

Mr. Quick questioned if Ms. Gregory spoke to neighbors and how this would be improvement. Ms. Gregory stated she did not speak to the neighbors. She felt improvement to the traffic at night from the caterers. He asked if that was primary reason for thinking good for area. She stated that not only the change from the traffic and noise at night but because it provides for the residents of Verona and the aesthetic changes would be improvement. Mr. Quick asked how it would increase financially to the town. Ms. Gregory stated that as out of her purview and the facility rep spoke of that. Mr. Quick asked if she had looked into other facilities in Montclair or Caldwell. She stated she was not aware. Mrs. DiBartolo added that there was facilities in West Orange. Mr. Quick asked if there were any information on the impact and numbers on the need. Ms. Gregory stated no. Mr. Quick asked about the traffic signs brought up. Mr. Gaccione stated only questions on the planner testimony. Ms. Gregory stated that was something between the engineers.

Richard Aloia, 37 Malvern Place

Mr. Aloia questioned if she visited the catering at night to do a noise study. Ms. Gregory stated she did not do a noise study.

Basil Lovallo, 414 Bloomfield Avenue

Mr. Lovallo asked how they planned to get 92 people to fill the facility. He had concerns that they would not fill the building and that the change to something else. He also had concerns

about losing his view. He also was more concerned with his taxes. Mr. Denton explained that was not the planner and that the effects are the concern of the board not the economics. Mr. Lovallo questioned where in Montclair the applicants had applied. Mr. Podvey answered Church Street.

Jessica Pearson, 20 Montclair Avenue

Ms. Pearson questioned why the planner had not done a study on surrounding area of assisted living facilities. Ms. Gregory explained that was for the applicant to do a market study. Ms. Pearson questioned that she said need in town. Ms. Gregory stated yes need in the area. MS Pearson questioned her basing that need on study she did not see. Ms. Gregory explained it was based on information the applicant gave and if no need then would not go with the application. Ms. Pearson asked if this was staying in the bulk requirements of the area. Ms. Gregory stated yes. Ms. Pearson asked if she had checked if there were any zone that allowed for 92 units in an acre of land. Ms. Gregory stated she did not do analysis. Ms. Pearson sated she had and that there is a zone that allows for senior housing. Ms. Gregory argued this was not senior housing. Ms. Pearson stated senior housing was general description. Mr. Lundy stated that there was discussion on this and who could benefit from assisted living. Senior housing restricts to 55years or older and assisted living could benefit those like disabled vets that are under 55 years old. He continued assisted living is separate from senior housing, not equivalent and not for this application. Ms. Pearson felt assisted living is for seniors and in most of testimony describing residents to be more senior. Other assisted living in area like Greenhill have open space and she stated that is something in the Master Plan. This project is curb to curb with no open space. Ms. Gregory stated that the Master Plan does not call for that and referenced that. She stated Ms. Pearson misunderstood what was said. She added other testimony mentioned taking to the park to open space and taking residents out to other places. She added choose down town to be close to the places they can go out to. Ms. Pearson referenced Mr. Rafeedie mentioned a bus to go out. Ms. Gregory stated yes a bus to go out events and places. Ms. Pearson questioned the benefit of the increase in permeable surface. Ms. Gregory there was decrease in impervious on Ms. Gregory stated it was still decrease overall. Ms. Pearson questioned it being positive when you cannot sit outside. Ms. Gregory stated that you could sit outside and that was a benefit not a determent. Mr. Lundy added that there was already testimony on there being a courtyard on the property for residents to use for community activities.

Public closed

Mr. McGinley stated that they would not hear additional after 11pm. Mr. Gaccione asked to schedule new date before adjourning. Mr. Podvey stated he had requested a special meeting in October. Ms. Lawrence stated she was waiting to hear from Planning Board secretary if the October date would be good. Mr. McGinley decided to adjourn to October 25 date and stated for everyone to be prepared for any changes. Mr. Gaccione asked if applicant waived time constraint of Board. Mr. Podvey agreed. Application was adjourned to special meeting date October 25, 2018 at 8 pm without further notice.

**Resolution:**

Case 2018-07, Kevin Fremgen, 32 Otsego Road

Mr. Sullivan motioned approval of the resolution; Mr. Liska seconded the motion.

All votes aye. The resolution was memorialized.

**Minutes:**

Minutes from September 13, 2018 meeting.

Mr. Sullivan motioned for approval; Mr. Liska seconded the motion.

All votes aye, minutes approved.

Meeting was adjourned at 11:05 PM.

Respectfully submitted  
Kelly Lawrence  
Board of Adjustments Secretary