

**MINUTES OF THE BOARD OF ADJUSTMENT MEETING
Thursday February 11, 2021**

Present:

Chairman Dan McGinley
Vice Chairman Scott Weston
Mr. Larry Lundy
Michael Piromalli, Board Attorney
Mrs. Ashley Neale, Board Secretary

Mrs. Christy DiBartolo
Mr. Pat Liska
Mr. Paul Mathewson, Alternate #2 Mr.
Mr. Mike DeCarlo, Zoning Officer

Meeting called to order at 7:35 P.M. by Chairman McGinley. This meeting was held via Zoom Video Conferencing due to COVID-19 pandemic.

Open Public Meetings Act Statement is read by Secretary Mrs. Neale.

Roll Call is taken.

Pledge of Allegiance:

Chairman McGinley gives a brief overview of the Boards duties and responsibilities.

Approval of Minutes

Chairman McGinley asks for a motion to approve minutes from the meeting held on January 14, 2021. Ms. DiBartolo makes the motion, Vice Chairman Weston seconds. All present were in favor.

Resolutions

Chairman McGinley asks for a motion to approve Resolution 2021-02 Appointing Ashley Neale as Board Secretary. Mr. Liska makes the motion, Vice Chairman Weston seconds. All present were in favor.

Chairman McGinley asks for a motion to approve Resolution 2021-03 for Guildin at 1 Rawding Court. Mr. Liska makes the motion, Mr. Lundy seconds. All present were in favor.

Chairman McGinley asks for a motion to approve Resolution 2021-04 for Newman at 21 Howard Street. Mr. Liska makes the motion, Mr. Mathewson seconds. Chairman McGinley abstained, all others present were in favor.

Hearing of Application 2021-02 for 79 Franklin Street

Ms. Julie Anne Cecere testifies on behalf of owners, Marco and Amanda Zarfino. Ms. Cecere goes through her qualification as a licensed architect. The Board accepts her as an expert witness. She testifies that the applicant is seeking a variance for maximum improved lot coverage. She notes that the maximum permitted is 25 percent and they are proposing 29 percent. She adds that she believes they meet the criteria for C1 and C2 relief because the lot is a substandard size, and is already at the 25 percent lot coverage making any additional improvements over the maximum permitted. She also notes that the house sits right up along all set backs making it very difficult to put any addition without requiring a variance. She explains that the proposed addition is to create a family room off the back, and rework the current space and additional space to create 3 bedrooms and a bathroom on the second floor, along with a master suite. She notes that all leaders would be tied into the main public water system, which will mitigate the effect of imperious coverage, and not add to any water run off.

Chairman McGinley asks if any member of the Board have questions. Mr. Mathewson asks about the wetlands that are noted on the site plan. Ms. Cecere comments that they had an environmental engineer take a look and determined they can construct the addition with a permit by Rule 12. Mr. Lundy asks if the applicants have spoken to their neighbors on either side. Mr. and Mrs. Zarfino respond they have spoken to some of the neighbors and none have objected. Mr. Liska asks if there are any other sheds being proposed for the property the applicants states there are not.

Chairman McGinley asks if anyone from the public has questions. No one from the public came forward. Chairman McGinley asks if anyone from the public has any statements. No one from the public came forward.

Mr. Piromalli notes for the record that he reviewed the notices and the Board does have jurisdiction over this application.

Chairman McGinley asks for the Board to deliberate. Mr. Lundy expresses he is in favor of this application. Ms. DiBartolo and Vice Chairman Weston adds they have no issues. Chairman McGinley asks for a motion to approve application 2021-02 as presented. Mr. Lundy makes the motion, Vice Chairman Weston seconds. Roll Call is taken. All present vote in favor.

Mr. Piromalli states for the record there was an issue with the notice sent for application 2021-03 for 62 Durrell Street, that is listed on the agenda. He adds that a formal adjournment should be made. Chairman McGinley asks for a motion to adjourn that application until the March 11, 2021 meeting. Mr. Mathewson makes the motion, Ms. DiBartolo seconds. All present vote in favor.

Hearing of Application 2021-05 for 19 Hamilton

Mr. Piromalli notes for the record the he has reviewed the notices and the Board has jurisdiction over this application. He proceeds to swear in the applicants, Mr. and Mrs. Kelly.

Mrs. Kelly explains that they are looking to construct a wood deck, and require a variance because it would exceeds the maximum permitted lot coverage of 25 percent. She continues by adding the deck would be approximately 284 square feet, 22 feet wide and 14 feet back, off the back of the house. She explains that underneath the deck would be gravel.

Ms. DiBartolo asks if they ever get water from the neighbors behind them, because of the retaining wall. Mrs. Kelly responds they have on occasion but it is very infrequent. Mr. Lundy asks what the exact numbers were for the lot coverage. Mrs. Kelly testifies that they are currently at 25.8 percent and they are proposing 29.92 percent.

Chairman McGinley asks if anyone from the public has questions on this application. No one from the public came forward. He then asks if anyone from the public would like to make a statement, again no one came forward.

Ms. DiBartolo notes that neighborhood context should be looked at for this application. Vice Chairman Weston thinks think the application is reasonable and feels it could move forward as presented. Mr. Mathewson agrees and notes he is not concerned with any runoff because of the gravel under the deck.

Chairman McGinley asks for a motion to approve application 2021-05 as presented. Mr. Lundy makes the motion, Mr. Liska seconds. Mr. Liska, Mr. Lundy, Vice Chairman Weston, and Mr. Mathewson all vote in favor. Ms. DiBartolo and Chairman McGinley vote against.

Hearing of Application 2021-06 for 40 Ann Street

Mr. Piromalli states for the records that he has reviewed the notices and the Board has proper jurisdiction to hear this application. He then swears in Jillian Armenti as the applicant and owner of the property. Ms. Armenti explains they are seeking a variance for the minimum front yard set back, adding that the requirement for the R60 zone in 30 feet, they are currently at 32 feet and they are proposing 25.91 feet. She notes they recently constructed an addition on the home and are looking to add a covered area in the front yard for their children to play, the covering would also consist of a balcony off the new added living space.

Ms. DiBartolo asks the applicant to describe where they were in the construction process. Ms. Armenti responds that the addition and other renovations are about 75 percent complete at this time, but the balcony and covering off the front has not started.

Chairman McGinley asks if anyone from the public has questions or statements for this applicant. No members of the public came forward.

Ms. DiBartolo comments that she drove by the property and feels that it is obtrusive compared to the rest of the homes in the area. Mr. Liska expresses his agreement with Ms. DiBartolo's comments. Mr. Lundy comments he is sympathetic of the property having an industrial property in their back yard, and understands the desire to want more front yard living space. There is discussion on possibly shortening the balcony to make the structure seem less large.

Mr. Piromalli explains to the applicant they have a choice to adjourn the application to the next meeting and bring back revised plans or if the application goes to a vote tonight, and denied they would have to drastically change the plans before bringing them back in front of the Board.

Chairman McGinley gives the applicant a few minutes to decide if they want to move forward or proceed with a vote on the application. He asks for a motion to adjourn application 2019-12 for 25 ½ Grove Avenue to the March 11th meeting. Mr. Mathewson makes the motion, Mr. Liska seconds. All present vote in favor. Chairman McGinley asks for a motion to adjourn application 2019-14 for 21 & 25 Grove Avenue to the March 11th meeting. Mr. Mathewson makes the motion, Ms. DiBartolo seconds. All present vote in favor.

Chairman McGinley calls for a break at 9:05 PM. The meeting was called back to order at 9:11 PM.

Ms. Armenti states that they would like to proceed with a vote on the application. Chairman McGinley asks for the Board to continue with their deliberations. Mr. Mathewson and Mr. Weston comment that they agree with the previous statements made by Board members.

Chairman McGinley asks for a motion to approve application 2021-06 as presented. Mr. Lundy makes the motion, Vice Chairman Weston seconds. Mr. Lundy, Vice Chairman Weston, and Mr. Mathewson vote in favor. Ms. DiBartolo, Mr. Liska and Chairman McGinley vote against. Mr. Piromalli explains a tie vote results in a denial of the application.

Hearing of Application 2021-01 for 175 Grove Avenue

Mr. Piromalli states for the records that he has reviewed the notices and the Board has proper jurisdiction to hear this application. He then swears in Ms. Seneta Whiting as the applicant and owner of the property, and Mr. Angelo Onello as the engineer on behalf of the applicant. Mr. Onello briefly notes his qualifications for the Board, and is accepted as professional.

Mr. Onello explains the purpose of the application is to construct an in ground pool in the rear yard of the property. He goes through the Site Plan submitted as part of the application, and gives an over view of the current property characteristics. He adds the pool is approximately 394 square feet, and there would be a vegetative buffer between the pool and the setbacks. He notes there is an existing deck that would remain, and a patio around the pool would be added. He continues by explaining the drainage patterns and storm water characteristics of the property.

Mr. Onello marks into the record the following exhibits and briefly explains them to the Board:

- A1- dated 2/11/21- Ariel photo of subject property
- A2- dated 2/11/21- Ariel photo of subject property from the East
- A3- dated 2/11/21- 28 pages of site photographs

Mr. Onello goes into great detail about the retention wall of the property, and notes it will be replaced as part of the project, because it is falling apart. He notes the pool equipment will be located on the side of the house directly across from the neighbors pool equipment. He stated for the record that the variance being requested is for maximum improved lot coverage, 40 percent is required, currently at 39.36 percent and 49.75 percent is proposed. He continues by going through the comments from the Environmental Commission memo and explains the landscaping plan for around the pool.

Mr. Liska asks about the drainage pipe on the plans, noting it is 6 inches in some places and 4 inches in others. Mr. Liska also asks about the retaining wall being 7 inches higher in the proposed plan. Mr. Onello responds by stating the pipes would be laterally matched, and the retaining wall would be done to make a nice flat wall along the property. Mr. DeCarlo notes an issue with the proposed fence on one side of the property being too high. Mr. Onello notes they would step the fence back from the retaining wall the required 3 feet.

There is some more discussion on drainage pipes. Mr. Onello marks Exhibit A4 letter from McCumsey LLC to Mr. Jim Helb, Township Engineer dated 1/28/2008, into the record. He notes the letter states Mr. Helb directed all roof leaders and storm water runoff be directed to Grove Avenue.

Chairman McGinley asks if anyone from the public has any questions. Mr. Nelson Colon from 173 Grove Avenue, asks how confident this engineer is on the drainage system being proposed. Mr. Onello notes water will still go through as it currently does, but at a much lower rate. Mr. Rick Ladato asks if there would be any recourse down the road if their properties were to get flooded. Mr. DeCarlo explains that if there were complaints in the future they would be addressed. Ms. Kathy Zaccone from 8 Ann Street asks if rebuilding the retaining wall as proposed would lessen the amount of water she gets on her property.

Chair McGinley asks if anyone from the public has any statements regarding this application. Ms. Zaccone thanks them for looking at different drainage options. Mr. Colon states Mr. Onello did a good job on the design.

Ms. DiBartolo states that she appreciated Mr. Onello's thorough presentation, and Mr. Liska agrees. Other members echoed the same comments.

Mr. Piromalli lists the conditions discussed:

1. Retaining wall pipe be subject to approval by Municipal Engineer
2. Fence would be moved to have 3 foot separation from retaining wall
3. Pool discharge would not run over land, but out to the street

Chairman McGinley asks for a motion to approve application 2021-01 with the conditions listed above. Ms DiBartolo makes the motion, Mr. Mathewson seconds. All present vote in favor.

The Board discusses continuing with the Review of Proposed Application Form as stated on the agenda. It is agreed to continue that discussion at a Special meeting scheduled for Thursday, February 18, 2021.

Adjourn

There was a unanimous agreement to adjourn at 10:53 PM.

Respectfully submitted,

Ashley Neale
Board of Adjustment Secretary

PLEASE NOTE: Meeting minutes are a summation of the hearing. If you are interested in a verbatim transcript from this or any proceeding, please contact the Board of Adjustment Secretary at 973-857-4777.