

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

Present:

Chairman Dan McGinley
Vice Chairman Scott Weston
Mr. Larry Lundy
Mr. Robert Gaccione, Board Attorney

Mrs. Christy DiBartolo
Mr. Pat Liska
Mr. Paul Mathewson, Alternate #2 Mr.
Mrs. Ashley Neale, Board Secretary

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 February 11, 2021, Mr. Mathewson makes the motion, Mr. Liska seconds. All present were in favor.

Chairman McGinley asks for a motion to approve minutes from a Special meeting held on February 18, 2021. Mr. Liska makes the motion, Ms. DiBartolo seconds.

Resolutions

Chairman McGinley asks for a motion to approve Resolution 2021-06 for Zarfino at 79 Franklin Street. Mr. Liska makes the motion, Vice Chairman Weston seconds. All present were in favor.

Chairman McGinley asks for a motion to approve Resolution 2021-07 for Kelly at 19 Hamilton. Mr. Liska makes the motion, Mr. Lundy seconds. All present were in favor.

Chairman McGinley asks for a motion to approve Resolution 2021-08 for Armenti at 40 Ann Street. Mr. Liska makes the motion, Vice Chairman Weston seconds. Ms. DiBartolo, Mr. Liska and Chairman McGinley vote to approve the resolution.

Chairman McGinley asks for a motion to approve Resolution 2021-09 for Whiting at 175 Grove Avenue. Vice Chairman Weston makes the motion, Ms. DiBartolo seconds. All present were in favor.

Adjournments

Chairman McGinley asks for a motion to adjourn Application 2019-12 for 251 ½ Grove Avenue, to the April 8, 2021 meeting. Mr. Liska makes the motion, Mr. Mathewson seconds. All present vote in favor.

Chairman McGinley asks for a motion to adjourn Application 2019-14 for 21 & 25 Grove Avenue, to the April 8, 2021 meeting. Ms. DiBatolo makes the motion, Mr. Liska seconds. All present vote in favor.

Mr. Gaccione notes for the record that all notices have been reviewed and the Board has jurisdiction to hear all applications on tonight's agenda.

Hearing of Application 2021-03 for 62 Durrell Street

Mr. Gaccione swears in Louis Castelluccio and Dana Pitta as the property owners of 62 Durrell Street. Mr. Castelluccio states that they are applying for a variance to construct a patio and pool in their backyard. He introduces Ms. Kirsten Osterkorn as the Engineer on behalf of the applicant. Ms. Osterkorn briefly discusses her background and qualifications and the Board accepts her as an expert witness. Ms. Osterkorn testifies that the property is an existing non-conforming lot, where 70 feet in width is required and their property is 60 feet in width. She adds the placement of the pool and patio will require a setback variance, but that privacy and space to the neighbors should not be an issue because there is a vinyl fence along the property line that will provide a buffer. She notes the required set back is 5 feet and they are asking for 2 feet, and the lot being undersized in width meets the criteria. She testifies the second variance they are seeking is for improved lot coverage. She adds that they do not intend to have any drainage issues that would affect the neighbors because they will have a drainage pit and perimeter drain around the patio to collect any additional water runoff.

Chairman McGinley asks if any members of the Board have questions for this witness. Mr. Liska asks if the pool equipment will be fenced, Ms. Osterkorn confirms it will be fenced and unable to be seen from the street. Ms. DiBartolo asks if there will be any diving board, Mr. Casetullucio responds there will not be. Mr. Mathewson asks if any trees will be taken down to construct the project, the applicant states there will not be trees taken down.

Secretary Neale reads the Public Participation Statement for the records. Chairman McGinley asks if anyone from the public has any questions or statements on this application. No public came forward.

Chairman McGinley asks for comments from the Board. Ms. DiBartolo notes she is glad they are keeping the water on site and is in favor of the application. Vice Chairman Weston agrees. Mr. Mathewson discusses the fencing and Mr. Gaccione clarifies that all fencing will have to be compliant to Building Code in regards to pools even if the neighbor

Chairman McGinley asks for a motion to approve application 2021-03 for 62 Durrell Street with the condition that all fencing comply with all codes in the future. Mr. Mathewson makes the motion, Ms. DiBartolo seconds. All present vote in favor, application is approved 6 to 0.

Hearing of Application 2021-04 for 63 Fairview Avenue

Mr. Gaccione swears in Chandrakant Pardiwala as the homeowner and applicant. Mr. Pardiwala testifies that they are seeking to construct a 12 foot by 22-foot deck off the back of their house, where there is an existing deck that is much smaller. He adds the existing deck is narrow and does not allow much room for outdoor dining or entertaining. He notes the new deck will require a variance for the rear yard setback.

Chairman McGinley asks if there is any view into neighbor's windows from the deck. Mr. Pardiwala introduces his daughter to assist in the testimony, Mr. Gaccione swears her in. She notes the view from their deck is onto the neighbor's ground level patio and not into any second's story windows. Mr. Gaccione clarifies for the records the variance is for rear yard setback where 30 feet is required and the applicant would be at 23 feet if approved.

Ms. DiBartolo asks if they have spoken with the neighbors and if so are there any objections. Mr. Pardiwala states they have and did not hear any objections.

Chairman McGinley asks if anyone from the public has any questions or comments regarding this application. No members of the public came forward.

Chairman McGinley asks for comments from the Board. Mr. Mathewson notes he understand their position as the current deck is not usable and does not have any issues with the application. Ms. DiBartolo agrees, adding that there is no other way to utilize outside space without expanding the deck, due to the layout of the house.

Chairman McGinley asks for a motion to approve application 2021-04 as submitted. Vice Chairman Weston makes the motion, Mr. Lundy seconds. All present vote in favor, application is approved 6 to 0.

Hearing of Application 2021-07 for 168 Grove Avenue

Mr. Gaccione swears in David and Lori Lyon as the homeowners and applicants. Mr. Lyon testifies that they are seeking a variance to install a generator in the side yard of their property. He adds that their house was built on a slab and therefore would have to run gas and electric lines if it was to be installed in the rear yard as the ordinance states. He notes that where the generator would be located has a buffer of bushes and fencing to separate from the neighbors and block its view from the street. He explains the neighbor on the side of the generator has a unique property with 3 different structures and a driveway that would also be between the generator and neighboring house.

Mr. Lundy asks if they have discussed the application with the neighbors. Mr. Lyon states they have and did not get any negative feedback.

Chairman McGinley asks if anyone from the public has any comments or questions on this application. No one from the public came forward.

Mr. Liska comments he agrees, this would be the best location for the generator having the bushes and driveway as a buffer. Vice Chairman Weston agrees and adds he is in favor of approval for this variance.

Chairman McGinley asks for a motion to approve application 2021-07 as submitted. Mr. Liska makes the motion, Vice Chairman Weston seconds. All present vote in favor, application is approved 6 to 0.

Hearing of Application 2021-08 for 11 Cole Road

Mr. Gaccione swears in James and Marcia Ameen as homeowner and applicants for 11 Cole Road. Mrs. Ameen introduces Michael Ver Hage on behalf of the generator company, Generac. Mr. Gaccione swears in Mr. Ver Hage. Mr. Armeen proceeds to give a background of the property, stating Cole Road is technically a paper road and that the rear or side of the house is up for interpretation because the front is facing Belleclair Place. Mrs. Ameen explains the location of the generator would be facing trees and no other houses. She adds that Eagle Rock Reservation is behind them, and the closest neighbors would be the Bromley's and they did not have an issue.

Chairman McGinley asks about decibel testing. Mr. Ver Hage testifies that it is done once a week for 5 minutes and at 27 feet away and the level was 67 decibels, therefore from neighboring houses it would likely only be a low hum. Ms. DiBartolo asks about the window and the pavers in the area they are proposing to put the unit. Mr. Ver Hage explains that the window will be sealed to make it nonoperation, which allows them to be 18 inches off the house and the unit will go to the edge of the pavers not affecting them.

Chairman McGinley asks if anyone from the public has any questions or comments on this application. No members of the public came forward.

Vice Chairman Weston states he is in favor of approval for this application seeing that no neighbors came forward and that the location can be considered their rear yard. Mr. Mathewson agrees.

Chairman McGinley asks for a motion to approve application 2021-08 as submitted. Mr. Lundy makes the motion, Vice Chairman Weston seconds. All present vote in favor, application is approved 6 to 0.

Chairman McGinley calls for a break at 9:03 PM. The meeting was called back to order at 9:12 PM.

Hearing of Application 2021-09 for 8 Ann Street

Mr. Gaccione swears in Kathy Zacccone as homeowner and applicant for 8 Ann Street. Ms. Zacccone explains that she is applying to widen her driveway and would require 2 variances, one for the driveway exceeding 20 feet and one for the

driveway being within a foot of the property line. She adds she has 2 sons who will be home and widening the driveway would mean having 4 cars permanently in the driveway and making it wider would allow for more space and easier maneuvering of cars. She notes that the maximum permitted width is 20 feet and they are asking for a variance for 29 feet and 9 inches from the property line where 1 foot is required. She states that she has spoken to some of her neighbors and none of them had an issue with the application.

Chairman McGinley asks about the 3 inches from the property line, if coming in would and meeting the required 1 foot would make a difference for them to avoid having to seek one variance. Vice Chairman Weston asks how many cars would fit in the proposed driveway. Ms. Zaccone responds they have 4 now and with the expansion could possibly fit another 2. Chairman McGinley asks if the garage is useable. Ms. Zaccone states if cleaned out it is possible to use for a car.

Chairman McGinley asks is anyone from the public has any questions or comments of this application. No members of the public came forward.

Ms. DiBartolo expresses concern stating that Ms. Zaccone's children being home is a temporary condition and that a driveway that could hold up to 7 cars is excessive since the area is already prone to flooding. Vice Chairman Weston agrees with Ms. DiBartolo, adding a 3-car width driveway is a lot for the neighborhood. Mr. Mathewson adds that he would agree if the applicant revised the plans to change the location regarding the closeness to the property line, and requiring only one variance. Chairman McGinley agrees with Mr. Mathewson adding he would also be comfortable if they were closer to the 20-foot requirement. There is discussion on revising the application between the Board and the applicant submitting new drawings so the Board could visualize the changes.

Chairman McGinley asks for a motion to adjourn application 2021-09 to April 8th at 7:30 with no further notice required. The applicant agrees to waive all time constraints concerning this application. Mr. Lundy makes the motion. Mr. Liska seconds. All present vote in favor.

Hearing of Application 2020- 08 for 114 Franklin Street

Mr. Gaccione swears in Mike and Lindsey Dischley as homeowners and applicants for 114 Franklin. Mr. Dischley explains that they are seeking to construct a 12 by 16 deck to better utilize their outside space. He adds their current deck is very narrow and comes directly out from their kitchen, which is a level above ground level.

There are questions from the Board regarding the deck extending over an existing basement door and window. There are also comments regarding lack of information for the location of the steps on the drawings submitted. There is discussion among the Board and the applicant about submitting plans that are more detailed so the Board can clearly see where the stairs and deck would be located. The applicant agrees to waive all time constraints in regards to the application.

Chairman McGinley asks for a motion to adjourn application 2020-08 to the April 8th meeting without further notice. Mr. Liska makes the motion, Ms. DiBartolo seconds. All present vote in favor.

Chairman McGinley notes for the record Mr. Lundy left the meeting at approximately 10:00 PM.

Adjourn

There was a unanimous agreement to adjourn at 10:04 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.