

**MINUTES OF THE BOARD OF ADJUSTMENT MEETING
Thursday April 8, 2021**

Present:

Chairman Dan McGinley

Vice Chairman Scott Weston

Mr. Larry Lundy

Mr. Paul Mathewson, Alternate #2

Mr. Michael DeCarlo, Zoning Official

Mrs. Christy DiBartolo

Mr. Pat Liska

Mrs. Genevieve Murphy-Bradacs

Mr. Robert Gaccione, Board Attorney

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 March 11, 2021. Mr. Liska makes the motion, Vice Chairman Weston seconds. All present vote in favor.

Resolutions

Chairman McGinley asks for a motion to approve Resolution 2021-10 for Castellucio at 62 Durrell Street. Mr. Liska makes the motion, Ms. DiBartolo seconds. All present were in favor.

Chairman McGinley asks for a motion to approve Resolution 2021-11 for Pardiwala at 63 Fairview Avenue. Mr. Liska makes the motion, Ms. DiBartolo seconds. All present were in favor.

Chairman McGinley asks for a motion to approve Resolution 2021-12 for Lyon at 168 Grove Avenue. Vice Chairman Weston makes the motion, Mr. Liska seconds. All present were in favor.

Chairman McGinley asks for a motion to approve Resolution 2021-13 for Ammeen at 11 Cole Road. 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 May 13, 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 May 13, 2021 meeting. Vice Chairman Weston makes the motion, Mr. Lundy 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.

Continuation of Hearing of Application 2021-09 for 8 Ann Street

Chairman McGinley notes for the record Ms. Zaccone is still under oath. Ms. Zaccone testifies that she took the Boards comments from the last meeting and met with the contractor again and altered the plan accordingly. She notes that they intend to have a paver walkway up to the entrance of the house and the driveway would start off that, and be 24 feet in width, which would mean she is no longer encroaching on the property line.

Vice Chairman Weston asks if the driveway apron will also be expanded to meet the driveway. There is discussion on if this would require another variance and the Townships plans to redo Ann Street in the future.

Chairman McGinley notes for the record that Ms. Murphy-Bradacs has joined the meeting at 8:02 PM.

Vice Chairman Weston comments that he is much more agreeable to the revised application than the original one submitted. He adds he would also be in favor of approving an expanded apron to 23 feet so that apron would meet the driveway. Mr. Mathewson agrees and notes that the apron would shift because the paver walkway proposed would not require an apron.

Chairman McGinley asks if anyone from the public has questions or comments for the applicant. No one from the public came forward.

The Board deliberated and clarified the application would require 2 variances, one for the width of the driveway being 24 feet and the second for the width of the apron being approximately 24 feet to line up with the driveway.

Chairman McGinley asks for a motion to approve application 2021-09 for 8 Ann Street. Vice Chairman Weston makes the motion, Mr. Lundy seconds. Mr. Liska, Mr. Lundy, Vice Chairman Weston and Mr. Mathewson vote in favor. Ms. DiBartolo and Charman McGinley vote against. Ms. Murphy-Bradacs abstained. The application is approved 4 to 2 with 1 abstention.

Continuation of Hearing of Application 2020-08 114 Franklin Street

Chairman McGinley notes for the record that Mr. Dischley is still under oath. Mr. Dischley testifies that they have submitted new drawings that show the stairs for the deck a little clearer, and the deck would be 12 by 16 inclusive of the stairs, because the Board had questions about the location of the stairs at the previous meeting. He notes there was also a question of how close the deck would extend to the property line, he states they would be in excess of the 9 feet required from the property line.

There is discussion on the location of the deck in regards to the house, and the clarification letter sent by Mr. DeCarlo. Mr. DeCarlo clarifies some of the Zoning Codes wording and requirements regarding decks. He comments that typically in zoning the stairs and landing are separate and not part of the deck calculations, so it would be up to the Board to decide how they want to proceed.

Ms. DiBartolo notes that she has concerns with the exit door shown, she does not want that to be covered by the deck in anyway. Mr. Mathewson agrees adding it should be listed as a condition in the resolution if the application is approved. There is discussion on some errors and unclarity of the drawings submitted. Mr. Gaccione notes that for the record the Board would have to clearly state specifics if the deck were approved. The board discusses conditions and lists them as follows:

1. The east side of the deck must align with the house or be slightly to the west
2. Maximum depth of 16 feet, 12 feet of deck and 4 feet for landing and stairs
3. West side of the deck must clear the basement egress

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 a motion to approve application with the conditions stated. Ms. DiBartolo makes the motion, Mr. Mathewson seconds. All present vote in favor, application is approved 7 to 0.

Hearing of Application 2021-10 for 8 Newman Ave

Ms. DiBartolo recuses herself from this application. Mr. Gaccione swears in Mitch and Claudia O'Brein as owners and applicants for the property. Mr. O'Brein testifies that they are seeking to widen the curb cut of their driveway, to match the existing width of their driveway. He notes that their current apron is about 16 feet and they are requesting to widen it to 24 feet. He adds that his current driveway width is 20 feet and that his neighbors sump pump is located just outside the propose expansion and he does not intend to disturb it.

Mr. Liska asks if Mr. O'Brein had considered a 20 foot curb cut considering that is how wide the driveway is and if the apron flares out 2 feet on either side it will be in the neighboring property. Ms. Murphy-Bradacs asks if he had spoken to the neighbors and if they expressed any objections. Mr. O'Brein comments that he had, and only the neighbor directly next to him with the sump pump wanted to make sure it would be protected.

Chairman McGinley asks is anyone from the public has any questions or comments regarding this application. Nathaniel Johnson from 6 Newman, wanted to express concern about the protection of his drainage pipe.

Chairman McGinley asks for the Board to deliberate. Mr. Liska comments he would be more in favor if the apron were the same width as the driveway as opposed to 24 feet. Vice Chairman Weston agrees the current driveway is not very functional, and he would be in favor if the flare did not exceed the width of the current driveway. Mr. Gaccione states that he believes it would be outside the Boards authority to let the curb cut go beyond a property line.

Chairman McGinley asks for a motion to approve application 2021-10 for 8 Newman with the condition that the curb cut does not exceed past 24 feet or extend beyond the eastern property line. Mr. Lundy makes the motion, Vice Chairman Weston seconds. Mr. Liska, Mr. Lundy, Ms. Murphy-Bradacs, Vice Chairman Weston and Mr. Mathewson vote in favor. Chairman McGinley votes again and Ms. DiBartolo abstains. The application is approve 5 to 1 with 1 abstention.

Hearing of Application 2021-11 for 27 Ozone Avenue

Mr. Gaccione swears in Anthony Palma as owner and applicant for the property. Mr. Palma testifies that he is planning to construct a 2 story addition on the right side of his residence. He adds they are seeking a variance for the side yard setback being too close, and the height of the roof exceeds the maximum by 2 feet. Mr. DeCarlo clarifies he is seeking 4 variances, one for exceeding minimum side yard setback, one for exceeding the side yard setback percentage, one for exceeding maximum lot coverage and one for the roof exceeding the maximum height.

Chairman McGinley asks Mr. Palma if he had spoken to the neighbors about the project. Mr. Palma responds that he has spoken to them, and they have no objections. Chairman McGinley notes that there were some utilities currently in the side yard, and asks where they will be moved. Mr. Palma states they will be moved to the rear of the house. Ms. DiBartolo suggests that because its only 6 inches from the maximum 30 feet height, he could make the pitch of the roof flatter to avoid that variance. Mr. Palma states he does not have a problem with that.

Chairman McGinley asks if anyone from the public has any questions or comments for the applicant. No one from the public came forward.

Mr. Mathewson notes some concern for the future maintenance of the property, considering it would be so close to the lot line. Ms. DiBartolo notes that because of the neighborhood aesthetic she does not have an issue with the addition because the neighboring house larger and boxier, the addition would make the corner more complete.

Chairman McGinley asks for a motion to approve application 2021-11 for 27 Ozone Avenue, with the condition the building height does not exceed the maximum allowed of 30 feet. Ms. DiBartolo makes the motion, Vice Chairman

Weston seconds. Ms. DiBartolo, Mr. Liska, Mr. Lundy, Ms. Murphy-Bradacs, Vice Chairman Weston and Chairman McGinley all vote in favor. Mr. Mathewson votes against. The application is approved 6 to 1.

Executive Session

Chairman McGinley asks for a motion for the Board to enter into an Executive Session at 10:01 PM. Mr. Liska makes the motion and Vice Chairman Weston seconds. The Board returns from Executive Session at 10:13 PM.

Adjourn

There was a unanimous agreement to adjourn at 10:15 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.