

**MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
Thursday May 13, 2021**

Present:

Chairman Dan McGinley

Mr. Pat Liska

Mrs. Genevieve Murphy-Bradacs

Mr. Michael Piromalli, Board Attorney

Mrs. Christy DiBartolo

Mr. Larry Lundy

Mr. Paul Mathewson, Alternate #2

Mrs. Ashley Neale, Board Secretary

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Meeting called to order at 7:33 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 April 8, 2021. Mr. Liska makes the motion, Ms. DiBartolo seconds. All present vote in favor.

**Resolutions**

Chairman McGinley asks for a motion to approve Resolution 2021-14 for Dischley at 114 Franklin Street. Ms. DiBartolo makes the motion, Ms. Mathewson seconds. All present were in favor.

Chairman McGinley asks for a motion to approve Resolution 2021-15 for Zaccone at 8 Ann Street. Mr. Liska makes the motion, Mr. Mathewson seconds. Ms. DiBartolo and Chairman McGinley abstained. All others present were in favor.

Chairman McGinley asks for a motion to approve Resolution 2021-16 for O'Brein at 8 Newman Avenue. Mr. Liska makes the motion, Ms. DiBartolo seconds. Chairman McGinley and Ms. DiBartolo abstained. All others present were in favor.

Chairman McGinley asks for a motion to approve Resolution 2021-17 for Palma at 27 Ozone Avenue. Ms. DiBartolo makes the motion, Mr. Liska seconds. Mr. Mathewson abstained. All others present were in favor.

**Adjournments**

Chairman McGinley asks for a motion to adjourn Application 2019-12 for 251 ½ Grove Avenue, to the June 10, 2021 meeting. Mr. Liska makes the motion, Mr. Lundy seconds. All present vote in favor.

Chairman McGinley asks for a motion to adjourn Application 2019-14 for 21 & 25 Grove Avenue, to the June 10, 2021 meeting. Mr. Liska makes the motion, Ms. DiBartolo 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 2021-12 for 91 Forest Avenue**

Mr. Piromalli notes for the record that he has reviewed the legal notices are the Board as proper jurisdiction to hear this application. He then swears in Lucas Buzzard as the applicant and homeowner.

Mr. Buzzard testifies that his application is asking for the ability to install a 4-foot fence, 6 inches from the property line. He adds that because the property is on a corner lot, they do not have much of a backyard, but more of a side yard. They would like the fence to be because they have small children and want to protect them from the street. He notes the variances being requested are for the height of the fence being over the 3-foot requirement, and for the fence being within 10 feet of the lot line.

Ms. Murphy-Bradacs asks what the material of the fencing will be. Mr. Buzzard responds that it would be a wood picket fence. Mr. Liska notes the fencing appears to be set far enough back from Forest Avenue, that no site lines would be blocked. Chairman McGinley suggests adjusting the location of the fence so that instead of 6 inches from the property line it was closer to 2 or 3 feet. Ms. DiBartolo comments that she feels the fence would obstruct the streetscape. Mr. Buzzard notes that he has spoken to the neighbor directly behind him and they did not have any issues with this project.

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

There is discussion about moving the fence back to 2 feet off the property line and planting greenery in between. The applicant agreed.

Chairman McGinley asks for a motion to approve application 2021-12 with the following conditions.

- The fence will be a 4 foot wooden picket fence
- The fence will be 2 feet off the property line on Howard Street
- Evergreen plantings a minimum of 4 feet in height will be planted between the property line and the fence.

Mr. Lundy makes the motion and Mr. Liska seconds. Roll Call was taken. Ms. DiBartolo votes against, all others present voted in favor, application is approved 5 to 1.

### **Hearing of Application 2021-13 for 73 Franklin Street**

Mr. Piromalli notes for the record that he has reviewed the legal notices are the Board as proper jurisdiction to hear this application. He then swears in Brian & Carrie Quigley as the applicants and homeowners.

Mr. Quigley explains that they are looking to install an aboveground pool, and the variance they are seeking is for the pool to be 8 feet from the property line, instead of the required 10 feet. He adds the property has a 15-foot sewer easement that restricts them from putting the pool anywhere else on the property. Mrs. Quigley notes they are also replacing and adding a 6-foot privacy fence and plantings for noise absorption, she adds they only have a neighbor on one side, as the other side borders the Peckman River. Ms. DiBartolo asks what the pool would have. Mrs. Quigley responds that there will be a self-locking ladder. Chairman McGinley asks about flooding on the property. Mrs. Quigley states that they only had flooding one time in a bad storm and it was not where the pool would be located.

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

Mr. Liska states that he likes that they are keeping the pool further from the river, and that there would be screening with the fence and plantings. He adds that he does not have a problem with the application, especially since no neighbors came forward. Mr. Mathewson agrees, adding that there is still plenty of space for walking between the pool

and property line. Mr. Lundy notes also agrees, stating they are fitting it the best way possible with the constraints on the property, and that 2 feet is not a substantial detriment to the zone.

Chairman McGinley asks for a motion to approve application 2021-13 as submitted. Ms. DiBartolo makes the motion, Mr. Mathewson seconds. All present voted in favor, application is approved 6 to 0.

### **Adjourn**

There is discussion amongst the Board about the possibility of having a Special Meeting on June 17<sup>th</sup> and any upcoming applications. There was a unanimous agreement to adjourn at 8:48 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.*