MINUTES OF THE BOARD OF ADJUSTMENT MEETING
Thursday February 10, 2022

Present:

Chairman Dan McGinley	Vice Chairman Scott Weston
Mrs. Christy DiBartolo	Mr. Pat Liska
Mr. Larry Lundy	Mr. Paul Mathewson, Alternate #2
Mr. Michael Piromalli, Board Attorney	Mrs. Ashley Neale, Board Secretary

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Meeting called to order at 8:06 P.M. by Chairman McGinley. Open Public Meetings Act Statement is read by Secretary Mrs. Neale.

Pledge of Allegiance

Chairman McGinley gives a brief overview of the Boards duties and responsibilities. Roll Call is taken.

Approval Minutes

Chairman McGinley asks for a motion to approve minutes from the Regular meetings held on December 9, 2021. Vice Chairman Weston makes the motion, Mr. Liska seconds. All present vote in favor.

Withdrawal of Application 2019-14 for 21 & 25 Grove Avenue

Chairman McGinely notes that the applicant's attorney has submitted a letter to the Board requesting the application be withdrawn without prejudice. Chairman McGinely notes that a formal resolution will be written and memorialized at the next meeting. He asks for a motion to approve the withdrawal, Vice Chairman Weston makes the motion, Ms. DiBartolo seconds. Roll call is taken, all present vote in favor. Motion passes 6 to 0.

Adjournments

Chairman McGinley notes that the Board has yet to receive the settlement agreement pertaining to application 2021-12 for 251 ½ Grove Avenue, and therefore they will have to be adjourned to the Board's next regular meeting on Thursday March 3, 2022 at 8:00 PM. He asks for a motion to approve the adjournment. Mr. Liska makes the motion, Vice Chairman Weston seconds, and all present vote in favor.

Application 2021-22 for 12 Beechwood

Mr. Piromalli swear in Catherine and Peter Gaynor as owners and applicants for 12 Beechwood Road. Mr. Piromalli notes he has reviewed the legal notices and the Board has proper jurisdiction to hear this application. Ms. Gaynor notes that they purchased the property a little over a year ago and wanted to optimize their outdoor space. She notes they hired a contractor to expand the concreate slab and they did not know that it would require any variances until Mr. DeCarlo contacted them. Chairman McGinley notes that they are encroaching on the side yard setback by approximately three feet. Ms. Gaynor explains that they have added a fence to try to make things better for their neighbors.

Chairman McGinley asks if anyone from the Board has questions regarding this application. Vice Chairman Weston asks if the concreate slab that was there prior is in the same location. Ms. Gaynor notes that it was extended in some

places and decreased in others. Ms. DiBartolo notes that the property slopes to the rear and asks if they get water in their yard. Ms. Gaynor responds that a small patch accumulates water but has improved since they have planted new arborvitae. Chairman McGinley asks if the yard slopes toward or away from their garage. Ms. Gaynor notes it slopes toward the garage. Mr. Mathewson asks if they notified their neighbors prior to starting the project. Mr. Gaynor admits they had thought the mason would be coming in 2 weeks and he showed up the following day so there was not much advanced notice. Mr. Liska asks about the drain located near their garage and where it goes. Ms. Gaynor notes she does not.

Chairman McGinley asks if anyone from the public has any questions regarding this application. No members of the public came forward. He then asks if anyone from the public would like to make a statement regarding this application.

John and Linda Tichenor- 14 Beechwood: Mr. Tichenor notes that what was previously there was a walkway only wide enough to have garbage cans on. He adds it was not somewhere you could put tables and have parties, which is what it has become. He notes that his wife teaches on the computer and they are able to hear everything when the Gaynor's are on the patio. He adds they should be in their backyard not in between the houses, noting they are very close to their home. Ms. Tichenor adds that it is difficult to keep their windows open in the nice weather and has had trouble sleeping from the noise.

Chairman McGinley closed public comments and asks the Board to deliberate. Mr. Liska notes he thinks that there is a fair argument to not have people that close to the neighbors. Mr. Lundy asks what the total square footage in violation would be. Chairman McGinley notes it would be about 66.5 square feet. Ms. DiBartolo notes that these site are small and that if they were in their back yard they may still be able to hear them. She notes that it would probably not be feasible to put a patio like this in the backyard because of the slope. Chairman McGinley asks Mr. Piromalli if the Board should give any weight to the fact the patio is already built. Mr. Piromalli notes the application should be considered as if they were applying pre construction. Ms. DiBartolo notes that the Environmental Commission commented on the impervious coverage, that was not part of this application. Mr. Piromalli notes that variance that was not part of the legal notice or Mr. DeCarlo's original letter and recommends that it be added if the Board votes favorably for this application.

The Board agrees that Mr. DeCarlo should weigh in on the impervious surface calculations before they would be comfortable making a decision on this application. Mr. Piromalli asks Mr. and Ms. Gaynor if they would agree to the application be adjourned to the Board's next meeting, Thursday March 3, 2022 at 8:00PM and agree to waive any time constraints the Board may have under the Municipal Land Use Law. Mr. and Ms. Gaynor agree to the adjournment.

Adjourn

There was a unanimous agreement to adjourn at 8:59PM.

Respectfully submitted,

Ashley Neale

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.