MINUTES OF THE BOARD OF ADJUSTMENT MEETING
Thursday March 3, 2022

Present:
Chairman Dan McGinley
Mr. Pat Liska
Ms. Genevieve Murphy-Bradacs
Mr. Michael DeCarlo, Zoning Officer
Mrs. Ashley Neale, Board Secretary
Mrs. Christy DiBartolo
Mr. Larry Lundy
Mr. Paul Mathewson, Alternate #2
Mr. Robert Gaccione, Board Attorney

Meeting called to order at 8:08 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 February 10, 2022. Mr. Lisk makes the motion, Mr. Mathewson seconds. Ms. Murphy-Bradacs abstains. All others present vote in favor.

Resolution

Chairman McGinely asks for a motion to approve Resolution 2022-01, memorializing the withdrawal of application 2019-14 for 21 & 25 Grove Avenue. Mr. Liska makes the motion, Ms. DiBartolo seconds. All present vote in favor.

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 April 14, 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- Continued from 2-10-22

Chairman McGinley notes for the record that Mr. and Mrs. Gaynor were previously sworn in and remain under oath. Mr. DeCarlo gives a brief overview on the variances they are requesting. Noting specifically that prior to the patio they were already over the allowable lot coverage. He also notes that they require a variance for the patio encroaching on the side yard setback by 2 feet.

Chairman McGinley asks for the Boards thoughts on approving the application as is. Mr. Mathewson comments that he feels the setback should be upheld and feels the patio is tight to the neighbor's house. Ms. DiBartolo notes that even with the 2 feet removed the neighbors will still be able to hear if people are out on the patio. Ms. Murphy-Bradacs and Mr. Liska note they agree with Ms. DiBartolo and do not feel removing 2 feet of the patio will have a significant difference. Ms. DiBartolo suggests compromising and removing part of the patio in the front of the house to lessen the amount of impervious coverage.

Chairman McGinely allows Mr. & Mrs. Tichnor to comment on the application. Mrs. Tichnor notes that the patio abuts her bedroom window, affecting her quality of life.

Chairman McGinley asks for a motion from the Board to approve application 2021-22 with the condition that the applicant remove some of the front walkway to reduce the amount of impervious coverage. Ms. Murphy-Bradacs makes the motion, Mr. Liska seconds. Chairman McGinley and Mr. Mathewson vote against, and all others present vote in favor. The application is approved 4 to 2.

Application 2022-01 for 43 Summit

Mr. Gaccione swears in Mr. Robert Ferraro, attorney on behalf of the applicants and owners of 43 Summit Road, John and Jennifer Masters. Mr. Masters is also sworn in. Mr. Ferraro notes that the applicant is proposing to build a front porch on the property, that would require a variance for the front yard setback and front yard extension of feet and square feet. He notes that Mr. Masters and his wife recently purchased the property and are in the process if adding a second floor addition. Mr. Masters notes that the property is on a cul-de-sac and that other properties have a similar aesthetic and front porches.

Chairman McGinley asks if the Board has any questions for Mr. Masters. Mr. Liska asks how deep the current overhang of the roof is on the house. Mr. Masters notes there is no real overhang currently. Chairman McGinley asks if he has spoken with any neighbors. Mr. Masters responds that he has and no one had objections on the application.

Chairman McGinley asks if any members of the public had questions for this witness. No members came forward. Mr. Gaccione swears in Karen Brinkman as the architect for the project. Ms. Brinkman provides a brief summary of her background and qualifications. Mr. Ferraro asks Ms. Brinkman why the porch requires a variance, noting the required front yard setback is 35 feet. Ms. Brinkman notes that because of the cul-de-sac the distances vary slightly but that the shortest point would be 27 feet. Ms. Brinkman notes that she does not feel that the porch construction would have any negative impact on the surrounding neighborhood. She adds that because there is not a continuous straight line the setback is not as apparent. She notes that because there is a brook in the rear of the property that is considered wet lands, there are limitations on what can be done.

Chairman McGinley asks Ms. Brinkman if they are amenable to complying with the request from the Environmental Commission regarding the down spouts being disconnected from the storm drains. Ms. Brinkman notes that they would agree to that stipulation. Chairman McGinley asks if anyone from the public has any questions for Ms. Brinkman. No one from the public came forward.

Mr. Ferraro gives a brief summary of the application. Chairman McGinely asks for comments from the Board. Ms. DiBartolo notes that she would like to see the porch reduced to 6 feet because it would shorten the front yard. Mr. Lundy comments he does not see an issue approving it as submitted. Chairman McGinley asks for a motion to approve application 2022-01 as submitted. Ms. Murphy-Bradacs makes the motion, Mr. Lundy seconds. All present vote in favor, the application is approved 6 to 0.

Application 2022-02 for 48 Kenwood

Mr. Gaccione swears in Daniel Zarfino as owner and applicant for 48 Kenwood Road. Mr. Zarfino notes that they a proposing to construct an in ground pool that would require variances for the improved lot coverage, shed not meeting setback requirements and exceeding aggregate coverage for an accessory structure. He notes they have owned the house since 2009 and have raised their children there.

Chairman McGinley asks if members of the Board have questions. Mr. Mathewson questions what size shed they are proposing. Mr. Zarfino notes that the shed is approximately 8 x 12 feet. He adds that the shed is already existing on the property but they are intending to move it when constructing the pool. Mr. Liska asks if any of the retaining walls are new. Mr. Zarfino notes that those walls have been there since he purchased the property. He adds the yard is unusable with the walls in their current locations. Mr. Liska asks about the drainage from the current walls and if the pond on

the property was going to remain. Mr. Zarfino notes he is unaware of where the walls drainage is located and that the pond would be removed. Ms. DiBartolo notes that from the pictures the applicant has submitted there appears to be a walkway not represented on the survey.

Mr. Zarfino notes that they intend to remove the existing deck in its entirety. He adds he would then install the pool and rework the retaining walls. He testifies that a seepage pit will be installed to mitigate any storm water runoff. Mr. Liska asks where the drainage would be for the new walls being constructed. Mr. Zarfino notes the plans call for weep holes through to rocks for drainage. Ms. DiBartolo asks if they considered relocating the pool to be closer to the house. Mr. Zarfino notes that they would be unable to move it closer due to the topography of the property. There is some discussion regarding the elevation of the property and the neighboring ones.

It was noted that a neighbor had submitted a letter regarding the application that was not forwarded to the applicants. There was some discussion regarding tree removal and permitting. Mr. Gaccione notes that the applicants should have time to review the letter submitted by the neighbor and can request to adjourn until the Board's next meeting. The applicant agreed to waive all time constraints under the Municipal Land Use Law. It is announced that this application is being adjourned to April 14th at 8:00 PM at the Verona Community Center, and no new notices will be required. Mr. Liska makes the motion to accept the adjournment, Mr. Lundy seconds. All present vote in favor.

Adjourn

There was a unanimous agreement to adjourn at 9:53 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.