MINUTES OF THE BOARD OF ADJUSTMENT MEETING
Thursday April 14, 2022

Present:
Chairman Dan McGinley
Mr. Pat Liska
Mr. Michael DeCarlo, Zoning Officer
Mrs. Ashley Neale, Board Secretary
Vice Chairman Scott Weston
Mr. Larry Lundy
Mr. Michael Piromalli, Board Attorney

Meeting called to order at 8:00 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 March 3, 2022. Mr. Liska makes the motion, Mr. Lundy seconds. Vice Chairman Weston abstains. All others present vote in favor.

Resolution

Chairman McGinely asks for a motion to approve Resolution 2022-02, for 12 Beechwood Road. Mr. Liska makes the motion, Mr. Lundy seconds. Vice Chairman Weston abstains. All others present vote in favor.

Chairman McGinley asks for a motion to approve Resolution 2022-03 for 43 Summit Road. Mr. Liska makes the motion, Mr. Lundy seconds. Vice Chairman Weston abstains. All others 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 May 12 2022 at 8:00 PM. He asks for a motion to approve the adjournment. Vice Chairman Weston makes the motion, Mr. Liska seconds and all present vote in favor.

Application 2022-03 for 756 Bloomfield Avenue

Mr. Jack Dusinberre notes he is the attorney representing the applicant. He comments that the Verona Cedar Grove Times failed to publish the legal notice, and therefore they are forced to request and adjournment to the Board's next meeting. He requests that no addition notice be required for property owners within 200 feet. Chairman McGinley asks for a motion to approve the adjournment request. Mr. Liska makes the motion, Vice Chairman Weston seconds, and all present vote in favor.

Application 2022-02 for 48 Kenwood- Continued from March 3 meeting

Mr. Dusinberre notes that he is also representing Dana & Daniel Zarfino for their application tonight. Mr. Dusinberre notes that he was not present at the last meeting where this application was heard, but has watched the video and is aware of what took place. Mr. Dusinberre notes that due to the letter submitted by the concerned neighbor, the Zarfino's decided to revisit the plan for the pool, and revised the location of the pool to be closer to the house avoiding any issues with the neighbors tree. He notes that the impervious coverage has changed from 49.4% to 49.2%, allowing for shed and playhouse to remain. He notes that there will be a variance required for the side yard setback, where 10 feet is required and 8 feet is proposed.

Mr. Piromalli swears in Mr. Dave Egarian as the applicant's engineer. Mr. Egarian give a brief background on his experience and education, the Board accepts him as an expert witness. Mr. Piromalli also swears in Mr. Daniel and Mrs. Dana Zarfino. Mr. Dusinberre notes that applicant has submitted a revised plan and that would be marked as Exhibit A1- dated 4/14/22.

Mr. Egarian notes they have relocated the pool to be less intrusive to the side yard and that there would still require a variance for 2 feet of the side yard setback. Mr. Egarian notes there will be drywell to pick up the drainage from the paver walkways to an underground storage chamber that would tie into drains in the yard and be take out to the street. Mr. Egarian testifies that this would mitigate the entire 49 percent of coverage, which would improve conditions.

Vice Chairman Weston asks if the dry well would be 1,000 gallons, Mr. Egarian notes it would. Chairman McGinley asks about a shaded area near the lot line and asks if that would become new patio. Mr. Egarian notes that is the applicants playhouse that will be relocated for this project and that it would become patio. Mr. DeCarlo notes that would require another variance because patios need to be at least 5 feet from the property line and that would only be about 1 foot. Vice Chairman asks how high the retaining wall on the east side of the property was, Mr. Egarian notes its about 3 to 4 feet. Mr. Liska asks Mr. DeCarlo how the setbacks are measured, from the coping or from the water's edge. Mr. DeCarlo notes the ordinance states to the wall of the pool. Chairman McGinley asks if any consideration was made into reducing the lot coverage. Mr. Zarfino notes they did consider it but if the pool was any smaller, the deep end would only be 6 feet and they would like to have it be 8 feet.

There is discussion regarding removing the playhouse and how much that would reduce the impervious coverage. It is determined it would only lessen the percentage by approximately one. There is discussion regarding removing part of the paved area labeled construction access on the plans. Chairman McGinley notes that is within 5 feet of the property line, Mr. Dusinberre responds that it is a pre-existing condition. Mr. Dusinberre notes that after discussing with his clients and Mr. Egarian they propose to leave the existing deck and withdraw the proposed raised patio, netting approximately 100 square feet less of impervious coverage, which is about 1 percent less. Mr. DeCarlo asks about the size of the trees and if they intend on removing any. Mr. Zarfino notes that the base of the trunks are no bigger than 6 inches, and that he would like to replant them on the property. Mr. DeCarlo suggests a condition that the trees be required to be inspected by him prior to removal.

Chairman McGinley asks if anyone from the public has questions for any of the witnesses. Denisa Klinkova-Bacek from 155 Franklin Street asks about the retaining wall at the rear of the property and if they intend to excavate in that area. Mr. Zarfino notes it is existing and approximately five feet, and that the size would remain similar.

Chairman McGinley asks if anyone from the public would like to make a statement. Ms. Klinkova-Bacek thanks her neighbors for considering her concerns and modifying the project to reflect them. She notes she no longer has any objections to the project.

Mr. Dusinberre gives a brief summary on the testimony and variances required for this project. Specifically noting that they are continuing with the raised patio and not keeping the deck as previously discussed.

Chairman McGinley asks the Board to deliberate. Vice Chairman Weston notes that the revised plan is reasonable and has lessened the concerns regarding the neighbor's tree. He notes the setbacks are minor, and that the seepage pit would pick up any excess water. He adds that he would be agreeable to leaving the playhouse, as it would only have minimal impact on the coverage. Mr. Liska agrees with the Vice Chairman. Mr. Lundy comments that it is positive when neighbors can respectfully hear each other out and make compromises to please both parties. Chairman McGinley states he also feels the playhouse can stay, but he is uncomfortable with patio's being so close to property lines.

Mr. Piromalli states all variances for the record.
- Patio being 1 foot from the property line
- Minimum side yard setback of 8 feet where 10 is required
- Improved lot coverage being 49.2%

He notes there would be a condition allowing the Zoning Officer to inspect the trees on the property prior to removal to ensure that they are less than 6 inches in caliper and they would submit a fully conforming drainage plan subject to review and approval of the Zoning Official.

Chairman McGinley asks for a motion from the Board to approve application 2022-02 with the listed conditions. Mr. Lundy makes the motion, Vice Chairman Weston seconds. Mr. Liska, Mr. Lundy and Vice Chairman Weston vote in favor. Chairman McGinley votes against. Application is approved 3 to 1.

Adjourn

There was a unanimous agreement to adjourn at 8:52 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.