TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY

MINUTES OF THE VERONA BOARD OF ADJUSTMENT MEETING
OF THURSDAY, NOVEMBER 21, 2024

Meeting held in the Ballroom of the Verona Community Center @ 880 Bloomfield Avenue, Verona, NJ 07044 @ 7:30PM

PRESENT:

Chairman Dan McGinley
Vice Chairman Scott Weston
Mr. Paul Matthewson
Dr. Bill Cuartas
Dr. Edith Ries
Mrs. Christy DiBartolo
Mr. Mascera, Board Attorney
Mr. Michael Caggiano, Board Engineer
Ms. Kathleen Miesch, Zoning Official
Ms. Caitlin Kester, Board Secretary

Call to Order: Chair McGinley calls the meeting to order at 7:33 pm

APPROVAL OF MINUTES:
None

RESOLUTIONS:
1. **Resolution BOA 2024-18 - Application 2024-10: 30 Pompton Avenue; Block 202, Lot 44 - ETC Zone** granting approval for dense landscape buffer; less than 20% of lot shall be reserved for open space and landscaping; 5 foot Starbucks medallion sign; change of use and minor site plan application to permit Starbucks to occupy the premises – all conditions as agreed upon by the applicant and further conditioned by the Board. Denying of 20 foot high pylon sign.
Vice-Chair Weston makes the motion, **Mr. Matthewson** seconds.
Dr. Ries did not vote, Mrs. DiBartolo voted no, the remaining commissioners in attendance voted in favor. **Motion Passes.**

NEW BUSINESS:

1. **Application 2024-17: 29 Otsego Road; Block 804, Lot 23 – R-50B Zone.** Applicant requests approval for fencing along the SE property line, frontage on Lanning Road, Variances are required:
a. Per § 150-7.3 Fences B. Fencing shall not exceed six feet in any yard up to the front facade of the principal Application 2024-19: structure where said fencing shall not exceed three feet;
D. No fencing shall be installed within 10 feet of a front lot line. Relief is sought from Zoning Code:

    I. § 150-7.3 Fences B. Fencing shall not exceed six feet in any yard up to the front facade of the principal

Chair McGinley recuses himself from this application turns the meeting over to Vice-Chair Weston.

Attorney Mascera announces the application is deemed complete and the notice was proper to proceed

Witnesses:
- Jerry DeYoung, Homeowner of 29 Otsego Road

Exhibits:
- Exhibit A-1 – Manufacturers catalog Vanguard

Applicant Jerry DeYoung, 29 Otsego Road, Verona, NJ – Sworn in by Board Attorney Mascera

- Applicant testifies that he is proposing to install a fence along the Lanning Road side of his corner property

- Received the denial on July 9, 2024
- Applying for one variance:
  - Fencing shall not exceed 6 feet in any yard up to the front façade of the principal.
- The property is a corner lot Otsego Road and Lanning Road
  - **Exhibit A-1** - Manufacturers catalog Vanguard and style is Contemporary E2, which is black aluminum
  - The need to install and place the fencing from the middle of the house to the garage in the proposed location is due to privacy from kids walking through the yard, protecting the new boxer puppy, who will be able to jump over 4 foot fence, as well as future children of the homeowner
  - Mr. Weston asks if the applicant will be removing shrubs
  - Applicant says no
  - Dr. Ries asks if the existing shrubs will be in front or back of the fence
  - Applicant states behind fence
  - Board discusses screening of shrubbery
  - Mrs. DiBartolo asks if the applicant parks in their garage and if not would gate be access point
  - Applicant says his wife does; Mr. DeYoung parks on the street and gate would be entry point
  - Mr. Ryan asks if the dogwood tree mentioned in the Verona Environmental Commission is being removed
  - Applicant is keeping the tree as is
  - Board discusses 4 foot fence
  - Applicant proposes settling between 6 feet and 4 feet at 5 feet height; Board agrees with 5 foot height

Board Deliberation:

Conditions: 5 foot fence on the Lanning Road side of property. Shrubbery needs to be installed in front of fence within a year of approval.

Vice Chair Weston asks for a motion to approve.
Mr. Ryan makes the motion to approve with condition of shrubbery; **Mrs. DiBartolo** seconds the motion

Roll Call Vote:

	AYES	NAYS	ABSTENTION
Mr. Tully	X		
Dr. Cuartas	X		
Mr. Ryan	X		
Mrs. DiBartolo	X		
Mr. Matthewson	X		
Vice Chair Weston	X		
Chair McGinley			X

Motion Passes.

2. Application 2024-19: 45 Woodland Avenue; Block 905, Lot 13 – R-60 Zone. Applicant seeks approval to construct a 480 square foot in-ground pool; 147 square foot covered front porch; 656 square foot patio; 147 square foot pergola; 43 square foot wall; upgraded gate; generator. Variances are needed for the following:

a. Per Section § 150-17.3 D (4), the maximum improved lot coverage allowable is 40%; current shows as 3084 SF / 36.7% with proposed 4321SF / 51.4%;

b. Per § 150-17.3 F (4) Maximum aggregate area covered by accessory structures in the yard it is located in is 15%; rear yard is 3780 square feet with a proposed 1136 square feet or 30% coverage;
c. Per Section § 150-5.3 G (1) Unenclosed balconies or unenclosed porches or steps may have a roof over same within the yard areas not to exceed a maximum projection of 5 feet in the front yard where proposed is 6 feet;
d. Per Section 150-5.3 G (1), the maximum square footage of the porch permitted is 35 square feet. The proposed porch is 147 square feet with the steps of 21 square feet;
e. Proposed equipment pad is 0.8 feet (91/2") from the rear property line.

Attorney Mascera announces the application is deemed complete and the notice was proper to proceed

Witnesses:

- Peter Malanga – Owner of 45 Woodland Avenue
- Arthur Henn – Architect
- William Stimmel – Engineer and Planner

Exhibits:

- A-1 – pictures taken Thursday, November 14, 2024 by Mr. Henn

Attorney Alan Trembulak, 363 Bloomfield Avenue #2C, Montclair, NJ – Previously sworn in by Board Attorney Mascera

- Representing the property owner, Peter Malanga, of 45 Woodland Avenue
- House has been undergoing interior renovations
- Several variances related to covered porch in front of the house and improvements in rear yard
- The witness who will testify as a professional engineer will review the plans for the Board but did not design them.

Applicant Peter Malanga, 45 Woodland Avenue, Verona, NJ 07044 – Sworn in by Board Attorney Mascera

Arthur Henn, 20 E Summer Avenue, Roselle Park, NJ 07204 – Sworn in by Board Attorney Mascera; New Jersey Institute Technology Bachelors in Architecture, licensed architect practicing 24 years – accepted as expert;

- Prepared the plans for the covered porch
- Proposing covered porch 6 feet deep that would go beyond the front yard setback by 1 foot 2 ½ inches
- Mr. Henn used his laser to shoot measurements from the curb to front of the house
    - With proposed porch and steps, the porch would be 6 inches shorter than the neighbor to the left
- Mr. Henn reviews the following exhibit which were distributed to the Board and also shared with the audience:
    - Exhibit A-1 - pictures were taken Thursday, November 14, 2024 by Mr. Henn – 2 pages with 4 photographs
        - First page, top photo is from Google Earth aerial view of 45 Woodland Avenue with house to the left which is closer to the street
        - First page, bottom picture shows 45 Woodland Avenue in relation to neighbor to the left
        - Second page, top picture is from 45 Woodland Avenue stoop looking up the street, with the neighbor to their left front projecting beyond the face of 45 Woodland Avenue
        - The house to the right and subsequent houses along the street are consistent in line

- Width of the porch 21 feet wide with steps 7 feet wide
- Railing, columns and trim basic materials, PermaCast columns for architectural feel
- Mr. Henn says the front porch will give some curb appeal to the house, protection for bringing in groceries
- Mr. Weston asks to confirm dimensions of front porch
- Mr. Henn states porch is 6 feet going out towards the street and 21 feet wide
- Discussion if 1 or 2 variances are needed for the square feet and the front yard setback. Board discussed whether the porch variance 1 or 2 variances needed. Determination was that 1 variance was needed

Chair McGinley – asks if there are any further questions from the Board – seeing none. Chair asks if there are any questions from the public

Public:
Seeing none

William Stimmel, PO Box 280, Rutherford, NJ – Sworn in by Board Attorney Mascera; New Jersey Institute Technology degree in civil engineering, licensed engineer since 2004, licensed planner since 2010 – accepted as expert;

- Mr. Stimmel did not prepare the plans before the Board but has reviewed them
- There was work done with a prior approval of 2024-015, the addition is completed.
- Mr. Stimmel explains the applicant proposed a pergola adjacent to the current addition at the SE corner of the building with proposed paver patio to the West and South of pergola. Towards SE of the property is a proposed 14 x 28 foot inground pool with a retaining wall along the Southern and Eastern property line with equipment pad located South of the pool which is behind the garage on the neighbor's property.
- Mr. Stimmel reviews each variance needed:
    - Stormwater Management:
        - Drainage was placed on the plans to address Stormwater Management
        - Roof leaders and drainage is shown on the plans which directs to underground infiltration structures located at the SW portion of the property
        - Permeable pavers proposed rather than traditional pavers – does not change the coverage requirement but does help with infiltration
        - Due to there being a garage on the adjoining property Mr. Stimmel says it does a better job of screening the equipment pad
        - The Lot is oversized for the requirements of the Zone R-60 due to it being 7200 square feet is the requirement and 8400 is existing.
        - The pool counts against impervious coverage because it is considered a structure but it also helps with Stormwater management due to it having storage capabilities.
- Mrs. DiBartolo states for the record Verona does not have a cap on accessory structures on a property
- Board has a discussion about the equipment pad with questions regarding how it would get maintenance by pool company and relation to the adjacent property should the garage come down in the future. The distance between pool and pergola is 10 feet.
- 1 tree is being removed, chestnut tree, in the corner of the rear yard – applicant must submit a tree removal permit through the Zoning Department.
- Mr. Tremulak states he received Boswell Engineering's report of November 11, 2024 to which the pavers were changed to permeable. Going forward as a condition the applicant will stipulate they will satisfy Boswell Engineering regarding Stormwater Management and drainage to be in compliance.
- Mr. Ryan points out that the generator was previously installed without permits; applicant must apply for permit through the Building Department.

- Mr. Matthewson points out that the survey and plans with proposed work including a retaining wall show the same topography; wants to guarantee runoff will not impact adjacent neighbors
- Mr. Stimmel says there will not be a change to the topography when the work is completed

Chair McGinley – asks if there are any further questions from the Board – seeing none. Chair asks if there are any questions from the public

Public Questions:
- Paul Petrangeli asks if the stairs will be to the side or stick out towards the street.
- Mr. Stimmel: They are coming off the East side

Chair McGinley – asks if there are any further questions from the public – seeing none. Chair asks if there are any questions for public statement

Public Statement:
Paul Petrangeli says the pool equipment at 9.5 inches is too close to the property line should the garage or any other changes be made. He doesn't see a problem with the impervious coverage due to the property sloping and flowing downhill from it.

Chair McGinley – asks if there are any further statements from the public – seeing none.

Board Deliberation:
Chair McGinley says there are 4 Variances to consider:
- Two Variances to be combined:
  - Section 150.5.3G (1) permit an unenclosed balcony or porch with a roof over same projecting 6 feet in the front yard whereas the ordinance provides for a maximum roof projection of 5 feet regarding the front porch
  - Section 150.5.3G (1) permit a porch measuring 147 square feet whereas the ordinance permits a maximum square footage of 35 feet
- Section 150-7.5B to permit pool filtration equipment to be located 0.8 feet from the rear property line whereas the ordinance requires that filtration equipment be set back at least 5 feet from any property line.
  - Board is uncomfortable with the distance to the property line
  - Mr. Trembulak states that there is a 4 foot fence and neighbors cannot see the pool equipment and sound would have the fence and neighboring garage to buffer
  - Vice Chair Weston proposes 2.5 feet off of the property line
  - Mr. Stimmel says if the retaining wall is moved it would allow for 2 ½ feet off the property line
  - Board discusses equipment pad to be 2 ½ feet off of the property line; agreed
- Section 150-17.3SD(4) to permit improved lot coverage of 51.4% whereas the ordinance provides for a maximum improved lot coverage of 40%
  - Conversation regarding permeable pavers, the pool incorporating some of the rainwater, the drainage system designed.
  - Applicant will work with Boswell Engineering with changes and approval
- Section 150-17.3F(4) to permit an aggregated area covered by accessory structures in the rear yard of 30% whereas the ordinance provides for a maximum permitted aggregated area covered by accessory structures of 15%
  - Board discusses thoughts whereas Mrs. DiBartolo states this lot is bigger so it's more favorable for the applicant than a location whereas the driveway goes to the rear of the yard with a garage

- Chair McGinley states this lot is 1,000 square feet larger than standard lots in the area. 12.5% bigger than would be allowed on adjacent lots that are the same size for that zone

Chairman McGinley asks for a motion to approve Application 2024-19 with the conditions of revised layout with respect to the equipment pad and drainage satisfaction per Boswell Engineering with no return to the Board.
Vice-Chair Weston makes the motion to approve with conditions, **Dr. Cuartas** seconds the motion

Roll Call Vote:

	AYES	NAYS	ABSTENTION
Mr. Tully	X		
Dr. Cuartas	X		
Mr. Ryan	X		
Mrs. DiBartolo	X		
Mr. Matthewson	X		
Vice Chair Weston	X		
Chair McGinley	X		

Motion Passes.
Chair McGinley announces Application #2024-14 – 110 Linden Avenue has requested to be carried to the Board of Adjustment meeting of February 13, 2025. No further announcements or notices for this application.

3. Application 2024-20: 95 Harrison Street, Block 2102, Lot 41 - R-60 Zone. Applicant is seeking approval to construct a patio; a generator; a TV Stand. Variances are needed for the following:

a. Per Section § 150-17.3 E (1) the required minimum front yard setback is 30 feet; The proposed set-back for the generator is 30 feet 6 inches where 45 feet is required per § 150-17.3 E (1).
b. Per Section § 150-17.3 F (4) Maximum aggregate area covered by accessory structures in the yard it is located in: 15%. Existing coverage is non-conforming 662 square feet or 29%. Proposed is 746 square feet inclusive of 662 square feet of existing deck with spa, proposed patio of 75 square feet, proposed TV Stand of 9 square feet. Proposed rear yard coverage is 32.7%;
c. Per § 150-7.13 C (6) Patios may be located in any side or rear yard; provided, that they are not closer than **five feet** to any property line. A 222 square feet patio (55'6" x 4') is proposed along the side yard with a (1) one foot setback to the side yard property line where (5) five feet is required.

Christy DiBartolo recuses herself from this application.

Attorney Mascera announces the application is deemed complete and the notice was proper to proceed

Witnesses:

- Robert Hessels – RDH Design Group
- Liza and Vincent Spina – Owners of 95 Harrison Street
- Brian Hoarle

Applicant Robert Hessels, RDH Design Group, 14 Blackwell Avenue, Morristown, NJ

Liza Spina, Owner of 95 Harrison Street, Verona, NJ 07044 – Sworn in by Board Attorney Mascera

- Liza says move to 95 Harrison Street, Verona in February 2014;
- Home is occupied by Liza, her husband and two daughters;
- Has plans to stay here for a long time while heavily involved in the Verona community;

- When purchased home had dirt side yard, overgrown bushes, cracked back patio and very little curb appeal;
- Corner lot side yard acts as their backyard and provides the most space for their kids to play and wanted to make the space useable;
- Removed trees, planted new trees, worked with a landscaper to grow grass and add curb appeal
- Goals of work being done:
    - Provide with forever home and yard dreamt of
    - Add value to their home and neighbors
- Spent 10 years fixing up their corner lot property and continuous receives compliments from neighbors, friends, family;
- Had to give up their first choices in plan design due to regulations and rules of living on a corner lot;
- Due to living on a corner lot they need variances for work where other neighbors do not for the same work in their yards as well as not having privacy and space like other properties;
- The work has beautified the property and hidden from the public view;
- Does not believe any of the variances tonight are or would be viewed as a public nuisance or detriment to the neighbors;
- Liza said they spoke to their neighbors and have letters of support from a handful of their closest proximity neighbors;

Robert Hessels, RDH Design Group, 14 Blackwell Avenue, Morristown, NJ – sworn in by Board Attorney Mascera;
Rutgers University 1991 degree in Environmental planning and design, minor in landscape architecture. License in landscape architecture in 1999. Planning license in 2000. Began RDH Design Group in 1997. – accepted as expert

- The property is a corner lot with three separate projects, each one needing one variance
    - Generator
        - Locate a generator in the front yard on Forest Avenue and heavily landscaped for screening;
        - Setback 30 feet 6 inches code requires 45 feet; cannot fit it in the side yard or any other location on the property. Having it near deck was unsafe;
    - Side patio on the southside of the property; long narrow patio;
        - Max is 8 feet wide by 20 feet long with 3 feet of walkway they want to extend to 4 feet out towards property line. 5 feet is required we would leave a 1 foot buffer between the patio and property line bringing it to 12 feet wide;
        - Currently has a 6 foot fence and previously had a patio there which was removed during one of the projects but the owners want to put it back in;
    - Rear yard accessory coverage;
        - Currently sits with 29% coverage; deck, spa, wall, while proposing 84 square feet making the coverage 32.7%;
        - The property is well buffered from the road, extremely private;
- Vice-Chair Weston asks about Construction Officials comments on location of generator to windows;
- Mr. Hessels says it will meet all construction codes and put skip laurels or heavy junipers to buffer the area and using VEC plantings list;
- Dr. Ries asks size of generator;
- Mr. Hessels states generator is 30 inches by 3 feet;
- Mr. Matthewson asks what is currently under the existing deck and if the swim spa is currently existing;
- Mr. Hessel states rocks, grass, gravel and dirt; yes the swim spa is existing;
- Mr. Matthewson asks how high the tv screen would sit;
- Mr. Hessel would sit at 6 feet high with the entire structure being 8 feet tall;
- Mr. Matthewson asks if that is above grade;
- Mr. Hessel says that's at the same grade;

- The bar and deck would be at the same height;
- Mr. Matthewson calculates the bottom of the tv stand would be at 217 feet based on the topography;
- Mr. Hessels says the rear yard is screened in with arborvitae;
- Board Engineer Mr. Caggiano says the step down from the deck to walkway as a trip hazard;

Chair McGinley – asks if there are any further questions from the Board for the Homeowner or Architect– seeing none. Chair asks if there are any questions from the public

Public Questions:

- Pat Buikema, 96 Harrison Street – questions the side of the home where generator will be located. Are there going to be two televisions outside;
- Vincent Spina, homeowner sworn in by Board Attorney Mascera – television stand is more of a privacy screen; yes two televisions outside;
- Kathleen O'Toole – Is generator only for emergency or will it run continuously? Is it gas or diesel? Is there a professional sound study?
- Mr. Spina – Heavy investment in swim spa, in case of power outage. It is connected to utility lines which is gas. No professional sound expert;
- Malgorzata Karpinki, 49 Forest Avenue – Questions if the generator is going to be loud as she lives across the street from the owner;
- Mr. Spina – the generator will not be a noise nuisance to anyone;
- Paul Petrangeli – What is the distance from the generator to the setback;
- Mr. Hessels - 30 feet 6 inches;

Chair McGinley – asks if there are any further questions from the public – seeing none. Public closed.

Brian Hoarle, 14 Blackwell Avenue, Morristown, NJ, Engineer – sworn in by Board Attorney Mascera;

- Will make sure to work with Boswell and assures all aspects of requirements will be met;
- Generator is 30 inches x 3 feet;
- Volume is as loud as a small lawnmower and with proper screening it would not be detrimental to the neighbors in the location proposed;
- The generator will run once a week for 10-15 minutes to test;
- Will only run fulltime in the event of a power outage;

- Vice Chair Weston asks The Spina's if they are willing to run the generator between the hours of 10am to 3pm;
- The Spina's agree to the time suggested;

Chair McGinley – asks if there are any further questions from the Board for the Engineer – seeing none. Chair asks if there are any questions from the public

- Ray Roche, 64 Forest Avenue – asks if the generator can independently power the swim spa to avoid large electric bill
- Mr. Hoarle – It is possible but not how this is just for emergency purposes

Chair McGinley – asks if there are any further questions from the public – seeing none. Chair asks if there are anyone for public statements

- Ray Roche, 64 Forest Avenue – speaks about the generator and wants it to be on the other side of the property. The generator is too close to the sidewalk. Backyard is already in noncompliance because Town made a mistake. The limit is 15%, almost at 30% over already and going to 118% in the rear yard. Extending the alleyway will have sound bounce off and already loud parties will be worse. He

OPRA'd and there was no variance to go higher than 15% in the rear yard. Asks the Board Attorney how he is going to fix the error that occurred over 2 years ago;

- Mr. Mascera says he can't do anything because it's not "within my jurisdiction or purview";
- Chair McGinley says he has been on the Board for 22 years and that application Mr. Roche speaks of never came before the Board. That was approved by a previous Zoning Officer for the Township of Verona and would need to be addressed with the Town, Town Attorney or Town Council due to him being an employee of theirs;
- Paul Petrangeli – I think there is a curb appeal at this property;
- Mary Ann Allen, Forest Avenue – reads a letter hand delivered into neighbors mailboxes on November 20th by The Spina's but she did not receive one. Does not know how a television and a hot tub in an improvement to the neighborhood and in the best interest of the community. The sound from the television in the side yard already causes a nuisance and a second television would be in her direction again. The excessive noise currently is a quality of life issue and these new renovations would increase that and she objects to the proposed project;
- Doug Allen, lives next door to 95 Harrison Street on Forest Avenue – he has lived in his home for 20 years. The constant construction next door has been a problem to his quality of life as well as damage to his property;
- Kathleen O'Toole - says the ordinances are placed for the good of the all and variances for a hardship case or betterment of the community and that's not the case. The criteria has not been met and doesn't understand why we are here. Quality of life and concern about potential buyers of her home not wanting to live near this if all gets approved;
- Chair McGinley – says Ms. O'Toole is correct and it's why we are here to look over applications and the merit of each under the criteria;
- Malgorzata Karpinki – wants it to be a peaceful place and does not have a problem with the project as long as it does not impact the quality of life for her and her family;
- Mr. and Mrs. Spina – they do not agree with the objectors claims regarding quality of life, the outdoor television noise;

Chair McGinley – asks if there are any further questions from the public – seeing none. Public closed.

Board Deliberations:

- Generator
  - 30 feet 6 inches from property line. 45 front yard, corner, permitted. 5 feet from window per Building Code
  - Mr. Ryan says it is there for a backup situation should power be lost and homeowner agreed to certain times and as long as it's screened, he is okay with it;
  - Vice-Chair Weston agreed with Mr. Ryan and would ask a condition be that it would be heavily screened with native plantings;
- Patio
  - Chair McGinley explains patio is within 5 feet of a property line, 222 square foot patio on side yard with a 1 foot setback. Says he's not in favor and has been consistent in the past with being within 5 feet of the property line;
  - Vice-Chair Weston states moving the patio to leave a 1 foot setback would make a bad situation worse with drainage, noise which is why he's not in favor of it;
  - Dr. Cuartas says he understands the struggle with regard to the space with stairs and he would be open to splitting the difference by the stairs but is not comfortable with the 1 foot setback;
  - Mr. Matthewson said he would feel comfortable extending the patio out by the stairs but do need a buffer for drainage;
  - Engineer Caggiano states Boswell does not have drainage from the Applicant but he feels better with 3 feet;

- Applicant asks if they can extend the length of the patio by 2 feet leaving a 3 foot buffer instead of 5 feet for plantings and drainage if that would be acceptable to the Board;
- The Board comes to an agreement for what an acceptable side yard setback could be along that fence;
- Chair McGinley states the patio would start at the Forest Avenue side being 3 feet from the property line which would continue to a point opposite the stairs where it would angle in and be 5 feet from the property line. Which would allow for walking past the stairs, the other equipment and getting back to a wide enough area to cross;
- Mr. Hessels says after speaking with the Spina's they request the Board only consider 2 feet across with a 3 foot setback;
- Chair McGinley explains the Applicant would like to continue with the entire length of the patio being 3 feet off the property line;

- Maximum aggregate area covered by accessory structures in the yard
  - Chair McGinley states it is supposed to be 15% it is proposed to be 32.7% on a corner lot;
  - Board Attorney Mascera explains that the Applicant has the burden to show the benefits out way any detriments and also a negative criteria in there that variances can be granted without substantial detriment to the public good or to the zone plan and that's what the Board needs to weigh when making their decision;
  - Mr. Matthewson says the bottom of the tv stand is 2 feet above the rear fence and then it would go up to 5 feet over the fence would be in clear view of the neighbors. He also calculates the height of the bar which exceeds the height of the fence as well;
  - Dr. Cuartas doesn't agree says they are constrained on one side of the property due to their lot;
  - Mr. Ryan says he doesn't see that they've met the burden of proof based on Municipal Land Use Law that Board Attorney Mascera pointed out;

Chair McGinley as for a motion to approve the generator in the front yard with conditions of 30 feet 6 inches, 5 feet away from a window per the Construction Officials report, it be landscaped and the hours of testing between 10am-3pm.
Vice-Chair Weston makes the motion to approve with conditions; **Mr. Ryan** seconds the motion

Roll Call Vote:

	AYES	NAYS	ABSTENTION
Dr. Ries	X		
Dr. Cuartas	X		
Mr. Ryan	X		
Mr. Matthewson	X		
Vice Chair Weston	X		
Chair McGinley	X		

Motion Passes.

Chair McGinley asks for a motion to approve maximum aggregate area covered by accessory structures in the yard
Dr. Cuartas makes motion to approve; no second
Seeing no second Chair McGinley ask for a replacement motion
Vice-Chair Weston makes motion to deny; **Mr. Ryan** seconds the motion

Roll Call Vote:

	AYES	NAYS	ABSTENTION
Dr. Ries	X		
Dr. Cuartas		X	

Mr. Ryan	**X**		
Mr. Matthewson	**X**		
Vice Chair Weston	**X**		
Chair McGinley	**X**		

Motion Passes to deny.

Chair McGinley asks for a motion to approve the side yard patio with the amendment of 3 feet for the full length of property line per the Applicant
Mr. Matthewson makes motion to approve**; Dr. Cuartas** seconds the motion.

Roll Call Vote:

	AYES	NAYS	ABSTENTION
Dr. Ries		**X**	
Dr. Cuartas	**X**		
Mr. Ryan	**X**		
Mr. Matthewson	**X**		
Vice Chair Weston		**X**	
Chair McGinley		**X**	

Motion failed.

Chair McGinley asks if there is any need to go into Executive Session – seeing none;

Dr. Cuartas makes the motion to adjourn.
Chair McGinley: approves motion.

Meeting Adjourned at 11:13PM

Respectfully submitted,

C. Kester

Caitlin Kester - 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 973-857-4773.