

CALL TO ORDER:

The meeting was called to order at 7:30 p.m. at Borough Hall by Chairwoman Christina Hembree with the reading of the Open Public Meetings Act.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Sanjeev Dhawan	Absent
Emilia Fendian	Present
Robert Hayes	Present
Michael Kaufman, Alternate 2	Present
Robin Malley	Present
Gary Newman	Present
John Spirig	Present
Hasmig Yetemian	Present
Christina Hembree, Chairwoman	Present
S. Robert Princiotto, Esq.	Present
Evan Jacobs, Engineer	Present
Richard Preiss, Planner	Not requested
Meg Smith, Secretary	Present

APPROVAL OF MINUTES:

The minutes for October 22, 2019 were approved on a motion from Mr. Spirig, seconded by Mr. Hayes. Motion was carried by Ms. Hembree, Ms. Fendian, Mr. Hayes, Mr. Kaufman, Ms. Malley, Mr. Spirig and Ms. Yetemian. Mr. Newman abstained due to absence at that meeting.

RESOLUTION OF APPROVAL

Vanessa Iseman
6 Natmark Court

Block 2801 Lot 26
R-15 Zone

A motion was made by Mr. Spirig and seconded by Mr. Hayes to approve the Resolution granting variances to expand the front porch at 6 Natmark Court. On a roll call vote the motion was approved by Ms. Hembree, Ms. Fendian, Mr. Hayes, Ms. Malley, Mr. Spirig, Ms. Yetemian and Mr. Kaufman. Mr. Newman abstained from the vote due to absence at the last meeting.

NEW APPLICATION

Mariye Sanar
11 Ellis Court

Block 1905 Lot 1.03
R-22.5 Zone

Variances requested for an inground pool and patio. Total lot coverage proposed is 36.7% where 30% is allowed and rear yard setback proposed is 18' where 20' is required.

Mr. Newman stated that he knows Mr. Costa, owner of the applicant's Engineering company, from other projects but believes that this would have no impact on his impartiality for this application. The applicant and the Board had no concern with Mr. Newman knowing Mr. Costa and his being impartial on this application.

Ms. Sanar, owner of 11 Ellis Court, and Ms. Major, representative of the pool contractor, were sworn in and explained that this project involves a new inground pool with paver patio. Creative Pavers has installed the pool but is not doing the pavers. The project was originally given permission by the Zoning Officer but was later delayed when a secondary review noted that variances were needed.

Mr. Gdanski, engineer for the applicant, was also sworn in and presented his background.

Mr. Princiotto advised the applicants that they could choose to have an attorney present. Applicants wished to continue without an attorney.

Ms. Major explained that Mr. Gdanski prepared the Engineering plan and that it was over on coverage. The new Zoning Official allowed the pool part of the project to continue because this part of the project would not put them over on coverage. The patio has not been installed as it would cause the overage and the applicants are waiting the decision of the Board in order to complete the project.

The current Engineering Pool Plan last revised on 8/6/19 was marked as A-1 and detailed total coverage of 36.7%.

The original Engineering Pool Plan dated 10/8/18 and revised on 1/5/19 was marked as A-2 and detailed coverage of 35.3%

Mr. Gdanski stated that any drainage concerns have already been addressed with the addition of seepage pits.

Mr. Princiotto questioned whether or not the applicant was still proposing a fire pit.

Ms. Major stated that there was no longer a fire pit proposed in the current plan.

Mr. Gdanski confirmed that the fire pit was removed and there was only a barbeque.

Mr. Princiotto stated that the change from 35.3% coverage to 36.7% coverage removed the firepit and expanded the patio in a seamless straight line with the other side of the patio. Mr. Princiotto noted that the variance for 18 feet proposed vs. 20 feet allowed was only for a short distance in this area and was estimated to be about 30 feet.

Mr. Newman questioned the size of the pool and Mr. Gdanski advised that the pool and spa had a combined 1060 square feet.

Mr. Gdanski explained that a variance is required due to the odd size and shape of the lot, specifically due to a peculiar angle on the rear yard.

Mr. Princiotto stated that this lot had several irregularities due to it being on a cul de sac and not being a rectangular shape.

Ms. Major noted that the rear and side yard also had a noticeable slope.

Mr. Spirig questioned the applicant on the design of the patio.

Ms. Major stated that the design was free flowing and natural.

Mr. Newman questioned if the applicant had neighbors on all sides.

Mr. Sanar stated that they only see one neighbor because the property is higher on one side.

Photos of the rear yard depicting rear yard topography and vegetation were marked as A-3.

Ms. Major stated that the applicants' are planning on installing a new privacy fence and full landscaping around the neighbors and the pool / spa area.

A concept landscape plan was marked as A-4.

Mr. Princiotto asked the Board if they wanted to require a formal landscape plan.

The meeting was opened to the public with a motion from Mr. Hayes which was seconded by Ms. Malley. All in favor, the motion carried.

PUBLIC COMMENT

Mr. Monane, neighbor at 5 Carriage Lane, stated that he believed that the plans were beautiful and questioned the Engineer regarding his background and his history before other boards for other applications. Mr. Monane reviewed the history of this project to date and questioned the need for variances after original approval had been given. Mr. Monane also questioned the current revised plan before the Board which increased coverage and asked for an explanation regarding increased coverage.

Ms. Major stated that this revised plan matches the families need for entertaining space and gives the patio a more natural shape.

Mr. Monane questioned if it was possible to meet the 30% allowable coverage.

Ms. Major stated that at 30% the patio was significantly smaller and did not meet the families need.

Mr. Newman questioned if it was possible to move the patio in on one side approximately 5 to 10 feet.

Ms. Major stated that this would move the outdoor kitchen closer to the pool and they would not be able to fit a table.

Mr. Princiotto noted that there are limitations on coverage partly due to drainage concerns. These limitations are sometimes not as stringent when a pool is involved because the pool retains water.

Mr. Newman stated that the applicants had a right to rely on the initial approval given by the Zoning Official.

Mr. Hayes stated that the property had a hardship due to its size and shape. The applicants' reliance on the approval which was later rescinded could also be considered a hardship. Mr. Hayes also stated that the original plan submitted did note the need for a variance.

Mr. Newman noted that the revised plan before the Board has increased the coverage from the original approval.

Mr. Princiotta stated that there was additional coverage of 1.4% or 437 square feet between the originally approved plan and the revised plan before the Board.

Mr. Newman asked Mr. Monane if he could see the applicants house from his property.

Mr. Monane confirmed that he could see the applicants property.

Ms. Major stated that there was some existing buffering with shubs and bamboo on the Monane's property.

Mr. Hayes stated that he believed that Mr. Monane would be comforted by additional screening.

Mr. Monane agreed and stated that he would like to see the proposed landscaping.

The meeting was closed to the public with a motion from Mr. Hayes, seconded by Mr. Newman. All in favor, the motion carried.

Ms. Hembree stated that a landscape plan should be requested.

Mr. Newman stated that the proposed landscape plan should be shown to the neighbor prior to the next meeting for his review.

Mr. Princiotta stated that the Borough Engineer should also review this landscape plan.

Mr. Jacobs, Borough Engineer, explained his preliminary letter for Soil Movement application and his follow up letter for review of this application. Mr. Jacobs stated that this pool and patio project proposes an additional net 2,664 square feet of impervious coverage. Engineering review regulates stormwater control measures to offset this increase. The applicant has proposed a cul tec system to collect water and it meets the Borough requirements. Mr. Jacobs explained that a perc test must be completed to identify ground water and to make sure the system will work correctly.

Mr. Princiotta questioned if the perc test had been done yet.

Mr. Jacobs stated that the perc test was not done yet. Mr. Jacobs stated that all concerns noted on his engineering review letter have been addressed except for the perc test.

Mr. Jacobs Engineering report dated 10/1019 was marked as Exhibit ZBA-1.

The meeting was opened to the public for questions of the Borough Engineer with a motion by Mr. Newman which was seconded by Mr. Hayes. All in favor, the motion carried.

PUBLIC COMMENT

Mr. Monane, neighbor at 5 Carriage Lane, stated that the pool is a net accumulator of water.

Mr. Jacobs stated that the pool is not 100% full and water can and will collect in the pool.

Mr. Monane questioned if this helps with drainage.

Mr. Jacobs stated that Zoning and Engineering calculations are different. Engineering calculations do not count a credit for pool coverage for the purpose of calculating drainage.

Mr. Princiotto explained that a coverage for a pool and a basketball court are different because the pool collects water and the basketball court does not. Mr. Jacobs does not consider the pool differently for calculating drainage.

The meeting was closed to the public with a motion from Mr. Spirig which was seconded by Ms. Yetemian. All in favor, the motion carried.

The meeting was opened to the public for any questions regarding the application and the site with a motion from Mr. Spirig, seconded by Mr. Hayes.

Mr. Newman questioned if the applicants had noticed for the rear yard variance.

Ms. Smith confirmed that the notice included the request for a rear yard variance.

PUBLIC COMMENT

Mr. Monane, neighbor at 5 Carriage Lane, stated that the pool and patio project at the Sanar home was a beautiful design which was proposed to meet the family's needs. Mr. Monane recognized that the owners are entitled to use their property within zoning regulations. Mr. Monane stated that this application requests a change from 30% allowable coverage to 36% proposed coverage and a rear yard variance of 18 feet where 20 feet is required. Mr. Monane stated that he has a clear line of sight from his backyard and deck to the Sanar's backyard. Mr. Monane suggested that Board approval be limited to the original plan which was previously and mistakenly approved by the Zoning Official and not the revised plan with increased coverage.

The meeting was closed to the public with a motion from Mr. Newman, seconded by Mr. Hayes. All in favor, the motion carried.

Ms. Malley stated that she thinks the revised plan looks less obtrusive and that she prefers paves to the fire pit. Additional landscaping with be an added benefit.

Mr. Hayes stated that he thinks this is a beautiful plan and provides enjoyable outdoor space. He is sensitive to the hardships including previous approval. Mr. Hayes would like to require a landscaping plan to address the neighbor's concern. Mr. Hayes stated that the neighbor's concerns seem to be more about landscaping than about patio size.

Ms. Major stated that this project is currently a construction site and looks worse before it looks better.

Mr. Hayes stated that a landscaping plan should be presented and approved.

Mr. Spirig agreed that a landscaping plan would be an opportunity and a benefit.

Mr. Princiotto advised the applicants that a landscaping plan should be provided at least ten days prior to the next meeting scheduled for December 17th. No additional notice will be required.

Mr. Newman made a motion to go to Closed Session and it was seconded by Mr. Spirig. All board members were in favor of the motion. This closed session was documented by Resolution 19-12 for litigation regarding WCL Realty at 62 Broadway.

A motion to go to Open Session was made by Ms. Malley and seconded by Ms. Fendian. All board members were in favor of the motion.

A motion was made by Ms. Malley to approve the Closed Session minutes for October 22, 2019. Mr. Hayes seconded the motion and all board members were in favor of the motion.

The meeting was adjourned on a motion from Mr. Spirig, seconded by Mr. Hayes, and carried by all.

Respectfully submitted,

Meg Smith