

CALL TO ORDER This virtual 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:

Christina Hembree, Chairwoman	Present
Dianna Cereijo, Alt 2	Present
Sanjeev Dhawan	Absent
Emilia Fendian	Present
Robert Hayes	Present
Michael Kaufman	Present
Robin Malley	Present
Gary Newman	Absent
Hasmig Yetemian, Alt 1	Present
S. Robert Princiotto, Esq.	Present
Evan Jacobs, Engineer	Present
Richard Preiss, Planner	Not Requested
Meg Smith, Secretary	Present

APPROVAL OF OPEN SESSION MINUTES:

The minutes of Open Session for August 25, 2020 were approved as amended on a motion from Vice-Chairwoman Malley seconded by Mr. Hayes. All Board members voted in favor of the approval.

RESOLUTION OF APPROVAL

New Cingular Wireless
100 Tice Blvd

Block: 301 Lot: 3.05
EAO II Zone

A motion was made by Mr. Kaufman and seconded by Ms. Fendian to approve the Resolution of Approval granting variances requested. On a roll call vote, Chairwoman Hembree, Vice-Chairwoman Malley, Mr. Kaufman, Ms. Fendian, Ms. Yetemian, Mr. Hayes and Ms. Cereijo voted in favor of the motion.

APPLICATION (New)

Craig Kaufman
75 Old Farms Road

Block: 1002 Lot: 9
R-30 Zone

Request for an addition to existing single family residence requiring a rear yard setback variance for 42.8 feet where 50 feet is required.

Mr. Princiotto confirmed that proof of notice and publication had been provided and that application information had been posted to the Borough website.

Mr. Craig Kaufman, owner, was sworn in by Mr. Princiotto. Mr. Kaufman stated that he is requesting an addition including a master bedroom over the garage and a family room to the rear of the property. Mr. Kaufman explained that this is an irregularly shaped lot and the best area to build is behind the dining room in the rear of the existing house. This location would be away from the neighbors and give privacy to the homeowners.

Mr. Princiotto stated that the plans were changed and asked if the owners would consider the original plans with the driveway in the original location.

Mr. Kaufman stated that he would work with either set of plans and his priority was to begin construction. The driveway could be considered separately if necessary. Mr. Kaufman clarified that the revised plans included other changes besides the driveway location.

Mr. Princiotto stated that if they agreed to leave the driveway in the same location it might be quicker to get necessary approvals.

Mr. Kaufman stated that the driveway was not the important part of the application.

Mr. Schlicht, architect for the applicant, was sworn in.

Mr. Princiotto reviewed the Exhibits and identified them as follows:

- 1) A-1 Application
- 2) A-2 Survey
- 3) A-3 Revised Z-1 dated 9/17/2020
- 4) A-4 Revised Z-2 dated 9/17/2020
- 5) A-5 Revised Z-3 dated 9/17/2020
- 6) A-6 Photos (One page with four photos)
- 7) WCL-1 Engineering Completeness Review dated 4/7/2020
- 8) WCL-2 Engineering Technical Review dated 9/21/20

Mr. Schlicht stated that the revised plan included architectural reduction as well as a change in the driveway location.

Mr. Schlicht stated that this property is in the R-30 Zone and has an existing single family home and attached garage. Mr. Schlicht explained that this is a corner lot with the driveway and garage facing Greenway Court. Mr. Schlicht stated that this is an irregularly shaped lot with 339 feet of frontage with a curve around Old Farms Road. Mr. Schlicht stated that this is not a traditional rectangular lot. Lot depth was calculated to be an average of 139 feet where 150 is required.

Mr. Schlicht explained that this application proposes a portico, siding and windows to the existing home. Mr. Schlicht stated that there is currently no entry to the house from the existing garage. This application proposes a mudroom and entry from the garage. Mr. Schlicht stated that the proposed family room addition would be added by the breakfast room off of the kitchen and 25% of the family requires a variance for rear yard setback. An addition over the garage for a master bedroom suite does not require a variance.

Mr. Princiotto questioned if the family room was one story.

Mr. Schlicht confirmed that the family room is one story.

Per Mr. Schlicht's testimony the variance requested would be 42.8 feet to the chimney or 43 feet to the family room where 50 feet is required. Mr. Schlicht stated that this is a hardship due to the irregularly shaped lot and the pre-existing non-conforming lot depth. Mr. Schlicht stated that all other zoning requirements for height, coverage and other setbacks comply. Mr. Schlicht explained that the proposed

family room is in the rear of the home and would not be visible from the front of the property. It would only be visible to adjoining neighbors. Mr. Schlicht stated that the Kaufmans were planning on landscaping to buffer the family room addition.

Mr. Princiotto asked how many square feet were encroaching and requiring the variance.

Mr. Schlicht stated that 121 square feet of the 535 square feet were encroaching the rear yard setback.

Mr. Princiotto asked Mr. Schlicht if he reviewed the Engineering review letter.

Mr. Schlicht stated that he had read the letter but would not be able to satisfy the sight distance for the driveway noted in paragraph 4.3. If approved, Mr. Schlicht would need an engineer to review the driveway location and provide information regarding this concern.

Mr. Princiotto asked if any trees would need to be removed with the proposed driveway relocation.

Mr. Kaufman stated that two (2) small trees would need to be removed.

Mr. Princiotto asked if any driveways were located across from the proposed driveway.

Mr. Schlicht stated that there were several driveways across from the proposed driveway and that an engineer would be hired to address drainage and the sight distance for the driveway if it is approved.

Chairwoman Hembree stated that she visited the property and could not tell where Old Farms Road ends and Greenway Court begins. Ms. Hembree stated that this is more of a circle than an intersection.

Vice-Chairwoman Malley stated that she had also visited the property and agreed with Chairwoman Hembree regarding the proposed driveway area. Ms. Malley stated that the location of the proposed addition made sense and was only concerned because the proposed addition to this owner's rear yard was facing the neighbor's side yard.

The meeting was opened to the public, for questions of Mr. Schlicht and Mr. Kaufman, with a motion from Mr. Hayes, seconded by Vice-Chairwoman Malley. All in favor the motion carried.

The phone number was provided to the public to call in with any questions or concerns regarding this application.

With no members of the public calling in to ask questions or state any concerns, the meeting was closed to the public with a motion from Mr. Hayes, seconded by Vice-Chairwoman Malley. All in favor, the motion carried.

Mr. Princiotto recommended that if the Board was inclined to approve the proposed addition with rear yard variance that it should have a condition that the proposed driveway location would be subject to the review of the Police Department, DPW, the Shade Tree committee and engineering analysis.

Ms. Fendian stated that the placement of the addition was best for this property. She believed that the variance was minimal. Ms. Fendian agrees that the changed driveway location should be conditional with necessary reviews as listed.

Mr. Kaufman, Ms. Cereijo and Ms. Yetemian agreed with Ms. Fendian's analysis of this application.

The meeting was opened to the public for comments on this application, with a motion from Ms. Yetemian, seconded by Ms. Fendian. All in favor the motion carried.

The phone number was provided to the public to call in with any questions or concerns regarding this application.

With no members of the public calling in to ask questions or state any concerns, the meeting was closed to the public with a motion from Ms. Yetemian, seconded by Ms. Fendian. All in favor, the motion carried.

A motion was made by Vice-Chairwoman Malley for approval of an addition with a rear setback variance of 42.8 ft where 50 ft is required. Changing the driveway location is conditional on DPW review, sight distance review by Engineer, addressing all comments in the Borough Engineer review letter and review by the Shade Tree Committee for tree removal and approval of landscaping. This motion was seconded by Mr. Kaufman. On a roll call vote, Chairwoman Hembree, Ms. Fendian, Mr. Hayes, Vice-chairwoman Malley, Mr. Kaufman, Ms. Yetemian and Ms. Cereijo were in favor of the motion. None opposed.

APPLICATION (New)

Craig Feustel
75 Woodland Road

Block: 1602 Lot:11
R-22.5 Zone

Request for side yard setback variance of 17 feet 6 inches where 20 feet is required for a generator.
Application deemed Administratively Complete by on 6/29/2020
Application deemed Complete by Board Attorney on 7/7/2020

Mr. Princiotto confirmed that proof of notice and publication were provided.

Mr. Feustel, owner, was sworn in by Mr. Princiotto.

Mr. Feustel stated that this application requests permission for a generator on the southwest corner of the house which would be 17 ½ feet from the side yard where 20 feet is required. This placement would allow the generator to be next tot the gas and electric meters and 5 feet from any window or door as required.

Mr. Princiotto reviewed the Exhibits and identified them as follows:

- 1) A-1 Application
- 2) A-2 Survey

Mr. Princiotto questioned Mr. Feustel asking if there was a house on the side of the proposed generator.

Mr. Feustel confirmed that there was a neighboring house on that side.

Mr. Princiotto asked Mr. Feustel if he knew how far the neighboring house was from the proposed generator.

Mr. Feustel did not know the distance but stated that he had spoken to the neighbor and that the neighbor had no issue with the generator location.

Mr. Princiotto questioned the size of the generator.

Mr. Feustel stated that it was a 20KW generator and the dimensions were 47" wide by 26.2" deep and 32" tall.

Mr. Princiotto questioned the noise level of the generator.

Mr. Feustel stated that the generator was 64 decibels during the weekly maintenance run and 69 decibels when running at full capacity.

Mr. Princiotto asked how this noise level compared to other generators.

Mr. Feustel stated that he believed that this noise level was similar to other generators on that street.

Mr. Princiotto asked if the generator would be landscaped or buffered.

Mr. Feustel that he will landscape but must meet specifications required.

Mr. Princiotto asked where the generator would be facing the neighbor.

Mr. Feustel stated that the neighbor had a patio on that side of their house.

Ms. Yetemian questioned the address as "Woodland Road" or "Woodland Drive".

Mr. Hayes explained that there is both a Woodland Road and a Woodland Drive. This property is Woodland Road and Woodland Drive is perpendicular to Woodland Road.

Vice-Chairwoman Malley stated a concern with the placement and the neighboring property.

Mr. Princiotto questioned location of the air conditioning units.

Mr. Feustel stated that the air conditioning equipment is located in the rear yard.

Mr. Princiotto questioned if the generator can go next to the air conditioning equipment.

Mr. Feustel stated that the generator specifications do not allow the generator to be placed near the air conditioning equipment. Mr. Hayes confirmed that this is not allowed.

Vice-Chairwoman Malley questioned the acceptable noise level.

Mr. Hayes stated that if the power goes out that many generators will start. He believes that the noise of this generator will be masked with the other generator noise.

A motion to open to the public for questions and comments regarding this application for generator was made by Mr. Hayes and seconded by Vice-Chairwoman Malley. All in favor the motion carried.

The phone number was provided to the public to call in with any questions or concerns regarding this application.

With no members of the public calling in to ask questions or state any concerns, the meeting was closed to the public with a motion from Ms. Yetemian, seconded by Vice-Chairwoman Malley. All in favor, the motion carried.

A motion to approve this application with a 2 foot 6 inch side yard variance for a generator was made by Mr. Hayes and seconded by Ms. Fendian. On a roll call vote Chairwoman Hembree, Ms. Fendian, Mr. Hayes, Vice-Chairwoman Malley, Mr. Kaufman, Ms. Yetemian and Ms. Cereijo were in favor of the motion. None were opposed.

CLOSED SESSION

Mr. Hayes made a motion to go to Closed Session and it was seconded by Ms. Yetemian. All board members were in favor of the motion. This closed session was documented by Resolution 20-15 for litigation regarding WCL Broadway Realty at 62 Broadway and Valley Chabad at 100 Overlook Drive.

OPEN SESSION

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

APPROVAL OF CLOSED SESSION MINUTES:

The minutes of Closed Session for August 25, 2020 were approved on a motion from Mr. Kaufman seconded by Ms. Cereijo. All board members voted in favor of the approval.

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

Respectfully submitted,

Meg Smith