

**CALL TO ORDER:**

The meeting was called to order at 7:30 p.m. via Zoom webinar by Vice Chairman Sanjeev Dhawan with the reading of the Open Public Meetings Act.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Robin Malley, Chairwoman	Absent
Barbara Bushell	Absent
Dianna Cereijo	Present
Sanjeev Dhawan, Vice Chairman	Present
Christina Hembree	Present
Michael Kaufman	Present
Philip Maniscalco	Present
Gary Menze	Present
Lynda Picinic	Present
S. Robert Princiotta, Esq.	Present
Evan Jacobs, Engineer	Present
Elizabeth Leheny, Planner	Not Requested
Meg Smith, Secretary	Present

**SWEARING IN OF NEW APPOINTMENT**

Mr. Gary Menze was sworn in by Mr. Princiotta, Board Attorney, as a regular member of the Zoning Board. Mr. Menze's term will be ending December 31, 2024.

**APPROVAL OF MINUTES:**

The minutes of the October 26 28, 2021 meeting were approved as amended on a motion from Ms. Hembree seconded by Ms. Cereijo. Mr. Maniscalco and Ms. Picinic abstained from this vote due to absence at the October 26th meeting. Mr. Menze was not a Board member at this time and was not eligible to vote. All other Board members voted in favor of the approval.

**RESOLUTIONS OF APPROVAL**

**Paulina & Hernan Lovato  
14 Evergreen Street**

**Block: 2706 Lot: 1  
R-15**

Requesting a variance for a second story addition which requests a front yard setback of 29.34 feet where 35 feet is required.

Ms. Hembree made a motion to approve the resolution and this motion was seconded by Mr. Kaufman. Mr. Maniscalco and Ms. Picinic abstained from this vote due to absence at the October 26th meeting. Mr. Menze was not a Board member at this time and was not eligible to vote. All other Board members voted in favor of the approval.

**APPLICATIONS (New)**

**William Pulzello  
4 Andrea Court**

**Block: 104 Lot: 3  
R-30**

Requesting variances for an existing in ground pool and patio: 1) Pool patio is located 6 feet from the rear property line where 20 feet is required 2) Pool is located 17.3 feet from the rear property line where 20 feet is required 3) A shed is located 8.4 feet from the rear property line where 10 feet is required. Received 10/4/21; Deemed administratively complete on 10/5/21; Deemed complete by Borough Engineer on 10/11/21.

Mr. Princiotto confirmed that proof of Notice and Publication for this application was provided.

Mr. Pulzello, previous owner and applicant, was sworn in and stated he purchased this home in 2002. Mr. Pulzello hired a pool contractor in 2014 to install an inground pool and patio. Mr. Pulzello stated that the pool contractor, Pool Town, was responsible for the approval and installation of the pool and patio. When Mr. Pulzello contracted to sell his home in 2021 the Survey showed that the pool was 17.3 feet off of the property line instead of the required 20 feet. Mr. Pulzello believes that the pool company must have incorrectly measured from the neighbor's fence. Mr. Pulzello stated that he didn't know that the pool was in an incorrect location and would have moved it to the correct location. Mr. Pulzello stated that this was the pool company's error and stated that the neighbors have never complained about the pool.

Ms. Hembree noted that there was a Construction permit for the pool which should have required inspections and the permit would have been closed.

Mr. Princiotto asked if a Certificate of Occupancy was requested for the pool.

Mr. Pulzello stated that the pool company was handling this whole project and was responsible for getting all necessary inspections and for closing the permit.

Mr. Pulzello stated that the shed was placed on a bed of stone and can be relocated by 1 ½ feet to comply with the required 10 foot setback.

Mr. Princiotto confirmed that Mr. Pulzello will be moving the shed and removing the variance required for the shed.

Vice Chairman Dhawan questioned the patio being six feet to the property line.

Mr. Pulzello stated that he did not know how the patio was installed other than what was approved and stated that it must have been an error by the pool company.

Vice Chairman Dhawan stated that both the pool and the patio were a different shape than what was approved and questioned how Mr. Pulzello didn't know.

Mr. Pulzello stated that the pool contractor handled this project and he was not aware of the issue until he sold the home.

Mr. Kaufman questioned Mr. Jacobs, Board Engineer, and asked if the existing structure was impeding or imposing other neighboring properties.

Mr. Jacobs stated that this is not a problem for coverage and drainage issues to neighboring properties but stated that his concern related to the fence and some of the patio encroaching into a sewer easement.

Vice Chairman Dhawan asked if there was an ordinance violated by this fence.

Mr. Jacobs stated that this could be a violation of an easement agreement. Mr. Jacobs explained that encroachment of the easement had to go to the Mayor and Council for review and that the Zoning Board did not have jurisdiction.

Mr. Costa, Engineer for the applicant was sworn in and provided his background and credentials. Mr. Costa stated that the applicant was asking forgiveness to keep the pool and that the pool location does not affect the neighbor. Mr. Costa stated that this property is downhill from neighboring properties.

Mr. Princiotto questioned the material of the pool and patio.

Mr. Pulzello stated that the pool had a cement bottom with steel walls that were reinforced with concrete and lined. The patio is made of concrete.

Vice Chairman Dhawan questioned Mr. Costa about the original pool plan and how it looks different than what was installed.

Mr. Costa stated that he was not the engineer for this project and that the pool company probably used its own engineer. Mr. Costa stated that the existing pool and patio coverages were well below the allowance.

Mr. Pulzello stated that he used Pool Town because they had done work in this town previously. He stated that he thought that the contractor would get permit and inspections as needed and that the project would be done correctly. Mr. Pulzello stated that he has not been contacted by anyone to close the permit.

Mr. Princiotto asked Mr. Pulzello if he had contacted the pool company.

Mr. Pulzello stated that he was waiting to contact them until after he knew what had to happen.

Mr. Costa stated that the pool company would have been contacted about closing the permit.

Mr. Costa also stated that the applicant would agree to cut off the 1 ½ feet of patio encroaching in the easement, if necessary.

The meeting was opened to the public with a motion from Ms. Hembree, seconded by Vice Chairman Dhawan.

The phone number was provided to the public to call in with any questions or concerns regarding this application. The public was also advised that if they were participating via Zoom that they could raise their hand to ask a question or make a comment.

Mr. Cuoto addressed the Board and recommended that this pool and patio be left.

Ms. Levine questioned the Board regarding the affordable housing to be built on Broadway.

Mr. Princiotto stated that this matter was not before the Zoning Board and that she should contact the

Mayor and Council for information on that project.

Ms. Borrelli addressed the Board and wished everyone a Happy Thanksgiving.

The meeting was closed to the public with a motion by Mr. Kaufman, seconded by Ms. Picinic.

An email that was received regarding this application was read into the record from the owners of 73 Woodcrest Drive.

Ms. Hembree stated that she did not believe that the pool should be moved but that she thought that the patio must be removed from the easement. Ms. Hembree also suggested that a reminder should be placed in the Borough newsletter regarding permits needing inspections to be closed.

Ms. Cereijo asked if there was any way to give notice to the pool company.

Mr. Princiotto agreed that the pool company should be notified that a final as built survey was not provided and that the permit was not closed.

Mr. Kaufman stated that he did not believe that the pool was located in the wrong location intentionally and that the error has not impacted the neighborhood. He stated that it is not practical to require the pool to be moved and stated that the applicant will move the shed.

Mr. Pulzello asked if the adjustment to the patio could be conditional in the event that access was needed then the patio would be cut.

Mr. Princiotto stated that this would need to be recorded so that future owners would be aware and that was a process.

Mr. Pulzello stated that access thru the easement was never needed in the 20 years that he lived there.

Mr. Jacobs stated that a request to encroach on the easement could be brought to the Mayor and Council and that the owner could provide a Hold Harmless agreement so that if needed the patio and fence would be removed and not replaced by the town.

Mr. Princiotto stated that obtaining this approval and Hold Harmless could be a condition of approval. If approval is not granted by the Mayor and Council then 1 ½ feet of the patio would need to be removed.

Mr. Dhawan questioned if all necessary inspections for the pool and patio have been done. The Board Secretary confirmed that all final inspections were completed.

A motion was made by Mr. Kaufman to approve this application the condition noted for the Hold Harmless and the motion was seconded by Ms. Hembree. On a roll call vote, all board members present were in favor of the motion.

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

Respectfully submitted,

Meg Smith