

Unified Planning/Zoning Board of Adjustments Meeting  
March 3, 2008

The meeting was called to order by chairman, Ken Cassidy, and the pledge of allegiance was recited.

Roll call was taken with the following members present: Mr. Cassidy, Mr. Mendes, Mr. Montfort, Ms. Rinear, and Mr. Shea. The alternates present were: Mr. Gallego and Ms. Malanga. Members that were absent: Mr. Buccellato, Ms. DeYoung, Mr. Dolan, and Mr. Saporito.

Ms. Rinear made a motion to approve the minutes of the February 20, 2008 meeting with corrections and Mr. Montfort second. The board voted with all members in favor.

The first application was Mr. Ferraj, 77 Aberdeen Rd Block 64.01, Lot 13  
Fred Kalma is the attorney. The notices were reviewed, but there was no notice for D variance so therefore Mr. Kalma asked the board to have the application carried over with an extension of time granted. Mr. Montfort made a motion to carry it over until the April 7, 2008 meeting and Mr. Shea second. The board voted with all members in favor.

The second application was Mr. Walters, 31 Schenck Ave Block 47, Lot 14  
Mr. Walters was sworn in and Mr. Venezia, the board engineer, was sworn in. The notices were approved and exhibits marked. The applicant is making a 2-story addition, removing some of his deck and enclosing the staircase to the basement. He is looking for the minimum side yard ratio on the north side where 18.75' is required.

Board questions- Mr. Montfort asked if there were any modifications being done to the basement and the answer was no and there will also only be 1 back door. The board instructed the applicant that the shed needed to stay as it is because it is considered a pre-existing non-conforming structure.

Mr. Irene asked if the applicant did move it, could it then be made conforming? The board engineer stated that the rear yard of 6' and 7' from the side yard is required in that area, so it was suggested that he leave it where it is or he may have to come back before the board for that issue.

Public questions- none

Mr. Mendes made a motion to approve the application with only 1 back door and not 2 and Mr. Gallego second. The board voted with all members in favor.

The third application was Mr. Alvarez, 6 Northfield Rd Block 102, Lot 6  
Mr. Alvarez was sworn in and the board engineer, Mr. Venezia, was sworn in. The notices were approved and the survey and plan were marked for exhibit. Mr. Alvarez is making an addition. He needs a 6" variance for his porch and a 4' variance for his garage, however the rest of the addition is within guidelines.

Board questions- Mr. Montfort asked if he was taking down the house and the answer was no but he is extending the garage and 3 bedrooms upstairs and a porch around the house.

Public questions- none

Mr. Mendes made a motion to approve the application and Mr. Shea second. The board voted with all members in favor.

The fourth application was ESK builders, Highway 34 Block 113, Lot 1.02, 2.02, and 3  
Mr. Alfieri is the applicant's attorney. Mr. Venezia is the board's engineer and was sworn in. There was no need to notice due to no changes on the plan, however the site plan was marked for exhibit. They are here for final approval of the site plan subject to all changes based on the former board engineer's letter. Mr. Venezia informed the board that most items in the letter are technical ones and the applicant is willing to comply.

Board questions- Mr. Cassidy asked if the entrances in and out had been changed and Mr. Alfieri said they had not. Mr. Irene asked if they had requested the change from the DOT and Mr. Alfieri said that final DOT approval is expected this week if they have final site plan approval. However, he stated that the DOT would not allow the applicant to close that entrance. Mr. Irene agreed that even though the board had asked for it, DOT would not allow it. He also advised the board that they could approve the final site plan with conditions met from the board engineer's letter and therefore permits could be issued to the applicants.

Public questions-none

Mr. Mendes made a motion to approve with conditions of the board engineer's letter and Ms. Rinear second. The board voted with all members in favor.

The fifth application was Mr. Smith, Block 122, Lot 19 & 20

Mr. Alfieri is the applicant's attorney. Mr. Venezia, the board's engineer, was sworn in. The notices were approved and the survey marked as exhibit. This application is a D variance so the class 3 member stepped down. This is a major sub-division because there are 3 lots involved whereas 2 lots would have made it a minor sub-division. Mr. Hopkins is the applicant's engineer. He went on to describe the property, which is an empty lot with 3 lots proposed. He said there would be access from Ryers Lane. He reviewed the curb cuts proposed and the 2 easements for sanitary sewer.

Board questions- Mr. Montfort asked if they would build on top of the easement and the engineer said no. Mr. Montfort asked how it was possible to have access to 3 lots from a one-way street. Mr. Alfieri stated that the Municipal Land Use law does not state there must be a 2-way street but only that fire and safety vehicles must be able to access it. He also stated that DOT would not allow access from Rt 79. Ms. Malanga did state that she felt it was an awful small space to fit in 3 houses. Mr. Alfieri made the argument that they could build 2 houses without any issues so is 1 more house going to increase the traffic that much? He did not think so. The board engineer's letter was then reviewed with the board.

Board questions- Mr. Cassidy asked what the 3 homes would look like? Mr. Alfieri said they did not know because they would not need a variance, as it would be within construction guidelines. Mr. Cassidy said he thought Lot 1 on the plan looked undersized and it looked too small. Mr. Irene asked how they are numbered and Mr. Alfieri stated just as they are listed, there were no changes to that. Mr. Cassidy stated that it seems the driveway of one house is right next to the property line of the other and the board has had problems with that in the past. Mr. Gallego asked if the sewer line could handle 3 homes there? The board engineer said they would have to check with DPW. Mr. Irene said the

applicant must show why the board should approve the application. There are 3 lots all undersized and that is why they are here, everything else is irrelevant at this time. Mr. Shea asked what the zoning area is and the answer is R100.

Public questions- Ms. Ruesch of 221 Freneau Ave was sworn in and asked what was allowed for the frontage or lot width? The engineer stated 100' is required and there is 81' to 84' in the project. Ms. Ruesch stated there have been a lot of accidents on the road in that spot where cars come up onto properties.

Mr. Alfieri then stated that they would not have their planner testify tonight and he would like to talk to his client first to see if he would be interested in only building 2 homes there. He said he would like to reschedule with an extension of time granted to the board and announce the date tonight so he did not have to re-notice. Mr. Montfort made a motion to carry over the application to the May 5, 2008 meeting and Mr. Shea second. The board voted with all members in favor. Mr. Alfieri then asked the board if they had preferences to which lots to use if they decided on only 2 homes.

#### Resolutions

Cole Resolution- Mr. Montfort made a motion to approve and Mr. Mendes second. The following roll call was taken for the vote: Mr. Cassidy-yes, Mr. Mendes-yes, Mr. Montfort-yes, Ms. Rinear-yes, Mr. Shea-yes. Ms. Malanga abstained and Mr. Gallego recused himself.

Strano Resolution- Mr. Mendes made a motion to approve as long as the flood elevation is all right and Mr. Montfort second. The following roll call was taken for the vote: Mr. Cassidy-yes, Mr. Mendes-yes, Mr. Montfort-yes, Ms. Rinear-yes, Mr. Shea-yes. Ms. Malanga abstained and Mr. Gallego recused himself.

T & M Engineering Contract- Ms. Rinear made a motion to approve and Mr. Montfort second. The following roll call was taken for the vote: Mr. Cassidy-yes, Mr. Montfort-yes, Ms. Rinear-yes, Mr. Shea-yes, Ms. Malanga-yes, and Mr. Gallego-yes. Mr. Mendes-abstained.

Mr. Montfort made a motion to adjourn and Mr. Mendes second. The board voted with all members in favor.

The meeting was adjourned at 9:15pm

Respectfully submitted,

Diane Cannon  
Board Recording Secretary