Chairman Nargiso brought the regular meeting to order for August 20, 2020. Chairman noted that this meeting is being held in conformance with the Sunshine Law Requirements having been duly advertised and posted at Borough Hall.

**ROLL CALL:**

Present: Donnelly, Roche, Veneziano, Donza, Brown, Piccirillo, Vath, Nargiso

Absent: Alviene, (excused), Finelli (excused), Fox (excused)

**CORRESPONDENCE:**

Correspondence with David Dixon, ESQ. regarding Bergen Middlesex LLC on July 23, 2020 stating that they were withdrawing the request for an extension of time for Subdivision Deeds, The County Clerk confirmed that the deeds were accepted and timely recorded.

**CASES TO BE HEARD:**

29-203V Maureen Roger & Christina McGrath

1. Smith Street

Block 37.02 Lot 18

Jude Avelino, Esq. representing the applicant

Mr. Avelino stated the application is before the board to obtain dimensional variances for front yard, side yard and building coverage.

Mark Thomas, Architect

Accepted as an expert witness by motion

Mr. Thomas testified to the following:

* Description of existing conditions
* Description of proposed conditions
* Details of the one story addition
* Description of proposed front porch

Board questioned the witness on various aspects of his testimony.

Public Portion opened for questions

Public Portion closed for questions

Maureen Roger testified to the following

* Provided three exhibits A1 – A3 dated exhibits dated August 20, 2020 taken within the last 60 days of the front and back of the existing house
* Stated the deck is pre-existing was on the house when purchased in 2005
* Retaining wall to be repaired
* Front porch is currently 12 feet off the road
* Setbacks

Board questioned the application on various aspects of her testimony

Public Portion opened for questions

Public Portion closed for questions

Public Portion opened for comments

Public Portion closed for comments

Mr. Avelino stated he had a chance to discuss with his clients and their expert and are aware of the boards concerns regarding the front yard setback and are willing to amend the application to remove that request from the application.

Mr. Barbarula stated when an applicant is asking for dimensional variances there has to be appropriate testimony to justify the variances, there is one expert in this application when asked for the justification it was because of the necessity of what the applicant wanted. The lieu of the applicants deli mina in terms of future health potential that does not meet the legal standards and the board has to be advised that this has been no testimony and none has been presented that would give the board adequate basis on which to grant any variance without engineering or planning testimony, there has been no discussion or testimony in reference to the surrounding properties, average setbacks or whether or not the building coverage of 27% is in keeping with the neighborhood or is consistent with the neighborhood. The board can determine if they have heard sufficient information but on a legal standpoint there has been no planning or engineering testimony presented to make that justification.

Board determined that the application was missing the following;

* Applicants architect wanted the house as presented and did not want to cover the manhole located in the rear yard
* There is no testimony as to why the variances should be granted. Neither a planner or engineer made any presentations
* The applicant and presentation were devoid of any justification to grant the variances requested.

Motion to deny the application as presented:

Motion: Brown

Second: Donnelly

Voted Aye: Donnelly, Roche, Donza, Brown, Piccirillo, Vath, Nargiso

Abstain: Veneziano

Voted Nay: None

Motion to redact the applicants W9

All Ayes

**APPROVAL OFMINUTES** – July 15, 2020

Motion: Vath

Second: Donnelly

Voted Aye: Donnelly, Roche, Veneziano, Donza, Brown, Piccirillo, Vath, Nargiso

Voted Nay: None

**APPROVAL OF VOUCHERS**

Motion to approve as submitted:

Motion: Donza

Second: Vath

Voted Aye: Donnelly, Roche, Veneziano, Donza, Brown, Piccirillo, Vath, Nargiso

Voted Nay: None

Meeting adjourned at 8:46 PM



ADOPTED: September 17, 2020