Chairman Nargiso brought the regular Planning Board Meeting for October 18, 2018 to order followed by a Pledge to the Flag. 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: Veneziano, Hauck, Brown, Finelli, Grygus, Vath, Nargiso

Absent: Donnelly (excused), Fox (excused), Roche (excused), Alviene (excused)

Board Discussion with Zoning Officer William Budesheim regarding ordinance 143-143C and 143-143H

The board provided the following conclusions

1. 143-143C states that if just one of those three conditions (15,000 pounds, 8 feet in height, or 24 feet in length) exists the parking of such vehicles is prohibited.
2. Section 143-143H provides for the storage of parking of recreational vehicles, however, all vehicles regardless of the type are subject to the size criteria provided for in “C”
3. The Board’s understanding of 143-143H (4) is that the asphalt or concrete surface refers to a pad under the entire vehicle, not individual pavers supporting each tire.

The vehicle in question is 32 feet long and parked in the front yard area. Therefore, the recreational vehicle is in violation of 143-143C, H (1) (4).

Mr. Barbarula stated that the board agrees with the determination of the Zoning Office, if a violation is issued and they don’t agree they can appeal it to the Board

**CASES TO BE HEARD:**

18-198V 141 Kiel Ave LLC

141 Kiel Ave

Block 51 Lot 6.01

Notice is in order and applicant can proceed

Steven Schepis, Esq. appearing on behalf of the applicant

Mr. Schepis stated the application before the board is for variance relief to construct an in ground pool, patio, retaining walls, fencing pillars, and gates in the front yard of 141 Kiel Avenue. The property is located in a residential zone. The property is a flag lot configuration which has approximately fifty feet of frontage along Kiel Ave. The lot extends rearward to an open area whereas located in a single family dwelling on the subject property which is approximately 200 ft. from the property line. The applicant proposes to construct a new in ground swimming pool with related patio immediately to the front of the dwelling to the right hand side (west). The swimming pool is proposed in front of the existing dwelling on the subject property. It is to the rear of the existing dwelling on adjoining property located at 141 Kiel Ave and further, will not be visible from the public roadway. The Zoning Ordinance does not permit swimming pools or patios in front yards and as such a variance relief is necessary and requested.

The following variances are requested for this project

* Variance for swimming pool in front yard, whereas swimming pools are permitted in rear yards only
* Variance for maximum wall/fence height. The applicant proposes retaining walls with a five foot high fence located atop. In its highest point, the combination of retaining wall and fence will rise to eight point five feet where a maximum of four feet is the maximum height required
* Variance to provide for a five foot tall automated gate located approximately one hundred and thirteen feet from the front property line on Kiel Avenue. The ordinance requires that such gate be no higher than four feet and a variance is requested.
* Variance for parking areas setback on residential properties. A minimum of twenty five feet setback is required from an adjoining property line, whereas five feet is proposed.

Tomasz Adach, Registered Architect

Accepted as an expert witness by motion

Mr. Adach testified to the following

* Prepared the current plan
* Description of property
* Design of existing home
* Design of new house
* Exhibit A1 Color rendering prepared by the architect
* Description of color rendering
* Description of changes regarding Board Engineer comments
* Description of retaining wall
* Landscaping modifications
* Description of flag lot
* Widening of driveway – parking spaces
* Exhibit A2 – Pilar and gate
* Exhibit A3 Landscape exhibit
* A4 Arborvitae exhibit
* A5 area exhibit
* Description of area exhibit
* Description of pool location
* Drainage and storm water Management

Board questioned the witness on various aspects of his testimony

Board indicated there are no lighting plans indicated on the plans

Review and discussion of report from Board engineer

Mr. Barbarula stated when you are talking about variances for pool, patio and pool equipment in the front yard and the fact that the light plan should have been submitted and determination on whether or not there is impervious surface variance required, maybe the board should determine whether or not they are going to permit the pool in the front yard before requesting the applicant to come back with all this extra work. It would be required that the applicant request it would be split that way. It would be like bifurcating the application, it is a C Variance asking for an unusual relief as a C Variance.

Mr. Schepis stated that he feels the applicant and planner can testify to the concerns that the board may have.

**Public portion** **opened by motion for questions**

Pat Moxley – 147 Kiel Avenue

Questions regarding pool equipment and drainage

Mr. Kennedy – 49 Western Avenue

Questions regarding drainage, lighting, fencing height and landscaping

**Public portion closed by motion**

Mr. Schepis stated having heard the concerns of the board members and the public; they would like an opportunity to modify the plans to accommodate some of the concerns that were voiced. Would like to request a date to return in the near future and submit some revised plans.

Motion to carry the application to December 20, 2018

Motion: Brown

Second: Finelli

Voted Aye: Veneziano, Hauck, Brown, Finelli, Grygus, Vath, Nargiso

Voted Nay: None

Meeting carried to December 20, 2018 – no further notice being required

**RESOLUTONS:**

SD18-72 Edward Litchfield

20 Tintle Road

Block 73 Lot 3.01

Motion to approve resolution as presented and read

Motion: Hauck

Second: Finelli

Voted Aye: Veneziano, Hauck, Finelli, Grygus, Vath, Nargiso

Abstain: Brown

Voted Nay: None

**APPROVAL OF VOUCHERS**

Motion to approve as submitted

Motion: Brown

Second: Finelli

Voted Aye: Veneziano, Hauck, Brown, Finelli, Grygus, Vath, Nargiso

Voted Nay: None

APPROVAL OF MINUTES – September 20, 2018

Motion: Hauck

Second: Vath

Voted Aye: Veneziano, Hauck, Grygus, Vath, Nargiso

Abstain: Brown, Finelli

Voted Nay: NoneVeneziano, Hauck, Brown, Finelli, Grygus, Vath, Nargiso

Motion to adjourn

Motion: Brown

Second: Finelli

All Ayes

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Chairman – Planning Board

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary – Planning Board

Adopted:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_