

**MINUTES OF REGULAR ZONING BOARD OF ADJUSTMENT
MEETING HELD ON TUESDAY, FEBRUARY 13, 2018**

Chairman Byrne called to order the regular meeting of the Board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice dated February 5th, 2018 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall. All stood for the Pledge of Allegiance.

**PRESENT: BRACCHITTA, BYRNE, ERICKSON, KUBISKY, *ZAPF AND ZALEWSKI
(ALT. #2)**

ALSO PRESENT: BOORADY, ENGINEER AND ALEXANDER, COUNSEL

ABSENT: FOREMAN, WOLFSON AND DUBOWSKY (ALT. #1)

Chairman Byrne stated the first order of business is the approval of minutes from the January 9th, 2018 reorganization meeting.

Ms. Ward mentioned members that can vote on the reorg minutes are Byrne, Erickson, Kubisky, Zapf and Zalewski.

Mr. Zapf made the motion to accept the minutes as they are.

Mr. Erickson seconds.

Roll call:

Yes: Zapf, Erickson, Byrne, Kubisky and Zalewski (Alt. #2)

No: None

Abstain: None

Chairman Byrne stated okay. Next set of minutes is the regular meeting minutes of January 9th, 2018.

Ms. Ward mentioned the members that can vote are Byrne, Erickson, Kubisky, Zapf, Zalewski and Bracchitta.

Mr. Zapf stated I have one notation on page 6, Item #12 there is a zero in the middle of the word apartment.

Ms. Ward mentioned okay.

Chairman Byrne stated that was a trick to see if you were paying attention.

Mr. Zapf stated I read every line. I will make a motion with that notation.

Mrs. Kubisky seconds.

Roll call:

Yes: Zapf, Kubisky, Bracchitta, Byrne, Erickson and Zalewski (Alt. #2)

No: None

Abstain: None

Ms. Ward mentioned they're approved.

Chairman Byrne stated the next order of business is a time extension by Steven Schepis with reference to Minor Subdivision Application #631, Amended Site Plan Application #339-A and Variance Application #2017-01 by 499 Pine Brook Realty, LLC and 521 Pine Brook Realty, LLC, on property known as Block 136, Lots 20 and 20.03 on the municipal tax map also known as 499

Pine Brook Road and 521 Pine Brook Road.

Ms. Ward mentioned this is a consideration of a resolution of memorialization and the members that can vote are Bracchitta, Byrne, Erickson, Kubisky and Zapf.

LINCOLN PARK BOARD OF ADJUSTMENT
RESOLUTION

Minor Subdivision Application #631
Amended Preliminary and Final Major Site Plan Application #339A
Variance Application #2017-01

WHEREAS, 499 Pine Brook Realty, LLC and 521 Pine Brook Realty, LLC (the “Applicant”) have filed an application before the Lincoln Park Zoning Board of Adjustment (the “Board”) with regard to property known as (i) 499-503 Pine Brook Road, Lincoln Park, New Jersey, also identified as Block 136, Lot 20 on the official tax maps, and (ii) 521-523 Pine Brook Road, Lincoln Park, New Jersey, also identified as Block 136, Lot 20.03 on the official tax maps (collectively, the “Property”); and

WHEREAS, the Board approved the application on March 13, 2017 and memorialized such approval by Resolution adopted on May 9, 2017; and

WHEREAS, the Applicants have requested a 90 day time extension to perfect the subdivision of the Property pursuant to NJSA 40:55D-48(d); and

WHEREAS, the Board considered this request at the Board’s meeting on January 9, 2018; and

WHEREAS, based on the hearing and a review of all the testimony and documents submitted in conjunction with the application, the Board makes the following finding of facts:

1. The Applicants’ attorney, Steven C. Schepis, Esq., submitted a letter dated November 28, 2017 detailing the reasons for the requested extension of time. As set forth in that letter, the application involved the creation of numerous easements and other restrictions as well as revisions to the subdivision map. It was a complex matter and the Applicants’ engineer has been diligently working to satisfy all of the conditions of approval. The time extension will not prejudice the Board or the Borough. Under the circumstances, the Board concludes there is good cause to extend the time pursuant to NJSA 40:55D-48(d) for the Applicants to perfect the subdivision approved by the Board, with such extended time period expiring February 16, 2018.

NOW, THEREFORE, BE IT RESOLVED, that based upon the testimony and facts as found above, the Lincoln Park Zoning of Adjustment does hereby grant the Applicants’ request to extend the time pursuant to NJSA 40:55D-48(d) for the Applicants to perfect the subdivision of

the Property approved by the Board, with such extended time period expiring February 16, 2018. All other terms and conditions of the Resolution dated May 9, 2017 shall remain in full force and effect.

Mr. Zapf stated I moved it at the last meeting for the extension so I'll make the motion for the memorialization.

Mr. Bracchitta seconds.

Roll call:

Yes: Zapf, Bracchitta, Byrne, Erickson, and Kubisky

No: None

Abstain: None

Ms. Ward mentioned it's approved.

Mr. Alexander asked Tom, do you know if they've recorded the map.

Ms. Ward stated yes, they've recorded the subdivision map and I have it.

Mr. Alexander mentioned okay good.

Ms. Ward stated they did it on February 1st.

Mr. Alexander mentioned okay.

Mr. Boorady stated I didn't get anything.

Ms. Ward mentioned I have two copies.

Mr. Boorady stated oh good.

Ms. Ward mentioned they just brought it in yesterday.

Mr. Boorady stated perfect.

Ms. Ward mentioned Steve has more items to record but the subdivision map is recorded.

Chairman Byrne stated Beavco was taken care of too.

Ms. Ward stated yes.

Chairman Byrne stated the signs are up in the garden apartments.

Ms. Ward mentioned the reason the signage took so long is they were having problems getting the signs from Stager's. Russ mentioned she had ordered the signs but apparently Stager's didn't deliver the signage to her.

I don't know if the cars are still there or not?

Chairman Byrne stated I've been going through the lot the last two weeks and there is no illegal parking anymore.

Ms. Ward mentioned Joe Fede put the signs up and Jude sent us an email stating they were up.

Chairman Byrne stated from a personal observation there is no illegal parking so that must be working.

The next order of business is discussion with Francis Kelly Jose, 242 Pine Brook Road, Block 46.4, Lot 269.1 regarding Variance Application #2016-03 by Dorothy Ippolito, the rerecording of the deed for the extended-family-dwelling unit.

Ms. Ward mentioned I haven't heard anything from him. I spoke with the title company and they were going to record the deed. I don't know if the deed has been recorded or not.

I sent him a letter inviting him to attend our meeting but obviously he is not here.

Chairman Byrne stated didn't we ask him to have it done and in --

Ms. Ward mentioned we did. Do you want to wait one more month and I'll see if the deed has been recorded? If not, then I guess the Board is going to have to act on it.

Chairman Byrne stated I'm fine with that. Does anyone have any objection?

Ms. Ward mentioned we'll put it on for the March meeting. I'll check with the tax assessor and see if it has been recorded. I'll reach out to him one more time and see if the title company recorded it or not.

Chairman Byrne stated let him know that we are going to do something.

Ms. Ward mentioned I will.

Chairman Byrne stated okay.

The next order of business is Variance Application #2017-04 by Frans Van Der Berg, on property known as Block 75, Lot 42 on the municipal tax map also known as 4 Algonquin Avenue. This is a public hearing.

Mr. Zapf recused himself from the meeting because the applicant and I both serve on the Board of Elders and Deacons at the church.

Chairman Byrne stated okay we have a quorum.

Mr. Zapf asked is there anything else I have to stay for.

Chairman Byrne mentioned you heard the update on Beaver Brook Gardens.

Mr. Zapf stated yes.

Chairman Byrne mentioned we are good, enjoy your evening.

*Mr. Zapf stated thank you (left meeting.)

Mr. Alexander swore in Mr. Van Der Berg. State your name and address for the record.

Mr. Van Der Berg testified Frans Van Der Berg, 4 Algonquin Avenue, Lincoln Park, NJ.

Mr. Alexander stated please tell the Board what you want to do.

Mr. Van Der Berg testified I want to add a garage to one side of my house and a bedroom to the front side of my house and change the current bedroom into a wheelchair accessible bathroom. Next to the garage I extended the living room and kitchen a little bit and added the garage to the right side.

Chairman Byrne mentioned you want to add a garage, you don't have a garage or a carport now?

Mr. Van Der Berg testified no I just have a driveway where I can park.

Chairman Byrne asked where is the handicapped accessible bedroom.

Mr. Van Der Berg testified the bedroom is the one at the front of the house so a portion of that bedroom is going to change into a wheelchair accessible bathroom and currently where the porch is we want to make the new bedroom out of it.

Chairman Byrne stated okay. Does anyone have any questions, or Tom do you want to go through your report first?

Mr. Boorady mentioned sure. Does anyone want to ask questions first, or do you want me to go first?

Chairman Byrne stated why don't you go first and then we can ask questions.

Mr. Boorady mentioned my report issued to the Board is dated December 27th, 2017. The first page and part of the second page lists all the documents that the Board received, including variance maps and floor plans which I think everybody has before you. There is also a survey of existing conditions.

Then the second half of page 2 goes over completeness which I believe the applicant took care of with Joan, otherwise he wouldn't be here tonight. Starting on page 3 I provide everybody with a brief project summary.

The subject property is in the R-15 zone and it is undersized with a lot area of only 10,024 square feet where a minimum of 15,000 square feet is required in the R-15 zone. The lot frontage, the width at the right-of-way line is a 100.12 feet where you are required to have a minimum of 100 so that is conforming.

Currently the lot coverage is non-conforming so the amount of impervious that is on the ground is 27% of lot area where the R-15 zone only permits you to have 25% of the lot area so he is a little bit over currently.

The addition on the left hand side it would require a variance to permit no less than 17½ feet and you are required to have 20 feet minimum. It is conforming right now so he would be encroaching into that side yard by 2½ feet. The work to the front of the house would require a front yard setback dimension variance of no less than 29 feet and you are required to have 40 feet in the R-15 zone. There is also a back deck but I don't know if that was mentioned? Did you mentioned the back deck?

Mr. Van Der Berg testified no I don't think I mentioned it.

Mr. Boorady asked do you still want to put it on the back.

Mr. Van Der Berg testified I still want to put it back there yes.

Mr. Boorady mentioned so there is a back deck and that would be within the left side yard so it would need a variance. It would be within the envelope for the left side yard but it would need a backyard setback of 33.8 feet to the deck itself and then about 30 feet to the stairs, and the backyard setback requirement is 35 in the R-15 zone.

There is a series of additions, so it is the one to the front right side would require a front yard setback of no less than 29.7 feet where 40 feet is required; and a right side yard setback of 17½ feet where a minimum of 20 is required. So both left side yards would be at no less than 17½, although the existing right side yard is 17 to the back right corner so it is no less than what is there now on the right side. The left side would be a further encroachment.

The front yard would only be slightly less than the front yard that exists now. So you have 29.7 proposed and I believe the existing is 32.7 to the one corner and 28.5 to the wood ramp that is there now today, the ADA ramp, so the front yard encroachment isn't that much greater than what is there today.

Lastly, the impervious coverage would increase from 27% to 36.7% so there is roughly 3,680 square feet of impervious where you would only be permitted to have approximately 2,500 square feet of impervious with a 10,000 square foot lot, so those are the variances. There is

backyard, left yard, right yard, front yard and impervious coverage variances so it is just about every setback that needs some sort of a variance and then you have the impervious coverage. Is that all the work you are proposing is that correct?

Mr. Van Der Berg testified yes that is all the work I'm proposing.

Mr. Boorady mentioned and these are one-story additions.

Mr. Van Der Berg testified one story correct.

Mr. Boorady stated so these are the variances. Then I go into some technical comments in the middle of page 3. Technical comment #1, I summarize the impervious coverage and to offset that increase in the impervious coverage the applicant has agreed to install seepage pits. They haven't been designed yet but I believe the applicant has agreed to install them and they would be sized by a professional engineer and reviewed by my office.

I know that the area has some runoff issues and there are some sump pumps in the basement currently. I believe the applicant would agree to connect all the sump pumps and the roof leaders to some seepage pits in the backyard so that all that runoff would be collected and directed below grade into seepage pits and infiltrate instead of running off down the hill, so in a way it will be an improvement of what is there today because everything just runs off and goes down to the street below.

Mr. Alexander asked is that acceptable to you.

Mr. Van Der Berg testified that's correct.

Mr. Boorady mentioned Item #2 is a design comment. The driveway pitches toward the addition not necessarily desirable because you have a little bit of runoff maybe coming from the front yard and the street and the driveway itself so you don't want that water to rush into the garage. My comment is making sure that the first floor of the garage is high enough and pitched outward, and also making sure that the driveway is pitched away from the garage floor so that you don't create a problem for yourself. I would hate for you to have water running into your garage, the brand new addition.

Mr. Van Der Berg testified yeah I think the plan was on the right of the garage because we needed slightly higher for the wheelchair ramp not to be too long so we needed to raise the garage for the backstairs as well.

Mr. Boorady stated so when the engineer designs the seepage pits, you may want to put some grades on the driveway; the first floor and around the foundation to make sure the runoff goes where it is supposed to go.

Mr. Van Der Berg testified okay.

Mr. Boorady stated you need to show some limited grades and spot elevations.

Mr. Van Der Berg testified sure.

Mr. Boorady stated the topography of the land okay.

Item #3, normally HVAC pads if you are going to put in air conditioning, it has to be within the building envelope.

Mr. Van Der Berg testified okay.

Mr. Boorady mentioned they are not really supposed to be in the front yard and you need variances on the left and right so that really only leaves a portion of the backyard. If you are going to put an HVAC pad, then you could go either beneath or above the deck somewhere.

Mr. Van Der Berg testified okay.

Mr. Boorady asked are you putting in a generator.

Mr. Van Der Berg testified I don't plan to.

Mr. Boorady stated okay so generators and HVAC pads are the same since they are mechanically and electrically connected to the house so it is part of the house.

Mr. Van Der Berg testified okay.

Mr. Boorady stated it will have to be within the building envelope so you don't need any variances for those then.

Mr. Van Der Berg testified if I do it at some point, it can be done under the back porch.

Mr. Boorady stated under the proposed deck somewhere.

Mr. Van Der Berg testified okay.

Mr. Boorady mentioned again you are not leaving yourself enough room within your building envelope with the side yards because you need 20 and you are going to be down to 17 on the right and 17½ on the left so there is no room on the side yard for the HVAC.

Mr. Van Der Berg testified okay.

Mr. Boorady stated I just want to make sure you are aware of that because you are here now and if you need a variance, you paid all this money to get this far and I would hate to see you come back for a little thing like that.

Mr. Van Der Berg testified okay.

Mr. Boorady stated if you think you can fit it under the back deck, then we can proceed. If you think you need a variance for it, then you really want to ask for it tonight.

Mr. Van Der Berg testified okay. So if I do add it, you are saying it has to be on the side or back.

Mr. Boorady stated it has to be in the back. The only place I think it might fit is beneath the deck. Your back corner now is already 25½ off of the backyard and you need 35.

Mr. Van Der Berg testified okay. So if I request a variance, I guess I can have it now if I wanted to place that.

Mr. Boorady stated the problem is we don't know where you are going to put it and I don't know that you know where you are going to put it.

Mr. Van Der Berg testified no because I have no plans to install it at this point.

Mr. Boorady stated okay then maybe we will leave it alone. My letter was in December so between then and now you could have amended things to show air conditioning, but at this point it is really tough without you coming back to another meeting.

Mr. Van Der Berg testified at this point I have no plans to do that.

Mr. Boorady stated I like to make people aware of those conditions though.

Item #4 is just a standard condition of any approval. The Board expects a project completion report when you are done and copies of as-built surveys to make sure you built what you said you were going to build.

Mr. Van Der Berg testified okay.

Mr. Boorady stated then you wouldn't get a certificate of occupancy until you provide that and I checked it.

Mr. Van Der Berg testified okay.

Mr. Boorady mentioned so you would have to put in all the drainage, the stormwater management, and build it the way you agreed to build it on these plans before you get a C.O., and those are my comments.

Chairman Byrne stated okay. Does anyone have any questions? No questions.

So the one car garage is going to have the ramp inside in the back end of it, the access ramp and currently there is one in the front of the house and that will be removed.

Mr. Van Der Berg testified that's right.

Chairman Byrne asked will that affect the impervious coverage having that removed.

Mr. Boorady stated yeah but I believe there is already credit taken for it.

Mr. Van Der Berg testified yes.

Chairman Byrne stated oh okay.

Mr. Boorady mentioned what you are voting on is the net increase.

Chairman Byrne stated which would be 36.

Mr. Boorady mentioned 36.7 I believe.

Chairman Byrne stated okay. So overall for the variances you are asking for a few feet on either side and basically it comes down to that right, two to three feet per side.

Mr. Boorady stated 2½ feet on the left and right side yards.

Chairman Byrne stated then the front yard is --

Mr. Boorady mentioned the front is going to be 29.7. If you were out there today, the deck is 28.5 so even though he is going to be in front of the existing building wall he'll be behind the wood ramp, so just from a visual perspective if you were out there it would be behind the wood ramp.

Chairman Byrne stated all right.

Mr. Boorady mentioned so that is how far he'd be away from the edge of pavement or from the right-of-way.

Chairman Byrne asked and nobody has any questions. Anyone from the audience have any questions? Do you want to come up?

Mr. Alexander stated tell us your name and address please.

Mr. Wiltshire stated Craig Wiltshire, 29 Seminole Avenue, Lincoln Park. I'm his rear neighbor.

Mr. Alexander stated okay.

Mr. Wiltshire mentioned I spoke with him and my concern is about the water. It sounds like he talked to you and a lot of water comes on my property. If he does the seepage pits, I have no problem with that. I spoke with him yesterday and he is assuring me based on what you guys are saying that it is all being taken care of. That was my only concern because I'm right behind him with my property.

Chairman Byrne asked so when we ask for seepage pits or when we get an agreement from an applicant, is there an engineering plan on how much capacity they hold.

Mr. Boorady stated there are calculations that engineers do to make sure that the size of the tank has the capacity to hold a certain storm runoff off the roof. There is really no specific calculation for the sump pump because everybody's ground water situation is a little bit different. But if it is sized for the roof, it should be able to handle whatever little bit comes from your sump pump you know into the pit.

Chairman Byrne asked are you below him elevation wise.

Mr. Wiltshire stated oh yes.

Chairman Byrne mentioned I know the area.

Mr. Wiltshire stated everything comes down now. As far as the pits, what happens if that water seeps out of the pits down below?

Mr. Boorady stated it shouldn't affect you. Normally some sort of a test pit is done to make sure the soil has the capacity to handle it, I mean obviously if it is all bedrock nobody knows.

Mr. Wiltshire mentioned nobody knows until you dig.

Mr. Boorady stated this will have to be a condition of approval. You know you raise a good point, if you dig down and it is all bedrock and there is no room for pits, I don't know how the Board feels about granting an impervious coverage variance without any measure to offset it.

Chairman Byrne mentioned well that was my next question. So are there any drainage ditches already there that the town is responsible for?

Mr. Boorady stated there is drainage on Algonquin and I'm pretty sure there is drainage on Seminole but they don't connect through the lots it is all on the street. I don't see any easements on the surveys. The Board could stipulate that if seepage pits couldn't be installed for some reason that maybe the applicant would have to return for an interpretation for what you would want him to do.

There is a water problem, in fact before this addition even came to us I had received calls from Mr. Wiltshire in the past because I think he was having water problems before you were even contemplating the addition maybe a couple of years ago.

Mr. Wiltshire stated yeah.

Mr. Boorady mentioned so I am aware of the water issues that the neighbor is concerned about and I believe the applicant is aware of them too because there are sump pumps there. If all goes well, the soil will be able to handle the seepage pits, but if they hit rock for some reason I wouldn't have any direction so the Board may want to see the applicant again. I don't know what else to say.

Chairman Byrne stated I think that would be a fair.

Mr. Bracchitta mentioned approve on condition of the understanding that the seepage pits will be able to be installed.

Chairman Byrne stated if they can't I think he should come back.

Mr. Boorady mentioned then you can make a different determination at that time.

Chairman Byrne stated yeah. I think that would be fair.

Mr. Boorady stated I think the applicant has essentially agreed to install the pits. You know this would be in case the soils just really couldn't handle the seepage. We would normally dig a test pit and take a soil sample and make sure it can hold the capacity of whatever runoff storm we use.

Chairman Byrne stated I'm confident that it will in that area. I think we've had other applicants in

that area with seepage pits and we haven't had any problems.

Mr. Boorady stated okay.

Chairman Byrne mentioned but I'm not an engineer so just to be safe I think we should make that a condition. If you can't get the seepage pits in, you come back before us and we'll see if we can come up with a better solution.

Mr. Boorady stated okay.

Mr. Wiltshire mentioned I actually put pipes in to catch the water now and get it away from coming to the house, going to the side of my house and down to the street so I have been working on stuff.

Chairman Byrne stated okay.

Mr. Wilshire mentioned my concern was more water, but again he is addressing that and I have no problem with that.

Chairman Byrne stated okay.

Mr. Alexander mentioned that being one of the first things to be done to make sure you can put the seepage pits in before you start moving on with other issues.

Mr. Boorady stated correct.

Mr. Wiltshire asked where would they be behind the house or would they put them to the side.

Mr. Boorady stated normally you want to work with gravity and you might be able to fit one underneath the driveway but it would have to be --

Mr. Wiltshire asked would it be in between his house and mine off to the side.

Mr. Boorady mentioned it would probably be in the backyard.

Mr. Wiltshire testified I'm familiar with them because my friend installs them so I know about them.

Mr. Boorady stated it might take more than one pit, so it might be one pit by the driveway and one pit behind the house. You want it where you can take advantage of gravity coming off the roof; obviously if you put them all in the front yard you wouldn't pick up the back leaders.

Mr. Wiltshire testified it wouldn't do anything then.

Mr. Boorady stated you know you pick up the front leaders from the downspouts but not the back leaders, so there is going to be at least one in the backyard that I can tell you, but it could be two depending on the calculations, so to be determined.

Mr. Wiltshire testified okay.

Chairman Byrne stated okay we'll put that in.

Mr. Zalewski asked the test for these pits would be like a septic system in April, or it doesn't matter with this.

Mr. Boorady mentioned it may not matter.

Mr. Zalewski stated okay.

Mr. Boorady mentioned you can usually tell from the soil.

Mr. Zalewski stated because it is not that amount of water it is not constant.

Mr. Boorady mentioned right now things are a little wet so it is not fun to dig. You know the test takes into consideration the moisture content. It could be sent to the lab, but you know if you dig down and you see all sand and gravel, normally you wouldn't sent that to the lab.

Mr. Zalewski stated right.

Mr. Boorady stated you would just assume that's okay. Normally his engineer would be responsible for doing the test and I would witness it and again it is really to be determined. You know hopefully there are several feet below the backyard that has room for seepage pits.

Chairman Byrne asked on the drawing it says there is a concrete pit there, do you know what that is on the right side of the house.

Mr. Van Der Berg testified it was there when I moved in and I don't know what it was before.

Chairman Byrne stated okay.

Mr. Van Der Berg testified one of the sump pumps is currently draining into that but I don't really know.

Chairman Byrne mentioned maybe a type of seepage pit already existing.

Mr. Boorady stated it could be but that is something you are going to want to investigate before you spend a lot of money. Seeing there is an apparent water problem if there is a pit there, it might not be functioning right so you might have to do something in addition to that even if it was a pit.

Mr. Van Der Berg testified yeah.

Mr. Boorady mentioned so you didn't install that it was there when you bought the house.

Mr. Van Der Berg testified it was there when I bought the house.

Mr. Boorady mentioned you might want to investigate that.

Chairman Byrne asked so on the proposed drawing there is a pad on the right side what is that for.

Mr. Van Der Berg testified that use to be where an oil tank was but the oil tank has been replaced.

Chairman Byrne asked okay can that be removed or is it worth removing.

Mr. Boorady stated the only thing it would matter with is the impervious coverage. It is an at grade pad so from a setback standpoint it is not really doing much.

Chairman Byrne mentioned it won't really matter.

Mr. Boorady stated from an impervious standpoint you know you benefit a little bit but you are still going to be over 36% so I don't think you are going to gain .7%.

Chairman Byrne mentioned it looks pretty small. Those are the only questions I have. Do you have any other questions?

Mr. Wiltshire testified no that was it. I spoke with him yesterday and he assured me he would be working on that end of it.

Chairman Byrne stated good.

Mr. Wiltshire testified everybody gets water and you can't stop it.

Chairman Byrne stated it is Lincoln Park.

Mr. Wiltshire testified I deal with it now but I was worried about more.

Chairman Byrne stated gotcha. If there are no other questions, thank you. Anybody else from the audience? No, I'll close the public portion.

Does anyone else have any questions for the applicant? If not, I would just like to state that I see this as very small, only a few feet in either direction, and I definitely think it is an improvement of what is there so I have no problem with the application. Does anyone want to move it with the stipulation about the seepage pit?

Mr. Bracchitta moved it.

Mr. Erickson seconds.

Roll call:

Yes: Bracchitta, Erickson, Byrne, Kubisky and Zalewski (Alt. #2)

No: None

Abstain: None

Ms. Ward stated okay.

Chairman Byrne asked do you want to explain how the resolution works.

Mr. Alexander stated I will prepare a resolution which will be adopted by the Board at the next meeting and in the interim you can start finalizing your plan. You should first I think take care of the seepage pits and make sure that it is not going to be a problem. Take care of those calculations and those tests, then you can proceed to get your building permit.

Mr. Van Der Berg testified okay.

Mr. Boorady mentioned the variances are valid for one year.

Mr. Alexander stated yes.

Mr. Boorady stated you have to get a shovel in the ground before the year ends, before the 12 months ends right?

Mr. Alexander stated yes.

Mr. Boorady mentioned as long as you start before the year from now.

Mr. Van Der Berg testified from today.

Mr. Boorady mentioned if the year goes by and you don't start, then your variance has expired.

Mr. Van Der Berg testified okay.

Mr. Boorady mentioned some people forget that and they wait and save up their money and then they start really doing the plans and the year goes by and they can't build anymore. I would agree with the attorney that you should probably start investigating the seepage pits and you can do that starting tomorrow if you have an engineer.

Mr. Van Der Berg testified okay.

Mr. Boorady stated if you don't have an engineer, Joan has a list of professionals you can hire. There are several engineers on there that can help you design a seepage pit or seepage pits depending on how many you need okay.

Mr. Van Der Berg testified it sounds good.

Chairman Byrne thanked Mr. Van Der Berg.

Mr. Van Der Berg thanked the Board.

Chairman Byrne asked is there any other business.

Ms. Ward stated I have nothing.

Chairman Byrne asked how are we looking for next month.

Ms. Ward mentioned we have a couple of time extensions for next month.

Mr. Boorady mentioned we are reviewing two applications right? There is one for Vucenovic.

Ms. Ward stated but they are still incomplete right?

Mr. Boorady mentioned but I'm reviewing that now for completeness. That is a shed application up by the water tank, Davit Court water tank. Somebody wants a shed variance and a retaining wall variance.

The other application is for 70 Mountain Heights Avenue and I believe they need setback variances and an undersize lot variance for a two-family home.

Chairman Byrne mentioned that sound like fun.

Mr. Boorady stated so you do have a couple of things pending residential. Is that it Joan?

Ms. Ward mentioned yes. The other cases are Planning Board.

Mr. Boorady stated right. Stay tuned.

Chairman Byrne asked for a motion to close the meeting.

Mr. Erickson made the motion to close the meeting.

Mrs. Kubisky seconds.

Meeting adjourned 7:57 P.M.

Respectfully submitted:

Joan Ward, Secretary

Patrick Byrne, Chairman