

**MINUTES OF REGULAR ZONING BOARD OF ADJUSTMENT
MEETING HELD ON TUESDAY, APRIL 10, 2018**

Vice Chairman Zapf 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 April 3rd, 2018 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at the Borough. All stood for the Pledge of Allegiance.

**PRESENT: BRACCHITTA, ERICKSON, WOLFSON, ZAPF, DUBOWSKY (ALT. #1)
AND ZALEWSKI (ALT. #2)**

ALSO PRESENT: BOORADY ENGINEER AND ALEXANDER, COUNSEL

ABSENT: *BYRNE, FOREMAN AND KUBISKY

Vice Chairman Zapf stated the first item on the agenda is approval of the March 13th minutes.

Ms. Ward mentioned the members that can vote are Erickson, Dubowsky, Zalewski and Bracchitta.

Vice Chairman Zapf asked is four enough.

Ms. Ward mentioned four is enough. Craig four is enough right?

Mr. Alexander stated yes.

Ms. Ward mentioned Mr. Zapf left early as he was recused from the Bell application.

Vice Chairman Zapf stated right.

Ms. Ward asked do you have any changes.

Vice Chairman Zapf stated I have no changes everything was perfect.

Ms. Ward asked anyone else with changes on the minutes. No.

Vice Chairman Zapf entertained a motion to approve.

Mr. Dubowsky moved the minutes.

Mr. Erickson seconds.

Roll call:

Yes: Dubowsky (Alt. #1), Erickson, Zalewski (Alt. #2) and Bracchitta

No: None

Abstain: None

Ms. Ward mentioned they're approved.

Vice Chairman Zapf stated the next order of business is a time extension request from Francine Chillemi with reference to Variance Application #2016-01 and Flood Plain Encroachment Application #FPE 16-01, on property known as Block 120.6, Lot 2.4 on the municipal tax map also known as 5 Caroline Terrace. This was approved on April 11th, 2017 and the resolution of memorialization was adopted on May 9th, 2017. We are extending this for one year from the May date correct?

Ms. Ward mentioned right. The members that can vote are Bracchitta, Erickson, Zapf, Dubowsky and Zalewski.

Bulk Variance Application #2016-01
Flood Plain Encroachment FPE 16-01
Zoning Permit #2014-66Z

WHEREAS, Francine M. Chillemi (the “Applicant”) has filed an application before the Lincoln Park Zoning Board of Adjustment (the “Board”) with regard to property known as 5 Caroline Terrace, Lincoln Park, New Jersey, also identified as Block 120, Lot 2.4 on the official tax maps (the “Property”); and

WHEREAS, a public hearing was held before the Board on March 13, 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 findings of facts:

1. By Resolution adopted on May 9, 2017, the Board granted the Applicant’s application and requested variance to construct an addition to her home. The Applicant testified that she has not been able to commence construction due in large measure to her need to care for her elderly parents. The Applicant also expressed concern about incurring the cost to finalize the building plans before she is ready to commence the work. The Applicant has requested an extension of the time pursuant to the Borough’s code to commence construction of the project. The Board concluded the Applicant has demonstrated good cause for this relief.

NOW, THEREFORE, BE IT RESOLVED, that based upon the testimony and facts as found above, the Lincoln Park Zoning Board of Adjustment does hereby grant the application on the following terms and conditions:

1. The variance granted by the Board pursuant to Resolution adopted on May 9, 2017 is hereby extended and shall now expire on May 9, 2019. In all other respects, the terms and conditions set forth in the Resolution adopted on May 9, 2017 shall remain in full force and effect.

2. All other rules and regulations of any governmental agency having jurisdiction over the Property shall be complied with, including but not limited to the payment of all taxes, water and sewer charges and application fees and/or charges. No alteration of any construction plans submitted with this application and on file with the Board shall be permitted without the Board’s prior written approval.

Vice Chairman Zapf made the motion to approve the extension.

Mr. Bracchitta seconds.

Roll call:

Yes: **Zapf, Bracchitta, Erickson, Dubowsky (Alt. #1) and Zalewski (Alt. #2)**

No: **None**

Abstain: **None**

Ms. Ward stated it is approved.

Vice Chairman Zapf mentioned the next item on the agenda is a time extension request by Doug Bell (Bell's Lilly Pond, LLC) regarding Variance Application #2003-16, Mountain Heights Avenue (Block 35, Lot 24) approved on August 10th, 2004 by resolution. I can't vote on this one.

Ms. Ward stated you were recused. The members that can vote on the resolution are Bracchitta, Erickson, Dubowsky and Zalewski.

LINCOLN PARK BOARD OF ADJUSTMENT
RESOLUTION

Bulk Variance Application #2003-16

WHEREAS, Bell's Lilly Pond, LLC (the "Applicant") has filed an application before the Lincoln Park Zoning Board of Adjustment (the "Board") with regard to property located on Mountain Heights Avenue in Lincoln Park, New Jersey, also identified as Block 35, Lot 24 on the official tax maps (the "Property"); and

WHEREAS, a public hearing was held before the Board on March 13, 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 findings of facts:

1. Steven Schepis, Esq. represented the Applicant at the hearing. Douglas Bell, the principal of the owner of the Property, and Joseph S. Mianeck, Jr., a licensed professional engineer who prepared the original variance plans, testified before the Board.

2. By Resolution adopted on August 10, 2004, the Board granted the Applicant's application and requested variance to construct a single family dwelling on the Property. The Resolution included a provision that there would be no time limitation on this approval. The Applicant still has not commenced construction of the dwelling. However, the Applicant is now negotiating to sell the Property and the proposed buyer has requested confirmation that the Board's approval remains in full force and effect since almost fourteen years have elapsed.

3. Mr. Mianeck was the engineer who prepared the plans and testified at the original hearing. He advised that the NJDEP permits which had previously been issued have expired. He confirmed new applications would need to be filed, as well as applications for soil conservation and grading permits. However, Mr. Mianeck advised that nothing had changed with respect to the plans or ordinances that would indicate these permits cannot be secured. Mr.

Mianecki estimated it could take 4-6 months to secure these permits. The Applicant acknowledged that these permits are required in order to proceed with construction of the dwelling. The Board also reviewed the minutes from the original hearing.

4. No members of the public appeared at the hearing.

5. The Board concluded that it would be inappropriate to leave the approval open-ended; however, the Board also concluded the Applicant has demonstrated good cause for an extension of time. Based upon the testimony, the Board concluded a two year extension would be reasonable under the circumstances.

NOW, THEREFORE, BE IT RESOLVED, that based upon the testimony and facts as found above, the Lincoln Park Zoning Board of Adjustment does hereby grant the application on the following terms and conditions:

1. The variance granted by the Board pursuant to Resolution adopted on August 10, 2004 is hereby extended and shall now expire on April 10, 2020. In all other respects, the terms and conditions set forth in the Resolution adopted on August 10, 2004 shall remain in full force and effect.

2. This Resolution shall not relieve the Applicant of its obligation to apply for and obtain all other required permits to construct the dwelling.

3. All other rules and regulations of any governmental agency having jurisdiction over the Property shall be complied with, including but not limited to the payment of all taxes, water and sewer charges and application fees and/or changes. No alteration of any construction plans submitted with this application and on file with the Board shall be permitted without the Board's prior written approval.

Mr. Bracchitta made the motion to approve the resolution

Mr. Dubowsky seconds.

Roll call:

Yes: Bracchitta, Dubowsky (Alt. #1), Erickson and Zalewski (Alt. #2)

No: None

Abstain: None

Ms. Ward mentioned it's approved.

Vice Chairman Zapf stated it is passed and approved.

Next order of business is waiver request by Artur Merkaj with reference to Variance Application #2017-05 and Grading Permit Application #G17-02, on property known as Block 36, Lot 24 on

the municipal tax map also known as 70 Mountain Heights Avenue.

Ms. Ward mentioned Mr. Merkaj is present.

*Mr. Alexander stated, Joan for the record, we should acknowledge that Mr. Byrne has arrived.

Ms. Ward mentioned oh I didn't see you come in, sorry about that.

Vice Chairman Zapf stated let's trade places. I didn't see him come in either.

Ms. Ward stated we are on Merkaj. Tom just read it into the record and Mr. Merkaj is here.

Mr. Alexander asked Mr. Merkaj for his name and address for the record.

Mr. Merkaj stated Artur Merkaj, 36 Grandview Avenue, Lincoln Park, New Jersey.

Mr. Alexander swore in Mr. Merkaj.

Chairman Byrne asked this is a new application right.

Ms. Ward stated yes. He is here tonight for completeness waivers. You have Tom's report and the checklists.

Chairman Byrne stated all right you are looking for waivers. Tom do you want to go over this with us?

Mr. Boorady stated sure. I issued a report dated March 20th, 2018 and since that time the applicant has also dropped off revised architectural and a revised survey, so I'll be modifying my report to recognize that some of those changes have been made already.

Just a brief overview of the project, the property is in the R-15 Zone and he is looking to construct a two-family home which is permitted provided that the lot area is 22,500 square feet. The lot area is undersized at 18,119.06 square feet so he is here for that variance for an undersized lot and insufficient frontage (130 feet is required and there is only 97.09 feet). The other variance that is being requested is side yard, 25 is required and 19.2 is proposed. So this is a variance application for an undersized lot, side yard and lot frontage to construct a two-family home. Currently there is a single-family home with a large garage on it.

Tonight we are not hearing the application but I just wanted to give you a brief overview of what it was. On page 3 of my report I go over the completeness review. The checklist for general information has to be coordinated after completeness with the Board secretary. The checklist for variances all the items have been provided. The checklist for grading permit Item 6Y, the applicant is requesting a checklist waiver from supplying a lighting and landscaping plan and I believe you are still asking for that correct?

Mr. Merkaj testified correct.

Mr. Boorady stated okay. Let me go through them first and then we can go back and talk about them. Item 6Y is lighting and landscaping plan. Item 6cc we've since received the revised survey so that is no longer an outstanding item. The acreage has been provided. Item 10a revised architectural plans have been provided, so I'm going to cross that off the list as being complete.

The only open items are Item 11 which is the sample of building materials and I'm going to qualify my statement. I said the architectural plans do not specify materials. The updated plans have materials specified; brick, hardy plank, asphalt shingles, aluminum trim and azek trim. The applicant is asking for a waiver from bringing in the actual materials here such as; brick, siding and asphalt and instead is showing it on the architectural plan, so it boils down to two checklist waivers 6Y and 11. I don't know if the applicant wants to speak on the reasons why he needs the full waiver.

Chairman Byrne mentioned the lighting I am interested in, why do you want a waiver for the

lighting and landscaping?

Mr. Merkaj testified currently I'm not sure how the engineer is going to provide that and how we are going to do it because we are still working on it.

Mr. Zapf stated I would like to see a landscaping plan for the property because it is on a hill and the house that is downhill, the back faces this property and it is very close. My biggest concern is parking. During bad weather every vehicle has to be off the street and on the property, and if the landscaping is going to be such that the driveway, and I believe you have one comment about the driveway with it being pretty tight, and I would want to see the plans before making a vote as to how the property is going to be laid out. You've the potential just based on the description, three bedrooms per side, and if you take a master bedroom and it is a married couple you could have four cars per side, and this is not a street that you can have on-street parking without interfering with vehicles that have to go up it because it is already very tight trying to do two-way traffic.

When I went up to do my sight visit, the DPW truck was pulled over in front of the house next to this one and there was no passage at all. So if there are cars to be parked on the road this is not the street to have that. I'm not as concerned about the lighting as I am with the landscaping because you know people tend to, there is one house down the hill they are parking on the street and it is only one-way traffic now and the farther you go up the narrower it gets. Fire trucks, ambulances and everything has to be able to get up there; the garbage trucks and the recycling trucks, so I would want to see the layout of what they are proposing for the property. If it's going to be like heavily landscaped or really designed property, I don't know where the extra vehicles would go when there is bad weather and they need to get off the street for the entire duration of a storm, plus on regular days too. I'm not as concerned about the lighting as I am about the landscaping because it is a tight lot.

Mr. Merkaj testified as far as the driveway goes, we are going to make it wider and we'll come up with a better plan to make it a little more wider. We should have the plan probably within the next couple of days.

Mr. Zapf stated I would honestly want to table the waiver until actually seeing those plans because this is a tight piece of property and it has that kind of a funky design on it now with the garage that goes straight back with like an out building on the back of it. It is very long, but width wise there is going to be some hindrance to how you have people being able to park there and I would like to see that before voting on that one.

Chairman Byrne stated he would still have to provide a landscaping plan.

Mr. Boorady mentioned it sounds like Tom is asking for a landscape plan.

Mr. Zapf stated you know it is a narrow frontage, but the problem with the street is there is actually no room to expand. If you have company and they park on the road in front the house, you have one-way traffic and should a larger vehicle like a fire truck or something that had to go up there it is really tight. I would just want to see what accommodations are being made and please understand that you may have circumstances that you are familiar with, maybe it is your mother-in-law or somebody is going to be on one half and you are going to be on the other half.

Mr. Merkaj testified actually my elderly parents.

Mr. Zapf stated whatever we pass goes with the property. You could sell the house two years down the road and what we pass is in perpetuity for the next twenty-five owners and they might wind up with ten cars or something like that, so that is what I had a concern with as soon as I went up there.

Chairman Byrne mentioned so you want to table it.

Mr. Zapf stated that one.

Chairman Byrne mentioned okay.

Mr. Zapf stated until we see some layout plants on the plans. We have not seen anything that actually describes the shape of the property, what is proposed for driveways and things like that.

Chairman Byrne mentioned so 11 I'm okay with.

Mr. Zapf stated I'm okay with 11.

Chairman Byrne asked does anyone have any objection to 11, the waiver actually not to provide the samples. All right.

Mr. Bracchitta asked Tom is there a minimum amount of space in a driveway for a number of cars you have for a two-family home.

Mr. Boorady stated you are required to have two by the Residential Site Improvement Standards which is the state guide lines, two per dwelling unit and that is what your ordinance says too.

Mr. Zapf asked is that outdoors or is that including the covered space.

Mr. Boorady stated your ordinance requires at least one parking space to have a garage or a carport. There is a one-car garage for each side of the two-family home so there would be one car inside and one car outside, plus whatever other family members might have a car. Now it is a single lane for each unit but it sounds like they are rethinking that. I haven't seen anything yet but it does affect landscaping and it does affect retaining walls.

Mr. Zapf mentioned if it was a wider street, like some streets there is room to have a car on both sides and you can still do two-way traffic but that is a very narrow road.

Mr. Merkaj testified I have lived on Grandview Avenue for the past 17 years and that is the same thing there.

Mr. Zapf stated yeah but Grandview Avenue is not through traffic, Grandview Ave. ends so you are not going to have the same type; and literally when I went up there to do my sight visit the other day, I could not get around the recycling truck, I had to make a U-turn and go back down to Roome Street to get to Route 202. I have a concern about that and maybe you can set that concern to rest with the landscape plan.

Mr. Boorady asked what do you mean by tabling the landscape plan.

Mr. Zapf stated I would not vote for that tonight without seeing the property layout, what is proposed for driveways and whatnot because again there are three bedrooms per side.

Chairman Byrne stated I have the same concern.

Mr. Boorady asked what about lighting.

Chairman Byrne stated the lighting, I mean I can understand if he wants to wait, but my concern is with the lighting, you are talking about a two-story building in a tight narrow lot and I think we should see where the lights are going to be and the effect on the neighbors.

Mr. Boorady mentioned to move it along, instead of tabling it you could opt to just provide the information. If you wait until your engineer revises the driveway and you resubmit, then you are going to have to go back and maybe wait for another meeting and prepare a landscaping plan and bring that back.

Mr. Merkaj testified right.

Mr. Boorady stated you might just want to provide the lighting and landscaping information to move it along. I don't know it is just a suggestion to the applicant.

Chairman Byrne mentioned my concern is with the lighting, especially from the upper floors and with the driveway the same concern.

Mr. Zapf stated the house to the right faces the dogleg and it is literally long ways to this property.

Chairman Byrne mentioned that is my concern, I don't know if that is information you can provide tonight.

Mr. Merkaj testified I will make it wide enough so we can fit at least 2 cars per side in the driveway.

Mr. Zapf stated okay. Well there are not a whole lot of houses of this style in town. The ones that I have seen, the divider in the middle basically doesn't exist. But there are two cars in the garage and then two cars, so they have the potential for five cars and they are also three-bedroom units on each side and they are down Crefeld Court, Randolph Street and some others. The houses on Randolph Street the driveway is out at the ends with four spaces and a garage. I know you can't have it done tonight.

Mr. Boorady stated we are only here for completeness waivers so there is time for him to go back and provide the plan.

Mr. Zapf mentioned but we are being asked to vote to waive it in which case he doesn't have to provide it correct?

Mr. Boorady stated well he is asking you to waiver 6Y and it sound like you want that information.

Mr. Zapf stated yes.

Mr. Boorady mentioned instead of tabling it the applicant you may want to consider just providing it because it is only going to prolong the process.

Chairman Byrne stated he would have to do that on a plan.

Mr. Boorady mentioned the driveway has to be done by the engineer and it sounds like they are already changing that. The lighting plan is normally on the architectural plans to show the fixture type on the side of the wall so that it is to code. You have to have a light outside the door.

Chairman Byrne stated right.

Mr. Boorady mentioned and whether there is going to be any aerial lights for the backyard and you want them aimed down, you don't want the commercial flood lights that aim out toward your neighbor you want them hanging down and irrespective of the property line.

Mr. Zapf stated in which case there might need to be some landscaping on that right hand side because the left hand side there seems to be plenty of greenery there that would block the house to the left, but the one on the right is right there.

Mr. Boorady mentioned on the proposal there is going to be reduced side yards so there is a side yard variance, so sometimes a landscaping plan will support the applicant's case on those side yards.

Mr. Zapf stated it is to his benefit to provide it then.

Mr. Boorady mentioned yeah that's what I would recommend at this point.

Chairman Byrne stated okay so we are going to vote. Does someone want to make a motion to deny 6Y and accept Item 11?

Mr. Zapf asked do we do it separately or together.

Mr. Boorady mentioned you might want to do it separately if one is a no and one is a yes.

Mr. Zapf stated exactly.

Mr. Boorady mentioned that's up to you guys.

Mr. Zapf stated okay. I'll make a motion to waive Item 11.

Ms. Ward asked you want a completeness waiver on Item 11, not a full waiver but a completeness waiver right.

Mr. Zapf stated right.

Chairman Byrne mentioned right a completeness.

Mr. Bracchitta seconds.

Roll call:

Yes: Zapf, Bracchitta, Byrne, Erickson, Wolfson, Dubowsky (Alt. #1) and Zalewski (Alt. #2)

No: None

Abstain: None

Ms. Ward stated okay it is granted.

Chairman Byrne mentioned we need a motion to deny 6Y.

Mr. Zapf stated okay. I will make the motion to say no to the waiver for Item 6Y and asked that that be provided.

Mr. Erickson seconds.

Roll call:

Yes: Zapf, Erickson, Bracchitta, Byrne, Wolfson, Dubowsky (Alt. 1) and Zalewski (Alt. #2)

No: None

Abstain: None

Mr. Alexander stated Mr. Merkaj you don't have to address them now, but Tom incorporated two pages of technical comments which you should review with your engineer before you come for the hearing.

Mr. Merkaj testified okay.

Chairman Byrne asked when is the hearing.

Ms. Ward stated it is not set yet because the application is incomplete and that's why the waivers were on here. He also owes us a few more items.

Chairman Byrne asked do you think he'll be on for next month.

Ms. Ward stated possibly, if we get everything we need. He would like to be on for next month.

Chairman Byrne mentioned it will be May 8th.

Mr. Boorady stated it looks like you have to ask your architect to put some lighting on the plan and have someone prepare a landscaping plan. It could be the engineer, or I don't know if the Board is willing to accept like a plan from like a garden center or a landscaper that is not necessarily licensed.

Mr. Zapf mentioned I don't think it has to be super fancy or anything like that just to get the general idea.

Mr. Boorady stated okay. Then coordinate everything with Joan.

Mr. Merkaj testified okay.

Mr. Boorady stated so if you have revised plans, submit everything through Joan and she'll let me know when it is there and I'll look at it. As soon as you are complete, then you can be on the next agenda, but we won't know if it is May or not until you actually have everything in place.

Mr. Merkaj testified I'll put more effort into getting it done.

Mr. Boorady stated okay.

Chairman Byrne asked Tom you didn't mentioned anything about landscaping in your report right.

Mr. Boorady stated I didn't mention it no.

Chairman Byrne mentioned if you did, he should read the report to make sure he addresses everything. That's it thank you.

Mr. Merkaj thanked the Board.

Chairman Byrne stated the next order of business is NJDEP required course for municipal Boards regarding stormwater regulations.

Ms. Ward mentioned you have it all in front of you tonight. This is the link and the course is highlighted that you have to take. Mary wasn't sure which course it was.

Mr. Zapf asked can you go on it any time.

Ms. Ward stated I believe so. Donna Brightman, one of our Planning Board members, took the course and I believe it is about a half hour to forty-five minutes long. She mentioned it was interesting.

Mr. Bracchitta asked this is due by when.

Ms. Ward stated by July 1st. Don't forget to complete the financial disclosure forms by the end of the month too. Cindi is keeping tabs on them.

Mr. Boorady asked do you want something from each Board member that we have done the course so you can give it to Cindi.

Ms. Ward stated sure. When you take the course, please send me an email confirming that you've taken it and the date so we can keep track of it.

Mr. Boorady stated I know the state has audited some of the other towns that I worked for and they come by and they look for documentation that everybody has gotten trained.

Mr. Zapf asked do you get like a confirmation back. Usually you get a code or a confirmation number.

Mr. Boorady stated I don't know.

Mr. Zapf stated when I take courses online this, a little bar comes up and you have to click on it, not that your secretary is just running the program that you are actually doing it.

Ms. Ward mentioned I don't know.

Mr. Zapf asked did anyone else go up Mountain Heights Avenue and conduct a sight visit.

Chairman Byrne stated no but I did drive up there and just kind of glanced at it.

Mr. Zapf stated when I was reading between Tom's lines, these houses of this style they are not necessarily always close to the road; but the way the property is shaped I thought okay and I'm thinking how in heavens name are you going to get cars off the street. Now the ones on Crefeld Court, including the garages, they've got 10 parking spaces between the two sides. I'm thinking it is going to be two covered spaces and two outside spaces with six bedrooms and maybe eight adults with cars and they are going to use the street and there is no way that you can park on that street. It is not like it is on West William Street all the way down to the end where it is like wide enough for huge trucks to pass, it is really tight up there and I can tell they are going to try to use on-street parking because of the shape of the lot it is tough so that is a concern of mine.

Chairman Byrne stated it is only 90 feet wide right?

Mr. Zapf mentioned there is no shoulder.

Mr. Boorady stated yeah. There is no sidewalk area application when it comes to the Board.

Mr. Zapf stated I would like to see what they propose when the weather is bad because across the street from me is sort of a multi-family something, I don't know how to describe it, but when the weather is bad they have cars all over the lawn. Being that this is on a hill like this, if you do retaining walls they can't pull the cars off the road so where are they going to go? You can't even park on your lawn whether you want to or not.

Chairman Byrne mentioned hopefully he'll addresses it when we review the application.

Mr. Zapf stated if you go up there it is the blue house on the right. The other one that is next to it is long ways and that one is behind it and it is close.

Chairman Byrne asked for a motion to close the meeting.

Mr. Zapf moved to close the meeting.

Mr. Dubowsky seconds.

Ms. Ward mentioned your next meetings is May 8th, 2018.

Meeting adjourned 7:36 P.M.

Respectfully submitted:

Joan Ward, Secretary

Patrick Byrne, Chairman