

NUTLEY ZONING BOARD OF ADJUSTMENT

Public Session Meeting Minutes

April 15, 2019

CALL TO ORDER: A meeting of the Nutley Zoning Board of Adjustment was called to order at approximately 7:30 p.m. by Chairman Frank Graziano. The Pledge of Allegiance was recited. Roll was called and the Sunshine Notice was read.

PRESENT: Tammy Rossi, Patricia Doherty, Daniel Tolve, Gregory Tolve, Peter Scirica, Gary Marino, Theresa Sullivan Duva, Thomas Da Costa Lobo, Secretary, Suzanne Brown, Frank Graziano - Chairman, Diana Powell McGovern, Esq.

EXCUSED: Joseph Battaglia

* * * * *

No. 1: 150 Kingsland Street –CONTINUED TO MAY 13,2019 MEETING

Applicant: Everas Community Services, Inc., 24 K Words Fair Drive, Somerset, NJ 08873

Application: for a permit at the above referenced premises, to increase the existing driveway to the left, in front of the dwelling for a total width of 22', which decreases the required 60% front yard coverage to 44%, as shown on the survey prepared Leo A. Kalieta & Co., dated June 2, 2016

Appearances: Frances J. Battersby Esq. for Everas Community Service, Vicki Calabro President of Everas Community Services

Letter of Denial: was read by Thomas Da Costa Lobo, Secretary

This property is located in an R-1 district as shown on the Nutley Zoning Map.

Chapter 700, Article XIII, Section 700-94 A (1) of the Codes of Nutley states no front yard of a lot upon which is located in a one- or two-family dwelling shall be used for the parking of motor vehicles, except that motor vehicles may be parked upon a driveway in the front yard. The driveway shall consist of the area directly opposite to an attached garage, detached garage or depressed garage or the extension of the side yard into the front yard. The driveway width shall not exceed 16 feet. However, if there is no garage and no available side yard, a driveway not to exceed 16 feet in width from the side lot line may be constructed.

Chapter 700, Article VIII, Section 700-48 of the Codes of Nutley requires 60% of the front yard to be landscape.

Mr. Frances J. Battersby, Esq. appeared for the Everas Community Services, Inc. and called Vicki Calabro, President of Everas Community Services to testify. Ms. Calabro testified that Everas owns 150 Kingsland Street which is a one story single family home that is operated as a group home for four women with special needs. Ms. Calabro testified that they would like to extend the driveway to 22' wide due to the fact that they have two agency owned vehicle that are housed on site for the residents and two staff members at all times who also have cars. There is no parking on Kingsland Street and no overnight parking and therefore the additional parking is needed. Ms. Calabro stated that the widened driveway will allow the staff members driving the residents to their various appointments to make a K-turn and pull out onto Kingsland Street which is very busy. Additionally, the expanded driveway will allow the residents to be closer to the ramp entrance which is required physically for some of them. There are two staff on site at all times including over-night. The agency vehicles are usually vans, depending upon the mobility of the residents at the time and the vans are used solely for the residents. Ms. Brown noted that someone had paved the whole driveway area already which included the neighbor's property. Ms. Brown wanted to know how the applicant was going to delineate the two driveways. Ms. Calabro stated that they wanted to work with the neighbor to come to some understanding.

Neighbor, Peter Furman of 146 Kingsland Street testified that he was the neighbor next door and it was "a nightmare" because people park on his property. Mr. Furman wanted the Applicant to install a 6" curb to prevent people from parking on his property and to differentiate the properties. Mr. Furman also testified that there is no easement that allows for the Applicant's to park on his property and his driveway is on the other side of the house away from the Applicant's property. Mr. Furman also stated that the paved area that borders the Applicant's property was like that when he purchased his house. Chairman Graziano stated that the Board could not require the Applicant to build something or remove the asphalt that wasn't on their property.

Tara Loaiza and Diego Loaiza of 135 Kingsland Street testified that the present driveway on the Applicant's property is large and fits 6 cars. They also stated that additional space to turn around is not justified because everyone on Kingsland Street has the same problem entering the road. These neighbors also asked if the Applicant would be cutting down the tree on their lawn to enlarge the driveway. The also indicated that they did not want to look across the street at a parking lot.

Ms. Calabro responded and said no trees or grass would be removed. The area where they intend to pave is not grass but is dirt. Ms. Doherty asked if the Applicant had attempted to make a K turn on the dirt and the response was that they had not attempted that.

Ms. Calabro testified that right now they park 3 vehicles one behind the other and with the widening as requested they would be able to angle park all 4 cars. Ms. Calabro testified that they purchased the property in 2016 and the residents began living there about a year ago. When they bought the property they didn't look at the survey but just saw the paved area and didn't realize it wasn't part of their property.

Ms. Brown indicated that she was concerned that the front yard was going to become a parking lot. The Applicant's response was that right now there is only the ramp and no lawn. Ms. Calabro testified that they approached Dunkin Donuts on the corner and other businesses in the area to secure the additional parking that they needed and none would agree.

Mr. Graziano stated that looking at the survey it appeared to him that they were trying to widen the driveway area more than 22 feet. The attorney for the Applicant responded that the ramp could not be altered to which Ms. Brown stated that the ramp could be put in a different place. While they would still need to widen the driveway, Ms. Brown felt that they could reformat it in such a way that there would be two vehicles next to each other and then two vehicles behind the front two

Counsel for the Applicant argued that the staff were not used to backing onto Kingsland Street the way the people who lived there were.

Mr. Graziano stated that they were asking for permission to put a parking lot in front of a home. The Board suggested that Applicant seek out an opinion from an Architect as to moving the ramp and keeping the driveway away from the front of the house or at least lessening the appearance of the entire front yard being taken up by a driveway.

Applicant agreed to seek the assistance of an architect and will return with professional drawings showing additional landscaping and a better plan for the driveway based upon the feedback from the Board members.

The matter was carried to the next regular meeting scheduled May 13, 2019.

* * * * *

No. 2: 217 Nutley Avenue APPROVED 7-0

Applicant: Mr. Christopher Berinato, Ms. Jeri Berinato

Application: to construct a new one story addition having a 43.92' front yard setback, and a two (2) story addition to the right side having a 48.43' front yard setback, as shown on the plans prepared by Studio D Architectural Designs, LLC, dated March 19, 2019, and property survey prepared by James Pica, dated August 16, 2018

Appearances: Ms. Val C. DiGiacinto, Studio D Architect Design LLC

Letter of Denial: was read by Mr. Thomas Da Costa Lobo

This property is located in an R-1AA district as shown on the Nutley Zoning Map.

The required average front yard setback as calculated by the architect is 52.03'. The proposed one story addition front yard setback will be 43.92'. The proposed two (2) story addition front yard setback will be 48.43'. The second floor proposed addition over the existing footprint meets the requirements set forth in Section 700-46 B (8) – 80% of the required setback if the footprint is not increased.

Chapter 700, Article VIII, Section 700-46 B (6) of the Codes of Nutley states in specified areas, the depth of front yards for one-family dwellings to be hereafter erected in an R-1AA district shall be as follows:

Section 700-46 B (6) (a) of the Codes of Nutley states in the area between two intersecting streets or between an intersecting street and the Township limit or between an intersecting street and a zoning district boundary ("intersecting streets," for the purpose of this section, are those which intersect the same side of the street on which the lot which is to be developed fronts), the depth of the front yard of a lot to be developed in the area shall not be less than the average depth of the front yards of other buildings on the same side of the street, in the same zoning district and having frontage upon the same street, provided that 50% of the frontage of the lots in the same area is developed, but not less than the setback required for the district by the Schedule of Regulations.

Section 700-46 B (6) (b) of the Codes of Nutley states where the distance from the lot to be developed to an intersecting street, Township limit or zoning district boundary exceeds 200 feet, only those lots within 200 feet on each side of the lot to be developed (on the same side of the street, in the same zoning district and having frontage upon the same street) shall be included in determining the average depth of a front yard. Where the distance on one side of said lot to be developed to an intersecting street, Township limit or zoning district boundary does not exceed 200 feet, such distance plus the 200 feet on the other side of said lot shall be included in determining the average depth of a front yard.

Mr. Val DiGiacinto with Studio D. Architect Design LLC, licensed architect since 2013 with a Bachelors and Masters in architecture testified as an expert architect that his clients purchased their home last year and it is an undersized corner property compared to the neighbor's property. Mr. DiGiacinto testified his clients purchased their home last year and they are looking to expand the house to meet their needs and grow a family. Mr. DiGiacinto stated because it was a corner lot it was difficult to meet the average front yard setback for the zoning ordinance requirements. Mr. DiGiacinto stated his clients feel they have a hardship being they have to meet the average front yard setback of 50' which is double than usual size. Ms. Brown wanted to confirm they are just going up a second a floor and going straight up on the existing wall of the original house. Mr. DiGiacinto stated they are also adding a single story addition to the front covered porch and vestibule, which will project 8ft into the front of the yard. The front porch will be open. Mr. Graziano asked if the entire house will be resided. Mr. DiGiacinto confirmed that it will.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant this variance was made by Ms. Suzanne Brown, and seconded by Mr. Gary Marino. The variance was granted by a vote of 7-0.

* * * * *

No. 3: 17 Weston Street APPROVED 7-0

Applicant: Mr. Michael Radice, 17 Weston Street, Nutley, NJ 07110

Application: to demolish the existing garage which was damaged during hurricane Sandy, and to install a new 12' x 10' shed, and to reduce your existing rear deck and attach a 12' x 20' above ground pool, which becomes part of the dwelling, having a 22' rear yard setback and a seven (7') foot setback to an accessory structure,

Appearances: Mr. Michael Radice

Letter of Denial: was read by Thomas Da Costa Lobo

This property is located in an R-1 district as shown on the Nutley Zoning Map.

Chapter 700, Article V, Section 700-9 A of the Codes of Nutley states in single-family dwellings, not to exceed one dwelling unit on each lot. No other principal use is

permitted on the same lot with a single-family dwelling. Each single-family dwelling shall have two parking spaces, at least one of which is in a garage.

Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley entitled "Schedule of Regulations as to Bulk, Height and Other Requirements" requires a 30' rear yard setback in an R-1 zoning district. ***The proposed attached pool which becomes part of the dwelling will have a 22' rear yard setback.***

Chapter 700, Article XI, Section 700-67 D of the Codes of Nutley states an attached accessory structure or accessory use shall be considered to be a part of the main building.

Chapter 700, Article XI, Section 700-67 C of the Codes of Nutley states no detached accessory building shall be located nearer than 10 feet to a main building. The proposed attached pool which becomes part of the dwelling will have a 7' setback to the dwelling.

Mr. Michael Radice testified that the existing 2 car garage was hit and damaged by Hurricane Sandy and now leaning to one side. The whole area floods and will continue to flood in that area. Mr. Radice stated he is looking to demolish the existing garage and put a shed in its place. He also stated he wants to put a pool off of the existing deck and cut into the deck to take out the steps to put the pool against the deck and build a little around it.

Mr. Graziano asked what is behind his property and does the water drain into the neighbor's property. Mr. Radice testified the water just sits in the one section. Mr. Daniel Tolve asked where his location on Weston Street is. Mr. Radice advised he is at the bottom of the hill from Grant Avenue off the park. Mr. Radice stated the shed would not be affected by water being he is going to buy an Amish shed that sits on a platform and will be raised. Ms. Doherty wanted to know from the applicant with removing the current steps from where they currently exist for the location of the pool will he be adding steps back onto the deck and will it become integrated with the existing deck. Mr. Radice testified he was cutting the steps and also cutting 3-5 ft. into the deck so the pool will be off to the deck and the pool will go around the deck a little bit. Mr. Radice testified the steps will be going on the other side into the driveway side. Mr. Graziano confirmed lot size 45' wide in the front and deep in the back at 122.44ft deep and it will still be short 8ft'. Mr. Radice confirmed the pool will be oval shaped and he will walk out of his home onto the deck then through a gate to the pool. The deck will be as wide as the house about 20ft wide. Mr. Graziano ask if the steps will be going down into the driveway and applicant stated it depends weather he gets a round or oval pool. Mr. Graziano stated if he gets a round it will only allow for a 12' pool to avoid the pool being in his driveway unless he cuts into the deck more.

Mr. Da Costa Lobo stated he would not need to use the back part of the driveway that is near the pool because the driven is plenty long. He could cut off the driveway and remove the asphalt and plant grass so the pool is not butting off the driveway. Mr. Radice agrees and Mr. Graziano confirms that that the applicant will indeed remove the asphalt

and add grass back to the fence. Mr. Graziano asked where the filter would be going and stated it cannot go on the right side setback and stated it would be best in the back and meet all code conditions. Mr. Radice confirmed that is not a problem.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant the variances on the grounds that the removal of the garage is a necessity due to the damage by Hurricane Sandy and the flooding condition that will make any future garage in that location a problem. And for the variance requested with respect to the pool, if the driveway is cutback as noted there will be no safety issue was made by Thomas Da Costa Lobo and seconded by Mr. Greg Tolve. The variance was granted by a vote of 7-0.

* * * * *

No. 4: 106 Beech Street APPROVED 7-0

Applicant: Mr. & Mrs. Ennis, 106 Beech Street, Nutley, NJ 07110- Block-Lot: 5303/24

Application: to construct a new roof canopy over the front steps with a 23'6" front yard setback to the main dwelling, as shown on the plan prepared by Architect Dassa-Haines, dated February 6, 2019,

Appearances: Mr. Charles E. Ennis Jr.

Letter of Denial: was read by Mr. Thomas Da Costa Lobo

This property is located in an R-1 district as shown on the Nutley Zoning Map.

Chapter 700, Article VIII, Section 700-46 B (4) (d) of the Codes of Nutley states by any terrace or porch having its floor level no higher than the floor level of the first story of the building and having no railing or other member higher than three feet above floor level: six feet. The **required** front yard setback in an R-1 district is 25'. **The proposed setback is 23'6"; the setback to the canopy roof is 21'.**

A non-refundable filing fee of \$175.00 in connection with your appeal is to be paid to the Code Enforcement Office in order to begin the application process. **All tax and water bills must be paid to date prior to the processing of a variance fee.**

Mr. Ennis testified the house was purchased in 1984 and at that time there were two trees located at curb side. The applicant stated since then both trees have been removed and there is no longer coverage from the sun or inclement weather when they

walk into the home. The applicant stated they would like to build a portico over the existing stairwell to offer some protection. The reason a variance is needed is because of the two columns that will be sitting at the top of the steps. They prefer the two columns for curb appeal.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant this variance was made by Ms. Theresa Sullivan Duva, seconded by Mr. Thomas Da Costa Lobo. The variance was granted by a vote of 7-0.

* * * * *

No. 5: 36 Linden Place APPROVED 7-0

Applicant: Mr. & Mrs. Adam Canales, 36 Linden Place, Block-Lot: 5701/46

Application: to demolish the existing one car garage and not rebuild it, and to install a 12' X 17' above ground pool have a seven (7') foot setback to the attached deck, as shown on the survey prepared by Morgan Engineering & Surveying., dated September 3, 2015,

Appearances: Jillian Canales

Letter of Denial: was read by Thomas Da Costa Lobo

This property is located in an R-1 district as shown on the Nutley Zoning Map.

Chapter 700, Article V, Section 700-9 A of the Codes of Nutley states a single family dwelling shall be required to have two (2) parking spaces and one space must be in a **garage**.

Chapter 700, Article XI, Section 700-67 C of the Codes of Nutley states no detached accessory building shall be located nearer than 10 feet to a main building.

Ms. Jillian Canales testified they are looking to demolish the existing garage and reface with a 12x17 oval pool. Ms. Canales stated they do not have use for the current garage. The applicant stated years ago the driveway was called a paper street. You have to drive up the driveway and make a right into the back yard to get to the garage. Ms. Canales stated they do not use the garage and she is currently able to fit 3-4 cars in the driveway depending on car size. She stated they currently store the lawn mower in the garage but that can be moved under the deck. The Board stated pool filter on the application is not cited and advised client there is a chance they may have to move it.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant this variance was made by Ms. Theresa Sullivan Duva, seconded by Ms. Suzanne Brown. The variance was granted by a vote of 7-0.

* * * * *

No. 6: 225 Prospect Street, APPROVED 7-0

Applicant: Mr. Brett Melillo, 225 Prospect Street, Nutley, NJ, 07110-Block-Lot: 7602-16

Application: to widen the existing driveway approximately 19'4", which will decrease the required front yard landscaping to 56%, and to install a 12'X 24" semi in-ground pool with an attached deck attached to the dwelling, having a six (6') rear yard setback, as shown on the survey, prepared by Morgan Engineering & Surveying, dated October 14, 2016,

Appearances: Brett Melillo & Myra Melillo

Letter of Denial: was read by Thomas Da Costa Lobo

This property is located in an R-1 district as shown on the Nutley Zoning Map.

Chapter 700, Article XIII, Section 700-94 A (1) of the Codes of Nutley states a driveway shall consist of the area directly opposite and adjacent to an attached garage, detached garage or depressed garage or the extension of the rear yard into the side yard which abuts a street. However, if there is no garage and no available rear yard, a driveway not to exceed 16 feet in width from the rear lot line may be constructed. ***The proposed driveway to be widen approximately 19'4"***.

Chapter 700, Article VIII, Section 700-48 of the Codes of Nutley states any lot containing a residence for one or two families shall have at least 60% of the required front yard in landscaping. This area shall not be covered with paving, walkways or any other impervious surface. Landscaping may consist of grass, ground cover, shrubs and other plant material. ***The required front yard landscape coverage is 60%, the proposed will be 56%.***

Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley entitled "Schedule of Regulations" required a 30' rear year setback in an R-1 zoning district. ***The attached deck and pool will have a six (6') foot setback.***

Both Mr. & Mrs. Melillo testified and Mr. Melillo stated they are soccer parents, they have 3 cars, two are SUV's and the SUV's do not fit in the garage. Mr. Melillo also stated they want to build a pool in the back yard for the children and make it pleasing by putting a deck around it and by doing that it will make it 6' from the neighbor's property. Mr. Melillo stated their children will be driving soon enough and they are trying to make their roots with sufficient space.

Mr. Graziano confirmed with Mr. Melillo that they are looking to widen the drive 19' 4" to allow for two cars side by side, but is questioning the yellow area on the drawing and what his intentions are for that area. Mr. Melillo stated that area will be for the kids to play. They will put up a basketball hoop and it is more of a walk way. Mr. Graziano is concerned they are looking to put a car up on that area. Mr. Melillo stated that maybe eventually when his kids are driving they may park a car there. Mr. Melillo also confirmed

the driveway is currently pavers and his intentions are to match all the pavers in the area. Mr. Gary Marino stated his concern is he is not going to park his car in the garage and they will most likely be parking in the area which is in front of the stairwell and is a dangerous situation.

Mr. Graziano asked what is going around the pool. Mr. Melillo confirmed they are looking to put a 3ft resin deck which will allow room for deck chairs. It will be a step down from the existing deck which currently has a couch on it. Mr. Melillo confirmed that the pool to the deck is 6ft. Ms. Duva asked if he will retain the current steps and Mr. Melillo confirmed that yes he wants to retain the step on the left side from the deck, which is not showing on the survey. Mr. Graziano notes there is 14.3 ft. on the left side and the pool is 30ft. There is no right side set back showing. Mr. Graziano determines the house is 34' wide and if the applicant centered the pool it there would be less of an encroachment. Mr. Graziano suggested putting the deck on the right side and create 8ft rear setback. Ms. Suzanne Brown suggests to go with a smaller pool. Mr. Graziano stated that the applicant has the room to leave the setback correct. Mr. Graziano is concerned about a 6ft set back with the size of the property the applicant has. Mr. Thomas Da Costa Lobo stated the applicant can still have a deck around the pool. He does not need to extent the current deck further and that there are ways to handle this because the lot has the room to support it. Mr. Graziano stated there is not a hardship here with an undersized lot and the issue is the applicant has an oversized lot that he is trying to put a lot of stuff on the lot. Mr. Graziano said there is no reason to allow for the 6'ft variance and it needs to be kept as an 8' rear setback. Mr. Graziano asks if anyone has thoughts on the pavers on the side of the driveway. It appears from the front of the house to the steps is about 17'ft. Mr. Graziano thinks that he should eliminate the section next to the walkway and feels there is no reason to expand walkway.

The Board does not have a problem with widened the driveway but their concerns is the yellow area and do not agree that walkway should be expanded. Ms. Diana Powell McGovern makes it very clear that the walkway expansion discussed is not part of the current variance and is not in the calculation for the driveway to be widened. Mr. Thomas Da Costa Lobo also confirmed if this is something the applicant is looking to do it would be a separate permit.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant this variance to widen the driveway to 19'4" and put a semi in ground pool with an 8ft rear setback from the property line to the end of the deck was made by Mr. Gary Marino seconded by Ms. Theresa Sullivan Duva. The variance was granted by a vote of 7-0.

* * * * *

No. 7: 112 Williams Street APPROVED 7-0

Applicant: Mr. & Mrs. Kozlowicz, 112 William Street, Nutley, NJ 07110
Block-Lot: 5901/30

Application: to construct a new addition on to the existing dwelling having 5.25' and a 5.72' side yard setback for both sides, as shown on the plans prepared by Architect, Mark Roselli, RA dated January 17, 2019

Appearances: Mr. Mark Roselli-Architect, Mr. Brian Kozlowicz & Gianna Kozlowicz

Letter of Denial: was read by Mr. Thomas Da Costa Lobo

This property is located in an R-1 district as shown on the Nutley Zoning Map.

Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley entitled "Schedule of Regulations as to Bulk, Height and Other Requirements" requires a side yard setback of 6' in an R-1 zoning district. ***The proposed will have a side yard setback of 5.25' and 5.72' for both sides.***

Mark Roselli, architect and Mr. & Mrs. Kozlowicz all testified before the board. Mr. Mark Roselli licensed architect graduated in 1994. Mr. Roselli testified the existing home is a one story home located near Spear and William street and they are proposing to build 2 additions, one in the rear and a small entry vestibule in the front. Mr. Roselli stated the expansion vertically includes building over the garage and the existing house is non-conforming-the west side yard is 4 inches and east side is 9 inches. Mr. Graziano asked if they are only being cited for the side yard setback. Mr. Roselli confirmed that the same line of the house is being followed.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant this variance was made by Theresa Sullivan Duva and seconded by Mr. Gregory Tolve. The variance was granted by a vote of 7-0.

* * * * *

No. 8: 138 Spatz Avenue APPROVED 7-0

Applicant: Ms. Ana Pane 138 Spatz Avenue, Nutley, NJ 07110 Block-Lot: 8502/11

Application: to construct a 426SF unroofed deck in the rear yard, having a 14' rear yard setback, as shown on the survey prepared by Borrie, McDonald & Watson, dated January 16, 2018, and Architect plan prepared by WA Group, dated December 27, 2018

Appearances: Mr. John Leoncavallo, Planner, Ms. Ana Pane-Homeowner – Mr. Jose Figueroa, Contractor

Letter of Denial: was read by Mr. Thomas Da Costa Lobo

This property is located in an R-1 district as shown on the Nutley Zoning Map.

Chapter 700, Article VIII, Section 700-46 A of the Codes of Nutley entitled "Schedule of Regulations", requires a 30' rear yard setback in an R-1 district. The proposed deck will have approximately a 14' rear yard setback.

Mr. Leoncavallo, Ms. Pane and Mr. Figueroa all testified before the board. Mr. Leoncavallo, licensed professional planner in business over 34 years, and has testified before 250 zoning boards and planning boards.

Mr. Leoncavallo testified he has looked at the existing conditions for this application, the proposed condition, zoning regulations and the master plan and his quick over view is that it is one tax lot, single family large house relatively new construction. The plan is to construct a 426 sq. ft. unroofed deck in the rear of the property and to construct a grade level patio. Mr. Leoncavallo stated the applicant is requesting a 14' rear yard setback vs. 30'. The deck depth will be with a 16' set back and the remainder of the 30' will be the 14', which is what the rear yard setback would have to be. Mr. Leoncavallo stated in terms of the negative criteria, there is no substantial detriment to the public, no significant impairment of the zoning plan or ordinance on what is being asked for. Mr. Leoncavallo stated the justification for the relief is under flexible C test, where the benefits outweigh the detriments. The benefits of the deck will add quality to the living environment and promote healthy outdoor use. The deck is ascetic and adds visual quality to the home and yard. Mr. Leoncavallo stated the deck is well screened and there will be no visual impact on the neighbors.

Mr. Graziano asked if the property is indeed 80' deep because if it were 100' they would have met all the setback requirements. Mr. Leoncavallo confirmed that it is indeed 80', non-conforming lot. Mr. Graziano asked the applicant what is behind the house and what will the 14' setback butt up against to. Ms. Pane stated there is a fence that separates her property from the neighbor's property.

Mr. Leoncavallo submitted evidence marked A-1, photograph of rear of property looking east.

Mr. Theresa Sullivan Duva confirmed that directly behind the applicant's property there are shed, but she noticed that there is a house on Van Winkle Street and asked the applicant if she has spoken to those neighbors about the elevated deck. Ms. Pane answered that she has sent everyone a letter. Mr. Leoncavallo testified the only area around is the sheds on the neighbor's property behind the property.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant this variance for a non-conforming lot, expanding existing deck that will have an acceptable rear yard setback was made by Gary Marino and seconded by Ms. Sullivan Duva. The variance was granted by a vote of 7-0.

* * * * *

RESOLUTIONS MEMORIALIZED: 41 Prospect Street Block & Lot 8801/10,
16 Monsignor Owens Place Block & Lot 7003/1, 6 Van Riper Place Block & Lot 705/2,
19 Donna Court Block & Lot 8700/24.

MINUTES: None.

INVOICES: 126 Washington Avenue Invoice approved to Pennoni and Associates
\$178.00 close out meeting

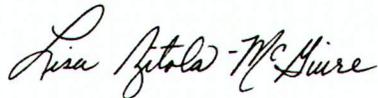
NEW BUSINESS: None

LITIGATED MATTERS: None

**NOTE: THE PROCEEDINGS IN THIS MATTER WERE VOICE RECORDED.
THE RECITAL OF FACTS IN THE MINUTES IS NOT INTENDED TO BE ALL-
INCLUSIVE, BUT IS A SUMMARY AND HIGHLIGHT OF THE COMPLETE
RECORD MADE BEFORE THE ZONING BOARD.**

* * * * *

Respectfully submitted,



Lisa Zitola-McGuire

Minutes Approved

5/13/2019