Pursuant to Chapter 231, Public Law 1975 Open Public Meetings Act, adequate notice of this meeting has been provided by:
* Adoption of an annual schedule of meetings.
* Posting a copy of same at Borough Hall.
* Forwarding a copy of same to the Record.
* Mailing a copy to any person requesting same.

FLAG SALUTE, MEETING OPENED AT 8:02 P.M.

Absent: Messrs. and. Ms. Fleeson and Mr. Kurz

Also in attendance were Ms. Sophy Sedarat, Board Attorney, Steve Lydon, Burgis Associates, and John Yakimik, Boswell Engineering.

EXCUSE ABSENCES:

Motioned by Mr. Rose and seconded by Mr. Elston, to excuse the absence of Ms. Fleeson and Mr. Kurz was voted unanimously by the Board.

PROFESSIONALS SWORN:

Mr. John Yakimik from Boswell Engineering and Mr. Steve Lydon from Burgis Associates were sworn in.

Mr. Pereira sitting in for Mr. Kurz.

PUBLIC MEETING:


A site inspection was conducted by Chairman Smid, Ms. Campanelli, Ms. Fleeson, and Mr. Hetherington on February 5, 2023. Other members conducting a site inspection were, Messrs. Elston, Rose, and Pereira. Ms. Campanelli reported that the subject property is located in a RA-1
Residential zone off a cul-de-sac which is light in traffic. The property is a corner lot. Chairman Smid reviewed comments from the various departments.

Variances being proposed are as follows:

1. a front yard setback of 51.7-feet where 70-feet is required.
2. an exterior side yard setback of 46.6-feet where 70-feet is required.
3. a rear yard setback of 26-feet where 80-feet is required.

Mr. Jason and Mrs. Nancy Francese and their Architect Mr. Joseph Bruno were sworn in. Mr. Bruno gave his credentials, and the Board accepted his qualifications.

Mr. Jason testified that they are seeking to add more living space to their home. They propose to remove patio pavers, enclose covered porch, and construct a one-story addition to the dwelling. In addition, they will be installing an in-ground pool which will require no variances.

Mr. Bruno handed out photos and entered them as an exhibit.

Exhibit A-1, Photo index taken by Mr. Bruno on February 2, 2023.

Mr. Bruno explained that the subject property is a corner lot and there was some confusion where the front setback should be considered. The existing property is undersized for the zone at 22,112 sf where one-acre is required. He explained that they are under the maximum total for building coverage and impervious surface. A discussion ensued concerning the height of the rear addition. Mr. Bruno responded that the height would not exceed the maximum amount of 35-feet. He explained that the improvements are consistent with the surrounding neighborhood.

Ms. Sedarat confirmed for Mr. Bruno that the front yard faces Thunderbird Drive and the exterior side yard faces Arapaho Court. She reviewed the setbacks. The front setback (Thunderbird Drive) 51.7-feet where 70-feet is required, the exterior side yard setback measured from the bottom of the steps is 46.6-feet where 70-feet is required, and the rear yard setback (opposite Thunder Drive) is 26-feet where 80-feet is required.

She informed the applicant that variances will also include preexisting nonconformities for lot area of 22,112 sf where 43,560 sf is required, lot depth of 157.88-feet where 200-feet is required, and lot width of 140-feet where 150-feet is required. She questioned the height of the addition and Mr. Bruno responded that the height would not exceed 27.4-feet in height.

Mr. Yakimik confirmed that there would be no negative impact on the drainage when the pool is installed. Mr. Bruno responded that if calculations are needed, he will provide them to Mr. Yakimik for review. Ms. Sedarat confirmed that pool equipment will be placed in a conforming location.
The Board confirmed the number of bedrooms. Mr. Bruno confirmed that currently the home has 5 bedrooms which the septic is designed for 5 bedrooms. They are proposing 4 bedrooms on the second floor and a den/office on the first floor. No further discussion. Chairman Smid entertained a motion to open the meeting to the public.

Motioned by Mr. Bremer and seconded by Mr. Hetherington, to open the meeting to the public regarding matters concerning the Francese application was voted unanimously by the Board.

Ms. McGallen questioned if appropriate notice was given. A discussion ensued that Ms. McGallen may not have been within the 200-foot boundary.

Motioned by Mr. Bremer and seconded by Mr. Elston, to close the meeting to the public regarding matters concerning the Francese application was voted unanimously by the Board.

Ms. Sedarat confirmed with the applicant that the hardship for the variance is due to exceptional narrowness, shallowness, and shape of the property. She informed the applicant that condition of approval would be that drainage does not impact the neighboring properties and the pool equipment will be placed in a fully conforming location. Chairman Smid entertained a motion.

Motioned by Mr. Hetherington and seconded by Mr. Rose, to approve the Francese application contingent to no drainage impact to surrounding properties and pool equipment to be placed in a conforming location.

Roll Call Vote: Ayes: Ms. Campanelli, Messrs., Pereira, Elston, Hetherington, Rose, Bremer, and Chairman Smid. Nays: None Abstain: None Absent: Ms. Fleeson and Mr. Kurz

2. Kroog- 19 Ramapo Valley Road, Block 2517, Lot 5. Public hearing for an addition and circular driveway.

A site inspection was conducted by Chairman Smid, Ms. Campanelli, Ms. Fleeson, and Mr. Hetherington on February 5, 2023. Other members conducting a site inspection were, Messrs. Elston, Rose, and Pereira. Ms. Campanelli reported that the subject property, located in a B2-Business zone, is located on a primary road with heavy in traffic. The property is a corner lot. Chairman Smid reviewed comments from the various departments.

Ms. Sedarat explained that this is a D2 expansion of a non-conforming residential use in a commercial zone.

Mr. Patrick Kroog and Mr. Anthony Addesso, the applicant’s architect, were sworn in. Mr. Addesso gave his credentials and the Board accepted his qualifications.
Mr. Kroog explained that he is proposing a small addition in the front and out the rear of his property and installing a circular driveway. He explained that his property is located on Ramapo Valley Road in the business district requiring him to come before the Board for a use variance.

Mr. Addesso explained that they revised the plans that were originally submitted to the Board. The changes include eliminating an attached two-car garage for a detached 3-car garage that will impact both the front and the rear portion of the property. There is a slope on the southern end of the rear yard where they will add a 2-foot. retaining wall. In addition, a water retention catch basin will be installed in the front of the parking area to capture roof and driveway runoff. The septic system is located in the rear of the property and the bedroom count will remain the same. The elevation of the addition will remain the same as the existing height. They propose to install a circular driveway since the applicant lives on a busy roadway and has difficulty backing out. Mr. Yakimik informed the applicant that they will need to tweak the drainage calculations due to the plan revisions.

Mr. Lydon questioned the use for the attic over the garage. Mr. Addesso responded that it is a small space that will be used for storage. Mr. Lydon questioned the utilities being proposed for the garage. Mr. Addesso responded that they plan to have electric installed but no water line. A discussion ensued concerning the detached garage being an accessory structure in the front yard requiring a variance as well as disturbing steep slopes grades greater than 35-percent.

Mr. Lydon requested testimony justifying the use. Mr. Addesso responded that it would be an improvement by removing a slope and adding the retaining wall to allow for the construction of the garage to store vehicles. In addition, the improved driveway will make it safe for exiting and accessing the property. There will be no commercial impact to surrounding residents.

Ms. Sedarat explained to Mr. Addesso that this is a prohibited use and the statutory criteria is not satisfied by improving the esthetics of the property. She explained that testimony needs to be given to satisfy the negative and positive criteria set forth in the MLUL. She read, into the record, the statutory requirements from the MLUL for a D-2 variance and questioned if Mr. Addesso was prepared to provide that testimony. A discussion ensued concerning what would satisfy the criteria. Ms. Sedarat suggested that the applicant carry their application and prepare to give testimony for the statutory criteria recommended next month. She explained that this is to protect the applicant in the event of an appeal. She informed the applicant that no further notice is needed but a consent to extend the hearing to March will be. Mr. Addesso agreed to the carrying the application. No further discussion.

Chairman Smid entertained a motion to carry the Kroog application.

Motioned by Mr. Rose and seconded by Mr. Bremer, to carry the Kroog application to the March 14, 2023 public hearing with no further notice.

Roll Call Vote: Ayes: Ms. Campanelli, Messrs., Periera, Elston, Rose, Bremer, and Chairman Smid.
Nays: Mr. Hetherington
Abstain: None
Absent: Ms. Fleeson and Mr. Kurz

MEMORIALIZATION OF PROFESSIONAL RESOLUTIONS:

BOARD ATTORNEY:

Motioned by Mr. Rose and seconded by Mr. Elston, to memorialize the appointment of Sophy Sedarat, Esq. as Board Attorney.

Roll Call Vote: Ayes: Ms. Campanelli, Messrs., Periera, Hetherington, Elston, Rose, and Chairman Smid.
Nays: None
Abstain: Mr. Bremer.
Absent: Ms. Fleeson and Mr. Kurz.

BOARD ENGINEER:

Motioned by Mr. Elston and seconded by Ms. Campanelli, to memorialize the appointment of John Yakimik as Board Engineer.

Roll Call Vote: Ayes: Ms. Campanelli, Messrs., Periera, Hetherington, Elston, Rose, and Chairman Smid.
Nays: None
Abstain: Mr. Bremer.
Absent: Ms. Fleeson and Mr. Kurz.

BOARD PLANNER:

Motioned by Ms. Campanelli and seconded by Mr. Elston, to memorialize the appointment of John Yakimik as Board Engineer.

Roll Call Vote: Ayes: Ms. Campanelli, Messrs., Periera, Hetherington, Elston, Rose, and Chairman Smid.
Nays: None
Abstain: Mr. Bremer.
Absent: Ms. Fleeson and Mr. Kurz.

MEMORIALIZATION OF RESOLUTIONS:

None
PAYMENT OF BILLS:

Motioned by Mr. Bremer and seconded by Mr. Hetherington, to approve payment of bills subject to availability of funds was voted unanimously by the Board.

APPROVAL OF MINUTES:

Motioned by Mr. Hetherington and seconded by Mr. Elston, to approve the January 10, 2023 minutes was voted unanimously by the Board.

NEW BUSINESS DISCUSSION:

None

OLD BUSINESS DISCUSSION:

A discussion concerning the Poula, LLC site and whether they have the proper permits for improvements being made.

MEETING ADJOURNED:

Motioned by Mr. Rose and seconded by Mr. Bremer, to adjourn the meeting at 9:30 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary
*Next meeting is March 14, 2023.