

**MINUTES OF REMOTE REGULAR ZONING BOARD OF  
ADJUSTMENT MEETING HELD ON TUESDAY, MARCH 9, 2021**

Chairman Byrne called to order the remote (**Zoom**) regular meeting of the Board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall.

**PRESENT: BYRNE, DUBOWSKY, KUBISKY, ZALEWSKI AND ZAPF**

**ALSO PRESENT: BOORADY, ENGINEER AND ALEXANDER, COUNSEL**

**ABSENT: ERICKSON AND WOLFSON**

Chairman Byrne stated the first order of business is the approval of the January 12<sup>th</sup>, 2021 reorganization meeting minutes.

Ms. Ward stated everyone present can vote on those minutes.

Mr. Zapf stated I didn't have any changes.

Chairman Byrne stated wow nice.

Mr. Zapf made the motion to approve the minutes.

Chairman Byrne asked is there a second.

Mrs. Kubisky seconds.

**Roll call:**

**Yes: Zapf, Kubisky, Byrne, Dubowsky and Zalewski**

**No: None**

**Abstain: None**

Ms. Ward stated okay they're approved.

Chairman Byrne stated the next set is the January 12<sup>th</sup>, 2021 regular meeting minutes.

Mr. Zapf stated I only had one little typo correction but it didn't have any meaningful impact, so I'll make a motion for the minutes the way they are.

Mr. Dubowsky seconds.

**Roll call:**

**Yes: Zapf, Dubowsky, Byrne, Kubisky and Zalewski**

**No: None**

**Abstain: None**

Ms. Ward stated okay they're approved.

Chairman Byrne stated the next order of business is Variance Application #2020-1 by Anna Patricia Autieri, on property known as Block 7.04, Lot 1.10 on the municipal tax map also known as 38 Randolph Street (complete January 6<sup>th</sup>, 2021 decision by May 6<sup>th</sup>, 2021). This is a public hearing. Who do we have with us?

Ms. Ward stated Donna Monaco and Patricia Autieri.

Chairman Byrne stated they should be made participants.

Ms. Ward stated yes.

Ms. Kubisky mentioned Jamie and Teresa Spielberg are on too.

Ms. Ward stated they are neighbors who are going to participate during the public hearing portion.

Chairman Byrne asked what about Anthony Marucci.

Ms. Kubisky stated no I don't see him.

Mr. Zapf stated I don't see him he disappeared.

Chairman Byrne asked can everyone hear us.

Ms. Spielberg stated yes.

Mr. Alexander asked who is testifying on behalf of the applicant.

Ms. Monaco stated I am on behalf of my mom, Patricia Autieri.

Mr. Alexander stated okay. Donna Monaco was sworn. Just for the record your name is Donna Monaco and you are testifying on behalf of your mother?

Ms. Monaco stated yes on behalf of Patricia Autieri.

Mr. Alexander stated okay. Is she present?

Ms. Monaco testified yes.

Mr. Alexander swore in Patricia Autieri. Thank you.

Is anyone else going to be testifying?

Ms. Monaco no.

Mr. Marucci asked Mr. Chairman if I may, I am here to assist Ms. Monaco as her engineer so I will be testifying on her behalf.

Mr. Alexander asked are you a licensed engineer.

Mr. Marucci stated yes sir.

Mr. Alexander asked you prepared these plans.

Mr. Marucci stated I prepared the survey and reviewed the plans and I'm here to assist them in this matter.

Mr. Alexander stated okay.

Mr. Marucci stated when the time comes I'll give you my qualifications.

Mr. Alexander stated okay great.

Ms. Monaco why don't you summarize for the Board what you would like us to approve?

Ms. Monaco testified okay. Mom is 81 years old and she has been living here for 32 years. We lived on 1 Evergreen Drive and sold the house and moved in with mom because my dad past away, so she needs her privacy and we are trying to also eliminate the stairs. We have a bi-level and she has arthritis now and her knees bother her so we are trying to find a way to put her where she is on the bottom level but can still walk right into our house and we can help her with whatever she needs.

Chairman Byrne asked so this is going to be an extended family dwelling and it would only be used by your mom.

Ms. Monaco testified yes.

Chairman Byrne stated okay. Anything else do you want to add? So what variances are you asking for?

Mr. Boorady stated maybe Mr. Marucci can speak to the variances.

Mr. Marucci stated if you are finished questioning Ms. Monaco I'm ready.

Chairman Byrne asked can we get your credentials on the record.

Mr. Marucci asked would you like to swear me in first.

Chairman Byrne stated yes.

Mr. Alexander swore in Mr. Marcucci.

Mr. Marucci testified my name is Anthony Marucci, my office is located at 1116 Whippany Road, Whippany, NJ. With respect to my qualifications Mr. Chairman, I am a graduate of Newark College of Engineering in 1973 with a bachelor's degree in civil engineering. As everyone knows, it is now known as New Jersey Institute of Technology.

I received my professional engineer's license in 1978, my professional planner's license in 1979 and my land surveyor's license in 1981. For the first 28 years of my professional career I served in municipal government beginning as an assistant engineer with the City of Orange in Essex County, NJ, promoted to city engineer for two years, and the last 13 years as Township Engineer for the Township of Bloomfield also in Essex County.

In the year 2001 I began my firm of Marucci Engineering Associates, LLC and this is my twentieth year. I serve both the public and private sectors and I serve as the Planning Board and Zoning Board Engineer for the Township of Bloomfield continuously, up until today. I have also served as Planning Board and Zoning Board Engineer for the Borough of Caldwell from 2004 to 2014.

On the private side I perform anywhere from the survey to the subdivision, site plan, variance applications and I have been deemed an expert in probably every town in Essex County, most of Morris County and this is my first time in Lincoln Park.

Chairman Byrne stated okay. Does anyone have any questions on that? Mr. Marucci can you just tell us what variances the applicant is looking for?

Mr. Marucci testified sure. The property at 38 Randolph Street is located in the R-15 Zone and it meets all of the R-15 zone requirements in terms of the bulk and setback requirements. The application as Ms. Monaco explained, is to construct an addition to the rear of the property for the use of her mom which is permitted in your ordinance as an extended family unit under Section 28-5.1.

There is a variance for lot coverage because of the addition. Your ordinance allows a maximum of 25% impervious coverage and presently we are at 24.43%. But with the proposed addition, including what your Board Engineer wrote in his report, we may need a couple of air conditioning units so we will be at 27.6% so we have a variance of approximately 2.6% of increased impervious coverage.

Chairman Byrne stated okay.

Mr. Marucci testified I believe that is the only variance that we need.

Chairman Byrne stated okay.

Mr. Marcucci testified there is a shed on the property that does not meet your setback requirements at this time but that is an existing condition that won't change. I believe your Board Engineer put that in his report so that we can use the term to legalize it at this point. The shed was there when I surveyed it and it does not meet the requirements so I guess we would get a variance for that also.

Chairman Byrne asked anyone from the Board have any questions on it.

Mr. Zapf asked Mr. Marucci is that shed moveable.

Mr. Marucci testified I'm sorry I didn't hear the question.

Mr. Zapf stated we've had people in the past in similar situations where it is used as a cabana house for a swimming pool and it has electricity and stuff in it, but is that shed moveable?

Mr. Marucci testified I would have to defer to the applicant. I surveyed the property in 2019 and I don't remember if it is moveable and it is up to the applicant to move it. I would recommend it but I don't know if it is moveable. It is not a cabana and I don't think it has electricity in it, so if it is moveable I think it can be but I would have to defer to the applicant on that.

Mr. Zapf stated okay.

Chairman Byrne asked Ms. Monaco is the shed moveable.

Ms. Monaco testified it would probably have to get knocked down I don't believe it is because it is on a slab. There is no electricity or anything in there.

Chairman Byrne stated so there is no electricity but is it used to store gardening supplies?

Ms. Monaco testified yes, the snow blower, gardening, and stuff like that.

Chairman Byrne stated so I guess it is moveable is that what you are saying?

Mr. Zapf asked Mr. Boorady what is your thought on that.

Mr. Boorady stated I'm not sure it is moveable or not, I really couldn't tell by looking at it.

Mr. Marucci testified it is a 6 x 8 shed and sitting on a slab.

Chairman Byrne asked a concrete slab.

Mr. Marucci testified yes.

Ms. Monaco testified yes.

Mr. Marucci testified if I can respond to that? Being familiar with the property, like I said I was out performing the survey with my crew and the property is heavily landscaped with very large trees both along the rear and side lines where the shed is so the neighbors can't even see it.

Chairman Byrne stated that's not my concern. I mean the concern I would say for the Board is this runs with the property, so the shed is there now and what happens if it gets knocked down and then it becomes a 10 x 12 shed or a 10 x 16 foot shed?

Mr. Boorady stated they would have to come back.

Mr. Marucci testified if it gets knocked down, then it would lose that non-conformity and at that point they would have to relocate it or ask for a variance.

Chairman Byrne stated okay. I was thinking more of expanding it but anyway that is fine. Anything else you would like to add Mr. Marucci?

Mr. Marucci testified I would like to go into your Board engineer's memo.

Chairman Byrne asked Tom to go through his report first and then we can go back to Mr. Marucci.

Mr. Boorady stated that is up to you.

Chairman Byrne stated I think we should do that this way everyone knows what Mr. Marucci is talking about, so go ahead.

Mr. Boorady stated so my report is dated December 22<sup>nd</sup>, 2020 and I believe everybody should have a copy of that. On the first page of my report I list all the documents that were received by the Board. I won't listed them off one by one but all the documents that were received by the Board as part of the application are listed.

Chairman Byrne stated right.

Mr. Boorady stated on page 2 at the top, I summarized the project and again they've already explained what they are looking to do. They are looking to put an addition on for an extended family dwelling unit which is permitted in the R-15 Zone. The setbacks will be conforming and the only variance you are looking for is impervious coverage relative to the addition and, of course, there is the pre-existing non-conforming shed.

Under the technical review on Item #1, I outlined the requirements on extended family dwelling units and in order to qualify you need to meet the six criteria, A through F in your Borough Code and I list those items.

There are architectural plans that were prepared by Nicholas Salerno and you know perhaps I would recommend that either the applicant or their engineer, and I don't believe the architect is here tonight go over the plans.

Mr. Marucci testified no.

Mr. Boorady stated okay. I would recommend the applicant and if the engineer could just assist them in walking through the floor plan to show how they meet the requirements of the extended family dwelling unit, so I would hand that back over to Mr. Marucci to maybe explain the floor plan.

Chairman Byrne asked can you do that Mr. Marucci.

Mr. Marucci testified of course. As your engineer has stated, the plans were prepared by Nicholas Salerno and they were dated 9/25/20 with a revision dated of 11/11/2020. The first page is basically a plot plan that he took from our survey to show the existing house with the addition meets all the bulk requirements for the addition for the site. The second sheet is the floor plan and you'll see the lower floor plan that shows the existing dwelling and it shows the proposed addition. The proposed addition in total is approximately 700 s.f. but when you eliminate the hallway and the closet the actual living space for the extended family unit is approximately 503 s.f. which does meet your code. That is directly to the rear of the house and the existing patio which has the second floor deck is adjacent to that. The only other alteration on that same ground floor they are extending the bathroom where the family room is and adding some closet space so that is really the gist of the plan.

Chairman Byrne asked so the closets in the bathroom on the plan are actually within the envelope of the existing building.

Mr. Marucci testified there are closets within the existing garage and the bathroom is in the existing building yes.

Chairman Byrne stated okay. So the hallway, bedroom and all the rest of that is part of the new addition.

Mr. Marucci testified part of the new living space yes.

Chairman Byrne stated right. So Tom real quick, so the hallway is not considered part of the living area?

Mr. Boorady stated well that is part of the application that I think needs some more explanation. If you look at Item #2 of my report, you know Item #1 b. on page two of my report that is really something that I think needs to be looked at and confirmed because it states that you need to have common unseparated entranceway and exit way with the principal dwelling. If you look at the layout, you know there is a door to the outside to the left of the garage, there is a door into the garage that is right next to that, and there is also the stairway in the front middle of the house so you know it appears that this dwelling unit has its own separate entrance, but maybe they can go into how the rest of the area connects with the rest the house.

I don't know if there is anything that precludes them from having more entrances and exits but I think the question is is it really a common unseparated entrance and exit way with the principal part of the dwelling so maybe that can be talked about. There are the closets that will be put in the garage and they are facing towards the hallway so in some ways it looks like it will serve the extended family dwelling unit, but if that is a common hallway it could really serve both, the primary and the extended family unit so maybe they can explain that for us.

Mr. Marucci testified if I may, there is a common entrance from the garage to that proposed hallway and there is also an opening from the living space to the existing family room where the bathroom is. I agree with Mr. Boorady there is a separate entrance that comes out towards the driveway and that was a concern of mine also, but in speaking with Ms. Monaco there is a reason for it.

This is a bi-level type house and with a bi-level house at the main entrance in the front you have to go up approximately 4 to 5 steps just to get to the front entrance and when you enter the house you either have to go down steps to go to the lower level or go up steps again to go to the main living area. Ms. Monaco's mom, as she explained, is 81 years old and to go up and down those steps is very difficult so I believe that is the reason why they put the separate entrance in. There is no other reason for that and it is not to be used as any other type of dwelling unit other than the extended family unit. It is really more for a safety issue because of her mom not being able to go up and down stairs.

With respect to this extended living unit, I remember you have a provision in the ordinance that says that they have to comply with a deed restriction before they can even get a building permit so this has to remain as an extended living unit, but again I'm speaking for the applicant in that this is really a safety issue for her mom.

Chairman Byrne asked could you just walk me through it. So if I'm coming down the stairs from the bi-level and it looks like the top of the stairs has a doorway, so now I go down and if I went to the right I would be able to walk into the open area of the proposed addition is that how that works? I'm trying to follow through, you said there was an entry from the family room is that next to the bathroom?

Mr. Marucci testified there is an entrance there and it is an open area to go from the family room to the living area.

Chairman Byrne stated okay. And then as you are walking from the open area towards the hallway is that a step down there or is that just all on the same level?

Mr. Marucci testified that is all on the same level, those are just the dimensions those are not steps.

Chairman Byrne stated the reason I asked is because when you get to the bottom of the stairs it looks like if you go to the left to the garage it goes down a step.

Mr. Marucci testified that's because all garages have to be lower than the finished floor of the --

Chairman Byrne stated that is my question. So if the garage is lower I don't understand how you go down, like shouldn't there be a down step somewhere in the open area where the kitchen is? If it is one step down from the level of the garage, shouldn't it be one step down to go from the --

does anyone else follow me on this?

Mr. Boorady stated yeah. I think the addition is going to have to be, I see what you are saying in the hallway, if you will, there is the door from the garage to the hallway so there would have to be a step there as well.

Mr. Marucci testified there would have to be a step there, yes I agree with that.

Chairman Byrne stated a step up. Okay that would make sense because everything is on the same level for your mom, you don't want her to have to go up and down any steps.

Mr. Marucci testified right.

Mr. Boorady stated there is a step down from the hallway to the garage that they didn't show.

Chairman Byrne stated alright.

Mr. Marucci testified I agree.

Chairman Byrne stated I just want to make sure I understood the layout. Then there are the sliding doors for the patio which are common right? Go ahead.

Mr. Boorady stated so if I am hearing everything right, the common unseparated entranceway is the main stairway at the front center of the house and you can go in and either walk up or walk down. If you walk down it is totally open and there are no doors as you make a right in through the existing family room where the fire place is, and you can keep going past the utility and laundry room and past the new bathroom, or renovated bathroom and there is a door cut out there. There is no actual door but there is an opening cut out so that is your common unseparated entranceway, and again I don't think there is anything that precludes them from having a separate entrance or exit way at the end of the hallway, in fact it is probably good for safety to have another point of egress for the extended family dwelling unit.

As long as the Board is happy with the arrangement that the hallway and closets are really part of the combine house and not exclusive to the extended family dwelling unit, then they meet the floor area and I think the entrance at the center of the house needs to be common unseparated entranceway and exit way and that makes sense.

Chairman Byrne stated I think it does and I agree with it. I don't get why the hallway would be excluded from the floor area right.

Mr. Boorady stated it is part of the addition but it is also open to the primary dwelling.

Chairman Byrne stated but it wouldn't be there unless you had the addition. The only reason I say it is they are at 503 sq. ft. so they have up to 550 sq. ft. so would it really matter?

Mr. Boorady stated it would put them over a little bit.

Chairman Byrne stated it would alright.

Mr. Boorady stated it would.

Chairman Byrne stated alright.

Mr. Boorady stated again you have the hallway that's open to the new opening by the bathroom so I do think that is part of the overall.

Chairman Byrne stated I was just curious why it wasn't.

Mr. Boorady stated I agree with you because I had to look at it 4 different times until it made sense. One important thing to remember and I think Mr. Marucci mentioned it, is it will be deed restricted and it will be known that this is not to be confused with an apartment it is an extended family dwelling unit, so even though you do have that separate entrance it looks temping to a

future owner to turn that into an apartment but it will be deed restricted.

Chairman Byrne stated yeah.

Mr. Zapf stated that was my concern as well because it looks very easy to just close off that one doorway and you have a very small efficiency apartment. As long as that is addressed and you are comfortable with it Tom, I am alright with the deed restriction on it and that is the way it is intended to be.

Mr. Boorady stated another thing to keep in mind is, it appears that they are sharing laundry facilities too. Is that true?

Mr. Marucci testified yes.

Ms. Monaco testified yes.

Mr. Boorady stated so that kind of keeps that opening there that they both need to do laundry.

Chairman Byrne stated okay.

Mr. Boorady stated if I might just finish my letter and then you guys can go on, Item #2 they had already agreed under completeness to give us a grading permit to address the increase in impervious coverage to make sure the stormwater is mitigated and also to make sure that the grading is appropriate. So conditioned on any approval the Board might give, they are going to submit for a grading permit which would be reviewed administratively not through the Board.

Item #3 I think we already talked about and Mr. Marucci mentioned that there is no air conditioning units shown even though they will probably need them and that adds a little bit to the impervious coverage. So we had made a recommendation to bump up the impervious to 27.6 roughly if the applicant is okay with that number and that allows them for some A/C units.

Finally with any project, Item #4 would be the project completion report and as-built survey requirement which would be another condition of approval.

Just to back track a little bit, all the utilities will be shared so that there won't be separate meters for the new unit is that correct?

Mr. Marucci testified correct.

Mr. Boorady stated that is also a condition of the extended family dwelling. That is all I have and I don't have any outstanding items that haven't been addressed.

Chairman Byrne stated okay. Does anyone on the Board have any comments?

Mr. Zalewski asked if you look coming from the existing house into the garage, it shows a step down into the garage correct.

Chairman Byrne stated yeah we just addressed that.

Mr. Zalewski stated now the other doorway coming out of the garage into the new living area is there going to be a step up?

Chairman Byrne stated yeah, it is missing on the drawing.

Mr. Zalewski stated they will add that then right?

Chairman Byrne stated they testified to that.

Mr. Zalewski stated okay, that's all I had.

Mr. Alexander asked can you just briefly testify on the criteria for granting the variance for the impervious coverage.

Mr. Marucci testified of course. First of all I agree with all of your comments and we will prepare the grading plan and make sure we do mitigate any increase in stormwater runoff in all of the (inaudible – not picked up by microphone).

With respect to the variance for the impervious coverage under the c 2 criteria, the benefits outweigh the detriment. First of all as far as the benefits go, this is a permitted use the extended family unit and Ms. Monaco explained to you that this is really to have peace of mind for her mom so that they can live together and take care of her mom.

As far as that separate entrance, what we call a separate entrance that is a safety feature and like I said, her mom can't go up and downstairs and it keeps the family together. Ms. Monaco has her own children and I think grandchildren also so I think this house is going to remain in the family for a long time. I know her that's why I can speak for her.

As far as any detriment, the only detriment is the increase in runoff but that increase in runoff we will mitigate with stormwater management, whether that is a dry well or some type of underground retention system. By mitigating that we will not adversely affect any of the adjoining properties so I believe the variance can be granted under the c 2 criteria.

Chairman Byrne stated okay. Does anyone else from the Board have any questions? If not, I'd like to open it to the public.

Mr. Zapf asked Tom if he had any plans for stormwater management or are you going to ask for any, or are you just going to accept that the plans are intended to be good.

Mr. Boorady stated it will be part of the grading permit which I had already recommended being a condition of approval. The grading permit will include stormwater and usually they handle that with like a seepage pit or infiltrator system that will percolate the water underground.

Mr. Zapf stated if you are comfortable I'm okay.

Mr. Boorady stated they will have to meet that condition as a condition of getting any permits.

Chairman Byrne asked does anyone else have any questions on the Board. Alright I'd like to open it up to the public.

So Jamie you guys are neighbors is that correct?

Mr. Spielberg stated we are.

Mrs. Spielberg stated our yards abut.

Chairman Byrne asked do you have any comments, questions, or concerns.

Mrs. Spielberg stated yes I do.

Mr. Alexander asked wait a second, can we get your full names and address please.

Mrs. Spielberg stated Teresa Cecelia Leszczynski Spielberg and Jamie Spielberg, 22 Patania Court.

Mr. Alexander asked how do you spell your last name.

Mr. Spielberg stated Spielberg that's easy (S-p-i-e-l-b-e-r-g).

Mr. Alexander stated okay.

Mrs. Spielberg stated one of my main questions is we'd like to know a little more about the stormwater runoff because our yard is very close to that drain and when there is a building there it's not going to be earth to absorb the water. What happens does our backyard begin to flood? Does our yard begin to hold water?

Chairman Byrne asked Teresa you are directly behind the applicant.

Mrs. Spielberg stated directly yes, our yard abuts.

Chairman Byrne asked Tom if he had any new comments on stormwater what our criteria is for the grading application and what the conditions would be to handle the stormwater.

Mr. Boorady stated I can tell you what the requirement is going to be is zero net increase in runoff and usually the engineer is going to design that conservatively, so the compensation will be enough storage space underground with a seepage pit where the roof water will be directed into the ground and then absorbed into the ground. At the end of the day, you should see less runoff even though they are building more because they are going to put in pits underground to store and recharge the water that is going to be the requirement.

Mrs. Spielberg stated okay thank you for that that makes me feel a little more comfortable.

Is there an outdoor lighting plan?

Chairman Byrne stated I do not see it.

Mr. Boorady stated all lighting will have to be residential not commercial flood lights and I know there is a trend with LED lights where people put LED flood lights out and they aim them straight out. But that is a good point and I would recommend that as a condition of any approval that the lighting is residential grade not commercial grade.

Mr. Spielberg stated the reason we are asking that is because one of the spotlights points directly at our bedroom window.

Mrs. Spielberg stated off the backdoor by the garage.

Mr. Spielberg stated so I would love it if the lights were going down towards the ground rather than straight at our house.

Mr. Boorady asked is that something the applicant would agree to do. Would you agree to fix the existing light and any new lights be residential and aimed downward towards your property instead of aimed outward?

Ms. Monaco stated of course, but actually the switch isn't even on for it unless it is the censor, but it doesn't go on.

Mr. Spielberg stated almost every night.

Mrs. Spielberg stated Donna it does. The way the house is designed that we live in our main living quarters face your yard so what happens is, like Jamie said, our bedroom window not only gets your light but it gets the street light off of Randolph since the trees were taken down and that light on the backdoor of your property goes directly into right where my head is. Now everybody in town knows where I sleep.

Ms. Monaco stated there is a (inaudible).

Mrs. Spielberg stated listen you had no way of knowing. We are bring this up now because when you bring the house out it is going to be closer to our yard so we are going to be looking down on this property so any lighting is going to be going right in our home. It could potentially depending on what kind of lighting you have and where it is placed. I like what Mr. Boorady said about it being residential and not LED, and like my husband said, having it pointed down in a way that --

Ms. Monaco stated that's fine.

Mr. Spielberg stated we just wanted to make you aware of it that's all.

Mrs. Spielberg stated yeah.

Ms. Monaco stated okay.

Mrs. Spielberg stated now as far as the impervious coverage goes, does that include the sidewalk and is there going to be a border and a patio for the extended living quarters?

Chairman Byrne asked what is on the back there.

Mr. Boorady stated there will be a patio.

Mrs. Spielberg stated there is a patio there now is that going to remain there?

Mr. DePalma stated there is a patio there now and it will remain there yes.

Mr. Marucci testified if I may, there are no plans for an additional patio just what is there now that is under the second porch actually.

Mr. DePalma stated right.

Mr. Marucci testified there will be no additional patios.

Mrs. Spielberg stated okay what is going to be the highest point of the extension including the pitch of the roof?

Mr. Marucci testified it is only a one story and the existing house is two stories so the addition will only be a one story.

Mrs. Spielberg asked so it is just going to be the height of the bottom story of the existing structure.

Mr. Marucci testified basically yes.

Mrs. Spielberg ask are you folks going to be putting up a fence and taking down those nice hedges.

Mr. DePalma stated we don't know yet.

Mr. Spielberg stated I guess my wife asked because those hedges in the backyard between us are a great privacy for both of us and it really helps quite a bit so we are hoping that they would remain.

Ms. Monaco testified I can't answer that right now.

Mr. DePalma stated if we do get a dog we will end up getting a fence.

Mrs. Spielberg asked then you would take those hedges down.

Ms. Monaco testified I'm not even thinking that far yet, I have to worry about mom first and the addition.

Mr. Marucci testified that is not really part of this application. If I may, I don't think that is part of this application right now and I understand what you are saying, those are nice tall bushes that are there in the back.

Chairman Byrne stated maybe you can move them and put up a fence.

Mr. Marucci testified yeah.

Chairman Byrne asked are there any other questions pertaining to the application.

Mrs. Spielberg asked how long will the construction take approximately.

Chairman Byrne stated I don't know if you have an answer for that.

Ms. Monaco testified I don't have an answer.

Chairman Byrne stated I can tell you that we would normally give them a year right?

Mr. Alexander stated yes.

Mr. Marucci testified it is a very small addition so I don't think it should take more than three months once they start.

Chairman Byrne stated we do normally give them a year to complete it and there is an option to extend if they need to. Not that they would get it automatically but they could come before the Board and ask for an extension.

Mrs. Spielberg stated I'm assuming it will be up to the fire code if god forbid there is a fire.

Chairman Byrne stated all construction has to meet the local codes.

Mrs. Spielberg stated what do I know I'm just asking.

Chairman Byrne stated I'm just letting you know it would have to meet our codes in order to get a certificate of occupancy and that is actually beyond our scope here at the Board. We deal with variances and the rest of that is done by the town. Okay anything else?

Mrs. Spielberg stated no. Thank you very much we got good answers.

Chairman Byrne stated okay. I don't know that there is anybody else waiting I lost my participant thing.

Mrs. Kubisky stated no

Mr. Zapf stated there is no one there that was there in the beginning.

Chairman Byrne stated alright so Joan we will close the public portion.

Ms. Ward stated sure.

Mrs. Spielberg stated thank you, nice meeting everybody.

Chairman Byrne stated I would like to say, I am happy to see that we are trying to take care of our parents and the application looks fine to me. It looks like it was solidly designed and helpful and I don't mind the impervious coverage as long as we are taking care of the stormwater runoff.

Is there anyone on the Board that would like to comment on the application?

Mr. Zapf stated Tom pretty much covered and so did Mr. Marucci some of the concerns that we had were already addressed before we even got to those items. As long as down the road with future owners they don't turn around and try to make the back part into an efficiency apartment because there is a deed restriction on it, that kind of answers everything.

Chairman Byrne stated okay. Mary anything?

Mrs. Kubisky stated no I'm good.

Chairman Byrne asked Steve. Nothing. As long as we are meeting the criteria specified and was agreed to, I have no problem with the application. Does anyone want to make a motion?

Mr. Boorady stated before you make a motion I just want to make sure that the one comment from the neighbor about lighting, will the applicant be willing to do that lighting and is the Board going to add that to the list of conditions?

Chairman Byrne stated yes.

Mrs. Kubisky stated yes.

Mr. Zapf stated it should be.

Mr. Boorady stated okay just making sure.

Mr. Zalewski stated yes.

Mr. Zapf stated we are going to vote on two variances; the imperious coverage and the shed being too close to the property line.

Chairman Byrne stated correct.

Mr. Zapf made the motion to approve with the variances.

Chairman Byrne stated and the inclusion of the lighting right?

Mr. Zapf stated yes.

Mr. Dubowsky seconds.

Ms. Ward asked are you also addressing in the resolution about the grading permit.

Chairman Byrne stated yes.

Mr. Zapf stated yes.

Chairman Byrne stated that's already in Tom's report.

Ms. Ward stated right.

**Roll call:**

**Yes: Zapf, Dubowsky, Byrne, Kubisky and Zalewski**

**No: None**

**Abstain: None**

Ms. Ward stated okay we will do the memorialization at our next meeting.

Chairman Byrne stated Joan would you just explain to Ms. Monaco that they can't start the work and all that kind of stuff.

Ms. Ward stated sure. You can't start the work until the resolution of memorization is adopted and the grading permit has to be approved. The grading permit will have to be submitted and Tom will review and approve same.

Mr. Marucci stated we'll do.

Chairman Byrne stated we'll vote on the resolution next month.

Ms. Ward stated right. It will be on for the April 13<sup>th</sup> meeting.

Chairman Byrne stated you don't have to participate.

Ms. Ward stated right. You will get a copy of the resolution in advance of the meeting. If you have any questions, please feel free contact us.

Chairman Byrne stated okay.

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Any other business?

Ms. Ward stated I have nothing.

Mr. Marucci thanked the Board for their courtesy in this matter.

Chairman Byrne thanked Mr. Marucci.

Ms. Ward asked Tom the plans have to be revised.

Mr. Boorady stated I think they were going to increase the impervious coverage and maybe show some air conditioning units and there has to be a step down.

Mr. Marucci testified I will speak to the architect about it.

Ms. Ward stated we will need 8 sets of the revised plans.

Chairman Byrne asked any other business anyone wants to bring up.

Mr. Zapf made the motion to adjourn.

Mrs. Kubisky seconds.

Meeting adjourned 7:54 P.M.

Respectfully submitted:

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Joan Ward, Secretary

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Patrick Byrne, Chairman