

**MINUTES OF ZONING BOARD OF ADJUSTMENT REGULAR
REMOTE MEETING HELD ON TUESDAY, MAY 11, 2021**

Chairman Byrne called to order the regular (**zoom**) 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, WOLFSON, ZALEWSKI AND ZAPF

ALSO PRESENT: BOORADY, ENGINEER AND ALEXANDER, COUNSEL

ABSENT: ERICKSON

Chairman Byrne stated the first order of business is the approval of minutes from the April 13th, 2021 meeting. Any comments or corrections?

Mr. Zapf made the motion to approve the minutes.

Mrs. Kubisky seconds.

Roll call:

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

No: None

Abstain: None

Ms. Ward stated they are approved.

Chairman Byrne stated the next order of business is Variance Application #2021-1 by Ryan Vasnelis, on property known as Block 52, Lot 3.2 on the municipal tax map also known as 45 Hunter Road. This is a consideration of a resolution of memorialization.

Ms. Ward stated everyone who is present can vote on the resolution.

Chairman Byrne stated okay.

Mr. Zapf stated this is not in the resolution itself but on the attachment it still has Donna Monaco's name on the front page which was an error from last month. I'm not sure if that matters but I saw it. Do you see it?

Chairman Byrne asked does that matter Joan.

Mr. Zapf stated I'm not sure it does but it is still there.

Ms. Ward stated I don't think it makes any difference.

Mr. Zapf stated okay.

Mr. Alexander stated I don't think it matters.

**LINCOLN PARK BOARD OF ADJUSTMENT
RESOLUTION**

**Zoning Permit #2020-140Z
Variance Application #2021-1**

WHEREAS, Ryan Vasnelis and Dana Stone ("Applicant") have filed an application before the Lincoln Park Zoning Board of Adjustment ("Board") with regard to property owned by the Applicant known as 45 Hunter Road, Lincoln Park, New Jersey, also identified as Block

52, Lot 3.2 on the official tax maps ("Property"); and

WHEREAS, notice was published in the official newspaper of the Board and all persons located within 200 feet of the Property and required utilities have been notified according to law, and a virtual public hearing (via Zoom) was held before the Board on April 13, 2021; 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. The Property is located in the R-15 Zone, and is improved with a two-story single-family dwelling, back deck, and paved driveway. The Applicant proposed to remove the existing back deck and construct a new larger deck.

2. The Applicant submitted to the Board or its review the following material:

1. Standard Development Application Form (Section 17-82.1-A), notarized January 16, 2021, revised copy received February 22, 2021;
2. Checklist for General Information (Section 17 Attachment 1:1);
3. Checklist for Board of Adjustment Variance Application (Section Attachment 1:4);
4. Zoning Permit #2020-149Z, denied dated October 27, 2020;
5. Official Search for Municipal Lien, dated January 6, 2021;
6. List of Property Owners within 200 feet, certified by the Borough Assessor, dated January 12, 2021;
7. Copy of Lincoln Park Planning Board Resolution #308, memorialized on December 16, 1999;
8. Property survey, prepared by Vallee Surveying, LLC, consisting of one (1) page, dated April 20, 2015, bearing no revisions, and;
9. Deck plans prepared by the homeowner, consisting of two (2) sheets, undated, received January 19, 2021.

3. The Applicant has requested a variance for front yard setback (31 46 feet existing; 40 feet required). This is a pre-existing condition that is permitted pursuant to Borough Code Section 28-4.2F and will remain unchanged. The lot frontage is nonconforming at 78.99 feet where a minimum of 100 feet is required; however, the Lincoln Park Planning Board previously granted a variance for this condition under Application #598 and it will remain unchanged. The existing deck is also nonconforming with a right side yard setback of 17 feet where a minimum of 20 feet is required. The proposed new deck will require a variance for the right side yard setback of no less than 7.0 feet where a minimum of 9.5 feet is required pursuant to Borough Code Section 28-4.2G(2).

4. The Applicant testified at the hearing and confirmed the left side yard setback to the deck will not be less than 20 feet. During the hearing, the Board Engineer reviewed his report dated March 23, 2021. The Applicant agreed to the requirements set forth therein.

5. No one testified during the public portion of the hearing.

6. The Board concluded after reviewing all of the testimony, exhibits submitted and documents included with the application, that by reason of the exceptional narrowness, slope and/or configuration of the Property, the strict enforcement of the provisions of the ordinances would result in exceptional and undue hardship upon the Applicant. Further, pursuant to N.J.S.A. 40:55D-70(c)(2), the benefits of the deviations from the zoning ordinances outweigh any detriments.

7. The application is consistent with the intent and plan of the zoning ordinance of the Borough of Lincoln Park and will not adversely impact the neighborhood or surrounding properties.

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 and the requested variances on the following terms and conditions:

1. This Resolution is subject to any comments offered by the Borough's Engineer and Construction Official on the application and the plans. The Applicant shall comply with any requirements imposed by the Borough's Engineer and Construction Official with respect to this application or the plans.

2. The Applicant shall comply with the comments set forth in the Board Engineer's report dated March 23, 2021.

3. The Applicant is hereby notified of the following Borough Code that is incorporated into this Resolution:

§ 17.3.9. Expiration of Variance.

Any variance from the terms of Chapter 28, Zoning, hereafter granted by the Zoning Board of Adjustment permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance or unless such permitted use has actually been commenced within one year from the date of entry of the judgment or determination of the Zoning Board of Adjustment, except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Zoning Board of Adjustment to the governing body, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding, except, further, in the case of a variance which also involves a subdivision or site

plan approval, the variance shall extend for the full period of preliminary or final approval or any extensions thereof pursuant to the Act.

4. Before a Certificate of Occupancy may be issued, the Applicant must submit six (6) copies of an as-built topographic survey as well as the Borough's Project Completion Report, signed and sealed by the Applicant's surveyor or engineer. Any remaining balance in the Applicant's escrow account will not be returned until the Project Completion Report has been properly submitted. The Applicant must submit to the Board Secretary a status report from the Borough Finance confirming that all Borough fees for the Property and this application are current.

5. 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 alternation 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. Zapf stated okay, I'll make a motion to pass the resolution.

Mr. Dubowsky seconds.

Roll call:

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

No: None

Abstain: None

Ms. Ward stated it's adopted.

Chairman Byrne stated Joan has brought to my attention that the Council is going back on June 21st to in person meetings.

Ms. Ward stated the Borough is opening to the public on May 24th. Council is going back to in person meetings on June 21st.

I was speaking with Kathy, the Director of the Health Dept. and our nurse, and she advised if everyone is vaccinated we can be up on the dais with a mask on. If somebody has not been vaccinated yet, they have to sit 6 feet apart with a mask and that's as of today.

Chairman Byrne stated that may change with the state.

Ms. Ward stated yes, but that's the requirement as of today.

Chairman Byrne asked how does everyone feel about that. Is it something we should entertain?

Ms. Ward stated we have another meeting scheduled for June 8th and do you want to do that virtual and go back after that meeting?

Chairman Byrne stated I think we want to wait until July.

Ms. Ward stated okay.

Chairman Byrne stated that is something for everyone to think about and we can talk more on June 8th.

Ms. Ward mentioned quite a few people have been vaccinated and I know I have been.

Chairman Byrne stated I will be by then.

Mr. Zapf stated the vaccine I made the appointment for in the doctor's office got pulled.

Chairman Byrne asked the Johnson & Johnson.

Mr. Zapf stated so I don't know if I am going to be vaccinated by June 8th. Let's see what happens but I'm ready to come back.

Mrs. Kubisky stated I am too.

Chairman Byrne stated I'm waiting for the Johnson & Johnson too.

Ms. Ward asked Craig if he was comfortable with coming back in July.

Mr. Alexander stated yes, I'm vaccinated.

Ms. Ward stated okay, so the June 8th meeting will be remote.

Chairman Byrne asked Joan can we do a hybrid for the public or something like that.

Ms. Ward stated they have council chambers all roped off with cones and tape where people can sit.

Chairman Byrne asked if someone is not comfortable coming here is there any option for them to dial in or do they just have to come.

Ms. Ward stated I guess they could call in but I will check.

Chairman Byrne stated good enough I think we are done.

Does somebody want to make a motion to close?

Mr. Zapf made the motion to adjourn.

Mrs. Kubisky seconds.

Meeting adjourned 7:10 P.M.

Respectfully submitted:

Joan Ward, Secretary

Patrick Byrne, Chairman