

Florence, New Jersey 08518-2323
March 23, 2010

The Regular meeting of the Florence Township Zoning Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Zekas called the meeting to order at 7:34 p.m. followed by a salute to the flag.

Secretary Montgomery then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspaper and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	Candida Taylor
John Fratinardo	B. Michael Zekas
John Groze	Rebekah Borucki
Ray Montgomery	Robert Adams

ABSENT: Keith Crowell

ALSO PRESENT: Solicitor David Frank
Engineer Dante Guzzi
Planner Robert Perry

Chairman Zekas noted that 1st Alternate Member Rebekah Borucki would be voting in Member Crowell's absence.

Chairman Zekas stated that he would deviate from the order of the agenda.

MINUTES

Motion of Fratinardo, seconded by Groze to approve the Minutes from the regular meeting of February 23, 2010 as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

- A. Letter from Engineer Guzzi to Construction Official Thomas Layou dated February 23, 2010 regarding Application ZB#2009-08 for Robert O'Brien.
- B. Florence Township Council Resolution No. 2010-73 opposing legislation amending the time of decision rule.

Following a brief discussion of both items motion was made and seconded to receive and file Correspondence A and B. Motion unanimously approved by all members present.

RESOLUTIONS

Resolution ZB-2010-06

Granting the application of T-Mobile Northeast, LLC for use variance, bulk variance and minor site plan approval to permit co-location of 9 telecommunications antennae on an existing 120' monopole on property located at 1496 Hornberger Avenue, Roebling, NJ. Block 125, Lots 22.02, 24 & 25.

Motion of Fratinardo, seconded by Taylor to approve Resolution ZB-2010-06.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Buddenbaum, Groze, Montgomery, Taylor, Zekas
NOES: None
ABSENT: Crowell

Resolution ZB-2010-07

Granting the application for Use variance subject to site plan approval to allow the continuance of an existing landscaping business and continuing the application for minor site plan waiver to permit construction of a 40' x 80' pole barn to support the existing landscaping business on property located at 1032 Potts Mill Road, Florence Township, NJ. Block 165.08, Lot 12.01

Motion of Taylor, seconded by Fratinardo to approve Resolution ZB-2010-07.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Fratinardo, Groze, Montgomery, Taylor, Zekas
NOES: None
ABSENT: Crowell

Resolution ZB-2010-08

Granting the application of K. Hovnanian at Florence II, LLC for bulk variance for rear yard setback to permit construction of a gas fireplace and a small portion (corner) of a single family home on property located at 201 Leffler Circle, Florence Township, NJ. Block 165.08, Lot 11.

Motion of Fratinardo, seconded by Taylor to approve Resolution ZB-2010-08.

Upon roll call the Board voted as follows:

YEAS: Zekas, Taylor, Montgomery, Groze, Fratinardo, Buddenbaum
NOES: None
ABSENT: Crowell

OLD BUSINESS

Chairman Zekas called for Application ZB#2010-01 for Nicholas Careyote. Applicant is requesting Use variance and site plan waiver to permit construction of a 40' x 80' pole barn to support an existing landscaping business on property located at 1032 Potts Mill Road, Florence Township. Block 165.01, Lot 12.01.

Attorney Victoria Fannon from the firm of Parker McCay, representing the applicant stated that as the Board is aware last month Mr. Careyote obtained a Use variance in order to continue operation of an existing landscape business from his home located at 1032 Potts Mill Road in Florence Township. The Use variance contained specific conditions with respect to the scope of the operation and the type of equipment that could be utilized from the property. She stated that the purpose of this hearing was to obtain a site plan waiver and approval for a 40' x 80' pole barn building to store the landscaping equipment.

Attorney Fannon stated that Mr. Careyote had submitted additional documents to the Board including the elevations of the pole barn and an updated survey that showed the delineation of the driveway and the location of the pole barn. The applicant had received the second review letter from Engineer Guzzi and as a result has decided to change the location of the pole barn to 80' from the property line. This eliminates the need for a bulk variance. Attorney Fannon stated that she would like to amend the application on the record to this effect.

Responding to Solicitor Frank, Mr. Careyote stated that he considered himself still sworn from the previous hearing.

Attorney Fannon asked if Mr. Careyote had reviewed the conditions of approval that were required by the Board for the Use variance? Mr. Careyote stated that he had reviewed the resolution of approval and agreed with all conditions.

Attorney Fannon said that at the last meeting it was discussed that Mr. Careyote sought approval for a landscaping business on the subject property. She stated that one of the conditions is that none of the landscaping materials could be stored outside. Mr. Careyote stated that he plants trees, installs mulch and does snow removal. He said that he does not do lawn maintenance in terms of fertilization. Mr. Careyote stated that he rents property to store these materials but does not run his business from this off site location. Mr. Careyote stated that he had no intention of relocating these materials to his home property on Potts Mill Road.

Mr. Careyote stated that the only materials and types of equipment that would be stored on his property and in the pole barn was what he previously testified to at the last meeting.

Attorney Fallon stated that Mr. Careyote had reviewed Engineer Guzzi's second review letter and had his survey updated a second time to address the items listed in the review. The updated survey was listed as exhibit B8. This survey is dated 3-4-10 with a revision date of 3-23-10. Attorney Fallon showed on the revised plan that the pole barn location had been moved to eliminate the need for a bulk variance; the delineation of the stone area, and the demarcation from the stone drive and the existing driveway is now clearly marked on the plan.

Engineer Guzzi stated that this addressed most of the items but he would still like additional information on the tree line and buffer. Attorney Fallon stated that the existing tree line is now shown on the plan and the buffer at the rear of the property would be supplemented and enhanced if necessary. This is the property line that abuts the development to the rear.

Solicitor Frank stated that there is some confusion with the resolution because the resolution identifies this buffer as the north buffer. He stated that he would correct this to be the southwest buffer. Attorney Fallon stated that we are clear that the buffer in question is the one to the rear of the property adjoining the housing development.

Attorney Fallon stated that Mr. Careyote had submitted specifications, which would show the particular elevations and an architectural sketch of what the barn would look like. Mr. Careyote testified that the pole barn would be a wood frame building with painted steel sides and roof. The color of the sides would be light stone and the roof color would be evergreen. Attorney Fallon submitted Exhibit B9 showing the color specification for the barn.

Mr. Careyote stated that there would be 3 roll up style garage doors. There would be a 300 watt light on the front and rear of the building that will be on a motion sensor. This light can be adjusted upward or downward. The light at the back of the barn would be approximately 100' from the rear property line and there will be no spillover to neighboring properties. Attorney Fallon submitted Exhibit B10 the specification for the proposed light.

Attorney Fallon submitted 2 photographs of the subject property. Mr. Careyote testified that Exhibit B11 is a photograph of the current location of the landscaping trucks and equipment and Exhibit B12 is a photograph of the proposed location of the pole barn.

Attorney Fallon stated that this concluded her presentation. She reiterated that the application tonight was for a 40' x 80' pole barn to be used in connection with the approved landscaping business Use variance that the applicant received from the Board last month. The pole barn would be used to store landscaping equipment and personal vehicles. This is to take vehicles that are currently parked outside into the barn. The approved business would remain the same. There would be no expansion of the business or additional equipment brought to the site.

Chairman Zekas asked about the building height. The specification submitted indicated that the height of the pole barn would be 23'. Mr. Careyote stated that he had revised the building and it would not include the loft above the parking area.

Chairman Zekas asked Engineer Guzzi to review his report dated March 19, 2010. Engineer Guzzi stated that the bulk analysis is shown on page 1 and 2 of the report. Since the Use variance was granted last week the pole barn is considered a principal structure and the bulk standards have been adjusted. This is what generated the rear yard setback variance. Mr. Careyote has indicated that he would relocate the pole barn to eliminate the need for the rear yard setback variance.

Engineer Guzzi stated that Item 1 regarding the limit of the concrete driveway and Item 2 the limit of the stone area have been identified on the revised plan that was just submitted.

Engineer Guzzi stated that item 3 has to do with the buffer. When a commercial zone abuts a residential zone the ordinance requires a buffer. Since this is a residential zone with a commercial use there is no specific requirement for the buffer, but a buffer is certainly appropriate because it is separating a commercial use and residential use. The survey that was submitted only shows a tree line along the property line. The testimony at the last meeting was that this buffer has been expanded, but this buffer area needs to be defined so that the Board is clear as to where the buffer area is and to ensure that the buffer is maintained in the future. Related to that is the extent of the stone driveway and it should be clear that the stone driveway not be expanded any closer to the residential properties. Engineer Guzzi suggested that if the Board is comfortable with Planner Perry reviewing this then this could be a condition of approval. Mr. Careyote agreed to cooperate with Planner Perry as to whether any enhancement to the existing buffer is needed. Mr. Careyote also agreed to the condition that the stone driveway would not be expanded without returning to the Board for approval.

Engineer Guzzi stated that for item 4 the applicant provided testimony that there would be no outside storage of landscaping equipment. Item 5 testimony was given last month regarding the hours of operation and deliveries to the property. Testimony was also given that there would be no anticipated customer traffic or sale of merchandise from the property. Item 6 testimony was given that no additional stormwater would be shed onto neighboring properties. Solicitor Frank stated that this would be a condition of approval.

Engineer Guzzi stated that Item 7 has to do with the rear yard setback. The applicant eliminated the need for this variance by moving the location of the building.

Chairman Zekas said that Item 4 indicated that there would be no sale of merchandise from the property. He stated that one photograph shows a pile of stone on the property. Mr. Careyote stated that it is stone that he had up at the house before he put the addition on. He hasn't reused it yet. Mr. Careyote stated again that his landscaping materials are stored at another property that he rents. He agreed that he would not have any outside storage of landscaping materials in connection with his business.

Mr. Careyote testified that as a condition of approval he would not regrade his property in a manner that would shed stormwater onto neighboring properties.

Chairman Zekas opened the hearing up to public comment.

Lori Stevenson agreed that she remained under oath from the previous hearing. Ms. Stevenson stated that she was Mr. Careyote's neighbor. She stated that she had visited the Strawberry Hill Farms where Mr. Careyote has the rental property. She said that Mr. Careyote does have this rental property and he stores materials there. He has his workers go to this site, his camper is stored there and trucks are stored there. She said this bothers her. She stated that Mr. Careyote had showed her pictures of this site and asked him to show these pictures to the Board.

Solicitor Frank asked Ms. Stevenson if she had gone with Mr. Careyote to his other site. She answered that she found the other site by herself and spoke with the woman there. She stated that at the last meeting she had said that she never saw the equipment or the workers go onto and off of Mr. Careyote's property.

Ms. Stevenson said that if everything stayed the same she would be comfortable with it, but she is very nervous that now that since the Use variance was approved there will be increased activity at the Careyote property.

Attorney Fannon said that she thought that it was clear that she stated and Mr. Careyote confirmed that he did rent another property to store his materials. Mr. Careyote stated that his personal camper was also stored there. He said that although he uses this site for storage he does not run his business from there, not does he have an office at that site. He stated that this site was located in Crosswicks.

Attorney Fannon said that Ms. Stevenson's concern was that the existing business on Potts Mill Road would be expanded. Mr. Careyote said that he has no intention of expanding his business. He will continue to rent this facility for storage.

Attorney Fannon submitted Exhibit B14. Mr. Careyote stated that Exhibit B14 shows the interior of the storage facility, which is also a pole barn. The photo shows road salt and paver blocks. Mr. Careyote stated that Exhibit B13 shows the rental facility with pavers stored. Exhibit B15 is a photograph of leaves, which are stored at the same site in Crosswicks.

Solicitor Frank asked Mr. Careyote if he ever parked any of the trucks, excavator, skid steer or trailers at this facility. Mr. Careyote stated that he would bring a machine or truck there to load. He stated that he does park his camper there and he parks his mowers there during the winter months.

Solicitor Frank asked if the workers went to the storage facility to start and to end their day. Mr. Careyote stated that the workers start and finish from his house.

Mr. Careyote stated that Exhibit B16 is a photograph of his personal camper and the excavator in the storage facility. Exhibit B17 is a photograph of the landlord's vehicle and vehicles that belong to another tenant who rents the other half of the facility.

Mr. Careyote stated again that his business is operated out of 1032 Potts Mill Road. He said that no employees work at the storage facility. Mr. Careyote stated that he is aware that he cannot bring any of the materials or vehicles currently being stored at the facility home to be stored outside on the Potts Mill Road property.

Mr. Careyote said that Exhibit B18 shows the truck that picks up the salt. This truck is usually at his home on Potts Mill Road.

Vice Chairman Fratinardo stated that he thinks that Ms. Stevenson's concern is that Mr. Careyote doesn't stop renting this facility and bring all the items that are currently stored there to Potts Mill Road. Attorney Fallon stated that Mr. Careyote testified that he would not and there are conditions in the Use variance as well. Mr. Careyote again stated that he has no intention of expanding his business or bring the materials or vehicles to his property on Potts Mill Road. Mr. Careyote stated that he has no intention to stop renting this site. Solicitor Frank stated that he would add this as a condition of approval.

Ms. Stevenson said that the woman who owned the storage site said that the workers do go to that rental location. Mr. Careyote responded that 2 years ago he did have a crew go there for lawn maintenance. He stated that this was a residential lawn service and he has sold this part of the business when he downsized. He no longer has a residential lawn service. This was when he had 10 employees; the business has been downsized to 4 employees. Solicitor Frank stated that we have already heard this testimony.

Ms. Stevenson asked where the lawnmowers were located? Mr. Careyote stated that the lawnmowers are stored at the storage facility over the winter but come home in the summer and they will be stored in the pole barn.

Michael Sulish, 1037 Potts Mill Road, was sworn in by Solicitor Frank. Mr. Sulish said that is he Ms. Stevenson neighbor and lives across the street and one house over from Mr. Careyote. He said that his family has lived on Potts Mill Road for 38 years and have seen it grow from 12 houses back in the late '70's and now there are 700 houses surrounding them. They have still maintained their rural atmosphere. He stated that he has a pole barn on his property. There are several other properties that have pole barns on Potts Mill Road. Having a pole barn has allowed him the keep all his material inside. Mr. Sulish stated that Mr. Careyote had been a neighbor for more than 8 years and he keeps his property in immaculate condition. He said that he doesn't see how the addition of this pole barn would have an adverse effect on the neighborhood.

Tom Stevenson, who had been previously sworn in, said that the fact was that the applicant was questioned under oath about having a rental property or storing his equipment or material anywhere else and the applicant said no. Now the Board is finding

41.

out that the applicant does have an off site storage facility where he stores equipment and materials. It is very low key at his residence – no employees. They are all at the storage facility. Mr. Stevenson said that he was very disappointed in the Zoning Board for granting commercial in rural residential. He said that having commercial zoned there would set a precedent. He said that he is very disappointed that there wasn't enough investigation.

Mr. Stevenson said that he was not a resident of Florence, but for his sister's sake he hopes that the Board is very careful in granting variances that allow commercial uses in residential areas. Mr. Stevenson said that now that Mr. Careyote has a commercial site he will have to do the annual "right to know" report for the NJDEP.

Edward Carnassale, 1034 Potts Mill Road was sworn in by Solicitor Frank. Mr. Carnassale stated that he lives right next door to Mr. Careyote and if anyone had a right to complain it would be him. He stated that every morning he sees the workers coming to get their equipment. They don't bother anybody. At the end of the day they come back, they put everything away. The property is immaculately kept. He stated that he doesn't think that this business would be of any detriment to the community. He said that there are other commercial properties on Potts Mill Road.

Motion of Taylor, seconded by Fratinardo to close the public hearing. Motion unanimously approved by all members present.

Attorney Fannon said that this Board made a determination for a Use variance to allow Mr. Careyote to continue to operate his existing landscape business. The purpose of this meeting tonight is to give the Board a particular look at the proposed pole barn. Mr. Careyote has testified that he wants to be a good neighbor by storing the equipment that is currently outside on the property in the pole barn. None of the landscaping materials for this business will be stored outside or on this property. Mr. Careyote offered testimony that he rents a property for this purpose. The business is run from his home. This business is a small landscaping business, which is akin to and just a bit larger than a home occupation. This is not a "commercially zoned" property. This is a residential property. If a site plan waiver is granted this evening all the conditions of approval are in the Use variance resolution and Mr. Careyote will abide by these conditions. The Township has the enforcement powers if there should be a violation of any of those conditions.

Attorney Fannon stated that Mr. Careyote had testified that he was not planning on expanding his business or bringing anything else onto the property. He is just requesting that the Board approve the proposed structure so that he can store the equipment that he uses for his particular business.

Attorney Fannon stated that they had amended the application to eliminate the need of the bulk variance and requested that the Board grant to site plan waiver.

42.

Planner Perry stated that one of the conditions would be that he would meet with the applicant regarding the back buffer area. Solicitor Frank stated that there would also be a condition that once the building is constructed that Planner Perry visits the site to confirm the orientation of the proposed lighting. This will insure that the lights are directed downward and do not spill over onto neighboring properties. Planner Perry stated that he would make an evening visit to the site to evaluate the lights.

Chairman Zekas stated for the benefit of the public, since there had been a lot of discussion of the Use variance, which really wasn't necessary since the Use variance was granted at the last meeting, that at the beginning of this meeting the Board approved the resolution for the Use. In that resolution there are at a minimum 6 conditions that limit the type of material that can be stored on the site, the number of vehicles permitted on site, limits the number of employees as well as other conditions. The resolution is now public record and anyone who is concerned could get a copy of the resolution at the clerk's office. He stated that in his opinion the Board has done a good job in providing conditions that would safeguard the neighborhood and the neighbors from an expanding business.

Solicitor Frank stated that the Board is looking at an application for site plan waiver. This is the second part of a bifurcated use variance /site plan application. The concerns of the Board have to do specifically with the proposed pole barn building and how it would integrate with the site as well as how it would be accessed. The conditions have to do with construction in accord with the submitted sketch and elevation drawings and with the color suggestions that were submitted.

Solicitor Frank stated the following conditions:

No expansion of the stone driveway, beyond that which is shown on the 03-23-10 survey revision.

There will be administrative review of the buffer by the Board planner to work with the applicant to enhance the buffer if needed to better protect the properties that surround it.

The buffer will be required to be maintained for the duration of the use; so as trees fail or become ineffective, there needs to be replacement of trees.

There will be no regrading of the site, which would direct runoff onto adjoining properties and no shedding of additional storm water onto adjoining properties as a result of this development.

There will be no bulk deliveries of stone, mulch etc. to the subject property.

In addition the standard conditions apply including payment of escrows, taxes and compliance with affordable housing, etc.

43.

Motion of Taylor, seconded by Groze to approve Application ZB#2010-01 for site plan waiver with the conditions outlined by Solicitor Frank.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Fratinardo, Groze, Montgomery, Taylor, Zekas, Borucki
NOES: None
ABSENT: Crowell

The secretary read the time limit for appeal statement to the applicant.

Chairman Zekas called for Application ZB#2010-03 for Bryan Harrison. Applicant is requesting a bulk variance for rear yard setback to permit construction of an addition to the rear of the residence located at 2103 Route 130, Florence Township, NJ. Block 110, Lots 5 & 7.

Bryan Harrison, 2103 Route 130, Florence Township was sworn in by Solicitor Frank.

Solicitor Frank stated for the record that he had reviewed the notices of hearing regarding this application and they are sufficient to provide jurisdiction to the Board. Engineer Guzzi stated that there were no completeness issues.

Mr. Harrison stated that he wants to expand his home by 9' to add a kitchen addition. He stated that he built a garage a year and a half ago and the proposal will bring the home back even with the garage. Mr. Harrison said that the house is not very large and currently the kitchen area is in the living room. Expanding the area will allow the addition of a kitchen table and some cupboards.

Mr. Harrison said that the addition is proposed on the rear of the house and this would impact the rear yard setback. He stated that this property is in the NC Neighborhood Commercial zone. Since he is using the property as a residence the residential standards apply and the rear yard setback is 35', if he were using it as a business the setback would be 25' and a variance would not be required.

Responding to a question from Solicitor Frank, Mr. Harrison stated that there was an alley behind his property. Engineer Guzzi stated that there is a frame shed that encroaches into the alley. Mr. Harrison stated that the shed was there when he bought the property. Mr. Harrison stated that there is a residential neighbor behind his property.

Mr. Harrison stated that based on the layout of his home this is the best location for the addition.

Engineer Guzzi stated that this is a conforming lot. The existing structures are conforming with the exception of the shed that encroaches into the alley. The options are limited as to where an addition could be added.

44.

Vice Chairman Fratinardo questioned the request for the 26' setback. He stated that if the addition were for 9' then the setback would be 25.8'. Mr. Harrison stated that he had rounded up. Vice Chairman Fratinardo stated that when you round up the distance that was requested was less than what was required.

Mr. Harrison amended his application on the record to be for a setback of 25'.

Chairman Zekas opened the hearing to public comment. Seeing no one wishing to offer comment motion was made by Fratinardo, seconded by Montgomery to close the public hearing.

Responding to Engineer Guzzi Mr. Harrison stated that he would not direct his downspouts towards the neighboring properties or discharge any water off site.

Solicitor Frank stated that the only condition would be that there be no discharge of water off site and that the downspouts be directed in such a way as to not direct stormwater toward the neighboring properties as well as the standard conditions.

Motion of Fratinardo, seconded by Montgomery to approve Application ZB#2010-03 with the conditions set forth by Solicitor Frank.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Fratinardo, Groze, Montgomery, Taylor, Zekas, Borucki
NOES: None
ABSENT: Crowell

The secretary read the time limit for appeal statement to the applicant.

Chairman Zekas called for Application ZB#2010-05 for William Carty. Applicant is requesting bulk variances for side yard setback, rear yard setback and impervious coverage to permit expansion of the kitchen and addition of a deck to the rear of the home located at 22 Fourth Avenue, Roebling, NJ. Block 137, Lot 25.

William J. Carty and Sally A. Carty, 22 Fourth Avenue, were both sworn in by Solicitor Frank.

Mr. Carty stated that his home is the village of Roebling where most of the lots are undersized. He stated that they have an 8' x 10' kitchen. Off the kitchen there is a 10' x 12' deck. The proposal is to expand the kitchen to be 10' x 18' and to add a 10' x 18' deck off the back of the new kitchen. Mr. Carty stated that there is an existing 7' x 7' snap together Rubber Maid shed which he proposed to move to the left side of the rear of the property. Mr. Carty stated that there is no other place on the property to locate this kitchen addition.

45.

Chairman Zekas asked if Mr. Carty could describe his neighborhood. Mr. Carty stated that he had walked the alleyway between Third and Fourth Avenues and Fourth and Fifth Avenues and has photographs of properties with similar kitchens and decks. Mr. Carty submitted 6 photographs marked as Exhibits A1 through A6.

Mr. Carty stated that A1 shows property at 26 Fourth Avenue. The photograph shows that the property has a full kitchen with a screened in deck at the back. A2 shows a view looking toward the Third Avenue from the alley and shows a kitchen about $\frac{3}{4}$ of the size that he is proposing and a full deck and a larger shed. A3 is a view from the alley between Third and Fourth Avenue showing a $\frac{3}{4}$ sized kitchen with a deck that wraps around to encompass their driveway. A4 shows a view from the alley between Fourth and Fifth Avenues on the Fourth Avenue side and shows roughly a $\frac{1}{2}$ sized kitchen than what is proposed but there is a larger deck and a shed. A5 shows a home catty-corner across the street that shows a full deck in the back with a swimming pool and virtually no back yard. A6 is between Fourth and Fifth Avenue looking toward the Fifth Avenue side, which shows a full kitchen with a deck that wraps around towards the driveway, and then there is a garage or a large shed.

Mr. Carty said that one of the concerns raised in Engineer Guzzi's letter had to do with the increase in impervious coverage by the addition of the kitchen and the deck.

Responding to a question from Solicitor Frank, Mr. Carty stated that the types of improvements that he is proposing are frequently found in his neighborhood.

Mr. Carty stated that he had met with the Historical Preservation Commission and had received and submitted a certificate of appropriateness for the application.

Engineer Guzzi stated that this was an application for a 120 sq. ft. one story addition as well as a 198 sq. ft. wood deck. The lot is undersized in respect to area and width and the existing home exceeds the maximum lot coverage and there is less than the required front yard setback and side yard setbacks on both sides. The proposed addition will increase the impervious coverage by 7% to 56.5% where 33% is permitted. In addition there would be a very slight encroachment (approximately 1") into the side yard setback, as the home does not sit squarely on the lot. The rear yard setback will be met and the applicant has proposed to relocate that shed in a conforming manner, which would be 2' from the side yard and 10' from the alley.

Mr. Carty stated that he would not be regrading the property and the downspouts will be positioned towards the alley and will not direct stormwater onto neighboring properties.

Solicitor Frank stated that there would be 2 conditions – the shed will be re-located in a conforming manner and no run-off would be directed toward neighboring properties.

Chairman Zekas opened the hearing to public comment.

46.

Mary Pattik, 24 Fourth Avenue was sworn in by Solicitor Frank. Ms. Pattik stated that she lived in the other half of the duplex and wanted to be sure that the addition would not negatively impact her side of the house.

Engineer Guzzi stated that the kitchen would be built toward the other side of the house, but the deck would be built closer to her house.

Mrs. Pattik stated that she is not against the application; she just wanted to be sure that no damage occurred to her property.

Motion of Taylor, seconded by Montgomery to close the public comment. Motion unanimously approved by all members present.

Motion of Buddenbaum, seconded by Taylor to approve Application ZB#2010-05.

Upon roll call the Board voted as follows:

YEAS: Borucki, Zekas, Taylor, Montgomery, Groze, Fratinardo, Buddenbaum
NOES: None
ABSENT: Crowell

Chairman Zekas stated that he thought the Board had covered everything on the agenda and asked if anyone had any other business to discuss.

Solicitor Frank apologized for being late to the meeting. He said that he always waits to the last possible moment to print and copy the resolutions to allow for the Board to review and call in any corrections. He stated that he a problem with his copier and that is why he was late.

Motion of Montgomery, seconded by Groze to adjourn at 9:21 p.m.

Ray Montgomery, Secretary

RM/ne