





## **Minutes of the Planning Board Public Meeting of Wednesday, January 28, 2015**

Present are Mr. Bucco, Mr. Falco, Mrs. Friedman, Mr. Phillips, Mr. Phelps, Mr. Byock

Also present are Marc Leckstein, Esq., Leckstein & Leckstein, Tim Gillen and Anthony Abbonizio, CME Associates.

Absent are Mrs Anderson and Mrs. Gotell, both of whom did not call.

Mr. Byock moves to accept the minutes of the October 22, November 12 and December 10, 2014 public meetings, seconded by Mr. Phillips. On voice vote all members accept.

Continued Business, **V14-111//Rios, Applicant and Property Owner: Ricco and Jocelyn Rios, 102 Irongate Lane, Block 71, Lot 1, Variance** request to construct a 21 ft. x 9 ft. covered front porch; variance required for building coverage 23% proposed, 20% permitted, on single family home in the R75/PC zone. **This application is carried from the December Public Meeting for additional information.**

Note that Mrs. Friedman listened to the tape from the December, 2014 public meeting so that she is eligible to vote this evening.

Mrs. Rios, the applicant, is sworn in by Mr. Leckstein, who also swears in the Board's professionals.

Mr. Leckstein says the Board at its last meeting asked the applicant to provide some additional information and photographs of what she proposes to do. Mr. Leckstein marks as Exhibit A-3 a series of photographs taken by the applicant.

Mrs. Rios says the photographs show a tan house with green shutters, which is a sample of the porch she wants to build. She has the grey house with the maroon shutters. The Board was concerned on how far the porch roof was coming out to meet the addition already on her home. Some of the photos show the end of her addition; that is as far as the roof will be. If you see the tan house, that is exactly what it will look like, with the columns, the roof and the A frame under the second floor window. She is doing exactly what is done on the tan house, from the door to the part of the addition. Hers is also 9 ft. from her house to her addition as is be Mrs. Rios. The one column to the door, two columns under the door; she will have three just like the tan house. Her colors will match her house; the shingles will match the house, the columns will be white. She will put a slab where there is now landscaping.

Mrs. Freidman moves to grant approval, seconded by Mr. Byock.

Yes: Mr. Bucco, Mrs. Friedman, Mr. Phillips, Mr. Phelps, Mr. Byock

No: None

Abstain: None

**Continued Business, V14-105/Jaffrey, Applicant and Property Owner: Ferkhanda Jaffrey, 477 Angel Street, Block 225, Lot 2, Use Variance** request to convert single family home into a two family home with the addition of a second story, on property located in the R 100 single family residential zone. **Jurisdiction was accepted on this application at the September meeting; the application was carried without further notice from the October, November and December Public Meetings, at the request of the applicant's attorney).**

Mr. Leckstein announces that at the request of the applicant's attorney this application will be carried to the March 25 Public Meeting, with no further notice. Mr. Bucco moves to carry, seconded by Mr. Falco, and on voice vote all members agree.

**New Business V14-110/Schwartz, Applicant and Property Owner: Avram Schwartz, 24 Inglewood Lane, Block 110, Lot 54, Use Variance** request to install a 6 ft. fence in second front yard (Van Brackle Road) within a planting easement as well as a telephone and sanitary sewer easement, in the R75/PC zone, where 6 ft. fences are not permitted in a front yard area. **This application is carried from the December Public Meeting at the request of the applicant.**

Mr. Leckstein swears in the applicant and the Board's professionals.

Mr. Leckstein marks as Exhibit A-1 the applicant's survey prepared by George Lucas dated June 11, 1991, with the proposed fence drawn in by hand up against Van Brackle Road. Marked as Exhibit A-2 are a series of photographs taken by the applicant, with one photograph showing where the fence is proposed to be located along Van Brackle Road. The pictures depict the home as it appears today.

Mr. Leckstein states this is a use variance for a fence since the Zoning Ordinance prohibits fences in the zone in which this property is located, a PC zone.

Mr. Schwartz says he wants the fence for his grandson, age 1-1/2. It is hard for him to be in the backyard without a fence.

Referring to the pictures in Exhibit A-2, Mr. Falco asks if the fence is going right out to the sidewalk, behind the trees in the picture; Mr. Schwartz replies is correct.

Mrs. Friedman asks if the fence can be pushed up to the bushes, away from the sidewalk. Mr. Schwartz replies the bushes were planted six years ago for privacy, but he really does not have much privacy.

Answering Mr. Falco, Mr. Schwartz says he wants a similar fence to his neighbors, and he wants to follow the same line of fencing as his neighbors have. Mr. Falco says the applicant's fence will be higher than his neighbors, and the applicant agrees it will be.

Answering Mr. Leckstein, Mr. Schwartz acknowledges he knows there is a planting easement and a sanitary sewer easement on his property. Mr. Leckstein says the fence would have to be taken down if the Township had to access the easement; Mr. Schwartz says he is aware of that.

Answering Mr. Phelps, Mr. Schwartz says on the street side it will be a solid white vinyl fence.

Mr. Leckstein says no sight triangle is affected.

Answering Mr. Bucco, Mr. Schwartz says the fence will go in front of the bushes, then he says he doesn't know what trees and bushes the Board is referring to. Mr. Falco says there are two pictures, one showing tall trees and the other showing arbor vitae. Mr. Byock asks the applicant if the fence is going in between the trees and the bushes. Mr. Schwartz says the bushes are on the side of the house.

There is discussion at the dais between the applicant and Board members as to where the fence is to be located.

Mr. Byock asks if the trees could be left on the outside of the fence, otherwise the fence looks like it will be right in the sidewalk.

Mr. Falco says we should have a measurement.

Mr. Schwartz says he received a letter from the telephone company regarding their easement on his property.

Mrs. Rescorl confirms the 20 ft. planting easement was a condition of the Levitt/Strathmore subdivision many years ago, and is a deed restriction. This Board has dealt with this before and left the planting easement alone, putting fences on the inside of the easement at the 21 ft. mark or 5 to 10 ft. within the planting easement, so that the easement is both on the inside and outside of the fence.

There is discussion amongst Board members at the dais regarding the pictures and proposed location of the fence. The applicant reviews the information with the Board at the dais and does not like what the Board is saying (everyone is talking; hard to determine what exactly is being said except should the fence go in front of or behind the trees).

Mr. Gillen suggests he meet with the applicant on the property and discuss the proposed location of the fence, get the measurement from the back of the sidewalk, the tree location, the fence location, and then have that as a defined area. He can check the adjoining property owner who has the white vinyl fence and the property owner in the other direction who appears to have a stockade or board on board fence, and get some semblance of where they are, where the trees would fall relative to a location and then something that proposes "X" amount of feet behind the sidewalk with the trees in front of the fence 5 or 6 ft.

Mr. Leckstein asks the applicant if he is willing to put the fence behind the trees; it would go bushes, fence, trees, sidewalk. Mr. Schwartz is not happy with this suggestion; he feels it would not look right. He wants it on the same line with his neighbor's fence.

Mr. Schwartz agrees to meet with the Board's engineer to take measurements and report back to the Board their recommendations.

Mr. Leckstein suggests if the Board is inclined to grant this application pending the engineer's review for dimensions, the Board can direct him to prepare a resolution for the next meeting.

Answering Mr. Falco, Mr. Gillen wants to be sure the applicant understands there are easements out there, telephone 10 ft., planting 20 ft., and a sanitary sewer easement which appears to be 15

