

# **Borough of River Edge/ Zoning Board**

Meeting Minutes

January 11, 2017

**PRESENT:**

<b>Chair</b>	<b>Eileen Chusid</b>
<b>Vice-Chair</b>	<b>Valerie Costa</b>
<b>Secretary</b>	<b>Gary Esposito</b>
<b>Attorney</b>	<b>Victoria Pekerman</b>
<b>Board Member</b>	<b>Al Ruhlmann</b>
<b>Board Member</b>	<b>Avo Derbalian</b>
<b>Board Member</b>	<b>Robert Nyman</b>
<b>Board Member</b>	<b>Dario Chinigo</b>
<b>Alt. Board Member</b>	<b>Ronald Black</b>
<b>Alt. Board Member</b>	<b>Mark Gioffre</b>
<b>Zoning Official</b>	<b>Mark Skerbetz</b>

**ABSENT:**                    **None**

**Opening**

The regular meeting of the Borough of River Edge/ Zoning Board was called to order at 8:00PM on January 11, 2017 by Chair Eileen Chusid.

**Salute to Flag**

**Sunshine Law (Open Public Meetings Act)**

Adequate notice of this meeting has been provided by sending notices on December 23, 2016 to The Record and The Ridgewood News, by posting on the bulletin board in the lobby of the Borough Hall, and filing a notice of the same with the Municipal Clerk.

**Roll Call by Secretary Gary Esposito**

Approval of Minutes from April 13, 2016 meeting. One change – misspelling of previous board member “Herbst”. Motion by Mr. Ronald Black and second by Mr. Avo Derbalian. The 4 members who were at the April 13<sup>th</sup> meeting voted.

All in favor 4-0

## **Reorganization of the Board**

Approve the re-appointment of Victoria Pekerman as the Zoning Board Attorney. Chair Eileen Chusid asked if there were any other applicants who wanted to come forward, no one stepped forward. Motion by Chair Eileen Chusid and second by Secretary Gary Esposito. Board Member Robert Nyman abstained from vote.

All in favor 8-0-1

Approve the re-appointment of Eileen Chusid as Zoning Board Chair. Motion by Vice Chair Valerie Costa and second by Secretary Gary Esposito for the reappointment of Eileen Chusid as Chair.

All in favor 8-0

Approve the re-appointment of Valerie Costa as Zoning Board Vice-Chair. Valerie Costa respectfully declined. Motion by Chair Eileen Chusid and second by Al Ruhlmann to approve the appointment of Gary Esposito to Vice-Chair.

All in favor 8-0

Approve the appointment of Avo Derbalian as Zoning Board Secretary. Motion by Chair Eileen Chusid and second by Al Ruhlmann.

All in favor 8-0

## **New Business**

### **VanderVoort- Application #2016-10**

#### **247 Voorhis Avenue**

#### **Block 707, Lot 8 - Bulk Variance needed for Impervious Coverage and Setback due to in-ground pool.**

Both Jay VanderVoort and his expert witness, Jeff Egarian with DJ Egarian and Associates (licensed professional engineer) were sworn in.

Jay VanderVoort proposed that they would update the drawings to show sufficient clearance in the back from 6 feet to 10 feet, sliding pool and spa closer to home for extra 4 feet needed. Thereby, amending the application to remove the variance required by Section 416-28B. The pool and hot tub would be 5.2 feet from house. They will submit revised drawings to Mark Skerbetz for his review.

Jay VanderVoort spoke on second item the Impervious Surface and stated that when they purchased the house the impervious surface was at 42%. They are requesting going from 42% to 47.1%. He stated this is the smallest size of this type of pool. The patio around the pool is the minimum required for safe walking and they have removed several pavers to try and bring it down to 42%. They are asking for a waiver of 5.1%.

Jeff Egarian stated they are removing the existing shed and a portion of existing patio and constructing a stone retaining wall. Jeff Egarian stated that since the increase of impervious coverage they are proposing a Storm Water Management System. The pool patio will be surrounded by a perimeter drain. Jeff Egarian stated that the surface drainage waters will be controlled in a manner that would minimize adverse effects on subject's property and the adjacent properties. The seepage tank will be placed in the southeast portion of the rear yard.

Christopher Argenziano from the Pool Boss stated that the noise of the filter would be like the noise of an air conditioning unit, it would be very quiet. It was agreed that a sound barrier such as trees would be put up, and that it would be located at the furthest location it can be from neighbors.

Mr. VanderVoort agreed that when the Construction Official comes out to inspect the work, if he states that the fence needs to be upgraded he would upgrade it. State law for a fence is 4 feet but 6 feet is permitted. Mark Skerbetz stated that the fence has to meet construction code standards for an in-ground pool and if anything is done to the fence they are to submit a revised plan indicating what will be done.

Mark Skerbetz stated that State Law does not require additional drainage on a property when you improve on it. You are allowed to keep the current drainage pattern, you can't decrease it. The dry well is more than sufficient with the calculations provided. Mr. VanderVoort said he currently does not have any water problems in his basement.

Christopher Argenziano stated that they will be using small machinery to access the yard. Mr. VanderVoort said it is all coming through his property only.

Motion by Al Ruhlmann that Application #2016-10 be approved, as amended, that as referenced Section 416-28B the setback be at least 10 feet and that as referenced Section 416-8 impervious coverage 1500 volume (1,000 gallon tank) seepage pit be installed , second by Gary Esposito.

All in favor 9-0

Application will be memorialized at next meeting (February 8, 2017) and work can start 45 days after.

## **Old Business**

### **Re: 34 River Edge Road/Block 404/Lot 3**

Matt LaMuraglia (50 River Edge Road home owner) spoke about 34 River Edge Road. Stated that both he and his brother did not received notice (certified) about construction on 34 River Edge Road. Chair Eileen Chusid stated that there was an error by the Administrative Office concerning the calculations of the 200 feet radius; therefore, there were a group of residence that did not get notified. The contractor/owner of the property wanted to change property to a D variance ("Use" variance). He wanted to change from multi-family to a single family - from here on it will be a single family. Chair Eileen Chusid explained the variance process, and apologized for the error. Mr. LaMuraglia stated that there are no minutes on the website except for January and February of 2016, and that there are also no videos of the meetings on the website. Mark Skerbetz stated that there are recordings of the meetings downstairs in the Planning Dept. Mr. LaMuraglia again stated his frustration about not having the agendas, meetings or videos of these meetings on the borough website.

Mr. LaMuraglia requested a list of the people who did receive the certified notice. Chair Eileen Chusid said he can go the Planning Dept. and they would be provided.

Joe LaMuraglia (43 Lincoln Ave home owner) stated that when the construction started he was excited. He met with the owner Ruben Moscoso and asked what he planned on doing with the odd piece of property adjacent to his and Rubin Moscoso stated that he was going to put up another house. He also said he has worked with the former Mayor and he has it under control. Joe LaMuraglia expressed concern that he would come home one day and there would be a house there. Mark Skerbetz told him to come in and see Nicole Florio in the Planning Dept. and she will show him exactly how the house and/or property will be built. Chair Eileen Chusid stated that he has to build the house per the plans that were submitted, Mark Skerbetz agreed. Mr. LaMuraglia also stated that he wants it on the record that he voiced his concern and that if any variance requests come up they are properly notified. He stated he had no issue with the home, he is worried about statements made to him by Rubin Moscoso about a second house being put on the property. Chair Eileen Chusid said they can't consider any here say, but that he could compose an email and direct it to her along with his concerns about the lack of minutes on the website. Chair Eileen Chusid apologized for the mistake that was made, and again asked Mr. LaMuraglia to send his concerns to her in an email. Mark Skerbetz stated that the applicant complied and that it is only one house per lot, he cannot put another house on the lot. Mr. LaMuraglia also expressed his concern about the driveway being moved and that a piece of the sidewalk is broken up. Mark Skerbetz said that the driveway is

staying in the spot that it is in now. Chair Eileen Chusid thanked Matt and Joe LaMuraglia for coming to the meeting and expressing their concerns.

Robert Nyman asked how did the notification error happen and when did the Board Representatives become aware of it. Chair Eileen Chusid said it was brought to her attention in early December, and because there was no new business in December the Zoning Board meeting was canceled. Nicole Florio notified Chair Eileen Chusid who in turn notified Zoning Board Attorney Victoria Pekerman. They discussed it and it was agreed that Zoning Board Attorney Victoria Pekerman would speak with Mr. Gregory Moscaritolo, attorney for Ruben Moscoso. Zoning Board Attorney Victoria Pekerman and Mr. Gregory Moscaritolo did a research of case law, statutes and notice provisions. It was agreed that the town was at fault. Mr. Nyman suggested copies of the certified notices be made and handed out to the Board. Mark Skerbetz stated that by state statutes and local ordinances the Administrative Office is responsible not the Board. The Board should not get a copy of the list because then they are taking it upon themselves to be responsible. Mr. Nyman expressed his concern about the mistake made. Chair Eileen Chusid stated that the here say between the resident and the property owner is concerning. Mark Skerbetz stated that the property owner's professional deemed the structure unsafe and removed the house. They can do that as long as the foundation is not moved from its original location.

### **Adjournment**

Meeting was adjourned at 9:21PM by Chair Eileen Chusid. Motion by Robert Nyman second by Al Ruhlmann

All in favor 9-0

Minutes submitted by: Carol Byrne

Approved on: February 8, 2017