

Date: June 2, 2016
 1st: Vignola
 2nd: Tyler

Minutes of May 19, 2016

The Regular Meeting of the Hazlet Township **Land Use Board** scheduled for May 19, 2016 was called to order at 7:30 PM with a Salute to the Flag followed by a Moment of Silent Prayer and a Reading of the Letter of Compliance.

ROLL CALL:

Present: Mr. Tyler, Deputy Mayor Kiley, Mr. Byrne, Mr. Vignola, Mr. Glackin, Mr. Sanfilippo, Mr. Moore

Absent: Mayor Aagre, Mr. Lavan, Mr. Mann, Mr. Solomeno, Mr. Rooke, Mr. Grossman

Professionals: Mr. Vella, Esq., Mr. Otto- CME, Mrs. Keegan

Motion: To approve the minutes of regular meeting May 5, 2016

Offered By: Tyler **Seconded By:** Vignola

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>	<u>AB</u>
Mr. Byrne			X
Mr. Glackin	X		
Mr. Lavan			
Mr. Tyler	X		
Mr. Solomeno			
Mr. Vignola	X		
Mr. Rooke			
Deputy Mayor Kiley	X		
Mayor Aagre			
Alt #1 Mr. Mann			X
Alt #2 Mr. Moore			
Alt #3 Mr. Grossman			
Alt #4 Mr. Sanfilippo			X

New Case#16-05L: Smith, 19 Essex Ave, Block 150, Lot 6.01, R-50 zone. Applicant is seeking to retain a 6'x16' shed, 5'x18' wood platform, 22'x40' paver patio and raised concrete patio. Seeking a 0.5 ft. side yard setback where 5 ft. is required for 5x18 wood platform, 0.2 ft. side and rear yard setback where 2 ft. is required for 6x16 shed, a 3 ft. setback between shed and pool where 7 ft. is required, 1 ft. side yard setback where 5 ft. is required for paver patio, 1 ft. side yard setback where 5 ft. is required and 7 ft. rear yard setback where 10 ft. is required for pool concrete, 1.1 ft. side yard setback where 5 ft. is required for pool equipment and 0 ft. side yard setback where 3 ft. is required for driveway.

Mr. Vella: Acknowledged notification of neighbors and affidavit of publication and confirmed jurisdiction. Marked application with survey as Exhibit A-1 and CME review report as LUB-1.

Mr. Tyler: Introduced Joseph Costello, attorney for applicant.

Mr. Costello: Explained that the applicant had purchased home in January of this year and found out that CO was in violation of code so is seeking a variance to bring it into compliance. The pavers, pool and patio were all pre-existing.

Mr. Vella: Asked Mrs. Keegan for background on the property.

Mrs. Keegan: Explained house was built in 1992, permit issued 1994 for wood deck. Denied pool permit in 1996 for lot coverage, variance was approved for pool 1997. Variance for pool was measured from the water's edge, which was the rule at the time. The shed, wood platform and pavers around patio were put in after the variance according to the survey. A temporary CO was issued to Mr. Smith in January.

Mr. Costello called Mr. Smith, the homeowner, to testify.

Attorney Vella swearing in Russell Smith.

Mr. Costello: Questioned Mr. Smith's pursuit of a CO when he purchased home in January. Explained that Mr. Smith wanted to retain the wood shed, paver patios and wood platform next to pool.

Mr. Smith: Confirmed that he had applied for a CO but due to all the backyard items that were not in compliance, he could only be granted a temporary CO. He is seeking to bring these items into compliance in order to receive a permanent CO.

Mr. Tyler: Expressed concern that the gas barbecue grill was right next to the property line along the fence. Confirmed that the house and pool were in compliance and not affected by the variance.

Mrs. Keegan: Explained that the pool was approved with the concrete surrounding it and the pool equipment placed in its current location. Those items should be approved.

Mr. Vella: Suggested we go through each variance item one at a time. Confirmed that pool equipment was in the same location and pool surround was previously approved so variances should be granted for those items.

Mr. Otto: Referred to CME letter and confirmed the three items that have been previously approved.

Mr. Vella: Addressed the wood platform next to pool and questioned what its use is and the reason for the variance request.

Mr. Smith: Explained that it had been used for lawn furniture.

Mr. Vella: Questioned the properties surrounding his and what type of impact these structures on his property may have on adjacent properties.

Mr. Smith: Explained there is a 6 ft fence on both sides of property. There is a natural gas outdoor kitchen to the left side when you come out of the house. There is a masonry garage 1 ft from the property line on his neighbor's property to the left. There is a house behind him and to the right. Stated that none of his neighbors have a problem with his yard.

Mr. Byrne: Questioned the safety of a natural gas line running along the property line and whether that would ever be approved.

Mr. Tyler: Reiterated that the building department would not approve a gas line running along the property line or a cooktop right next to the fence. Pointed out that there is no fence running along the side of the neighbor's garage behind the cooktop.

Mr. Costello gave photos of the property to the board. Mr. Vella marked photos as exhibit A-2.

Mr. Smith: Explained the outdoor kitchen contained a barbecue as well as a cooktop. The gas line comes out of the corner of the house and runs above ground to the barbecue.

Mr. Tyler: Suggested that Mr. Smith needed to talk to building department about where the gas line is and what the requirements are for it and then come back to the board with that information in order to proceed. He explained that without clarification, the application could not be approved.

Mr. Costello: Agreed that we should carry the case to a later date to allow Mr. Smith to speak to the building department.

Mrs. Keegan: Pointed out that the canopy over the patio had not been included in the calculations for lot coverage because it had not been there at the time of the inspection. An additional variance may be required. Suggested Mr. Smith speaks to the Construction Official about the specifics of the gas line and to her to verify the lot coverage calculations.

Mr. Smith: Explained that the gas line sits above the ground on the gravel. There is one shut off valve for both cooking surfaces.

Mr. Vella: Clarified the other variance being sought for the shed. He questioned what was stored in the shed and if it could be moved away from the pool. The safety concern was the shed being so close to the pool.

Mr. Smith: Explained that pool equipment and lawn furniture are stored in the shed. Did not feel there was any place to move it.

Mr. Tyler: Questioned the driveway being widened and up to the property line.

Mrs. Keegan: Suggested that would be a variance the board may want to approve because many of the streets in that area do not have sidewalks and it would be better to have the cars off the street.

Mr. Tyler: Stated that the major issues are the gas line for the grill and the shed's proximity to the pool. He suggested clarifying these two and coming back before the board at a later date.

Mr. Vella: Agreed that was the fair and reasonable approach. He carried the case with no further noticing to June 16, 2016 at 7:30 pm.

Citizen Hearing:

No one spoke.

Offered By: Vignola

Seconded By: Tyler

VOICE VOTE: Yes

Motion to Adjourn:

Offered By: Vignola

Seconded By: Tyler

VOICE VOTE: Yes

Next Meeting: June 2, 2016

Respectfully submitted: Laura McPeck