
Chairwoman Kates called the meeting to order at approximately 7:30 pm. Deputy Secretary Janeiro recited the Open Public Meeting Statement and Pledge of Allegiance.

ADMINISTERING OATH OF OFFICE

Oaths of office were administered by Mayor Sheinfeld to the below board members for the positions noted.

- Mr. Stephen Sammarco – Alt. #2, Term Expiring 12/31/24
- Dr. Arthur Weinberg – Alt. #1, Term Expiring 12/31/25

Ms. Gia Guzman will be sworn in at the next meeting as a Class IV member, Term Expiring 12/31/24.

MEMBERS PRESENT: Chairwoman M. Kates, Vice Chairman S. Riordan, Secretary S. Raymond, Mr. E. Alter, Mr. D. Friedman, Dr. Weinberg, Mr. S. Sammarco, Council Liason Trochimiuk and Mayor Sheinfeld

MEMBERS ABSENT: Mr. S. Griep and Ms. G. Guzman

EMPLOYEES PRESENT: Mr. Marc Leibman, Board Attorney
Mr. Ed. Madger, Board Engineer
Ms. T. Janeiro, Deputy Secretary

OPEN TO PUBLIC (for matters not on the Agenda):

The meeting was then opened to the public for matters not on the agenda. There being none, the meeting was closed to the public.

2024 Resolutions for Professionals

#2024-12 Board Attorney – Marc Leibman

A motion was made by Secretary Raymond to approve the memorialization resolution. The motion was seconded by Mr. Alter, and carried by a roll call vote. All members voted in favor of the memorialization resolution.

HEARING

PZ-05-24

Block 504 / Lot 7; 11 Ellen Court

Antero Cortes

Covered Patio

Rear Setback

May 9, 2024

7:30 PM

The following people were sworn in by Mr. Leibman to offer testimony on this application:

Antero Cortes – 11 Ellen Court, Hillsdale (Homeowner)

Katelyn Cortes – 11 Ellen Court, Hillsdale (Homeowner)

Guitano Mione – 1709 Lakeside Street, Forked River (Contractor & Owner of Patio Paradise)

The applicant seeks approval to construct a covered outdoor patio (addition) to the existing dwelling. The applicant is appealing a February 29, 2024 denial letter from the Zoning Official. The application is for “c” (bulk) variances due to an insufficient rear yard setback.

The following variances are required:

Existing Non-Conformities:

1. **Lot Depth:** 130.31 ft. where a minimum of 150.0 ft. is required.
2. **Front Yard Setback:** 49.5 ft. where a minimum of 50.0 ft. is required.

Newly Created Non-Conformities:

1. **Rear Yard Setback:** (approximately 24.5 ft. to proposed fireplace) where a minimum of 50.0 ft. is required.

Mr. Mione spoke about his many years of experience in the patio and contracting business.

Mr. Mione said there was a miscommunication with the original application submission to Zoning Official, Mr. Steve Loesner. They scaled the size of the structure down, but would still need a variance if the structure is attached. A detached accessory structure would not need a variance.

Board Engineer, Mr. Ed. Madger was sworn in by Mr. Leibman to offer testimony.

Mr. Madger asked about the specific rear yard setback to fireplace. Based on submitted drawings it was not apparent. Mr. Mione answered 24.5 ft.

Mr. Madger spoke about the stormwater management plan.

Mr. Madger asked if the air conditioning units were being moved. Mr. Mione replied no.

Mr. Madger commented that a rear-yard setback variance is required.

Board Questions of Mr. Cortes / Ms. Cortes / Mr. Mione:

Mr. Friedman:

If the structure was detached from home would a variance be needed? No.

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Vice Chairman Riordan commented that accessory structures are required to be located 10 ft. from the principal structure.

Is the fireplace wood burning or gas? Gas.

The proposed structure is equal to the current depth of the home.

Secretary Raymond:

Asked if Mr. Mione could explain how the storm water management system would work. Mr. Mione explained in detail how the storm pit is constructed. Secretary Raymond asked if a cultec would be required. Mr. Madger said the system is very similar to a cultec system and all details will be required to be shown.

Will the AC unit be moved. No.

If built as an accessory structure, would a variance be required. No.

Have you heard any concerns from your neighbors? None.

Mr. Antero said the property to the right is putting in a fence, and the property to the left is tree lined.

Secretary Raymond commented that he would like to see more privacy in the rear of the yard. He suggested adding more trees or changing the species of trees.

Mr. Alter:

Concerned with the smoke from the fireplace. Mr. Mione commented that the fireplace will be a gas ventless fireplace.

Is the enclosed porch remaining? Yes.

Are the impervious coverage calculations correct and are the numbers included. Yes, and the numbers are on the survey.

What is the drainage path? Mr. Mione described the drainage path and the pipe system. The system would be 10x10x3.

Any flooding concerns with you or your neighbors? No.

Vice Chairman Riordan:

Who drew on the site plan and does this board accept plans that are not signed and sealed? The contractor.

Vice chairman Riordan stated that he is not comfortable approving this variance without a proper site plan.

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Ms. Cortes explained the need for this structure and assured the board they have no intentions of ever enclosing this structure in.

Any hardships on the lot? None.

Mr. Madger said the lot is conforming. Slightly larger than what is required.

Vice Chairman commented that it is not legal for a contractor to submit drawings.

Mr. Leibman asked the following questions of Mr. Mione:

Are you an engineer? No

How many years have you been in the business? 22

How many enclosed patios have you constructed? 250+

If approved, would the applicant agree to submit architect plans for board engineer to review? Yes.

If approved, would the applicant agree to submit a site plan showing impervious coverage and lot coverage for board engineer to review? Yes.

Are you or the homeowners' professional planners? No.

Mr. Leibman went over the purpose of the New Jersey Land Use Law and the purposes of planning. He explained what part of this application pertains to the positive criteria. Due to a lack of hardship, a C2 variance would be required.

Dr. Weinberg:

He is concerned as this proposed addition is doubling the size of the house.

Is the drainage that is being proposed adequate for this project? Mr. Madger replied yes.

He is concerned about small children on this enclosed porch. Mr. Mione said the only openings are the staircases, and this project will be built to all codes.

Mr. Sammarco:

Of all these structures you built, how many of them are detached? Mr. Mione replied 90% are attached.

What are the setbacks? Attached 50 ft. / Detached 10 Ft. from house and the height of the structure determines the setback.

What was the miscommunication with the zoning officer? The applicant thought it was 40% impervious coverage in their zone, but it was 30% impervious coverage. The same miscommunication happened with the setback.

What stops the applicant from closing in? Mr. Leibman said he would make it a condition of approval.

Councilwoman Trochimiuk asked what it matters if it is enclosed or open. Mr. Leibman explained.

Mayor Sheinfield:

Can we make a condition on the resolution that this structure cannot be enclosed. Mr. Leibman replied yes.

Mayor Sheinfield pointed out that a detached structure would be much closer to the neighbor's property.

The applicants were told that a landscape plan would need to be approved by the borough engineer.

Councilwoman Trochimiuk:

If the structure was detached and smaller, no variance would be required? Mr. Madger replied yes.

The meeting was open to the public. With no public present the meeting was closed to the public.

Mr. Alter agrees that the plans are not sufficient for a structure this size.

Mr. Leibman asked the board for a show of hands on how many members would prefer signed, sealed plans. With most members preferring professional plans. Mr. Leibman asked the applicant if they wanted to adjourn this hearing and get signed and sealed plans. Mr. Cortes said yes.

The hearing was carried until the June 13, 2024 meeting. No additional notice is required.

DISUCSSION

Completeness Review

Chairwoman Kates spoke about the process of completeness reviews. In the past, the application was deemed complete, and the board secretary scheduled the hearing. At times, key documents were missing from the application, so the board decided to do their own completeness review. However, this process takes time and costs the applicants more money.

Mr. Leibman read the completeness review laws.

Mr. Friedman asked if this would expedite the process? Yes.

A conversation took place regarding whether the board could change their checklist and applications.

It was suggested that a committee be formed to work on the checklist. Mr. Friedman and Vice Chairman Riordan will be on the committee.

Mayor Sheinfield announced that the recommended height fence regulations have been reviewed by the Mayor and Council and will be adopted.

This board has a fence application coming up on May 28, 2024. Mr. Leibman will review to see if this pertains to this applicant.

A motion was made by Vice Chairman Riordan to have the deputy board secretary look over the applications and then send to them Mr. Statile for a completeness review. The motion was seconded by Dr. Weinberg, and carried by a roll call vote. All members voted in favor of changing the completeness review procedure.

ADJOURNMENT:

The meeting was adjourned at approximately 9:30 pm.

Next Public Hearing - Tuesday, May 28, 2024 7:30 pm; Borough Hall Council Chambers