

**CALL TO ORDER:** Chairman Shivas called the meeting to order at 7:30 p.m.

**ROLL CALL:** Mss. Raffay, DeMagistris, and Colligan; Mayor Rubenstein; Messrs. Proctor, McElroy, Smith, Walsh, and Chairman Shivas

*Members Absent:* Messrs. Morytko and Serrilli

*Also Present:* Engineer Cory Stoner, Attorney Alyse Hubbard, Secretary Caitlin Phillips

**OPENING STATEMENT:** Adequate notice of this meeting has been published specifying the time and place in compliance with the provisions of the Open Public Meetings Act.

**FLAG SALUTE:** led by Chairman Shivas

Mayor Rubenstein motioned to add an agenda item to go into executive session at the end of the meeting, seconded by Mr. Walsh.

**MINUTES:** November 7, 2024. Motion of Mr. Proctor to approve the minutes, second by Mr. McElroy.

*Ayes:* Mss. Raffay, DeMagistris, Colligan; Mayor Rubenstein; Messrs. Proctor, McElroy, Walsh, Chairman Shivas

*Abstaining:* Mr. Smith

*Absent:* Messrs. Morytko, Serrilli

None opposed. Motion carried.

## **RESOLUTIONS**

Z18-2024 Michael Koval, 2 Jones Lane, Block 360 Lot 28, R-3 Zone

Application for detached garage

Mr. Proctor motioned to approve the resolution, seconded by Ms. Raffay.

*Ayes:* Mss. Raffay, DeMagistris, Colligan; Mayor Rubenstein; Messrs. Proctor, McElroy, Walsh, Chairman Shivas

*Abstaining:* Mr. Smith

*Absent:* Messrs. Morytko, Serrilli

None opposed. Motion carried.

## **OLD BUSINESS**

Z14-2024 Rupesh Patel (Kyosis LLC), 1 Catalina Drive, Block 337 Lot 9.14, R2 Zone

Application for new home construction

Mr. Proctor motioned to carry the application to 01/16/2025, seconded by Mayor Rubenstein.

*Ayes:* Mss. Raffay, DeMagistris, Colligan, Mayor Rubenstein, Messrs. Proctor, McElroy, Smith, Walsh, Chairman Shivas

*Absent:* Messrs. Morytko, Serrilli

None opposed. Motion carried.

## **NEW BUSINESS**

Z17-2024 David Del Franco, 175 Lake Drive, Block 255 Lot 1, R5 Zone

Application for 6-foot fence, a chicken coop, and above-ground pool

David Del Franco was sworn in. He'd like a six foot fence for a large dog, and because of outside animals and privacy reasons. He wants to apply for the chicken coop and the pool in case they'd like to do that in the near future. Chairman Shivas noted they need a fence around the pool. He confirmed Mr. Del Franco plans to have no more than 3 chickens. He noted the need for maintenance, to keep the chicken area clean. Mr. Del Franco confirmed the chickens would be caged in. He will be moving the shed that's not fully on the property. They bought the house a year and a half ago and the shed was in that spot. Mayor Rubenstein noted the shed is on the lake's property. He confirmed the neighbor has a fence. Mr. Del

Franco said that one is 6 feet in some areas and 4 in others. He hasn't decided how far from the neighbor's fence it will be. Ms. Raffay noted 1 foot in between isn't enough room for maintenance. Mr. Stoner recommended it being at least 1 foot off the property line. The nicer side needs to be facing out. Mr. Del Franco said it's a white vinyl fence. Mr. Stoner reviewed the variances.

Mayor Rubenstein confirmed the chicken coop will be separate from the shed, up against it. Mr. McElroy asked why the coop can't be somewhere else on the property. Mr. Del Franco said he doesn't have a set place it needs to be. Ms. Raffay said if it was moved towards the front property line, that may make more sense. That way it's up against a property without a house. Mr. Smith confirmed the area nearby is Lake Lackawanna property, and the property is not on the shoreline. Mr. Del Franco said the coop would be 4.5 x 6 feet. Mr. Walsh confirmed the fence would shield the coop. Ms. Hubbard noted the pool is in the front yard. Mr. Del Franco said it could be moved closer to the shed. He wanted an area of the yard open, but if it's moved he'd be okay with it. Mayor Rubenstein noted if he is looking to cut trees down it should be discussed. Mr. Del Franco said he is removing the trampoline, which is where the pool is going. He asked to note he will remove the two trees near the shed. The septic is in the front, along with the well.

Ms. Raffay asked how far past the neighbor's fence his fence will go. Mr. Del Franco said halfway down the driveway starts the 4 ft section. Where the neighbor's is 4 feet, he is proposing his to be 6 feet. Mayor Rubenstein noted that the neighbor was notified. Mr. Del Franco said he talked to the neighbor about this. He wants to propose the chicken coop at the southeast corner near the pavers, inside the fence. He'd like the pool to be moved over so that it's not in the front yard, but behind the house. The Board discussed the setbacks. Mr. Walsh noted his concern that if the fence isn't built or is removed, the coop and pool are visible. Chairman Shivas noted he doesn't have many other places to move it to. If the fence isn't up, he will still need a fence around the pool. Mr. Del Franco said the fence is his main priority. Ms. Raffay asked how far the fence is from the property line on the northern side. The Board discussed and determined it is about 18 feet off the property line. Mayor Rubenstein confirmed Mr. Del Franco is okay that the fence be no closer than 18 feet off the property line, and that on the other side it doesn't extend past the front of the house.

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Mr. Stoner reviewed the adjusted variances. Ms. Raffay wants to see the setback further back, because that area is near the neighborhood front yard. Mayor Rubenstein noted it's far back from the roadway. The Board noted a 4 foot fence can be on the property line, the issue is the height. Mr. Walsh noted if the fence was 4 feet in that area, the pool is visible. Chairman Shivas said a lot of people have fenced the whole front yard in. Ms. Raffay said this is a sweeping corner lot. Ms. DeMagistris said it's not the whole property that's being fenced in. Mr. Stoner noted the applicant should mark up the survey with the changes.

Mayor Rubenstein motioned to approve the application with the changes, seconded by Mr. Proctor.

*Ayes:* Mss. DeMagistris, Colligan, Mayor Rubenstein, Messrs. Proctor, McElroy, Smith, Walsh, Chairman Shivas

*Nays:* Ms. Raffay

*Absent:* Messrs. Morytko, Serrilli

Motion carried. Ms. Hubbard discussed the appeal period. Mayor Rubenstein noted there are County and state requirements for chickens, and if there are roosters, they need to comply with the noise ordinance.

Application for height of garage

Louis and Rudy Coviello were sworn in. Mr. Stoner said the original site plan had a garage of an approved height that would not be higher than the principal structure. The new height was noticed by the Construction Official and the Zoning Officer. Mayor Rubenstein asked the applicant why the structure is so tall. Rudy Coviello said they hired a company to build it, and there was a misunderstanding. When they originally called for the garage to be built, it was about 2 years ago, and then they went through a few different installers. They understood that the structure would be at the approved height of 16 feet tall. They never checked that it was above that height because it said that it was 16 feet. They contacted the installer who worked on the garage, and they no longer work for the company. They won't come back to lower the garage, and they looked into having others come to lower it, but that voids the warranty on the garage. Now that the garage is there, they like the extra space for the forklifts to navigate, since the garage doors are higher now.

Mr. McElroy looked at the architectural plans from the original application. He noted they look very different from the original plan. The height of the roof was 15.2 feet. The design is different. Mr. Stoner noted they're here for a modification to the garage. Rudy Coviello noted the garage is into the grade. Mr. Stoner said it's not part of the slope; there's a laid-up stone wall. Rudy Coviello noted they're getting rid of the turret part of the building. Louis Coviello said they can do additional plantings to soften the look. Mr. Walsh asked if the proposed plantings are instead of or in addition to the planting plan that was approved. Louis Coviello said this would be instead of; the boxwood plan was generic. He is a landscaper, so the landscaping is going to be different than proposed; it will be a draw to the area. Mr. Walsh noted the landscape buffer is more important now because of the height of the building. It is extremely visible from the road, so he likes the proposed landscaping. Louis Coviello said they started putting in some shade trees, and the large evergreens will make a big difference. They have no neighbors expect across the street; the next lots are 400 feet away. Ms. Raffay confirmed the shade trees were part of the original landscape plan, and asked if an updated landscape plan should be submitted. Louis Coviello is happy to draw up a plan. Mr. Stoner noted they have a site plan approval; if they're making this better, the Board Planner or Engineer can do that. The Board agreed they're okay with the Board Engineer reviewing the landscaping plan. Mr. Stoner asked about the color because it's different than the building. Louis Coviello noted they're landscapers, not developers, and there are some things that they missed. They picked grey as a neutral color. They made an earnest attempt at lowering the roof, and couldn't get the manufacturer back or the installer to speak to them. They were speaking to contractors to lower it, and no one wanted to take the project. Chairman Shivas noted the new landscape plan should show the new height of the garage. Ms. Hubbard noted the landscape plan should be approved before the trees are planted. Ms. Raffay doesn't know if they should update the site plan just to show the building is taller. Ms. Colligan noted the resolution takes care of that change. Ms. Raffay confirmed it hasn't changed footprint; the as-built shows how things are on a horizontal plane. Mayor Rubenstein confirmed there is a plan showing the new garage, and noted this should then be memorialized.

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Mr. Walsh motioned to approve the application as submitted, subject to an updated landscape plan that is to the satisfaction of the Board Engineer, and subject to an as-built as required to the satisfaction of the Board Engineer, seconded by Mr. Proctor.

*Ayes:* Mss. Raffay, DeMagistris, Colligan, Mayor Rubenstein, Messrs. Proctor, McElroy, Smith, Walsh, Chairman Shivas

*Absent:* Messrs. Morytko, Serrilli

Motion carried. Mayor Rubenstein asked about the timing of the work. They're aiming to be open by the spring. Mr. Walsh noted the efforts to conform with the original approval are appreciated.

## **REPORTS FROM COMMITTEES**

*Architectural Review Committee:* Chairman Shivas said this should be removed from the list.

*Environmental Commission:* Mr. McElroy said there's a meeting next week.

*Open Space:* Mayor Rubenstein said there's a meeting next month.

*Township Council:* Mayor Rubenstein said the Council is not in favor of permitting an ARC. They don't have a problem with an ARC guide, and would like the guide to be codified. The guide should be reviewed, updated, and put in the code book. The Council's legal council advised that anything to do with an application should be in public as a hearing. This includes architectural review, technical review, subcommittees, and especially ones that include Board members. Ms. Hubbard noted when they have subcommittee meetings or completeness reviews, the applicant shouldn't be present. Technical reviews are usually just professionals. Mayor Rubenstein noted when a Village Center application comes in, there needs to be some kind of subcommittee or group that handles that. The Council wants the entire Board to be involved with architectural review. The Board has the authority to express opinions and even vote no on an application because of how it looks. The first item is to put together a group to complete the ARC guide. Mayor Rubenstein said the Council accepted the lake management portion of the plan.

*Zoning Report*

## **OPEN TO THE PUBLIC**

Chairman Shivas opened to the public. Patricia Moschella said she was at a Board meeting a few months ago and asked about the medical buildings on Route 206. Mr. Stoner said he reviewed this; they were required to keep a buffer. What they removed was not more than what was marked on the site plan. The properties behind didn't have their own buffer; what the applicant did didn't deviate from their plan. Ms. Moschella said it falls on the homeowners to put something up. Mr. Stoner noted if they reach out to the owners maybe they would help.

## **CLOSED SESSION: Professionals Discussion**

Ms. Hubbard read the resolution for closed session at 9:07 pm. Mayor Rubenstein motioned to go into executive session to discuss professionals, seconded by Mr. Proctor. All were in favor. Mr. McElroy motioned to exit executive session, seconded by Mr. Proctor. All were in favor.

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## **ADJOURNMENT**

A motion to adjourn the meeting was made at 10:15pm by Mr. McElroy, seconded by Mr. Proctor. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted by Caitlin Phillips