

January 11, 2007

The monthly meeting and re-organization of the Greenwich Township Board of Adjustment was held on the above date and was called to order by Elva Pomroy, at 7:30 P.M., in the Municipal Building.

Pursuant to the Open Public Meetings Act, Chapter 231, PL, 1975, adequate notice of this meeting has been given in accordance with the Open Public Meetings Act by:

1. Mailing a notice of scheduled meetings of the Greenwich Township Board of Adjustment to the Express-Times and The Star-Ledger.
2. Posting a notice thereof on the Township bulletin board.
3. Filing a copy thereof with the Township Clerk.

The following appointments were made by the Township Committee on January 1, 2007:

Robert Vetrecin	Term expires 2010
Joseph Schiller, Alternate Member #1	Term expires 2008

Joseph Schiller was sworn in by Attorney Edleston.

Board members present: Steve Babula, Bill Savino, Bruce Williams, Jean Burns, Dawn Marie Kondas, Joe Schiller. Also present was William Edleston, Esq. Absent were Ray Buckwalter and Barry Glassman. Robert Vetrecin arrived at 7:40 p.m.

The secretary received nominations from the floor for the position of Chairperson. Steve Babula made a motion, seconded by Bruce Williams, to nominate Ray Buckwalter. Mr. Buckwalter was not present for the nomination, but had relayed the message that if nominated, he would accept. There being no further nominations, Steve Babula made a motion, seconded by Bruce Williams, to close the nominations. Bruce Williams made a motion, seconded by Steve Babula, to elect Ray Buckwalter as chairperson of the Greenwich Township Board of Adjustment for the year 2007. The vote is as follows:

IN FAVOR: Savino, Williams, Burns, Kondas, Schiller, Babula.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Nominations were received from the floor for the position of Vice-Chairperson. Steve Babula made a motion, seconded by Dawn Marie Kondas, to nominate Bruce Williams as Vice-Chairperson. Mr. Williams accepted the nomination. There being no further nominations, Steve Babula made a motion, seconded by Dawn Marie Kondas to elect Bruce Williams as Vice-Chairperson of the Greenwich Township Board of Adjustment for the year 2007. The vote is as follows:

IN FAVOR: Savino, Babula, Burns, Kondas, Schiller.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

In the absence of Ray Buckwalter, Bruce Williams, Vice-Chairman, ran the meeting.

Dawn Marie Kondas made a motion, seconded by Jean Burns, to appoint Elva Pomroy as board secretary for the 2007 year. The vote is as follows:

IN FAVOR: Savino, Williams, Burns, Kondas, Schiller, Babula.
OPPOSED: None.
ABSTAINED: None.

Motion carried

Resolution 2007-01

Schedule of regular meetings of the Greenwich Township Board of Adjustment, meetings being held on the second Thursday of each month, starting at 7:30 P.M., adjourning the meeting at 10:30 P.M. with no new witnesses giving testimony after 10:00 P.M. Steve Babula made a motion, seconded by Bill Savino, to adopt the Resolution as prepared. The complete Resolution is attached to the original minutes. The vote is as follows:

IN FAVOR: Savino, Burns, Kondas, Schiller, Babula, Williams.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

November meeting date is subject to change.

Resolution 2007-02

Each person requesting copies of notice of meetings and agendas shall pay to the Township of Greenwich the sum of \$20.00 to defray the cost thereof. The complete Resolution is attached to the original minutes. Jean Burns made a motion, seconded by Dawn Marie Kondas, to adopt the Resolution as prepared. The vote is as follows:

IN FAVOR: Savino, Burns, Kondas, Schiller, Babula, Williams.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Resolution 2007-03

Each person requesting copies of the monthly minutes of the Board of Adjustment shall pay to the Township of Greenwich the sum of \$50.00 to defray the cost thereof. The complete Resolution is attached

to the original minutes. Joe Schiller made a motion, seconded by Dawn Marie Kondas, to adopt the Resolution as prepared. The vote is as follows:

IN FAVOR: Savino, Burns, Kondas, Schiller, Babula, Williams.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Resolution 2007-04

Open Public Meetings Act requires that certain notice of meetings shall be submitted to two newspapers of the Township. The Newark Star Ledger has been designated as the official NJ newspaper to receive all notices of meetings and decisions of the Board of Adjustment. The Express-Times has the greatest likelihood of informing the public within the jurisdictional area of this board of such meetings and has been designated as a secondary newspaper. The complete Resolution is attached to the original minutes. Bill Savino made a motion, seconded by Dawn Marie Kondas, to adopt the Resolution as prepared. The vote is as follows:

IN FAVOR: Savino, Burns, Kondas, Schiller, Babula, Williams.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Resolution 2007-05

Bill Savino made a motion, seconded by Jean Burns, to appoint William R. Edleston, Esq., as Board of Adjustment Attorney for the year 2007. The vote is as follows:

IN FAVOR: Savino, Burns, Kondas, Schiller, Babula, Williams.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Resolution 2007-06

Bill Savino made a motion, seconded by Jean Burns, to appoint Michael S. Finelli, PE., of the firm of Finelli Consulting Engineers, as Board of Adjustment Engineer for the year 2007. The vote is as follows:

IN FAVOR: Savino, Burns, Kondas, Schiller, Babula, Williams.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Resolution 2007-07

Bill Savino made a motion, seconded by Dawn Marie Kondas, to appoint David Banisch, Planner, of the firm of Banisch Associates, as Board of Adjustment Planner for the year 2007, on an as needed basis. The vote is as follows:

IN FAVOR: Savino, Burns, Kondas, Schiller, Babula, Williams.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Resolution 2007-15

WHEREAS, a policy regarding attendance of any Committee representing the Township is in need of being addressed; and

WHEREAS, the Mayor and Township Committee have developed a policy to be adhered to from all Committees; and

WHEREAS, if any appoint member of any committee does not attend, three consecutive meetings, or five meetings in a year, without excuse, the Mayor reserves the right to consider those absences an indication of resignation, and may appoint a new member; and

WHEREAS, the member being replaced will be notified, if feasible or possible, and given the right to appeal to the Mayor within thirty days; and

WHEREAS, any member moving outside the Township of any committee will be considered to be resigned.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Greenwich, County of Warren, State of New Jersey that the Township Committee representing the Township hereby establishes a policy.

Minutes. Dawn Marie Kondas made a motion, seconded by Jean Burns, to approve the minutes of the December 14, 2006 meeting. The vote is as follows:

IN FAVOR: Burns, Kondas, Savino, Williams, Schiller.
OPPOSED: None.
ABSTAINED: Steve Babula..

Motion carried.

Balanti Use Variance. Bruce Williams made a motion, seconded by Steve Babula, authorizing Attorney Edleston to send a letter to Attorney Selvaggi asking if his client is going to pursue the request because it has been three consecutive months where the application has been carried. If they are going to pursue the request, the applicant should re-notice. The vote is as follows:

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IN FAVOR: Babula, Burns, Kondas, Savino, Williams, Schiller.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

At this point, Robert Vetrecin arrived and was sworn in by Attorney Edleston.

Robert Vetrecin made a motion, seconded by Bill Savino, to carry the Balanti application to the February 8, 2007 meeting contingent upon the applicant noticed for the meeting. The vote is as follows:

IN FAVOR: Babula, Burns, Kondas, Savino, Vetrecin, Williams, Schiller.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Case No. 10-06, Gary and Grace Avila, Block 23.22, Lot 1, Dillon Drive, in-ground pool.

The board secretary reviewed the Affidavit of Publication and found it to be timely and proper notice was given to property owners within 200', giving the Board jurisdiction to conduct a public hearing.

Robert Vetrecin made a motion, seconded by Steve Babula, to open the public hearing. The vote is as follows:

IN FAVOR: Babula, Burns, Williams, Vetrecin, Schiller, Kondas, Savino
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Sworn in by Attorney Edleston were Gary and Grace Avila. Mrs. Avila testified that she lives on the corner of Dillon Drive and Thomas Carling Drive and Wyndham Farm Boulevard and would like to put in a 23' x 30' in ground pool, 400 sq. ft, and is like a kidney shape. The capacity of the pool is 15,660 gallons. On a corner, the applicant has three front yards. Local ordinance requires pools to be located in the rear yard. There are no setback variances necessary. There is nothing located behind the house and the lot is fairly flat. Pictures of the house and property were entered into evidence. Mrs. Avila testified that she has been taking her children to the YMCA and it is getting to the point where it is quite expensive. When they bought their home, they knew that in the future they would want a pool, but they were unaware that a variance would be needed.

Vice-Chairman Williams addressed the public for their concerns. The following comment was heard:

Leslie Cazalet, 300 Thomas Carling Drive: Ms. Cazalet stated that from the front of her house, you can see their backyard and will have to look at this every day. Ms. Cazalet asked if there is anything that can be done other than just fencing in the pool area. Can the perimeter of the backyard be fenced in and have a privacy fence on her side, across Thomas Carling Drive, so that she wouldn't have to look at it all of the time. Basically, Ms. Cazalet is asking for a privacy fence that would screen it also.

The applicant stated that they are putting in the standard aluminum fence around the pool.

Jean Burns, board member, stated that bushes would be more cost efficient for the homeowner. Ms. Cazalet stated that she would settle for bushes, if they were high enough.

Robert Vetrecin, board member, stated that he feels that this is creating a hardship to the applicant.

Bruce Williams, board member, stated that he feels a privacy fence would be more unsightly than the pool itself.

Robert Vetrecin, board member, stated that you are making a person have a financial burden. The request made by Ms. Cazalat is, basically, changing the nature of looking into somebody's backyard. There is no landscaping requirement in any other development. The township doesn't have a requirement that we have to shield an activity in the backyard from a neighbor.

Dawn Marie Kondas, board member, stated that there are a lot of these lots within Wyndham Farms that have pools and other such things and there is no such requirement set on them. Do we make exceptions for one when we haven't made exceptions for others.

Attorney Edleston asked the applicant if they would have a problem putting up any type of shielding, such as shrubs.

Mr. Avila stated that he is trying to do things step by step and might put up some shrubs up around the fence. Once we get the pool up, we would consider some type of privacy.

Joe Schiller, board member, stated that in terms of being a good neighbor, the Avilas could make some non-binding commitment that they would put up some type of screening there, at a minimum cost.

Robert Vetrecin, board member, stated that it would be nice to have landscaping, but the board hasn't imposed that on other pool installations, why are we doing that now.

Bruce Williams, board member, stated that because of the unique nature of the Avila's yard, it probably would be nice if landscaping was put in just to shield the pool and to break up the view.

Steve Babula, board member, stated that the board can suggest that, but we can't make the applicant do it. Informally, the board is suggesting some type of screening.

Bill Savino, board member, stated that they have a long stretch of land and screening would give the Avila's privacy, also.

Hearing no further comments, Steve Babula made a motion, seconded by Robert Vetrecin, to close the public hearing. The vote is as follows:

IN FAVOR: Babula, Burns, Kondas, Savino, Vetrecin, Williams, Schiller.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Bill Savino made a motion, seconded by Robert Vetrecin, to grant a variance to allow for a pool in a front yard. The vote is as follows:

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IN FAVOR: Babula, Burns, Kondas, Savino, Vetrecin, Williams, Schiller.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Corman Resolution. Resolution granting bulk variance relief from rear yard setback requirements for addition to single family residence to Warren and Karen Corman, Block 23.08, Lot 4, was reviewed as to its' form and accuracy. Upon review, Robert Vetrecin made a motion, seconded by Jean Burns, to adopt the Resolution as prepared. The vote is as follows:

IN FAVOR: Williams, Vetrecin, Schiller, Kondas, Burns.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Robert Vetrecin made a motion, seconded by Joe Schiller, to adjourn the meeting. Motion carried.
Meeting adjourned at 8:00 p.m.

Elva N. Pomroy
Board of Adjustment Secretary

Bruce Williams
Vice-Chairman