

**MINUTES OF THE ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
BOROUGH OF ORADELL  
HELD IN THE TOWN HALL  
MAY 20, 2019**

Chairman Michelman called the Zoning Board of Adjustment meeting to order at 7:30 p.m. Notice of this meeting was published in the official newspapers, prominently posted in the Borough Hall, and filed with the clerk in accordance with the requirements of the Open Public Meetings Act.

**ROLL CALL:**

**Present:** Mr. Michelman, Mrs. McGrinder, Mr. McHale, Mrs. Cobb, Mr. Beslow, Mr. Degheri, Mr. Santaniello

**Absent:** Mr. Barrows

**Also Present:** Mr. Regan, Esq.  
Mr. Atkinson, Board Engineer  
Mr. Yakimik, Substitute Board Engineer  
Ms. Reiter, Board Planner  
Mr. Depken, Zoning Administrator

**Correspondence**

4-16-19 Memo to Marisa Tiberi, PE, Zoning Board Conflict Engineer from Gary M. Ascolese, PE, Traffic Engineer, re Oradell Site Plan Review, 505 Kinderkamack LLC, 505 Kinderkamack Rd., File ORES-682.  
4-22-19 Letter to Oradell Zoning Board of Adjustment from Cynthia Shevelew.  
5-8-19 Letter to Z.B. members from Mr. Phu O, 741 Ridgewood Ave. re request for extension of variance. (3<sup>rd</sup> request).  
5-9-19 Memo to Marisa Tiberi, P.E, from Hormoz Pazwash, Ph.D., P.E., D.WRE, H.P. re Bergen Catholic H.S. 1040 Oradell Ave., Block 501, Lot 1.  
5-10-19 Received from Brigette Bogart, Planning & Design Professionals LLC, Planning Analysis of Proposed Mixed Office and Residential Development, 505 Kinderkamack Rd., Block 708, Lots 18-19.  
5-15-19 Letter from Marisa A. Tiberi, P.E., Borough Engineer Representative to Oradell Zoning Board of Adjustment Re Use Variance & Site Plan, 505 Kinderkamack LLC, Block 708, Lots 18-19.  
5-15-19 Letter to Chairman Marvin Michelman and Z.B. Members from Christopher P. Statile, P.A., re 319 Grove St., Block 1206, Lot 9, Ballerini Application.

**Appointments**

Appointment for Ms. Reiter from Christopher Statile Engineering as Regular Board Planner was made by Mrs. Cobb, seconded by Mrs. McGrinder.

ROLL CALL:  
All in Favor

Appointment for Ms. Green from Maser Consulting as Substitute Board Planner was made by Mr. Michelman, seconded by Mrs. Cobb.

ROLL CALL:  
Ayes: Degheri, Beslow, McHale, McGrinder, Cobb, Michelman  
Abstain: Santaniello

### **741 Ridgewood Avenue Variance Extension Request Discussion**

Mr. Michelman stated that the board had received a letter requesting an extension of time for the variance from Mr. Oh at 741 Ridgewood Road. He explained that this is the property owner's third extension request. He stated that the board could look at this matter in two ways: either they grant the request with no reservations or he detailed the requirements of the Borough's code chapter 240-4.9B which discusses the process/reasons for granting a variance extension. He explained that the letter did explain difficulties with finding a contractor but questions the fact of this taking three years to find someone to do the work. He asked if the board members had any comments or concerns. Mrs. Cobb stated that her concern is with the board granting unlimited extension request. She explained that maybe in this instance the board would grant the request but perhaps put this applicant on notice that the board would like to see what he has done. Mr. Regan stated that this is a good idea and if the board is inclined to grant the one-year extension then he could draft a resolution in a manner to be clear that there would be no further extensions if this is what the board would want. Mr. Degheri asked if the applicant was here this evening. Mr. Michelman stated no that he only had the letter of request. Mr. Depken stated that he did speak with the applicant and went over the agenda with him. He explained that the applicant had the impression that his request would not be heard until later in the meeting. Mr. Michelman stated that maybe the applicant would still show. Mr. Degheri explained that if the board is looking at a third request than maybe the applicant should have the burden to say something to the board. Mr. Michelman stated that this could run into a problem because if they wait for the applicant to come before the board in June then this would be after the expiration date. He explained that the board has to make a decision this evening on the request and felt that it should be made clear that this is the last extension. He asked if the members had any different thoughts on the matter. Mrs. McGrinder stated that this should be the final extension. Mr. Michelman called for a motion from the board on granting the request as being a final extension.

Mrs. Cobb made a motion to approve, and Mr. McHale seconded the motion.

ROLL CALL:  
Ayes: Santaniello, Degheri, Beslow, McHale, McGrinder, Cobb, Michelman

Mr. Michelman stated that there are two applications this evening and the board would be splitting time between them. He explained that they would allocate 90 minutes for each hearing.

Mr. Depken, Mr. Atkinson, Mr. Yakimik and Ms. Reiter were all sworn in by Mr. Regan.

## **Applications**

**CAL. #840-19**

**505 KINDERKAMACK LLC**

**CONTINUED**

Block 708, Lots 18 & 19

505-515 Kinderkamack Rd.

Mr. Santaniello stated that he needed to recuse himself from this application due to a conflict. The attorney for the application, Kevin Kelly explained that for the purposes of clarification that there are only six voting members tonight. Mr. Michelman stated yes that is correct. Mr. Kelly explained that this was only for the purposes of clarification and the applicant would not be calling for a vote this evening. Mr. Michelman stated that the two members who are absent tonight would be viewing the video before the next meeting. Mr. Kelly explained that this meeting is a continuation and he would like to recall the architect for the project, Kevin Spink. Mr. Regan stated that he would remind the architect that he remains previously sworn in from the last meeting. Mr. Kelly explained that at the last meeting there were questions from the board regarding sign detail and signage. Mr. Spink stated that at the moment there is one small proposed sign that they would be installing on the building which would be code compliant. He presented into evidence drawing SK2 lighting plan and marked this as A7. He also presented into evidence the lighting fixture packet and mark this as A8. He passed out the additional documents to the board members and professionals. He stated that these are additional architectural fixtures. He detailed the location of the code compliant “residents only” sign which would be placed on the building. Mr. Kelly stated that this sign addresses the boards concerns about any commercial patrons going into the residential area and vice versa. Mr. Spink explained that the residential main access door would be locked as well and would only allow access by key fobs so nonresidents could not access the space. He stated that this would securely protect the area. He explained that no other signage is being proposed at this time because they do not know who the first-floor commercial tenant would be yet. Mr. Kelly acknowledged that any future signage which is not code compliant, would need to come back before the board. Mr. Spink stated that this is correct. He explained that the first lighting fixture being proposed is a lantern style and would be hung in the gable of the first-floor entrance. He stated that the second style of lighting are 4-inch recessed lights that would go in the center of the windows to get some downlights and there would be no throw beyond 10 feet with these fixtures. He explained that the third fixture is a wall hung lantern fixture, one on each side of the residential entrance. He detailed the emergency lighting fixtures, their locations by the exit doors and their purpose by code for emergency situation. He stated that at this time, no other directional signage is being proposed. He presented into evidence exhibit SK1 and marked this as A9. He passed out the additional documentation to the board members and professionals. Mr. Regan stated that since two documents were passed out, they should separate them as A9A and A9B. Mr. Kelly explained that A9A would be exhibit SK1 and A9B would be the photograph. Mr. Spink detailed the cross-section depicted on the site plan showing the area between the proposed building and the neighboring building along with the views of the tree heights between them. He stated that the aerial view photograph depicted the proposed building drawn on it and a cut view redline to the closest neighboring property. He detailed the grading and slope up to the property at a possible foot higher grade. He stated that if the neighbor is on the second floor looking out a window, they would look through the trees to the top of the fence system along with some screening. He explained that he believed the mechanicals would be shielded sufficiently. He

stated that the rooftop fence would be a 4-foot PVC slatted lattice type fence to allow airflow through it. He explained that the PVC would also blend in with the façade of the building. Mr. Kelly stated that there was a suggestion from the board about a garbage room being added inside the building versus dumpsters and asked if this matter was looked into. Mr. Spink explained that it was looked into it but they are not going to have a garbage room because it was not feasible with the loss of the square footage. He stated that is not a long walk for residents to access the dumpster area and trash rooms are not typical for buildings of this size. Mr. Michelman asked if the board's professionals had any questions for this witness. Mr. Depken asked for the dumpster area, if there was a timeline for pick-ups on if it would be weekly or biweekly. Mr. Kelly stated that they would have testimony for this by the building representative. Mr. Depken explained that he had questions regarding the buffer zones. Mr. Kelly stated that the project engineer would give testimony for the buffers zone. Mrs. Cobb stated that as for her question at the last meeting on the signage, this was more for the commercial signage rather than the residential entry. She explained that she understands they have not leased the first floor yet so they do not know what would be needed but asked what is in the realm of possibilities for potential tenants. Mr. Spink stated that they would possibly be having a sandwich type signage board at the rear of the property listing the commercial tenants within the first floor or a small sign over the windows of the tenant location. Mrs. Cobb asked if there was no signage being proposed for Kinderkamack Road. Mr. Spink stated that nothing as of yet is being proposed. Mr. Depken explained that they are permitted to do a ground sign of a certain size. Mr. Michelman stated that all signs need to go before the Planning Board sign committee. Mr. Degheri asked what the distance was between the rear facades of the residential dwelling and the proposed building. Mr. Spink stated that when using Google Earth, it is approximately 207 feet between the two structures. Mr. Depken explained that at the last meeting there was a discussion on proposed storage areas and asked if there was anything further for this. Mr. Spink stated that there would be no separate storage areas. Mr. Depken explained that tenant storage would be contained in their own apartments. Mr. Spink stated yes.

Mr. Michelman opened the meeting to the public for questions.

Mark Alleman at 665 Ellen Place was sworn in by Mr. Regan and thanked the applicant for the cross-section rendering because that is his house. He stated that he would like to thank them that he would not see the rooftop units. He asked what other parts of the building they could see with the elevation. Mr. Spink stated that the whole building would be visible depending upon the season of foliage. He explained that there is significant foliage between the properties. He stated that if you were to stand at the 6-foot fence in the rear that they are proposing and look over it, you would see the whole building. Mr. Alleman explained that there was testimony which stated that the lighting would not be seen by the neighbors. Mr. Spink stated that you would see the building glow but not the lights themselves as they are recessed. He explained that the lighting would all be LED.

Richard Mateyka stated that he lives in River Vale but owns the commercial property next to this site. Mr. Regan explained that he was previously sworn in at the last meeting. Mr. Mateyka stated that he has a parking lot adjacent to this site and a lot of people park their vehicles in his lot or on Lotus Avenue to enter the former AAA building. He asked if a fence is being installed there. He asked if there would be a barrier. He stated that if there was going to be a fence in the

back then would there be a fence on the side as well. Mr. Spink explained that he does not know if there would be a fence between the properties. Mr. Michelman stated that he suspects that either the applicant's attorney or the board would be asking questions about fencing

Jeff Smith at 650 Lotus Avenue stated that he was sworn in at the last meeting. He explained that he lives directly behind the building. He stated that his family is the most impacted by this building. He asked, in regards to the trash, if they considered having the trash dumpsters closer to their own building rather than his property. He stated that this would make their tenants not have to cross the parking lot to access the dumpsters. Mr. Spink explained that the discussion on the dumpsters would be during the engineer's testimony and he only discussed the trash room inside of the building. Mr. Smith stated that he would save this question then.

Scott Lori stated that he was previously sworn in at the last meeting and asked how often the soffit lights on the proposed building are. Mr. Spink explained that they are about every 6 feet. Mr. Lori asked if all the lights would be on timers. Mr. Spink stated yes. Mr. Lori asked if the photometric that was done on the lighting plan included these fixtures propose tonight. Mr. Spinks stated no. Mr. Lori asked if this could be added because these fixtures would change that distribution. Mr. Kelly stated that the engineer would address this and it is de i minimiis. Mr. Lori explained that a 200 watt light is not de i minimiis. He stated that generally everything is calculated on the site plan to see the true distribution of the site.

Mr. Michelman closed the meeting to the public.

The engineer for the project, Richard Eichenlaub was sworn in by Mr. Regan. Mr. Michelman accepted his qualifications as an expert witness. Mr. Eichenlaub stated that prior to drawing the site plan he observed the existing conditions of the site. He explained that he walked the neighborhood, walked Kinderkamack Road, took measurements of the site then drew the site plan. He stated that he did make changes to satisfy the comments from Boswell engineering. He explained that he had submitted a revised set of plans prior to this meeting and marked these as A10. He stated that the existing building would come down and detailed the existing features of the property. He explained that the retaining wall on the rear of the site would be maintained and a new retaining wall would be built in front of it to run the length of the property. He stated that the garage on the site would be demolished and detailed the proposed improvements on the site. He explained that the proposed building would have a larger footprint than what is there now. He stated that the existing impervious surface is over 35,000 ft.<sup>2</sup>. He explained that they had met with the County and they had asked for a de-acceleration lane along Kinderkamack Road into the site and it would be approximately 182 feet in length. He stated that there is a pedestrian island at the driveway entrance and you can only make a right hand turn out onto Kinderkamack Road from the driveway. He detailed the sidewalks on the site. He stated that the proposed driveway onto Ellen Place is approximately in the same location as it is now. He explained that the parking lot is in the same configuration of what exists. He stated that the sidewalks along Kinderkamack Road would be replaced and widened to a 4 foot wide sidewalk. He explained that the handicap ramps at the corner and the driveway would all be ADA compliant. He stated that right now all the drainage on this site runs freely and is collected into the catch basins located on the site. He explained that all the catch basins drain out onto Kinderkamack Road through a series of pipes. He stated that they propose to maintain this drainage along the front

and designed the site to have two underground retention systems one in the rear and the other on the south side of the lot. He explained that those two systems would collect all the water from the parking lot and the building itself. He stated that they have designed them for a 100 year storm and if there were ever a circumstance that there was a 100 year storm and then a 50 year storm then any overflow would drain to the front drainage system. He explained that based on the design, they would be reducing the amount of water going onto Kinderkamack Road. He stated that the lighting poles are 14 feet in height and have a light shield. He explained that they had received a guarantee from the fixture manufacturer that there would be zero spillage behind the fixtures. He stated that even though it was not part of the site plan, he had reviewed the architectural lighting which was proposed tonight. He explained that the 200 watt light fixture being proposed at the rear entrance would have zero increase. He stated that there would be some increase but it would only be to the handicap spaces and would not affect the zero spillage. He explained that if he gets the information he could readjust the foot candles at the building itself and would do this for the next meeting. He stated that right now there is no retention on this site and they would be greatly improving the water on the site. He explained that back in 1994 AAA had done an application to the Planning Board and at that time they had proposed two seepage pits but believes this was never installed. He detailed the current lighting on this site, their location and estimates they are approximately 30 years old. He stated that the lighting being proposed now are state of the art LED fixtures with shield attachments on them which are designed to have no behind spillage. He explained that there would be the same type of proposed lighting if this building were to be all commercial. He stated that the LED lighting is more efficient, would be a softer light and can be controlled by timers. He explained that with the residential use on the site, the lighting would need to be on a little bit longer. He stated that there are three proposed bollards which are low level lightings at 42 inches in height with the spillage aimed downward on the walkway. He detailed the existing overgrown landscaping. He stated that on the site they would provide buffer landscaping of arborvitae, buffer trees and PVC fencing. He detailed the existing disrepair stockade fence and the differences in the landscaping buffers along the property line. He stated that the curb line is being maintained on the side by Lotus and no fence is being proposed only, ornamental trees. Mr. Kelly asked if there would be landscaping on that side to keep people out who park in the neighboring lot and walk through this site. Mr. Eichenlaub stated that if anyone wants to walk through landscaping, they would do it. He explained that the proposed landscaping is an improvement to what is existing. He detailed the buffer areas which were being improved. He stated that they are extending the retaining wall where the garage is being removed. He detailed the existing and the proposed parking lot on the site. He stated that there would be additional spaces where the garage is being removed. He explained that there would be some re-grading since the County requested a low profile driveway standard and in doing so, all the curbing would be new. He stated that no longer would there be any parking that would face east. He explained that the County did allow them parking for compact cars and the code allows for up to 30% but only 19% of their spaces would be compact. He stated that they have provided for landscape isles to break up any parking where it extends over 10 inches in a row. He explained that they are required to have three handicap spaces which they are compliant with and provided handicap ramps as well. He stated that their plan is still being reviewed by the County. He explained that they had a meeting with the County after the last Zoning Board meeting and the County had given them a list of their requirements which they have complied with. He explained that based on the calculations for the office use, they require one space for every 250 ft.<sup>2</sup>. He stated that the residential use which is

proposed to have 11 apartments; 8 of which are one bedroom and 3 are two bedroom, according to the RSIS standards the two bedrooms require 2 parking spaces and the one bedrooms require 1.8 parking spaces. Mr. Kelly stated that Boswell Engineering had cited the Borough's code for employee parking. Mr. Eichenlaub explained that in addition to the office spaces, the Borough requires an additional space for every employee. He stated that he feels this is excessive since there is no set tenant and they do not know the number of employees yet. He explained that this design is efficient for this type of use. He stated that in mix use settings there is a sharing of parking since during the day the residential parking would not be in use. He explained that the residential spaces would be available for the commercial use during the day and the residential use would be able to utilize the commercial parking spaces at night for guests. He detailed the existing and proposed refuge garbage pad on the site. He stated that the location would have better access for the garbage trucks. He explained that there would be at least 2 to 3 pick ups per week. He stated that there are no recycling bins and it would be up to the tenants to recycle. He explained that a lot of office tenants have a cleaning company at night which takes their garbage away with them. He stated that the dumpster area is masonry screened pad and the front would have a board on board gate. He explained that the new pad would be approximately in the same location as the existing one. He stated that the intent to keep the pad in the same location was from the layout of the site. He explained that either a rear load or front load refuge truck could access this area easily. He stated that in the front there would be two steel posts with chain-link and then the board on board gate. He explained that you will not see the dumpsters. He stated that the scheduling of the garbage pick-ups would be an operational function. He detailed the variances for the board including the FAR variance. He stated that they are over the FAR requirements by under 300 ft.<sup>2</sup> He explained that the residential units are small because they have tried to keep the size down. He detailed the common areas of the residential second-floor as being 650 ft.<sup>2</sup> He detailed the stairs and small landing encroachment variance. Mr. Kelly stated that Boswell Engineering had submitted a revised review letter dated May 15, 2019 and marked this as B3. Mr. Eichenlaub explained that they had gone through the review letter and discussed majority of the items during testimony this evening. He stated that if the application is approved, the owners would merge the two lots. He explained that lot 18 is the larger lot and lot 19 is a smaller. He stated that the lots would be merged by operation because they would be having one building on the two lots. He explained that as a condition of approval, the lots would be merged. He stated that in the south west corner there is a small retaining wall which goes back and forth between the property lines. He explained that they do not exactly know who owns this retaining wall but they are not changing it in anyway and would remain as is. He stated that there was a section cut off on the site plan that they would ensure to include on the revised version. He explained that they have provided the setbacks from the parking to the buffer area. He stated that he would clarify this item directly with Boswell Engineering. He explained that they will have to go to the BCUA for hook up approval because they are changing the use. He stated that they will not have to go to the State for a sewer extension because they are under the allowable 8000 gallons per day. He explained that they are just over 3000 gallons per day. He stated that they have reflected all the variance required on the site plan. He stated that in the front of the building they are 6 inches back from the required setback line. He explained that a connection walkway has been added for pedestrian movement to access the site from Kinderkamack Road and Ellen Place. He stated that he has evaluated the existing retaining wall which is an L-shaped wall near the garage and this wall is in good condition. He explained that it is an existing concrete wall which a new wall would be constructed up against it. He stated that they have provided the

elevations for the new proposed retaining wall. Mr. Kelly explained that there were some discussions to add a monument sign for the purposes of identification in order to identify the address of the building near the corner of Ellen and Kinderkamack. Mr. Eichenlaub stated that they could provide one there but they were not directed to add one onto the site plan. He explained that if they comply with the Borough's signage ordinance for size then they would not need a variance. He stated that he can revise the site plan for the next meeting if he has the information regarding the square footage of the sign. He explained that there is no variance needed for the roof ridge. He detailed the four corners that were used for the calculations and they are in compliance. He stated that they addressed accessibility of the site. He explained that a revised drainage report would be submitted to the board engineer because they had made changes per the County's request and they would be compliant. He stated that the structural design of the retention chambers would be submitted to Boswell. He explained that they have submitted the soil moving permit for 889 yd.<sup>3</sup> of excavation and 338 yd.<sup>3</sup> of fill. He stated that they have addressed the lighting of the site and the foot candle calculations had been done by the manufacture of the fixtures. He explained that he would update the plan to reflect the architectural lighting which was testified to this evening. He detailed the site triangle for exiting the lot onto Ellen Place. Mr. Kelly stated that he had no further questions at this time for their engineer. Mr. Michelman explained that they would begin their next hearing with questions from the board professionals to the engineer's testimony. Mr. Kelly stated that he would like to request a report from the covering board planner in order for him to provide this to their experts before the next hearing. Mr. Michelman stated that the covering planner would be reviewing the past two hearings in order to be prepared for the next meeting. He explained that the absent Zoning Board member would as well view this hearing and sign the certification to be prepared for the next meeting. He stated that this hearing would be carried to the June 17<sup>th</sup> meeting without need for further notice.

**CAL. #839-19**  
Block 1206, Lot 9

**LISA BALLERINI**  
319 Grove St.

**NEW APPLICATION**

Mr. Michelman stated that two board members had stepped down from this application due to a conflict. He explained that they currently have only five members eligible to vote on this application. He stated that since this application is a D variance the applicant would require a unanimous vote in order to pass. He explained that under this circumstance they would leave this up to the applicant for a vote. He stated that there is one absent board member who would be present at the next meeting. He explained that at the June 17<sup>th</sup> meeting there would be six eligible voting members. He stated that present for this hearing is an attorney for an objector and asked if the attorney could give his name for the record. Mr. Donald Leonard explained that he is the attorney for the objectors, Beebe and John Oberlander. The attorney for the application, Matthew Capizzi stated that he is here before the board to represent Mr. and Mrs. Ballarini. He explained that the application is to expand and renovate an existing detached three car garage which is located in the back right hand corner of the property. He stated that the lot has a single-family home with a detached garage in the rear of the property. He explained that it is a new home which is almost nearing completion and the last component of the development is the renovation of the existing garage. Mr. Regan stated that he had reviewed the notice documents and they appear to be in order so the board has jurisdiction to proceed. Mr. Leonard stated that the notice had been amended. He explained that the last time there was an objection because the



original notice did not include the need for a use variance. He stated that the notice had been amended to reflect the requirement for a use variance. Mr. Capizzi explained that they are proposing to put a dormer on the second floor of the garage. He stated that the Borough's ordinance does not permit a garage to be utilized in any other manner than the storage of vehicles. He explained that any use beyond this requires the use variance. He stated that Mr. Ballarini likes to play golf and they are proposing an area on the second floor for him to practice. He explained that the existing garage is nonconforming for the rear or side yard setbacks, height and overall square footage of an accessory structures. He stated that the dormer would increase the overall square footage and the height. He explained that the architect who had prepared the plans also designed the plans for the new single-family structure.

The architect for the project, Peter Ditto was sworn in by Mr. Regan. Mr. Michelman accepted his qualifications as an expert witness. Mr. Ditto presented into evidence an exhibit board of pictures and marked this as A1. He stated that the photographs were taken last month and illustrate the single-family home which is currently under construction and the existing three car garage. He explained that you can see the garage from the street, down the driveway. He stated that they are trying to be consistent with the Victorian style so the new dwelling would fit in with the neighborhood. He explained that they are proposing a dormer in the middle of the garage structure in order to have a golf simulator on the second floor. He stated that they would be using the same style dormer and gables as the single-family house. He explained that the more striking houses on this block have oversized garages or barn like structures in the back. He presented into evidence an existing structure plan and marked this as A2. He detailed the existing interior layout of the three-car garage. He stated that the building currently is 19 feet tall and a little over 37 feet wide. He explained that the first floor is 835 ft.<sup>2</sup> and the usable second-floor is 148 ft.<sup>2</sup> He presented into evidence a colorized site plan and marked this as A3. He stated that the existing structure is in the rear of the property and almost on the property line. He explained that on the side there is only 3 feet to the property line were the ordinance requires 5 feet. He detailed the size of the dormer in relation to the setbacks. He presented into evidence a colorized rendering of the proposed renovation and marked this as A4. He stated that the footprint would remain the same with the three garage doors. He explained that the dormer itself would be + or - 10 feet from the side yard. He stated that the golf simulator requires a 10 ft minimum. He explained that the simulator consisted of a camera and a monitor on the ceiling which monitors the ball, so when you hit the ball into the soft screen, the monitor takes all the information about the movement and hit upon the ball and that information is projected onto the screen. He stated that there would be a simulated turf floor with a couple of golf tees. He explained that the one side of the simulator would be an area to put golf clubs and the other side would be a small seating area for someone to watch along with possibly a small refrigerator. He stated that there would be no plumbing nor a bathroom in the garage. He detailed the elevations of the building and stated that they are proposing a height of 22.27 feet which is the minimum height required to have a simulator. He stated that since the lot is a deep lot the perception of the height would not be a detriment to any of the neighbors. He explained that the window treatments would match the house design exactly. He stated that the exterior would be a cedar shake siding and it would be designed to look like a small house. Mr. Michelman asked the board professionals if they had any questions for the architect. Mr. Atkinson asked if the garage footprint would remain as to what is existing. Mr. Ditto stated yes. Mr. Atkinson stated that there is no increase of impervious coverage on the lot as a result of this project. Ms. Reiter

explained that to better understand the project, for clarification the applicant needs 10 feet in height in order for the simulator to function. Mr. Ditto stated that the 10 feet is the minimum height for the equipment on the ceiling to be able to track the ball accurately. Ms. Reiter explained that since the house is a new dwelling, she asked if there were any discussions on putting the simulator in the interior of the main dwelling. Mr. Ditto stated no that the discussion on the simulator had come after the dwelling was already being constructed and the basement that is in the house now only has 9-foot ceilings. Ms. Reiter explained that the applicant cannot put the simulator in the home now because it was not planned for. Mr. Ditto stated that you would have to dig deeper into the ground in order to increase the basement height which would not be a good idea. Ms. Reiter asked what is the square footage of the new home. Mr. Regan stated that the main dwelling is 3917 ft.<sup>2</sup> Ms. Reiter explained that their building coverage and lot coverage is almost maxed out so there would be no other options for the applicant other than this project. She asked if the golf simulator would strictly be for personal use and have no commercial usage. Mr. Ditto stated that this is correct. Ms. Reiter asked that since they are redoing the garage, if there is any way that the golf simulator could be installed on the first floor instead of the second floor in an effort to alleviate some of the potential height impact on the adjacent neighbor. Mr. Ditto stated that the applicant would definitely have to lose one of the garage bays and would have to take the existing second floor decking out because the height of the first floor is currently only 9 feet. Ms. Reiter asked if they were building an entire new garage. Mr. Ditto stated that they are trying to keep majority of the existing structure intact and do a renovation to it. Ms. Reiter stated that she is trying to understand the light of the variance request since the new home is currently under construction and there are potentially other options within the garage. Mr. Michelman asked if any members of the board had any question. Mrs. Cobb stated that she would like to know more information about how this golf simulator works. She explained that from the description, it sounds like the screen is a video game with a net behind it. Mr. Ditto stated that the screen is a net that catches the ball. He explained that it is a fabric that hangs which is loose but is also the screen for the projector which can display almost any golf course in the world. He stated that the simulator will bring up a fairway of any golf course, you would stand at the tee like you would do at any golf course and hit the ball into the screen. He explained that when the ball hits the screen it falls down and the equipment overhead has the technology to tell you everything about that ball on where it would go and how far it went. He stated that the simulator would then set up your next shot from that point. He explained that the machine is like playing real golf and is very accurate. Mrs. Cobb stated that with how they are setting up the rear of the dwelling, with the barn doors on the dormer, she asked if there is any potential of hitting the golf balls outside of the garage. Mr. Ditto stated no that there is fabric on the sides which if the ball is hit wrong, it is caught by the fabric along the side of the screen. He explained that the ball does not go any further than the approximate 15 feet you hit it. Mr. Regan confirmed the existing height and the proposed height for the garage with the architect. He asked if they had done any analysis of the height of the garages in the 200 or 500 feet of the surrounding area to the project. Mr. Ditto stated that he did not do an analysis but he knows there are two or three other oversized garages within the area. Mr. Regan asked if they had any specific information as to the other garage's height. Mr. Ditto stated that he does not. Mr. Regan explained that he is wondering if there are any other garages which are existing at that around the height of what the applicant is proposing. Mr. Ditto stated that he believes there are ones that are higher in height than what they are proposing. Ms. Reiter asked if they could identify those houses which have the larger garages. Mr. Ditto detailed the locations of the

other dwellings surrounding the property which have oversized garages. Mr. Capizzi stated that their project planner has the examples of some of the other oversized garages within the area. Mr. Depken asked in regards to the dormer areas if they could be downsized. Mr. Ditto stated that the center area has to have a minimum of 10 feet for the simulator. Mr. Depken asked if they considered designing it were the swing would go right to left or left to right rather than front to back in order to reduce that dormer area. He stated that they would need still need the 10 feet but it might take the visual appearance down if that front dormer was reduced. Mr. Ditto explained that the project was designed to were the garage would mimic the look of the house which is a positive and is an attractive structure. Mr. Regan asked if it is possible to reduce the square footage of the garage in order to come closer to the 600 ft.<sup>2</sup> code requirement in the Borough's ordinance. Ms. Reiter stated that the existing garage is 983 ft.<sup>2</sup> and the proposed is 1384 ft.<sup>2</sup>. Mr. Regan asked what is the minimum square footage they would need on the second floor in order to accommodate the simulator. Mr. Ditto detailed the proposed second-floor space. He stated that you would still need the area for the stairs/landing, the area to put the golf clubs and the area for the simulator. He explained that the design was made to be functional along with adding character to the garage itself. Ms. Reiter asked if there was no room in the main dwelling of the house for this simulator. She stated that the house is still under construction and understands they cannot utilize the basement because they would have to dig down. She asked if there was no extra room, wreck room or spare bedroom. She stated that they have a main dwelling in excess of 3900 ft.<sup>2</sup> being currently built. Mr. Ditto explained that on the second floor of the dwelling there are four bedrooms, a stairwell, a laundry room and a hallway. Ms. Reiter stated that they have heard her comments and her questions which are stemming from the fact that the house is still under construction and being built. Mr. Michelman asked if any of the board members had any further questions. He opened the hearing to the attorney for the objector for any comments or questions. Mr. Leonard stated that the board attorney, board planner and board members had asked a lot of the questions he was planning on asking. He explained that they are stating that the height requirement is for the simulator and asked what the zoning height is for a garage. Mr. Ditto stated that it is 15 feet for an accessory structure. Mr. Leonard explained that the Borough code is for 15 feet for an accessory structure and the application is asking for over 22 feet in height. He stated that they are asking for almost 50% more than what the ordinance deems. He explained that they do not have information today on what the other oversized garage heights are within the area. He asked what the requirement is for parking within the area or if a garage is needed. Mr. Depken stated that you do not need a garage within the residential zone. He looked up the Borough's code and for residential a single-family dwelling structures shall provide a minimum of two spaces of off-street parking. Mr. Leonard asked what is the minimum square footage that a simulator requires. Mr. Ditto stated that it requires 15 feet in width, 17 feet in depth and 10 feet in height. Mr. Leonard explained that the only need approximately 250 ft.<sup>2</sup> for the simulator but they are looking for 549 ft.<sup>2</sup> for the second floor of the garage which includes a sitting area for friends to watch. Mr. Ditto stated that this is for the overall design of the project and also for an elevation that is pleasing to the neighborhood and ties itself into the principal building. Mr. Leonard stated that in going on the same lines as the board planner's questions with putting the simulator within the main dwelling, they only need approximately 255 to 300 ft.<sup>2</sup> for the simulator. Mr. Ditto explained that they do not want to dig down in the basement in order to get to the 10-foot ceiling required as to not risk having a water issue. Mr. Leonard stated that with not going down, they could have reconfigured the heights somewhere in the house in order to accommodate the simulator. Mr.

Ditto stated that they possibly could have. Mr. Leonard asked what is the depth of the garage. Mr. Ditto stated that it is just over 22 feet in depth. Mr. Leonard explained that they only need 17 feet for the simulator. He asked if they had known if any variances were granted for any of the other oversized garage structures in the area. Mr. Ditto stated that he would have to ask the attorney for this information. Mr. Leonard explained that he has no further questions at this time for the architect. Mr. Michelman asked what is the width of the garage bays. Mr. Ditto stated that the doors are 9-foot-wide and they also have approximately 18 inches on each side. Mr. Michelman asked if they were to go in 15 feet from the left wall, where would that put them at in the garage. Mr. Ditto stated that they would be cutting it slightly into the second garage bay. Mr. Michelman explained that he is thinking if they could reconfigure the inside for two cars and use the third bay for the simulator. Mr. Capizzi asked if they could take a brief recess and to review this particular comment and the other comments made by the board in order to see if they could come up with a revised schematic. Mr. Michelman stated that the board would take a short recess.

Mr. Capizzi stated that during the break he was able to discuss with Mr. Ditto the comments made by the board and the professionals. He explained that they would like to have the opportunity to come back to the board on a later date and between now and then, they would submit a revised plan with the overall concept of eliminating the proposal to add the dormer onto the second floor and do a slight expansion on the first floor to create the necessary width there. He stated that they would take away one of the garage bays to use for the simulator purposes. Mr. Michelman asked if they should carry the application to the June 17<sup>th</sup> meeting. Mr. Capizzi stated that unfortunately he is not available that evening. Mr. Michelman explained that they would then carry this hearing to the July 15<sup>th</sup> meeting without need for further notice. Mr. Leonard stated that his clients would be on vacation at that time. Mr. Michelman asked if the board needed to accommodate the objectors. Mr. Regan stated that this is at the discretion of the board. Mr. Michelman asked Mr. Capizzi if he would be willing to move the application to the August meeting instead. Mr. Capizzi explained that this would be fine. Mr. Michelman stated that the date would be August 19<sup>th</sup>. Mr. Capizzi explained that he would grant the board an extension of time for this application and he would have a better understanding of what variances would be needed once the project is re-designed in advance of the August 19<sup>th</sup> meeting. Mr. Regan stated that this is during the summer time and it should be noted that some members may not be in attendance due to vacation schedules. Mr. Capizzi explained that he understands this and is trying to accommodate both the board and the objector. Mr. Michelman stated that they know the application only has 120 days but the board does have an extension from the applicant. Mr. Capizzi explained that they would carry this application to the August 19<sup>th</sup> meeting and the applicant has given the board the extension of time. He explained that if they should not be able to proceed on August 19<sup>th</sup>, he would submit a letter to the board for an extension for September. Mr. Michelman stated that the board member who was not present this evening would hear the tape before the next hearing in August. He explained that this hearing would be carried to the August 19<sup>th</sup> meeting without need for further notice.

## **Resolutions**

**CAL. #841-19**  
Block 607, Lot 25

**MATTHEW & NICOLE SHAPIRO**  
882 Amaryllis Ave.

**RESOLUTION**

Mrs. McGrinder made a motion to approve the resolution, and Mrs. Cobb seconded the motion.

ROLL CALL:

Ayes: Cobb, McGrinder, Beslow, Michelman

**Old Business**

None

**New Business**

None

Mr. Michelman opened the meeting to the public for any matters, not seeing a show of hands, closed the meeting to the public.

The meeting was adjourned at 10:07 p.m.

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Secretary