

CALL TO ORDER:

This meeting was called to order at 7:34 p.m. via Zoom webinar by Chairwoman Robin Malley with the reading of the Open Public Meetings Act.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Robin Malley, Chairwoman	Present
Sanjeev Dhawan, Vice Chairman	Present
John Altadonna, Alt. 1	Arrived at 7:35pm
Gerald Barbara, Alt. 2	Present
Dianna Cereijo	Arrived at 7:36pm
Christina Hembree	Present
Michael Kaufman	Present
Philip Maniscalco	Present
Lynda Picinic	Present
S. Robert Princiotta, Esq.	Present
Anthony Kurus, Engineer	Absent
Elizabeth Leheny, Planner	Absent
Clairese Neumann, Secretary	Present

APPROVAL OF MINUTES

The minutes for October 25th, 2022 were approved on a motion from Ms. Hembree and seconded by Mr. Maniscalco. All board members were in favor of approval. Mr. Altadonna abstained.

APPLICATION – (Carried):

24 Hunter Ridge Road

Block: 1108 Lot: 5.01

David Yoskowitz

R-30

Requesting a use variance to permit a recreational court / basketball court in the front yard of the property. This would also require a variance for an accessory structure in a front yard where only side or rear yard is permitted and a front yard setback of 6.2 ft. where 50 ft. is required.

Mr. Stamos started by asking some photos as exhibit A-8 could be testified about.

Mr. Princiotta stated that was not needed and listed the exhibit list for 24 Hunter Ridge.

A-1 Application with 200-foot list, Zoning Denial, Proof of Taxes Paid, Color Photos

A-2 Site Plan by Dynamic Engineering dated 9/30/2021

A-3 Proof of Notice and Publication

A-4 Photos from Applicant's Planner 8/23/22

A-5 Site Improvement Plan dated 9/14/22

A-6 PowerPoint Presentation

A-7 OPRA Requests of Permits

A-8 Photos of Driveways with Basketball Hoops

WCL- 1 Neglia Engineering Review Letter dated 8/1/22

WCL- 2 Borough Planner Review Letter dated 10/20/22

WCL- 3 Zoning Official Denial Letter

O-1 Objection Letter from neighbor dated 8/23/22

O-2 Objection Letter from neighbor dated 8/30/22

Mr. Stamos stated the court adds about 1500 square feet of impervious surface to the property. He stated there was no physical impact by the construction of this court, being they are under the permitted limit of disturbance. The installation of the basketball court does not require a permit. The use of the court is not a use variance, not a prohibited use. He stated kids playing sports and partaking in outdoor activities are being lost to electrical devices. The location of the court gives the best spot for buffering to majority of his neighbors. The court location creates the greatest distance from all the neighbors and no detriment for coverage and runoff. Mr. Stamos stated there will be no permanent lighting, the court will not be for public use and the owners will comply with the noise ordinance. Mr. Stamos stated the owner is willing to stipulate the court will be strictly used for basketball only.

Mr. Princiotta asked to confirm the stipulations stated by Mr. Stamos, the owner Mr. Yoskowitz agreed to.

The stipulations were listed as no lighting of the basketball court, the use will be limited to basketball only, screening will be deferred to the shade tree and added by the owner to comply if necessary, to comply with the noise ordinance, only one hoop will be on the court, not for public use, and the resolution will be carried with any new/ future owners.

Mr. Princiotta stated if the board acts favorably in the application, he recommended the resolution of approval be recorded so that stipulations apply in the future. He stated should there be future owners to resolution of approval would ensure anything be the owner's responsibility to maintain, for example the evergreen buffering in the Borough Right of Way.

Mr. Princiotta stated the variances, two C variances and one D variance. The first C variance was the accessory structure in the front yard. The second C variance was the front yard setback of 43.8 feet, and the D variance was the use variance as there is no specification in the Borough's Ordinance for a basketball court.

Chairwoman Malley opened to the board for any question or comments.

Ms. Hembree stated the driveway on the side of the house would be a perfect location for a basketball court for the children to play. It is shaded on both sides from the neighbors, and it is very spacious. She stated the board takes a C and D variance into careful consideration when making a decision.

Chairwoman Malley questioned are the applicant's children going to be interested in the court later on in the years or will there be another want for another structure? Chairwoman Malley stated there is more than enough space in the driveway for a spacious basketball court versus in the front yard where it is proposed. She stated she does not see many basketball hoops around town or kids playing basketball outside.

Vice Chairman Dhawan stated the property is odd with only a few places to play basketball but he believes the noise receptors would be at a minimum with the proposed location of the court. He stated he does not have an issue with the proposed location of the court and the stipulations stated for this application.

Mr. Kaufman stated there will be less damage and provide more safety when playing basketball in the proposed location. He stated Vice Chairman Dhawan spoke of some very valid points and the stipulations are a fair compromise.

Ms. Hembree does not agree there is a compromise.

Mr. Barbara questioned the existing lights on the side of the garage where the court will be located.

Mr. Stamos stated the lighting on the garage illuminates the walk way. He stated the lights would be of the size and type to only illuminate the walk way and will not be used for the basketball court.

Ms. Picinic stated she noticed there are two sets of garages on the property of 24 Hunter Ridge and questioned what is stopping the applicant from installing a basketball hoop by the pavement outside of the garage. She stated she is shocked there is not already a hoop at this residence if the applicant is inclined to have his children outside to play basketball.

Mr. Maniscalco stated he understands the location is not necessarily ideal but it is because of the cul-da-sac and he is a proponent of children being outside but he stated the decision is difficult for this application.

Chairwoman Malley agreed with Ms. Picinic's statement.

Mr. Stamos stated there is no room to expand the proposed court to anything larger.

Mr. Princiotta stated the Borough's Code for accessory structure and an accessory use to clarify to the board members for the application.

A motion was made by Vice Chairman Dhawan and seconded by Mr. Kaufman to approve the basketball court in the front yard requested with the stipulations being no lighting of the basketball court, the use will be limited to basketball only, screening will be deferred to the shade tree and added by the owner to comply, if necessary, to comply with the noise ordinance, only one hoop will be on the court, not for public use, and the resolution will be applied to any new/ future owners. On a roll call vote Vice Chairman Dhawan, Mr. Maniscalco, Ms. Picinic, Mr. Kaufman, and Mr. Barbara voted in favor. Ms. Hembree and Chairwoman Malley voted not in favor.

A motion was to go into closed session was made by Mr. Maniscalco and seconded by Ms. Picinic.

A motion to return to Open Session was made by Vice Chairman Dhawan and seconded by Ms. Hembree.

The meeting was adjourned on a motion from Mr. Kaufman, seconded by Ms. Cereijo and carried by all.

Respectfully submitted,

Clairese Neumann