

## **ZONING BOARD MEETING SEPTEMBER 20<sup>TH</sup>, 2023**

The meeting of the Zoning Board of the Borough of Somerville was called to order by Chair Arthur Adair at 7:00 p.m. and stated that adequate notice of this meeting had been provided in accordance with the “Open Public Meetings Act”.

Board Members Present: Ed Allatt, Roberta Karpinecz, Brian Vadimsky, Eric Alvarez, Stewart Daniels

Board Members Absent: Arthur Adair, Morgan McLachlan, Richard O’Neill, John Flores,

Professionals Present: Clifford Gibbons, Esq., Board Attorney and Michael Cole, Board Planner and Engineer

Upon a motion by Roberta Karpinecz, seconded by Eric Alvarez, the above absence be excused.

See transcript.

### **ANNOUNCEMENT**

Vice Chairman Ed Allatt announced that the application for 1141 Fifth Street LLC has been moved to the November 1<sup>st</sup> meeting and the applicant will be required to re-notice.

### **RESOLUTION**

**2022-019Z**

**Suresh Kumar Anbazhagan**

**10 Coddington Place**

**B86 L4**

Upon a motion by Roberta Karpinecz, seconded by Brian Vadimsky, the resolution for application # 22-019Z, was approved upon a roll call vote.

Roll Call      Aye:    Ed Allatt, Roberta Karpinecz, Brian Vadimsky, Eric Alvarez

                  Nay:    None

                  Abstain: None

**2023-004Z**

**Blueprint Mental Health**

**73 West End Ave**

**B129 L6**

*No vote was taken on the resolution for application 2023-004Z – Blueprint Mental Health. The resolution received by the board for the meeting of September 20<sup>th</sup>, 2023 will serve as a draft.*

## **APPROVAL OF MINUTES**

Upon a motion by Roberta Karpinecz, seconded by Brian Vadimsky, the minutes of August 16<sup>th</sup>, were approved upon a roll call vote.

Roll Call      Aye:   Ed Allatt, Roberta Karpinecz, Brian Vadimsky, Eric Alvarez, Stewart Daniels

                  Nay:   None

                  Abstain: None

## **LAND USE**

**23-011Z**

**Jeffrey Martinez**

**12 Lisa Terrace**

**B53 L7**

Attorney for the applicants Eric Frins, Esq from Simon Law Group addressed the board expressing that he was presenting the Application Jeffrey Martinez seeking a variance for improvement coverage, as his client wishes to expand his driveway among other things.

Mr. Frins then called upon his first witness, Mr. Jeffrey Martinez.

Clifford Gibbons, Esq., Board Attorney then swore in Mr. Martinez

Under direct examination by Mr. Frins, Mr. Martinez provided response to a number of questions including the number of years he has been a resident of Somerville both at the 12 Lisa Terrace address as well as previous locations in town, as well as the current driveway condition and material, street parking accessibility, as well as the proposed changes that he would like to make. They also discussed how some of the work has already been performed prior to receiving prior approval and without permits. This work includes the patio in the back of the house as well as the sidewalk on the side of the house.

The two then went on to discuss a 4-inch PVC pipe that was damaged when removing branches and that to address some of the concerns of the neighbors the pipe would be moved to the other side of the house with added drainage that would run to the street. Plantings were also discussed, and Mr. Martinez's want to continue to garden and improve the green space on his property.

Mr. Frins then asked is there were any neighbors who had contacted Mr. Martinez expressing concerns. Mr. Martinez Expressed that he did take the engineering/planning report over to one of his neighbor's houses and made sure to point out the draining that was being added as that was the primary concern.

Mr. Frins then opened to questions from the board.

Vice Chairman Ed Allatt requested that they talk about the accessory structures.

Mr. Martinez testified that the accessory structure was an 8-by-10 plastic Home Depo shed that he will be storing flammables in away from the house. He also stated that it would be on the northeast corner of the property.

Michael Cole, Board Planner and Engineer stated that he believed the applicant was also proposing to take a gravel area out which is shown as number two on the map, located on the southern side of the house, to offset some of the improvement of the concrete. Mr. Martinez confirmed that the 50-by-10 area gravel area would be removed and grassed.

Vice Chairman Ed Allatt also questioned that patio area. Mr. Martinez explained that they are adding a sliding glass door off the living room that didn't previously exist and that they were looking to have a patio with a canopy with a metal roof to sit under. Mr. Martinez also commented that the setup is very similar to what already exists on neighboring properties.

Michael Cole, Board Planner and Engineer confirmed with Mr. Martinez that the PVC pipe that is on the south side of the property is existing and ties into the sump pump going into the street and that he is proposing another 4-inch PVC pipe to catch the roof leaders. Mr. Martinez confirmed that it would be on the north side of the driveway. They also discussed the street tree waiver and the overhead wires, allowing only for lower canopy trees.

At this time Vice Chairman Allatt opened up to questions from the board.

Board Member Roberta Karpinecz questioned the applicant on the work that was done without permits and how the applicant did not think that they would be required after 11 years in town. Mr. Martinez explained that he jumped the gun and did work without fully looking into if the permits would be required and that he has since gone through an education process after the zoning officer has visited him while he was doing the work without permits.

Vice Chairman Allatt then opened to the public for questions of the testimony that was given.

Dr. Grandville Brady, 9 Lee way approached the board to distribute some materials that he had prepared. Clifford Gibbons, Esq, attorney for the board confirmed with Mr. Brady that he was appearing as a member of the public and not in his capacity as a governing body member.

Dr. Brady asked the applicant if the extension of the driveway would be for another vehicle or if it would be used for an RV – Dr. Brady mentioned that he has noticed an RV parked in the driveway during the summer. Mr. Martinez responded to the question explaining that he does own a travel trailer that the family uses 3 times a year for vacation and that it is parked in front of the house to pack and unpack typically no longer than a week and that it is stored at Van's Self Storage in Whitehouse Station the rest of the time.

Dr. Brady also questioned the applicant on the handouts that he prepared asking if illustration A accurately represents what the coverage was in 2023. Mr. Martinez responded that it was not to scale.

Clifford Gibbons, Esq. Board Attorney authenticated the materials confirming that Dr. Brady prepared the materials and took the photographs.

Dr. Brady then asked questions related to the amount of coverage that now exists and how it impacts the neighbors. He asked if Mr. Martinez had been told there is any additional water coming in from his property. Mr. Martinez confirmed that there was a neighbor who expressed additional water on their property. However, they had also recently replaced their gutters and there were a couple of storms last week and he did not notice any continuous puddling there. Adding that he did make sure that his downspout was pointing directly down the driveway. Dr. Brady questioned if the additional drainage would be installed by himself or if the work would be performed by a contractor – he confirmed that the work would be done, should the application be approved by the board by a company with all necessary permits.

Dr. Brady then asked in illustration B where the expansion would be, how close to the neighbor's property line would like expanded driveway be. Mr. Martinez confirmed 7FT according to the plan. Dr. Brady also asked if he felt the expansion fit in with the other properties in the neighborhood.

Vice Chairman Ed Allatt then asked is anyone else from the public had any questions of the applicant.

Marvin Goldberg, 16 Lee Way voiced the concern he has about water coming into the back door of his bilevel home and provided an image to show the pooling after the last rain.

At this time Clifford Gibbons, Esq. Board Attorney marked the materials provided by Dr. Brady as O-1 through O-3 and the new materials presented by Mr. Goldberg as O-4, O-5, and O-6.

Additional discussion was had surrounding the roof leaders, drainage, and location of pipes.

Scott Sweitzer, 8 Lee Way asked if the shed would be in very close proximity to her garage and she wondered if it was going to be on a concrete slab. Mr. Martinez responded that it would be gravel and 5 Ft from the property line on both corners. Mr. Sweitzer then asked if there would be footing. Mr. Martinez responded that there would not be.

Hearing no other questions from the public, Attorney for the applicant Erik Frins Esq, then provided a conclusion of the application to the board and thanked them for their consideration.

At this time Vice Chairman opened up to the public for comment. Public comment included statements from Dr. Brady regarding the shed, coverage, and drainage of the proposed improvements.

Hearing no further public comment Vice Chairman Ed Allatt closed the public portion moved by board member Alvarez and seconded by board member Karpinecz.

Board Member Roberta Karpinecz questioned if the work that had been completed without permits needed to be inspected. Board Attorney Clifford Gibbons, Esq. confirmed that all work would need to be inspected. Board Member Roberta Karpinecz also commented that she was intrigued by the idea of an alternative surface.

Board Member Daniels question Michel Cole, board engineer / planner if the pavers would indeed allow more penetration of water than the concrete slab. Mr. Cole responded that in theory it would but it depends on what is underneath, however what he was hearing was that the water from the pitched driveway wasn't what primarily affecting the adjoining properties, therefore he did not believe that the pavers would help with runoff to the neighbors. Additional conversation was had including the cost of pavers, grading of the property, drainage, piping and street trees.

Clifford Gibbons, Esq., Board Attorney then reviewed the conditions of the approval for the application including addressing stormwater management concerns prior to any other work, sidewalks, street trees, along with all other standard agreements and comments in the engineering and planning report.

Upon a motion by Eric Alvarez, seconded by Brian Vadimsky, Zoning Board application 23-0011Z 12 Lisa Terrace, was approved upon a roll call vote.

Roll Call      Aye:   Ed Allatt, Roberta Karpinecz, Brian Vadimsky, Eric Alvarez, Stewart Daniels

Nay:   None

Abstain: None

## **AJOURN**

Upon a motion by Roberta Karpinecz seconded by Brian Vadimsky, the adjournment of the Zoning Board meeting of September 20th, 2023, was unanimously approved upon a roll call vote.

Roll Call      Aye:   Ed Allatt, Roberta Karpinecz, Brian Vadimsky, Eric Alvarez, Stewart Daniels

Nay:   None

Abstain: None

The meeting was adjourned at 7:59 p.m.