The Vice-Chairman called the meeting to order and stated it was being held in compliance with the "Open Public Meeting Act" and had been duly noticed and published as required by law.

ROLL CALL

Present: Mr. Neal Cupersmith Mr. Robert Weil, Mr. Hal Willard, Mr. John Daddario, Mr. Lee Cohen, and Mr. Len Patton

Absent: Mr. Habib Quraishi, Mr. Manny Leoncio and Mr. Jeff Senges

Also, present, Mrs. CherylLynn Walters, Board Solicitor and Elaine Powell, Zoning Board Secretary.

APPROVAL OF MINUTES

Mr. Weil motioned to approve the minutes from August 11, 2016; seconded by Mr. John Daddario. Motion carried by the assenting voice vote by all board members with the exception of Mr. Cohen and Mr. Patton who abstained.

Mr. Lee Cohen motioned to approve the minutes of August 25, 2016; seconded by Mr. Patton. Motion approved by Mr. Cohen, Mr. Patton and Mr. Cupersmith. All others abstained.

MEMORIALIZATION OF RESOLUTIONS

Justin Burt
2 Atlantic Avenue
Block 94, Lot 11.01
Resolution No. 16-021

NEW BUSINESS

Jaydeep & Rina Patel
Case #ZC2016-008
MDR Zone
4 Cresthill Court
Block 230.15, Lot 75

Seeking relief from Sections 150.14(B)(1), 150.14(B)(2) and 152.015(D)(1)(c) of the ULDO to permit the 6' high fence to remain to remain constructed in the side-yard area where only a 4' high fence is permitted and to permit the 4' high fence to remain constructed in the front-yard area where no fence is permitted and with a front yard setback of 10' from the from the property line where 35 feet is required. Also requesting any other relief as may be deemed necessary by the Board and/or its professionals.

Mr. and Mrs. Patel were sworn in. Also sworn in was Mr. Michael Pasquarello. Landscape Architect, Elite Landscaping. Mr. Pasquerello explained that he had prepared the Patel's landscape plans 7 years ago for the extensive rear-yard renovations. The Patel's side-yard is their neighbor's rear-yard. The neighbor's yard is overgrown and was growing onto the Patel's property destroying the look of their landscaping. The growth was becoming a nuisance and the 6-foot fence was placed along the neighbor's rear property line where the most overgrowth is and where the Patel's windows face.

Mr. Patel added that the neighbors of the corner lot are not there all of the time and the property is overgrown. Mrs. Patel re-iterated that the neighbors are absent most of the time and their rear-yard faces their side-yard and stated that their property has a very odd shape due to its location on the cul-de-sac.

Mrs. Walters stated that they have provided testimony regarding the 6-foot fence, but the board also needed testimony regarding the placement of the 4-foot fence. Mr. Pasquarello stated that the property is elevated and the 8-foot juniper bushes have grown over onto the Patel's property all the way up to the front property line. Mrs. Patel further stated that their neighbor's bushes have overgrown the sidewalk around the property. The 4-foot fence was placed in order to keep the bushes from growing onto their property. They still have to cut everything that grows over the fence.

The meeting was opened to the public; seeing no one, the Public Portion was closed.

Mr. Weil made a motion to approve the fence as constructed. Mr. Willard seconded the motion. Board Members complimented the applicant on their application and found that due to the irregular shape of the property, and location of the lot, that there was no detriment to the area in granted this variance.

Ayes: Mr. Cohen, Mr. Weil, Mr. Willard, Mr. Daddario, Mr. Patton, and Mr. Cupersmith.

Nays: None

Mrs. Walters explained the resolution memorialization and 45-day appeal period to the applicant.

The meeting was opened to the public.

The public portion of the meeting was closed.

Seeing no further business Mr. Cohen makes a motion to adjourn, seconded by Mr. Willard

Elaine D. Powell
Zoning Board Secretary