

**BOROUGH OF SPRING LAKE HEIGHTS  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES**

**February 27, 2020**

Thomas Martin took oath before the meeting commencing.

MEETING CALLED TO ORDER AND SALUTE TO THE FLAG

**Roll Call:**

Brian Brendle – present  
Susan Lalji - absent  
Donald Nolan – present  
Owen Quinn – present  
Bruce Waitzel - absent  
John Tangeman - absent  
Chairman Dennis Pearsall - present  
Alternate #1  
Thomas Martin – present

**Also Present:**

Mark Kitrick, Board Attorney  
Louis Lobosco, Board Engineer  
Mary Ellen Karamus, Board Secretary

THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETING LAW. NOTICE OF THIS MEETING WAS INCLUDED IN A LIST OF MEETINGS SENT TO THE COAST STAR AND ASBURY PARK PRESS, POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND ON THE BOROUGH WEB-SITE.

**Approval of Minutes:**

January 23, 2020 – Reorganization Meeting - Mr. Brendle made a motion to accept the minutes, seconded by Mr. Nolan; roll call taken as follows:

AYES: Mr. Brendle; Mr. Nolan; Mr. Quinn, Chairman Pearsall

NAYS:

ABSTAIN: Mr. Martin

January 23, 2020 – Regular Meeting - Mr. Brendle made a motion to accept the minutes, seconded by Mr. Quinn; roll call taken as follows:

AYES: Mr. Brendle; Mr. Nolan; Mr. Quinn, Chairman Pearsall

NAYS:

ABSTAIN: Mr. Martin

**Correspondence:**

December 16, 2019 - L. Lobosco Correspondence re. 2001 Parkview Terrace-Campbell Development

January 27, 2020 - L. Lobosco Correspondence re. 719 Central Avenue – Argentero

Mr. Lobosco stated that there had been a few changes to the plan that were acceptable.

**Old Business:**

**Resolution 2020-05** - Adopting 2019 Decisions of the Land Use Applications pursuant to NJSA 40:55D-70.1

Mr. Kitrick stated that the resolution can be approved and if anyone has anything specific that they would like the Council to be aware of, it can be brought up at that time.

Mr. Brendle made a motion to approve Resolution 2020-05; seconded by Mr. Quinn; roll call taken as follows:

AYES: Mr. Brendle; Mr. Nolan; Mr. Quinn; Mr. Martin, Chairman Pearsall

NAYS: None

ABSTAIN: None

**Resolution 2020-06**

**Andrew Zaeh & Ioanios Caruso**

**Application No. ZB-2020-06**

805 Central Ave.

Block 12 Lot 254/255

Add a one-story addition to rear of house; a second-floor shed addition; a deck; move fence; add A/C

Mr. Brendle made a motion to approve Resolution 2020-06; seconded by Mr. Nolan; roll call taken as follows:

AYES: Mr. Brendle; Mr. Nolan; Mr. Quinn; Chairman Pearsall

NAYS: None

ABSTAIN: None

**New Business:**

**Stephen Miles**

**Application No. ZB 2020-01**

610 Highway 71

Block 72 Lot 15

Expansion of a non-conforming use; adding a walk-in freezer and walk-in refrigerator

Stephen Miles, William Merunka and. Louis Lobosco were sworn by Mr. Kitrick.

A-1 Photograph

A-2 Photograph

A-3 Photograph

A-4 Site Plan

Charles Shaw, attorney for the applicant, stated that the applicant, Stephen Miles was requesting a use variance. Mr. Shaw added that the applicant currently has an 8 by 10 walk-in freezer and an 8 by 10 walk-in refrigerator on the property and is requesting a use variance to keep the structures on the property. Mr. Shaw added that the applicant currently has a contract with the U.S. National Guard to provide food services to help with their food preparation while their kitchen is being renovated.

Mr. Kitrick stated that a use variance is being sought, 5 board members are at the meeting, and 5 affirmative votes are needed to approve the application. Mr. Kitrick added that after speaking to the applicant's attorney, it is his understanding that the applicant would like to move forward with their application with the five members who are present. Mr. Shaw stated that is correct.

Stephen Miles stated that his property at 610 Highway 71 consists of his home in the front of the property facing 71 and, in the rear, a commercial building that he uses for his catering business. Mr. Miles stated that he has owned the property for the past 10 years. Mr. Miles stated that there was a dog grooming business at the time he bought the property in 2010. Mr. Miles added that he made application to the board at that time to change the building to a commercial kitchen for his catering business. Mr.

Miles stated that that application was approved, and he has had his catering business at the location since that time.

Mr. Miles stated that Acorn, a food service company, approached him in early October and informed him that they were bidding on a contract at the National Guard facility in Sea Girt, which is a training center for various government entities while their kitchen was being renovated and that they needed off-site kitchen facilities. Mr. Miles stated that he needed to have two additional units; one refrigerator and one freezer to accommodate the needs of the National Guard at that time. Mr. Miles added that he needs the variance to keep the freezer and refrigerator because he cannot accommodate Acorn and the government facility without the two structures. Mr. Miles stated that he had about 3 weeks to get a freezer and a refrigerator, as well as necessary electrical work to be able to get up and running. Mr. Miles stated that initially his kitchen was providing 1,000 meals a week; now they are providing 7-9,000 meals a week for the National Guard facility. Mr. Miles said that the refrigerator is in the back of the property in a fenced-in area. Mr. Miles stated that the freezer is between the house and the commercial building. Mr. Miles added that the cooler is approximately 7 feet tall and that there is a 6-foot fence around the area. Mr. Miles stated that the freezer and refrigerator cannot be seen from 71. Mr. Miles stated that there are no other proposed changes to the property.

Mr. Quinn stated that the plan shows 7 existing parking spaces, 8 proposed spaces. Mr. Quinn asked if that is an error. Mr. Merunka stated that there is an angled gravel area being infilled to provide access for one extra spot. Mr. Shaw asked what exists there now. Mr. Miles stated that there was a corner pad with flowers which has already been cleared out and asphalt put down for a parking spot. Mr. Quinn clarified that there are 7 spots existing and an 8<sup>th</sup> proposed.

Mr. Miles described the views in A-1, A-2 and A-3. Mr. Miles described A-1 as being taken from Essex Avenue looking at the freezer between the house and the commercial building. Mr. Miles stated that A-2 shows a view of the parking lot. Mr. Miles stated that A-3 is a view from the street of the corner of the property line and specifically referred to above the fence line showing the gray top of the refrigerator unit. Mr. Miles stated they are going to add lattice and morning glories around the structure to cover the part of the unit shown from the street. Mr. Nolan asked if there is a roof over the structure between the commercial kitchen and the house. Mr. Miles stated it is a 2 by 4 fiberglass overhang which partially covers it. Mr. Nolan asked if it always existed as a roof. Mr. Miles stated since he has been there, yes. Chairman Pearsall asked if you go between the two buildings and it is raining, will you not get wet. Mr. Miles said yes. Mr. Quinn asked if the structure around the refrigerator and freezer has existed. Mr. Miles said yes. Mr. Nolan asked Mr. Lobosco if that is considered an indoor or outdoor space. Mr. Lobosco stated that it is up to the board to decide what it is. Mr. Lobosco added that it has always been there. Mr. Nolan asked if there is a difference between the type of unit you would get in an indoor space or outdoor space. Mr. Lobosco stated no; it is just coverage. Mr. Quinn asked if there are lights. Mr. Miles said there are lights inside the unit like in a closet. Mr. Nolan asked if there was venting. Mr. Miles said no. Chairman Pearsall asked if there is enough space to have both units under the covered area. Mr. Miles stated no.

Mr. Nolan asked Mr. Miles how, in the past six months, from when the units were not needed to them being needed, business has changed. Mr. Miles stated that previously it was a shared kitchen for different entities. Mr. Nolan asked what someone would use the kitchen for. Mr. Miles stated meal prep, home delivery, catering, bakery, and candy businesses. Mr. Nolan asked how the kitchen is used now. Mr. Miles stated that Acorn required exclusivity use in the kitchen. Mr. Nolan asked Mr. Miles if he is leasing his kitchen to Acorn and not using the kitchen himself. Mr. Miles stated that he is currently working for Acorn. Mr. Nolan asked if traffic has changed due to the increase in the amount of meal preparation. Mr. Miles stated there are 6 to 8 people working for the franchise with 4 or 5 people in the kitchen at a time so there is less traffic than before. Mr. Nolan asked if the kitchen is being used for breakfast, lunch and dinner. Mr. Miles said yes. Mr. Nolan asked if meals are delivered to the camp. Mr. Miles said yes. Mr. Nolan asked what type of vehicle is used for delivery. Mr. Miles stated a small delivery van. Mr. Nolan asked how many times a day meals are being delivered. Mr. Miles stated 3 times a day for breakfast, lunch and dinner. Mr. Nolan asked about food delivery to the kitchen and if

there is adequate access from the parking lot to the refrigerator and freezer units. Mr. Miles stated that there are food deliveries 2 or 3 times a week; nothing before 8 and nothing after 8 p.m. Chairman Pearsall asked how many days a week are meals being prepared. Mr. Miles stated 7 days a week. Mr. Nolan asked if Mr. Miles has a yearly or monthly contract with Acorn. Mr. Miles stated that the contract ends in October and then the contract will run on a month to month lease if there is a need to continue. Mr. Nolan asked if the units will be removed when the contract is complete. Mr. Miles stated he would like to keep the refrigerator and would remove the freezer.

Borough Zoning/Code Officer Barbara Van Wagner came forward.

Mr. Nolan asked about noise from the units. Mr. Miles stated that he has one walk-in refrigerator inside with a compressor and fan on the roof. Mr. Miles added that the units are very quiet and that the newer units are similar to what exists now. Mr. Miles added that there have been no noise complaints in the last 8 years. Chairman Pearsall asked when the units were placed on the property. Mr. Miles stated in October. Chairman Pearsall stated that he sees the need for having the units temporarily but is concerned with the units staying after the contract is over and is also concerned with other businesses in town putting in outdoor units as well. Mr. Nolan asked if this would be treated as a shed would be or is there an ordinance addressing a refrigerator unit specifically. Mr. Lobosco stated that approval is needed, just as there is for a shed; there is not a specific ordinance for the equipment. Mr. Lobosco stated that it is a site plan and if you change the site plan, you should get approval. Mr. Lobosco added that this is a site plan and an expansion of a nonconforming use. Mr. Shaw indicated that Mr. Miles would like to keep the refrigerator and get rid of the freezer, but due to the contract they have now, they need the board's approval for what they have now and what they are doing now. If keeping the refrigerator after the contract is over is needed, Mr. Miles can come back to the board and revisit it.

Chairman Pearsall asked if anyone in the public had any questions of Mr. Miles.

On a motion by Mr. Brendle, seconded by Mr. Nolan the voice of the public was open for questions of Mr. Miles.

AYES: Mr. Brendle; Mr. Nolan; Mr. Quinn; Mr. Martin, Chairman Pearsall

NAYS: None

ABSTAIN: None

Michelle Wood, 608 Highway 71 asked what can be done about noise. Ms. Wood added that she hears noise, sounds and the freezer and refrigerator doors slamming. Ms. Woods stated that although the applicant's property is commercial, her property is in an R zone next door. Mr. Miles stated that everything is being done to minimize noise and he will do the best he can. Ms. Wood asked if more units will go on the roof. Mr. Miles stated another fan will go on the roof.

Barbara Van Wagner, Zoning Officer sworn by Mr. Kitrick.

Ms. Van Wagner asked the time frame of the National Guard's use of the facility. Mr. Miles stated 3 meals a day, 5 to 6 a.m. to 7 p.m. 7 days a week. Ms. Van Wagner clarified that the contract with the National Guard requires cooking meals 7 days a week 5 to 7 p.m. so they are the only tenant. Mr. Miles stated yes. Ms. Van Wagner asked if any other tenants could use the kitchen while the National Guard has a contract. Mr. Miles stated that as part of the agreement, no other tenants are permitted in the kitchen. Ms. Van Wagner asked if the National Guard is the sole tenant at the property. Mr. Miles said yes. Ms. Van Wagner asked Mr. Miles if the structures that are at the property are all existing structures. Mr. Miles stated yes. Ms. Wagner stated that the trellis was additional. Mr. Miles stated that he built an additional trellis to screen the refrigerator from the street. Ms. Van Wagner stated she wanted the board to understand that not everything was pre-existing. Ms. Van Wagner asked if there will be additional machinery on the roof. Mr. Miles stated an exhaust fan for the compressor. Ms. Van Wagner clarified that the fan would be for the additional unit, on the roof of the existing principal structure. Mr. Miles said yes. Ms. Van Wagner asked how high it would be. Mr. Miles stated 3 feet above the roof line. Ms. Van Wagner asked how far back from the edge of the building. Mr. Miles stated it is in the middle of the building, maybe 15 feet from the edge. Ms. Van Wagner asked about proposed screening. Mr. Miles stated he can do that. Mr. Brendle asked the details for the existing equipment on the roof and the proposed exhaust fan on the roof. Mr. Miles described the system and stated he wished he knew more

about it. Mr. Miles added that it is a small unit. Mr. Brendle asked if there is one for the refrigerator, one for the freezer and another one. Mr. Miles stated that the equipment is spread out, not on top of each other and that there will be three units on the roof that cannot be seen from the street. Mr. Miles added that only the exhaust fan from the hood can be seen from the street. Mr. Quinn asked if the proposed roof system would be temporary if the board approves a time frame for the application. Mr. Shaw asked if there was more noise and traffic before it was used for the National Guard when it was used by several different entities. Mr. Miles said yes.

On a motion by Mr. Brendle, seconded by Mr. Nolan the voice of the public was closed for questions of Mr. Miles.

AYES: Mr. Brendle; Mr. Nolan; Mr. Quinn; Mr. Martin, Chairman Pearsall

NAYS: None

ABSTAIN: None

William Merunka, stated that he works with Ray Carpenter, R.C. Associates and currently has a P.E. License in New Jersey and has testified before boards, including the Board of Adjustment prior. Chair Pearsall stated Mr. Merunka satisfied the criteria to appear before the board.

Mr. Merunka stated that he worked on the plan for the original approvals.

Mr. Merunka stated his firm was contacted to see how the refrigerator and freezer could be placed when the applicant had received a violations letter. Mr. Merunka stated he prepared A-4. Mr. Merunka stated the two units were already installed when he saw them. Mr. Merunka stated they were installed in between the buildings, not outside of the building; he assumed for space reasons. Mr. Merunka stated there is a roof between the two buildings. Mr. Merunka stated that the refrigerator does not go fully between the two buildings; that there is a foot or two of the unit that is under a cover. Mr. Merunka stated that there is lattice in place so that the unit cannot be seen from 71. Mr. Merunka added that the other unit is behind a 6-foot fence and that the unit extends about a foot above the fence. Mr. Merunka stated that the foot that extends above the fence could be covered with lattice and ivy along the back and side of the unit so when looking over the fence, you would see ivy instead of the unit. Mr. Merunka added that there are arborvitaes growing which are about 4 feet in height that will eventually block the neighbor's view along the property line as well. Mr. Merunka added that the survey supplied is outdated. Mr. Nolan asked what the refrigerator is on top of. Mr. Miles stated that the freezer was put on existing asphalt and the refrigerator in the back is on a paver and gravel pad. Mr. Nolan asked if grass was taken out to put the paver pad on. Mr. Miles stated they used a bobcat in the back to smooth and pitch soil and grass was removed that he plans to replace.

Mr. Lobosco noted that the survey does not show another shed on the property. Mr. Merunka stated that there is currently a metal shed sitting on the ground between the two buildings, about 5 feet in height, with lawn equipment in it for maintenance of the grounds. Mr. Merunka added that once there is approval and a resolution, they will provide an updated survey that will accurately show that.

Mr. Shaw asked Mr. Merunka if he saw the board engineer's review. Mr. Merunka stated yes. Mr. Shaw asked, when looking at the R5 zone requirements, by putting the two mechanical structures on the property, how does that change what is existing to what is proposed. Mr. Merunka stated building and impervious coverage increases with the two units. Mr. Merunka added that at this time, the units are considered accessory structures so there is an increase in the amount of accessory structures on the site. Mr. Merunka stated that in the review letter, 4 existing accessory structures were mentioned but the storage shed shown on the survey is attached to the house and the roofline goes from the house over the shed so that would be considered more of the principal building than an accessory structure so that would be 3 instead of 4 accessory buildings. Mr. Lobosco stated the original plan shows that as a shed. Mr. Merunka stated that will be added to an updated survey. Mr. Quinn asked if it is 4. Mr. Merunka stated the review letter shows two principal buildings; the home, the commercial building and 4 accessory structures, which should be 3 accessory structures instead of the 4. Mr. Merunka stated that the survey shows one accessory as a shed, but the roof goes straight into the house, the shed roof is built into the house. Ms. Van Wagner stated that is still considered a shed, so it is 4. Ms. Van Wagner stated

the only thing being saved is building coverage percentage because it is under the roof, but you still have 4 sheds, not three because one is under a roof. Mr. Merunka stated that he thought it was part of the principal building because it is attached to the building. Ms. Van Wagner stated no. Ms. Van Wagner stated that it only counts for the setback if it is attached. Ms. Van Wagner added it is still a shed. Mr. Brendle asked if it is built underneath on the back of the building or is it a free-standing structure underneath a roof. Ms. Van Wagner stated it is a free-standing shed with a roof over it. Mr. Merunka stated that it is a shed with a shed roof attached to the house. Ms. Van Wagner stated it is not an addition; it's a free-standing shed with a roof over it. Ms. Van Wagner added that the only thing that a roof does is limit the percentage of building coverage because it has a roof over it.; it doesn't eliminate that it is in fact a shed. Mr. Martin stated that it is a separate structure. Ms. Van Wagner agreed. Mr. Merunka stated that the other variances are for building coverages. Mr. Merunka stated that the property is in a R5 zone so allowable building coverage is 25% and lot coverage is 50%. In the B1, B2 and B3 commercial zones, where businesses are allowed, 40 or 50% for building coverage and 75% for lot coverage is allowed, so if this property was in a business zone, then coverages would be conforming. Mr. Merunka added that this property is a commercial use in an R5 zone, so requirements are not more than other businesses in town; it is because it is in an R5 zone it is over in building coverage. Mr. Shaw referred to Page 4 of Mr. Lobosco's review letter. Mr. Shaw asked Mr. Merunka if the conditions of the Board of Adjustment 2010-10 resolution have been addressed. Mr. Merunka, stated that he was not involved with the capacity of the drywell swap in the original plan so he would have to double check Item A. Mr. Merunka stated that arborvitae have been planted along the fence line and there is a planting bed in front of the building that does not have plants so there is a need to address that under Item C. Mr. Miles stated that what was there had been annuals; he does plan to plant flowers and herbs in the spring. Mr. Merunka said that under Item D, gravel was replaced with grass, although part of the grass was ripped up when they put in the refrigerator unit. Mr. Merunka stated that Item E was complied with. Mr. Merunka stated that under Item G, the old shed was taken out and that there is another that is used for lawn equipment. Mr. Merunka stated that he would defer to the applicant about the suppression system under Item F. Mr. Merunka stated that recently the applicant went to a dumpster instead of trash bins in between the building for sanitary and more frequent trash pickup under Item H. Mr. Nolan asked how big the dumpster is. Mr. Miles stated 2 cubic yards. Chairman Pearsall asked if a private party hauls it away? Mr. Miles stated yes, twice a week. Mr. Shaw asked Mr. Merunka the positive aspects of the proposal. Mr. Merunka stated the positives are that there is a contract with the Sea Girt National Guard right now and in the next few weeks there will be increasing amounts of meals to prep. Mr. Merunka stated that the units are screened from the street and they are offering additional screening from the residential property as well so the additional units will not be seen. Mr. Quinn stated he has noise concerns with the units; is there any way to suppress, contain or redirect the noise so there is no effect on neighbors. Mr. Merunka stated yes, a screen can be put on for the unit for noise. Mr. Merunka added that he is not familiar with the specific units; they may need to have a platform for stability for installation but that can be addressed with an architect. Mr. Merunka added that can also be discussed with the board engineer and details can be submitted to the board engineer before it is installed for approval. Chairman Pearsall asked Mr. Lobosco if the highest a fence can be is 6 foot. Mr. Lobosco stated yes. Chairman Pearsall asked if lattice could be put on top of the 6 feet. Mr. Lobosco stated no. Chairman Pearsall stated unless it is vegetation, an arborvitae. Mr. Lobosco stated to go higher than 6 foot, a variance is required.

On a motion by Mr. Nolan, seconded by Mr. Quinn the voice of the public was open for questions of Mr. Merunka

AYES: Mr. Brendle; Mr. Nolan; Mr. Quinn; Mr. Martin, Chairman Pearsall

NAYS: None

ABSTAIN: None

Ms. Van Wagner asked if Mr. Merunka is a licensed professional planner. Mr. Merunka stated that he is a licensed engineer.

Ms. Van Wagner asked if the applicant would be presenting a professional planner. Mr. Shaw said no.

On a motion by Mr. Quinn, seconded by Mr. Martin the voice of the public was closed for questions of Mr. Merunka

AYES: Mr. Brendle; Mr. Nolan; Mr. Quinn; Mr. Martin, Chairman Pearsall

NAYS: None

ABSTAIN: None

On a motion by Mr. Brendle, seconded by Mr. Martin, the voice of the public was open for comments

AYES: Mr. Brendle; Mr. Nolan; Mr. Quinn; Mr. Martin, Chairman Pearsall

NAYS: None

ABSTAIN: None.

Michelle Wood, 608 Highway 71, sworn by Mr. Kitrick stated she has a quiet office with a residence above the office next door to the applicant's property.

Ms. Wood asked the board to keep in mind, that this is an R zone, although it is a commercial corner.

Ms. Wood referred to the 2010 resolution. Ms. Wood stated that she has no problem with an enclosed garage and a couple of things on the roof. Ms. Wood stated that the 2010 resolution has not been complied with. Ms. Wood stated that the resolution states that gravel is to be removed and it has not been. Ms. Wood stated that gravel is not picked up and that she has gravel on her property. Ms. Wood stated that applicant's gravel flies into her yard and that she has had two tempered glass doors having to be replaced because gravel went through it. She has found gravel in her office when she thought she had a break in. Ms. Wood stated that as required in the 2010 resolution, arborvitae have not been planted. Ms. Wood stated she does not know who approved a free-standing water tank instead of the drywell as mentioned in the resolution. Mr. Brendle stated that a substitution was approved after the approval. Ms. Wood stated that drains have been open, left to run. Ms. Wood stated there is no fence and no buffer. Ms. Wood stated she does not think the shed was removed and the applicant did not comply with the refuse conditions in the resolution.

Ms. Wood stated she is concerned that no one will make sure any conditions of a resolution will be met when conditions from 2010 have not been met. Ms. Wood stated that she feels that based on the applicant not complying with the 2010 resolution, that if the board gives temporary permission for this application, what will happen afterward. Chairman Pearsall asked what Ms. Wood would like to see happen. Ms. Wood stated she would like to see the gravel removed and no noise from the freezer and refrigerator doors slamming. Ms. Wood stated she cannot show what she hears from her deck. Mr. Nolan asked where the house is in relationship to the property. Ms. Wood stated she is far back, so she hears the kitchen and garage. Mr. Nolan asked if there were photos of the property line. Mr. Martin asked how far off the road Ms. Wood's property is. Ms. Wood stated probably 40 feet. Chairman Pearsall asked Ms. Wood if she lives in the property. Ms. Wood stated that her daughter lives on the second floor of her property and she has an office downstairs.

Ms. Wood stated that she feels this will not be a good addition to the neighborhood or add value or make it more attractive or have a good impact on her quality of life. Ms. Wood stated that consideration should be given to residences that are in the neighborhood.

Ms. Wood stated that she is concerned with a temporary approval, and how it will be followed up on in two years. Mr. Nolan stated he agrees, and that the board, once they approve an application, do not have control over that. Mr. Nolan added that it is out of their hands once an application is approved. Mr. Nolan added that the board does not inspect; that the town code officials or engineer do that. Ms. Wood stated she has not found a good resource for temporary variances and any follow up. Chairman Pearsall stated that to his memory, the board has never granted a temporary approval. Mr. Kitrick stated that variances run with the land. Mr. Kitrick added that a temporary variance does not exist in Land Use Law. Ms. Wood asked how do they intend to make sure all of the promises are met when there are

outstanding issues from the 2010 application. Ms. Wood added that she feels there is no way that in two years they will come back, and everything approved will be complied with.

Ms. Wood stated that garbage is an issue. Mr. Nolan asked if the garbage is better now that there is a dumpster Ms. Wood stated that the dumpster does not impact her but there is no room in the back. Ms. Wood added that there is more garbage.

Ms. Wood stated that Mr. Miles is a good neighbor in some ways, but there is an impact on her quality of life. Ms. Wood stated she took a recording of the noise but does not know how to show the board that. Ms. Wood stated that she is more concerned with noise levels now that there will be more equipment on the roof. Mr. Brendle asked if the units are up and running now. Mr. Miles stated no. Mr. Miles stated there are two more compressors that don't make noise. Mr. Miles stated that the exhaust fan is what she hears. Ms. Wood added that she wants her property protected and understands that there is commercial use in the area, but she is looking for good solutions to the issue. Ms. Wood added that once the variance is given, then she will have no recourse but to be angry at the board and the town and that is not what she wants. Ms. Wood stated that she has improved her property; the value has gone up and that is what she wants for the neighborhood.

Maureen Briody, 621 Essex Avenue, sworn by Mr. Kitrick, stated that she lives next door to the applicant's property. Ms. Briody stated she has lived in the neighborhood for over 10 years. Ms. Briody asked in case something happens and the property sells, does the use variance go to the next property owner. Mr. Kitrick stated that it would permit a purchaser of the property to have the same use on the property. Mr. Kitrick stated that if the use was abandoned, then the use would not continue. Mr. Shaw asked if she has seen an increase in noise in the neighborhood, has it impacted her life. Ms. Briody stated no, she has Doolans across the street and the noise is the same. Ms. Briody stated she is more concerned if there was a different use and there was more traffic like a 7-11. Ms. Briody stated there is a little more traffic in the afternoon and dinnertime picking up meals.

Chairman Pearsall asked if there were any further comments from the public.

On a motion by Mr. Brendle, seconded by Mr. Quinn, the voice of the public was closed for comments.

AYES: Mr. Brendle; Mr. Nolan; Mr. Quinn; Mr. Martin, Chairman Pearsall

NAYS: None

ABSTAIN: None

Mr. Shaw requested to speak to his client.

A brief recess was taken.

Mr. Shaw stated that after listening to the board and public's concerns, he would request to carry the application in order to speak to a planner so they can be more specific about noise apparatus on the roof and other concerns members have brought up.

Chairman Pearsall stated it would be acceptable to carry to the next meeting.

Mr. Kitrick stated it will be carried to March 26, 7:30 without any further notice.

**Adjournment:**

On a motion by Mr. Quinn; seconded by Mr. Nolan the meeting was adjourned without objection at 8:04 p.m., roll call taken as follows:

AYES: Mr. Brendle, Mr. Nolan, Mr. Quinn, Chairman Pearsall, Mr. Martin

NAYS: None

ABSTAIN: None

**Submitted and Approved:**



Date: June 25, 2020

**Mary Ellen Karamus**  
**Board of Adjustment Secretary**