

**ZONING BOARD OF ADJUSTMENT
CITY OF LAMBERTVILLE
REGULAR N MEETING MINUTES
Thursday, September 28, 2023**

The meeting was called to order by Board Chairperson, Pasquale Pittore, at 7:30 p.m. with a statement of compliance with the Open Public Meetings Act.

ROLL CALL

Mrs. Lawton called the roll as follows:

Present:

Fred Einsinger, Jane Wesby, Christine Peluso, Bill Pisarra, Brian Kelly, Kevin Brady, Wayne Brengal and Pat Pittore.

Absent:

Paul Bernstein.

Also Present: Board Attorney Scott Salmon, Board Planner Michael Sullivan and Board Engineer Doug Rossino.

APPROVAL OF MINUTES – July 27, 2023

Bill Pisarra made a motion to approve the meeting minutes, with minor corrections. Jane Wesby seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members able to vote. Christine Peluso recused from voting. MOTION CARRIED.

APPROVAL OF RESOLUTION

18 North Union Street
Block 1039 Lot 9
Use Variance & Site Plan Approval

The approval of the resolution was carried to the next meeting.

No Action was taken by the Board.

TIME EXTENSION REQUEST

21 Ferry Street
Block 1044 Lot 8

The applicant's attorney requested a one-year time extension in order to obtain all

outside agency approvals.

Christine Peluso made a motion to grant the one year extension. Bill Pisarra seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. Kevin Brady abstained from voting. MOTION CARRIED.

COMPLETENESS

110 Studdiford Street
Block 1058 Lot 15

Based on the recommendations of the Board Professionals, the members voted to deem the application complete, with the conditions listed in the professional's review letters.

Christine Peluso made a motion to deem the application complete. Fred Eisinger seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. Pat Pittore and Wayne Brengel recused themselves from voting.

PUBLIC HEARING

110 Studdiford Street
Block 1058 Lot 15

The applicant at 110 Studdiford Street was granted approval by the Zoning Officer to install a pickleball court at her residential property.

After approval was granted, the applicant installed the court and began using the pickleball court. The Zoning Officer received several complaints regarding noise nuisance. It was through a further review of the City's Ordinance that it was determined that the use of a pickleball court is not permitted in the R-1 residential zone. As such, the applicant was ordered to cease all use until a formal application and approval have been granted by the Zoning Board of Adjustment.

Lynn Johnson, the property owner, was sworn in to provide testimony. Ms. Johnson stated that the court is used Monday through Thursday at a maximum of two hours per day.

Ms. Johnson stated that there are approximately four to six retired women who utilize the court. They do so for health reasons and for recreational fun.

Ms. Johnson said that her neighbor, Steve Stegman, started playing loud music during the time she was using the court. In an effort to help mitigate the sound of the pickleball, Ms. Johnson stated she was willing to install a wood fence between the two properties and plant shrubs. She also stated that she is willing to look into quieter equipment to use.

Elizabeth McManus was sworn in as an expert witness on behalf of the applicant.

Ms. McManus is a professional planner, licensed in New Jersey.

Ms. McManus stated that while the use is not permitted in the R-1 zone, the property at 110 Studdiford is properly, which is oversized with just over an acre, is properly suited for this use.

The court is located on the property so that the visibility from the street is somewhat obscured from the public.

There are no new or proposed lighting improvements and no impact on traffic or parking requirements.

Ms. McManus stated that the sport of pickleball has become popular over the last several years and as such many municipalities do not have ordinances in place for the use of a pickleball court on private residential properties.

Mr. Stegman, who resides at 100 Studdiford Street, was present along with his attorney Larry Wohl. Mr. Stegman is opposed to the use of the pickleball court in a zone where it is not permitted.

He stated that the noise level is unpredictable and intrusive. The constant sound that the ball makes when hit with the racket is much louder than you think.

Bob Unetich, an acoustic engineer, was sworn in to provide testimony on behalf of Mr. Stegman. M. Unetich stated that any attempt to mitigate sound would prove ineffective and that the sound levels produced by hitting the pickleball exceed what would be considered appropriate sound decibels.

At this time, the meeting was opened for public comment:

Molly, Waterford Court - Works from home and noise is not an issue that she has experienced, no objection to the continued use of the court.

Alma, Sturbridge Court - Noise from the court is not an issue

Don Tripp, Ferry Street - stated that the applicant has complied with all regulations set forth by the City, neighbor to neighbor dispute.

Jena, Northfield Court - The noise from the pickleball court is not an issue, however, the sound of loud music playing is

Chrisit, Northfield Court - Not disturbed by the noise

Michelle, Sturbridge Court - Not affected by the noise, fully supports the continued use of the court.

To briefly recap, the applicant is willing to work with the Board Professionals on what action can be taken to lessen the sound of the pickleball court, including installing a fence, using quieter equipment and limiting the hours they play

Christine Peluso made a motion to grant the use variance, with conditions. Jane Wesby seconded the motion. A roll call vote was taken, with three members in opposition and three members in favor of the motion. MOTION DENIED

GENERAL BOARD BUSINESS

None.

PUBLIC COMMENT

None.

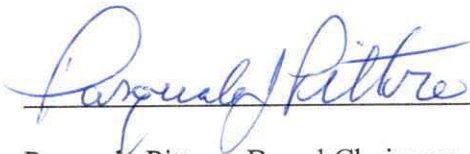
PAYMENT OF BILLS

Kevin Brady made a motion to pay bills, so long as funding was available. Bill Pisarra seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present. MOTION CARRIED.

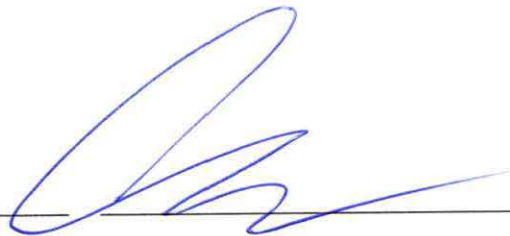
ADJOURNMENT

Fred Eisinger made a motion to adjourn the meeting at 9:16 pm. Jane Wesby seconded the motion. A unanimous voice vote of ayes was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,



Pasquale Pittore, Board Chairman



Crystal Lawton Administrative Officer