

Unified Planning/Zoning Board of Adjustments Meeting  
October 1, 2007

The meeting was called to order by chairman, Ken Cassidy, and the pledge of allegiance was recited.

Roll call was taken with the following members present: Ms. Aufsesser, Mr. Cassidy, Ms. DeYoung, Mr. Duffy, Mr. Mendes, Mr. Olini, Ms. Rinear, Mr. Shea, and Mr. Mullaney was late. The only alternate present was Mr. Bunyon. Mr. Sponder, Mr. Gallego and Ms. Malanga were absent.

Mr. Mullaney made a motion to approve the minutes of the September 5, 2007 meeting and Mr. Shea second. The board voted with all members in favor.

Resolutions:

Horwath Resolution: Ms. Rinear made a motion to approve the resolution and Mr. Mendes second. The following roll call was taken: Mr. Cassidy-yes, Mr. Duffy-yes, Ms. DeYoung-yes, Mr. Mendes-yes, Mr. Olini-yes, Ms. Rinear-yes, and Mr. Shea-yes.

Najim Resolution-Mr. Mendes made a motion to approve the resolution and Ms. Rinear second. The following roll call was taken: Mr. Cassidy-yes, Mr. Duffy-yes, Mr. Bunyon-yes, Ms. Aufsesser-yes, Ms. DeYoung-yes, Mr. Mendes-yes, Mr. Olini-abstain, Ms. Rinear-yes, and Mr. Shea-yes.

Old Business:

Edelman & Penn- Mr. Irene stated that as per the applicant's attorney, Mr. Himelman, the plans were revised but not ready as of yet. Therefore they would like to carry this application over to the November 5, 2007 meeting without the necessity of re-notice and they have granted an extension of time to the board. Mr. Cassidy made the motion and Ms. Rinear second. The board voted with all members in favor and Mr. Mullaney abstaining.

Mr. Cassidy checked to be sure that all members of the board received the Monmouth County historical society letter regarding the property.

The first application was JCP & L

Mr. Beyel is the attorney for the applicant. Mr. Irene reviewed the letter and picture of the proposed work from Mr. Beyel and stated there was no change in the footprint. They are doing upgrades from one piece of equipment to another. He then asked the board if they felt they would need to review a site plan. The board members discussed and reviewed the pictures and decided they did want to see it. Mr. Irene will send a letter to tell the applicant to bring the site plan before the board.

The second application was Mr. Rivera Block 37, Lot 13

Mr. Rivera of 199 Jackson Street was sworn in and so was Mr. White, the board's professional. The notices were reviewed and were approved. The survey was marked as

exhibit. The applicant wants to put a deck on the back of his property and is here due to the setback requirements.

Board questions- Mr. Mendes just asked who the neighbor behind the applicant was and the answer was the funeral home on Main Street.

Public questions-none

Mr. Mullaney made a motion to approve the application and Mr. Duffy second. The board voted with all members in favor.

The third application was Mr. Martins Block 19.01, Lot 20.05

Mr. Martins of 4 Shainy Lane was sworn in as well as Mr. White, the board's professional. The notices were reviewed and approved. Two surveys were marked as exhibits that showed before and after the deck extension. The applicant wants to refurbish his present deck and then extend it around his pool. Setbacks of 40' are required and he is asking for 20'.

Board questions- Mr. Shea asked if the wooded area on the survey is Aberdeen and the applicant stated yes.

Public questions- none.

Ms. Aufesser made a motion to approve the application and Mr. Mullaney second. The board voted with all members in favor.

The fourth application was Mr. & Mrs. Young Block 6, Lots 24.01 and part of 24

Mr. Pieper is the attorney. The applicants as well as the board professional were sworn in previously. Mr. Kalieta is the surveyor and was sworn in. This application was previously heard and carried over. This is a D variance of relief for a second living space in the garage, so the Class 1 & 3 members stepped down. The site plan and survey were marked for exhibit. Previously the question came up as to whether a part of the property was on another lot so the surveyor reviewed the survey and stated that the previous owner in 1973 conveyed part of the lot to the town for the wetlands conservation plan. They did not sub-divide but the town acquired part of the lot as shown on the tax maps. Mr. Irene asked then why did the lot numbers change and Mr. Pieper said they did not know why. Mr. Irene stated that to convey part of a lot is considered an unlawful subdivision. He stated he would usually send copies to the Borough attorney, engineer and tax assessor for review and believes the board can probably not look at this application tonight. He asked if there was a deed or deed of easement and Mr. Pieper said as far as they know it is a deed.

Board questions- Mr. Cassidy asked that if the garage has been there then shouldn't it have been decided at that time and should not matter at this point in time. Mr. Irene stated that the problem is it can't be determined what's there and what's not there. He asked if the applicant had title insurance when they purchased the property because that may answer some of the questions. Mr. Pieper asked if this really impacts their application and Mr. Irene said he doesn't like to leave a matter such as this unanswered and do a resolution on an application that may come back to be a problem for the board and town. Mr. Mendes asked if the board could determine this tonight with the resolution contingent on the board attorney and engineer's review. Mr. White said the garage could be an encroachment on someone else's property so they should clarify that now if it is Borough property. Mr. Irene said there are too many unanswered questions and he is not

comfortable but it is ultimately the board's decision. The applicant said the garage has been expanded and rebuilt before. Mr. Irene stated that approval would have to be subject to confirmation that the applicant owns the property with deed and a title insurance policy. If they don't own the property then they would need the consent of the owner to do an application. He suggested this be a condition of the approval on the resolution. If there is no title insurance policy, then it should have to be subject to a title search. Mr. Pieper presented another document which was a photo exhibit and that was marked for evidence. The applicant said the photos are 180-degree views of the paved area, which ends and goes into the trees, which also could easily be removed if needed.

Board questions- Mr. Cassidy asked if the applicant has plans to move or stay in the area for a while. The applicant stated they plan to stay for a while and retire in this house. They are making no changes to the footprint of the property. The garage will be 2 bays and living space off to the side as a residence and then stairs to go to the upstairs residence

Public questions- none.

Mr. Mendes made a motion to approve the application subject to the ownership question of the property being resolved and Mr. Cassidy second. The board voted with all members in favor.

New Business:

Mr. Cassidy said that Mr. Grippi, an applicant, has asked for a special meeting in October as he wants to tear down a building on his property before the weather breaks and put up a new 2 family house. The board discussed this and decided on October 18, 2007. Mr. Mullaney will let the applicant and his attorney know. He will then confirm it with Mr. Irene. Mr. Cassidy will have the Borough Clerk advertise the open public meetings act and the meeting will begin at 7 pm rather than the usual time of 7:30pm.

Mr. Duffy made a motion to adjourn the meeting and Mr. Cassidy second. The board voted with all members in favor. The meeting was adjourned at 9 p.m.

Respectfully submitted,

Diane Cannon  
Board Secretary