

Unified Planning/Zoning Board of Adjustments Meeting
Sept. 3, 2008

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: Mr. Cassidy, Ms. DeYoung, Mr. Dolan, Mr. Mendes, Mr. Montfort, Ms. Rinear, and Mr. Shea. Absent were: Mr. Buccellato and Mr. Saporito. The alternates that were present were: Ms. Malanga and Mr. Gallego.

The first application was Ms. Rizvi 248 Harding Blvd. Block 89, Lot 4.01

The applicant was sworn in. Ms. Flor, the board professional, was sworn in. The notices were approved. Mr. Wromko, 83 Red Maple Rd., of Tri State Building Specialties, was representing the applicant. The exhibits and photos were marked for exhibit. The applicant would like to enclose her deck and expand it. The lot coverage should be 30% and this renovation would make the lot coverage 38%. Mr. Wromko went over the application and reviewed the photos for the board.

Board questions:

Mr. Montfort noted that the new structure would be 21.5' from the rear yard line so they would need a variance for the setback as well.

Mr. Irene noted that on the survey that was hard to determine. Mr. Wromko said that the prior deck was there already.

Mr. Mendes made a point that he felt if it were a problem, the building officer would have addressed it.

Mr. Irene reminded the board that lot coverage is inclusive of all buildings, structures, and patios but no bushes or fences. Mr. Wromko said that usually a building has to have a roof on it to be included in lot coverage.

The board engineer said the setback does not need rear yard approval. Also, the ordinance is not clear on the deck being part of the lot coverage so unless there was a precedence set, to be safe, the board should probably grant a variance. The engineer went on to say that there were questions on the grading of the sliding glass doors because there were 2 plans and one showed it and one did not. Mr. Wromko stated that steps are next to the door that exists. There are doors on both sides and the applicant will meet all building code requirements. The applicant stated that she would remove one of the steps if she needed to for approval and Mr. Cassidy said he did not believe that was necessary.

Public questions: none

Mr. Mendes made a motion to approve and Mr. Shea second. The board voted with 8 yes votes and 1 no vote.

Resolutions

Heuser Resolution- Mr. Montfort made a motion to approve and Ms. Rinear second. The following roll call vote was taken: Mr. Cassidy-yes, Ms. DeYoung- abstain, Mr. Dolan- abstain, Mr. Mendes-yes, Mr. Montfort-yes, Ms. Rinear-yes, Mr. Shea-yes, Ms. Malanga-yes, and Mr. Gallego-yes.

Herrera Resolution- Mr. Montfort made a motion to approve and Mr. Mendes second. The following roll call vote was taken: Mr. Cassidy-yes, Ms. DeYoung- abstain, Mr. Dolan-abstain, Mr. Mendes-yes, Mr.Montfort-yes, Ms. Rinear-yes, Mr. Shea-yes, Ms. Malanga-abstain, and Mr. Gallego-yes.

The second application was 226 Main Street Block 29, Lot 30

Mr. Montfort recused himself. Mr. Mendes, as Class 3 member, stepped down. Mr. Alfieri is the applicant's attorney. Mr. Gazarowski of 54 Broad Street Red Bank was retained to represent a neighbor, Ms. Mortenson. The board professional, Ms. Flor, was sworn in. Mr. Irene stated for the record that Mr. Alfieri had an objection last time to a witness because they were not an expert and he felt the materials presented were not relevant. Therefore the materials presented will just be moved as exhibits for the application. Mr. Alfieri then asked of the board members who were eligible to vote. Mr. Irene looked through the certifications and polled the board to determine the answer. It was then noted for the record that the application was at the point of the public hearing being carried over so that is where it was picked up. Mr. Gazarowski just made a note for the board that he had a planner that he would like to call as a rebuttal witness.

Public questions:

Ms. Reilly of 224 Main Street had some photos marked for exhibit and went over the impact of this application on her property. She also had questions on the rules for new construction vs. historic construction.

Mr. Alfieri stated they would not change the outside of the house and were willing to make it a condition of approval. He did remind the public that the building officials were not this board's jurisdiction. Mr. Cassidy said perhaps we could get the building official to the next meeting.

Ms. Reilly did ask what would be the setback for an elevator etc. Mr. Irene stated the applicant would have to come back for all setback requirements, variances, etc.

Ms. Reilly wanted to know who would police this property and what was happening to it if it was approved. Mr. Irene stated the property is not an historic site so the building official would set all the guidelines and enforce them.

Board questions:

Mr. Gallego asked Ms. Reilly if she had wanted to buy the property at some point as she had hinted. She said yes she did but she did not move fast enough to get it so she bought next door and went on to describe her home to the board.

Mr. Gallego asked if it was costly to maintain her home and she stated yes but it also depends on how you live in it.

Mr. Shea asked if her house was historically registered and she said no because she wants to keep it the way she wants to.

Mr. Mendelsohn of 99 Broad Street was sworn in and spoke about the merits of keeping this house as a residence.

Ms. Mortenson of 5 Edgemere Drive was sworn in and spoke about the merits of keeping this house as a residence.

Ms. Chester of 24 Mill Rd was sworn in and stated that the planning board must not decide if it is a commercial use zone, only the council should decide that. They must only decide if the applicant has stated the merits of a variance for this property.

Ms. Jetter of 43 Wykoff Street was sworn in and spoke of the merits of keeping this house as a residence.

Mr. Gazarowski asked the board to carry the application so that his planner could be heard. Mr. Alfieri said this was the 3rd public hearing and they have had 3 full meetings of information and to give all their objections. His client was looking for a vote tonight. Mr. Gazarowski said if the building official was coming any way the board would have to carry it over.

Mr. Irene suggested to the board that they carry it over so the building official and the rebuttal planner could come and speak so there was not a problem later on should there be an appeal of the decision.

Mr. Alfieri asked for an extension because he had a meeting so Mr. Gazarowski felt both sides should be granted the courtesy of an extension.

Ms. Rinear made a motion to carry it to the November 3, 2008 meeting and Mr. Cassidy second. The board voted with all members in favor. Mr. Cassidy stated he would contact the building official about the date.

Other business

Mr. Irene asked the board to review his letter about not having the applicant publicize the notice of determination but to have the Borough Clerk do it based on an ordinance he has seen.

There was a letter from the Borough Clerk to the board attorney and engineer stating that the application materials need to be reviewed and updated. The board also received letters from the building official and a councilman requesting the same thing to occur. Mr. Irene suggested that the board could have the engineer look at other town applications as a reference.

Mr. Montfort made a motion to authorize the engineer to make up some templates based on other towns for the board to see and Mr. Gallego second. The board voted with all members in favor.

Mr. Cassidy circulated a paper for all board members telephone numbers, email and home addresses to have as a reference. He will hand them out next meeting.

Mr. Cassidy made a motion to adjourn and Ms. Rinear second. All members voted in favor.

The meeting was adjourned at 9:30pm.

Respectfully submitted,

Diane Cannon
Board Secretary

