

Unified Planning/Zoning Board of Adjustments Meeting  
August 4, 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. Buccellato, Mr. Cassidy, Mr. Mendes, Mr. Montfort, and Mr. Shea. Absent were: Ms. DeYoung, Mr. Dolan, Ms. Rinear, and Mr. Saporito. The only alternate present was Mr. Gallego.

Mr. Buccellato made a motion to approve the minutes of the July 7, 2008 meeting and Mr. Montfort second. The board voted with all members in favor.

Other Business:

Mr. Irene stated that the application of 314 Main Street has asked for an extension of time. Mr. Heuser, the applicant's planner, has stated that they would like an extension of 90 days from today due to the fact they have been held up by other permits on this minor sub-division. Mr. Irene made note that there is a law up to be signed for extensions of permits and if it passes, these types of extension requests of the board would be alleviated. Mr. Montfort made a motion to grant the extension and Mr. Buccellato second. The board voted with all members in favor.

The first application was Mr. and Mrs. Herrera 2 Main Street Block 1, Lot 4

Mr. and Mrs. Herrera of 3 Kingsbridge Ct. Hazlet were sworn in. The board professional, Mr. Venezia, was sworn in. Mr. Pieper is the applicant's attorney. The notices were checked and approved. The survey, photos and floor plans were marked for exhibit. The applicant would like to have a hair salon on the first floor and an apartment on the second floor. The salon is permitted in the zone but the apartment is not. This application is for a pre-existing non-conforming use that has been there for years. If the board does not grant this then there would have to be a D variance and the class 1 & 3 members would have to step down. Mr. Pieper said there was an apartment there for years with a tenant occupying it. The town gave the Certificate of Occupancy. Mr. Irene told the board that the Certificate of Occupancy just means that it is up to code but whether it should be a permitted use or not is up to the zoning board.

Board questions

Mr. Cassidy asked how many bedrooms there were and the applicant said 3.

Mr. Gallego asked how long the apartment was there and the applicant said at least since they owned it which has been about a year.

Mr. Mendes said that it has been there about 5 years that he knows of. He did ask about the parking and Mr. Gallego asked how the property was presented to the applicant by their realtor and the applicant said they were told it was a business and a rental.

Mr. Irene reminded the board that for the property to be considered pre-existing the board needs to determine if a variance was issued and if not then was it pre-existing. If it is pre-existing then they can go on with the other issues, if it is not then they would have to apply for D variance.

Public questions

Mr. Mullaney of 36 Edgemere Drive wanted to testify that as far as he knew a family lived in the apartment for as far back as 60 years, which predates the ordinance of 1973. The ordinance on file was not in effect until 1977. The board then discussed if the apartment had been there and for how long.

Mr. Shea made a motion to accept the structure as pre-existing and Mr. Mendes second. The board voted with all members in favor.

The applicant then went on to explain that they would like to have a salon business with 2 chairs, 7 parking spaces for the business and 2 for the apartment. They are requesting a variance for the parking, as they are short 6 spaces. They have 2 regular spaces and 1 handicap. They would also take the deck off the property and passed around the photos. The board engineer asked the hours of operation and the applicant said 9:30am to 8pm. Mr. Buccellato asked Mr. Irene if street parking would apply and Mr. Irene said that the board can find to grant relief without detriment to the public due to street parking. Mr. Pieper also stated that there are non-conforming front yard, side yard, and width setbacks as well as max lot coverage issues. He did say that they couldn't purchase property for relief of this from the neighbor as they have already sought this and he is not interested in selling. He stated he would be willing to get a letter from that resident for the board if they would like as a condition of approval.

Public questions-None

Mr. Pieper then reviewed the site plan questions from the board engineer's letter and stated the applicant would comply with the lighting and that the signage is now on the building but they would also comply with the town ordinance regarding signage.

Mr. Mendes made a motion to approve the application with the condition of the letter from the neighbor, the engineer's requests, and the parking variance and Mr. Gallego second. The board voted with all members in favor.

Mr. Mendes made a motion to adjourn and Mr. Gallego second. The board voted with all members in favor.

The meeting was adjourned at 8:45pm.

Respectfully submitted,

Diane Cannon  
Recording Secretary