

Unified Planning/Zoning Board of Adjustments Meeting
April 6, 2009

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. Dolan, Mr. Montfort, Mr. Shea, Mr. Gallego, Ms. Malanga, and Mr. McKenna.

Mr. Cassidy congratulated Mr. McKenna and Mr. Gallego on being promoted to Class 4 members of the board.

Mr. Montfort made a motion to approve the minutes of the February 2, 2009 meeting and Mr. McKenna second. The board voted with all members in favor.

The first application was Mr. & Mrs. Murphy of 13 Lakeside Drive Block 115, Lot 30
Mr. Michael Lane of 15 Lakeside Dr objected to the notices and sent a letter stating so in Dec. 2008. He stated that before there were no variances listed and now the notices have the wrong variances listed.

Mr. Schwarz is the applicant's attorney. Mr. Buccellato recused himself due to the council affiliation and the fact that Mr. Lane came before the council with his objections also.

Mr. Lane stated that this is not a rebuild as stated in the notices but there are new retaining walls on the property line and along the west side. There are also other new changes and a new structure being built.

Mr. Irene agreed that the word rebuild leads residents to believe nothing is changing when there is new construction. Therefore residents who may have questions would not come to the meeting and then may have a problem with the application later.

Mr. Cassidy stated he would like to reschedule the application for the next meeting and Mr. Gallego agreed it would be in the best interest for all involved.

Mr. Montfort made a motion to carry the application to the May 4, 2009 meeting with extension of time granted and the notices redone with the correct language and Mr. Cassidy second. The board voted with all members in favor.

The second application was Mr. & Mrs. Anfuso of 260 Main Street Block 41, Lot 4
Mr. Alfieri is the applicant's attorney. The notices were approved. Mr. Venezia, the board engineer, was sworn in. This is a D variance so the Class 1 member stepped down. Mr. Alfieri stated this was a 2- family residence since 1940. The zoning changed in 1979 but prior to that it was permitted as a 2- family dwelling. However there is no certificate stating that it is a non- conforming use so the applicant has to come before the board to appeal it and to have it recognized as a non- conforming use.

Mr. Alfieri stated that the board previously approved the expansion of what was thought to be a single family house but which was actually a 2-family house, not knowing the zone was not allowed so they are here to get the justified expansion of the non- conforming use that was already approved. They want to get the D variance to expand on this. Mrs. Anfuso was sworn in and Mr. Alfieri had her confirm that she rented the house

and then owned it for 26 years. There was a Certificate of Occupancy for the renter for 19 years but there is no copy of it. Mrs. Anfuso just evicted her renter and then found out that the house was not approved as a 2- family and that she needed to obtain a registration to rent it. She then went to get the registration and did all improvements as requested by the zoning officer and that is where the application is at tonight.

The copy of the deed from 1980 was marked for exhibit which showed the house as a 2-family. Mr. Alfieri stated the town has no records from that far back but a board member can attest to it. Mr. McKenna was sworn in and stated that the house was a 2- family for 60 years that he knows of and paid taxes as a 2- family house. The zoning denial as well as the copy of said tax records was marked for exhibit.

Mr. Montfort made a motion to recognize the pre- existing non- conforming 2- family dwelling and Mr. Shea second. The board voted with all members in favor and Mr. McKenna abstaining.

Mrs. Anfuso wanted to expand her downstairs and needs a D variance to do so. Her elderly mother is going to live with them and they want to add a bathroom, bedroom and hall. The expansion is in the rear so they will remove the deck and put on a new one. Mr. Alfieri had a copy of the resolution allowing variances marked for exhibit and stated they were never asked if it was a 1 or 2- family house. There have been 2 front doors all the time. He stated there was also a planner available for any questions, if needed.

Public questions- none.

Mr. Irene asked the applicant if the work had already been done and the answer was yes. Mr. Montfort made a motion to approve the expansion on the completed work and Mr. Dolan second. The board voted with all members in favor and Mr. McKenna abstained.

Resolutions

Mendelsohn Resolution- Mr. Montfort made a motion to approve the resolution and Mr. McKenna second. The following roll call was taken: Mr. Dolan-yes, Mr. Montfort-yes, Mr. Shea-yes, Ms. Malanga-yes and Mr. McKenna-yes.

226 Main Street Resolution- Mr. Dolan made a motion to approve the resolution and Mr. McKenna second. The following roll call was taken: Mr. Dolan-yes, Mr. Buccellato-yes, Ms. Malanga-yes, Mr. Gallego-yes and Mr. McKenna-yes.

Compact Auto Body Resolution- Mr. Montfort made a motion to approve the resolution and Mr. Dolan second. The following roll call was taken: Mr. Dolan-yes, Mr. Buccellato-yes, Mr. Montfort-yes, Mr. Shea-yes, Ms. Malanga-yes, Mr. Gallego-yes and Mr. McKenna-yes.

Walters Resolution- Mr. Montfort made a motion to approve the resolution and Mr. Buccellato second. The following roll call was taken: Mr. Dolan-yes, Mr. Buccellato-yes, Mr. Montfort-yes, Mr. Cassidy-yes, Mr. Shea-yes, Ms. Malanga-yes, Mr. Gallego-yes and Mr. McKenna-yes.

Ordinances

Ordinance 09-04- This is to approve the response from Mr. Irene that the planning board has no objection to this ordinance. Mr. Montfort made a motion to approve the resolution

and Mr. Cassidy second. The following roll call was taken: Mr. Dolan-yes, Mr. Buccellato-yes, Mr. Montfort-yes, Mr. Cassidy-yes, Mr. Shea-yes, Ms. Malanga-yes, Mr. Gallego-yes and Mr. McKenna-yes.

Ordinance 09-05- This is to approve the response from Mr. Irene to clean up the language of the descriptions of the restaurants in the ordinance. Mr. Dolan made a motion to approve the resolution and Mr. Montfort second. The following roll call was taken: Mr. Dolan-yes, Mr. Buccellato-yes, Mr. Montfort-yes, Mr. Cassidy-yes, Mr. Shea-yes, Ms. Malanga-yes, Mr. Gallego-yes and Mr. McKenna-yes.

Other business

Mr. Irene reminded the members that their financial disclosure notices must be sent in.

Mr. Buccellato told the board that 226 Main Street has come before the council to request that the town rezone the entire block. The Borough attorney had told him that it would be at his own cost.

Mr. Cassidy asked if the master plan should be reviewed and Mr. Irene said that usually every 6 years is customary and that the board did it for American Properties so it is close to 6 years. He would need to verify the actual dates with the Borough Clerk. Mr. Venezia said he would check with the Borough Clerk on when the last review was and report back to the board.

Mr. Mendelsohn of 97 Broad Street, was sworn in, came to the podium and read a letter to the board regarding his opinion on their denial of his application. He stated why he needed his application approved and then asked questions regarding the bill he received in the mail for services and on the resolution that was approved tonight.

Mr. Cassidy made a motion to adjourn and Mr. Montfort second. The board voted with all members in favor and the meeting was adjourned at 9:05 pm.

Respectfully submitted,

Diane Cannon
Recording Secretary