

Unified Planning/Zoning Board of Adjustments Meeting  
April 4, 2011

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, Mr. Butler, Mr. Urciuoli, Mr. Gallego, Mr. Lopez, Mr. McKenna, Mr. Saporito and Ms. Malanga. Mr. Buccellato was late and Mr. Montfort was absent.

The first application was Mr. and Mrs. McLean 44 Ravine Dr Block 82, Lot 13

The applicants were sworn in as well as Mr. Hadderer, the board engineer. The survey, sketches and picture of the wall were marked for exhibit. The retaining wall on the west side is 40-50' long and leaning over and in bad shape so the applicant wants to replace it with a new one. They also want to put up a 4' fence which will be a total of 9'. It will be 5' below ground with a 4' fence all around it.

Board Questions:

Mr. Gallego asked if the wall was being moved at all and the applicant said no.

Mr. Hadderer asked if the area behind the wall would remain and the applicant said yes. He then stated that the grading would not affect the house and the applicant agreed it would not because the wall goes up to the deck and will be 3-4' from the house.

Mr. Irene asked if the encroachment will be eliminated and Mr. Hadderer confirmed it would be eliminated up to the house next door. Mr. Irene asked the applicant if they would back fill the wall and the applicant said yes and some of the wall will also be visible from the back.

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

Other Business:

Grippi Resolution:

Mr. Gallego made a motion to approve and Mr. McKenna second. The following roll call vote was taken: Mr. Buccellato-yes, Mr. Cassidy-yes, Mr. Gallego-yes, Mr. Lopez-yes, Mr. McKenna-yes, Mr. Saporito-yes, and Ms. Malanga-yes.

Mr. Buccellato mentioned that a resident wants to stabilize a retaining wall and wants a special board meeting as he needs a variance for a new wall. He will pay for the cost of the special meeting. The board discussed the possibility but the date was so close to the next meeting that the resident just decided to wait.

Mr. McKenna made a motion to approve the minutes of the March 7, 2011 meeting and Mr. Buccellato second. The board voted with all members in favor.

The second application was Mr. Rahman 131 Main St Block 9, Lot 27

The applicant was sworn in as well as Mr. Gemma, the applicant's planner and Mr. Hadderer, the board's engineer.

Mr. Irene stated that only 3 members were present tonight that are eligible to vote on the application. Mr. Gemma and Mr. Irene suggested that they start over tonight and withdraw any previous testimony so everyone is on the same page and eligible to vote. The applicant agreed. The floor plans were marked for exhibit. The applicant briefly explained why he was submitting this application. Mr. Ondar, the applicant's architect, then went on to explain the application. He stated that there are 2 retail stores downstairs with 2 tenants and 2 apartments upstairs on the second floor. They want to make the third floor into a third apartment which is what it was at one time. There would be 2 bedrooms, a kitchen, and a bath. They would only have to close off one door on the second floor and put one door on the third floor. There would be a private entrance to go to the deck to be used as an exit for an emergency as approved by the fire official. They are not adding any more rooms. They believe they would actually have a smaller number of renting tenants with the extra apartment as this would probably be used for a family.

Board Questions:

Mr. McKenna asked if this was really a converted attic and the architect said no as it was always living space and the structural beams are good. He then asked if the bedroom would have an egress window and the architect said that once the application was approved they would comply with the construction officials. He stated this was now 2 apartments with 5 bedrooms and will be 3 apartments with 3 bedrooms as there will be a bath and kitchen instead.

Mr. Gallego asked if pre- 2006 were these bedrooms and the applicant said that when he purchased the property in 2003 it was 5 bedrooms.

Mr. Gemma, the applicant's planner, explained that what is already there exists so they do not have to get it approved. These are just changes that need to be approved which are only adding a door and fire escape as a staircase. Otherwise they could use this as is. He explained it is conforming to zoning laws and the applicant is trying to make it safer and de-intensifying it so that it is a more suitable property.

Mr. Gallego asked if the board should assume that it is alright for the apartments to be non-conforming and Mr. Irene said the applicant could continue using the property as it is but if there were changes made to expand it then he would need a D variance relief and that is why he is here tonight.

Mr. Gallego asked if the board would be giving the approval on all units/apartments if they approve the application and Mr. Irene stated that yes if the board looks at the whole thing.

Mr. Hadderer questioned that the living room looked like there was a walk-in closet in there and Mr. Irene commented that the zoning denial is confusing between what is actually considered apartments.

Mr. Gallego asked what the final number of apartments will be and Mr. Gemma said there will be 3 apartments but instead of 5 single tenants, it could be a family renting now.

Mr. Heuser, the applicant's engineer, was sworn in. Mr. Hadderer reviewed the engineering letter. Mr. Heuser said they would comply with the paving and access requirements. He reviewed the refuse and Mr. Heuser said they would comply with 2 containers and curbside pick up. He reviewed the lighting which Mr. Heuser said they would comply by having a revised plan showing all of the lighting.

Board Questions:

Mr. McKenna asked if there was lighting for the new staircase and Mr. Ondar said safety lighting will be noted on the construction site plan.

Mr. McKenna asked if there was parking in the garage and Mr. Heuser said yes but it was piggy backed to other spots. Mr. Hadderer said they need 19 spaces and questioned how the piggy backed spots would work. Mr. Heuser said there would have to be an agreement among the people and they would also use signage. Mr. Rahman said the spaces are usually open and people can also park on the street. He also noted that only one tenant now has a car.

Mr. Irene said only one handicap spot was paved and wanted to know how the gravel spaces would be segregated. Mr. Heuser said that they would have wheel stops. Mr. Ondar noted that these condition were all pre-existing.

Mr. Irene stated that a use variance must have site plan approval and these issues fall under the site plan in this application.

Mr. Hadderer also stated that the parking and lighting must be taken care of.

Mr. Gallego said that if the situation is already there and this will improve it, then maybe the board should approve the application. He said the applicant must take down the garage in the back, pave the parking, take care of the lighting, and comply with all the engineer's issues. Mr. Saporito agreed. They made the motion and second it respectfully. The board voted and all members agreed except Mr. Cassidy who voted no.

The third application was Mr. White 280 Harding Boulevard Block 78, Lot 2

Mr. White was sworn in. Mr. Hadderer, the board engineer, was sworn in. The notices were reviewed and they were mailed through the regular mail and also were hand delivered. Mr. Irene told the applicant that the board does not have jurisdiction to hear this application due to the fact that the notices were not sent certified mail and return receipt to the applicable residents. He said the board would have to carry the application and the certified mailing would have to be done again, however the newspaper would not have to be re-posted.

Mr. Cassidy made a motion to carry it to the May 2, 2011 meeting and Mr. Buccellato second. The board voted with all members in favor.

The fourth application was Max Bezrodny 46 Ravine Drive Block 82, Lot 13.01

Mr. Bezrodny was sworn in. Mr. Hadderer, the board engineer, was sworn in. The site plans and floor plan were marked for exhibit. The applicant wants to expand his living area of the house as he only has 2 bedrooms now. He wants to expand the kitchen, bedroom, and family room on the first floor. He will be expanding the existing lines so he would need a side yard setback. The board explained he would need plans showing the existing and the proposed and all setbacks on the one plan. It needs to be clearly identified. Mr. Cassidy made a motion to carry it over to the May 2, 2011 meeting with

time extension granted and no reason to re-notice and Mr. Butler second. The board voted with all members in favor.

The fifth application was Thermal Air 360 Main Street Block 119, Lot 36

Mr. Hadderer, the board engineer, was sworn in. This is a D variance so the Class 1 & 3 members stepped down. The tax map, photos, and survey were all marked for exhibit.

Mr. Quinn, Borough fire official, had said there was no bulk storage to be kept there. The use of the property is conforming but they are not to have the storage there. Mr. Alfieri, the applicant's attorney, does not agree as the storage the applicant has is kept inside and not outside.

Mr. Irene made a note that the offices are alright but not the warehouse section.

Mr. Alfieri said there are other businesses that have kept bulk items outside but this contractor will keep it all inside. He explained that there will be no change to the building so they do not need the site plan. The only issue is the bulk materials piece of it.

Mr. Williams, the applicant, was sworn in. Mr. Alfieri asked him questions about the property and its use. He explained when the property was purchased and when repairs were done and that everything went forward with the certificate of occupancy being received until this bulk materials issue came up. He said there are both offices and warehouse uses and, so long as the bulk storage is approved, it is alright. It doesn't matter how much space is warehouse and how much space is office. He then reviewed the parking and refuse issues.

Mr. Gallego wanted to verify that all approvals were completed and that the board was only looking at the bulk use issue tonight and Mr. Alfieri said yes.

Mr. Heuser explained the property history and its location. The applicant explained that the offices are in the main building and the warehouse is separate. The first floor has an office and warehouse section and the second floor is office only.

The board wants to approve the application with indoor bulk storage and multiple uses of offices and warehouse.

Mr. Gallego asked if all the plans were approved and signed off and Mr. Alfieri said yes and that they were marked for exhibit. He said it is a renovation plan.

Public Questions:

Mr. Bowerman of 2 Center Ave was sworn in. He stated that the applicant has done a great job with all the renovations. His only concern was if the noise would increase with any changes and the applicant said no. He also asked if there was outside storage granted, would it apply to any other future owner of this property and Mr. Irene said yes.

Mr. Gallego wants to carry the application and ask Mr. Quinn to come to that meeting to answer some questions.

Mr. McKenna said he thought that was not necessary and the board should approve the application tonight.

Mr. Saporito made a motion to approve the application with bulk storage inside and the uses of spaces, as well as agreement to all construction official requirements and to waive site plan and Mr. McKenna second. The board voted with all members in favor.

Other Business:

Mr. Irene reminded the board that they need a committee for variance packages and to work on the annual report.

Mr. Cassidy made a motion to adjourn and Mr. Saporito second. The board voted with all members in favor. The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Diane Cannon  
Board Recording Secretary