

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of April 4, 2012 to order at 7:00 p.m.

- MEMBERS PRESENT:** Craig Schwemmer (Chairman), Morris Bauer (arrived at 7:35 p.m.), John Turik, Anthony Spina, Harvey Ort (arrived at 7:30 p.m.), Frank Baguiao
- Alternate Members:** Dorothy Walter
- Members Absent:** Elliott Averett, Robert Bridgman
- Others Present:** Secretary Barbara Margolese, Attorney Gail Fraser, Engineer Leon Hall

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT - Adequate notice of this meeting was published in the Observer-Tribune on January 19, 2012 and posted on the Bulletin Board on the same date. Notices were mailed as requested.

Pledge of Allegiance.

MINUTES

1. January 11, 2011 Reorganization Meeting
A motion to approve the minutes of January 11, 2012 as presented was made by Mr. Spina, seconded by Ms. Walter. A voice vote was taken; all were in favor. The motion carried.

The meeting was opened to the public for items not on the agenda. There were no comments from the public and the meeting was closed to the public for items not on the agenda.

Mr. Roger Freiday (7 Jones Lanes) spoke to the Board about Block 13, Lot 13 (Holley) and Block 13, Lot 12(Cappuccio). Mr. Freiday complained about the level of noise being generated from these lots and the amount of damage to the road pavement on Jones Lane from truck traffic traveling up and down the road. He also stated that he did not believe that the Holleys were members of the Jones lane Homeowners Association because he had checked their deeds at the County Courthouse and there is no record of any covenants on the deed for Homeowners Association membership. He stated that this was a condition of the Holleys approval. Mr. Freiday also questioned the Fire Department approval of the Holleys' plans for Lot 13.

Chairman Schwemmer restated that Mr. Freiday's comments regarding these applications should have been made during the hearings. Mr. Freiday stated that because he is not within 200 feet of the subject properties he was not noticed. Mr. Freiday stated that every homeowner on Jones Lane should have been noticed because they have an interest in what is taking place on their private road. Attorney Fraser pointed out that the state of New

Jersey sets the requirements for who gets noticed, not the Board, and that only those property owners within 200 feet of the property are required to be noticed.

Mr. Freiday stated that the road is really in need of repair because of the truck traffic on Jones Lane from the Holleys' property. Engineer Hall restated that a \$5000 cash bond has been posted for the road repair.

RESOLUTIONS

None

APPLICATIONS

1. Richard Everett – Block 33, Lots 71.02 & 72 – 292 West Mill Road – R-5 Zone
Use Variance Application to Allow an Equine Related Bed & Breakfast
Representatives present: Mr. Richard Everett and Mrs. Beth Everett

Mr. Richard Everett introduced himself and his wife. He stated that he had purchased the existing Blue Crest Equestrian Center on West Mill Road and that he and his wife are asking for a use variance to be able to have an equine related bed and breakfast inn at this location in conjunction with the equestrian center.

Attorney Fraser stated that she had had discussions with Engineer Hall and Planner Banisch about this application. She stated that they had agreed that because the various activities which are proposed for the property will be happening simultaneously, the applicant will need to also apply for site plan approval at the same time that they are applying for a use variance. Attorney Fraser stated that the notice which was sent to the neighbors and to the newspaper should have specifically stated that the applicants are asking for a use variance and that the notice is therefore defective. She added that because the application will need site plan approval the new notice will need to state that as well.

Attorney Fraser asked Mr. Everett if he is the applicant or if Rivercrest Holding Company, LLC is the applicant. It was noted that Rivercrest Holding Company, LLC is listed as the owner of the property and that Richard Everett is listed as the LLC's sole owner. Mr. Everett stated that he is the applicant, not Rivercrest Holding Company, LLC. Ms. Fraser stated that as long as Mr. Everett is the applicant, and not the LLC, he may represent himself. It was noted that the Everetts' address is 25 Timberlane Drive in Randolph, New Jersey. Ms. Fraser asked Mr. Everett is it is his intention to move to 292 West Mill Road. Mr. Everett stated that that is his intention. Mr. Everett also stated that he would amend the Highlands application form to state that he is applying for a use variance.

Engineer Hall referred to his review letter of April 2, 2012. He stated that for a bed and breakfast inn seven parking spaces must be provided. Mr. Hall stated that the plat which was submitted with the application was done in a scale so small that it is difficult to determine if parking and aisle width can be accomplished for this proposal. He stated that the site plan will need to be 1" equals 30'. Mr. Hall stated that a site plan will be necessary to determine if parking will be adequate

Attorney Fraser stated that it is difficult for lay people to represent themselves when applying for a use variance as the Board will hold the applicant to the same standards as if you were represented by a professional. She stated that positive and negative criteria for the use variance must be met. Ms. Fraser stated that a new notice will have to be sent out. She stated that when applicants have issues which are interrelated it is not appropriate for them to separate the use variance application with the site plan application issues. Attorney Fraser said that the applicant needs to retain a professional to assist with the use variance and site plan application process. She noted that it is not the Board's job to tell you what variances you need to ask for and that the Municipal Land Use Law needs to be addressed. She noted that benefits versus detriments need to be presented to the Board.

The Board asked for a more detailed description of all of the activities which will be going on at this property. The application states that the applicant is proposing a bed and breakfast inn establishment but also weddings and other similar types of events will be held along with the existing equestrian center activities. The application notes that there are six bedrooms in the main building which is to be used for the bed and breakfast inn. The Board stated that the number of bedrooms being used by the caretaker be clarified as well as consideration of these events allowing alcoholic beverages.

Engineer Hall stated that the variance application Part "C" needs to be signed and sealed by a New Jersey licensed professional engineer or land surveyor.

A motion was made by Mr. Bauer to deem this application as incomplete and to advise the Board that this application be treated as a consolidated use variance and site plan application, seconded by Mr. Spina. A roll call vote was taken.

AYES: Bauer, Spina, Turick, Baguiao, Schwemmer, Ort, Walter
NAYS: None ABSTAINS: None

DISCUSSION - CORRESPONDENCE

1. Vouchers

Vouchers from Banisch Associates for \$32.50, and Anderson & Denzler for \$650 and \$625 were reviewed. The motion to approve the submitted vouchers was made by Mr. Bauer and seconded by Mr. Spina. A voice vote was taken; all were in favor and the motion carried.

Mr. Bauer made a motion to adjourn, seconded by Mr. Spina. A voice vote was taken; all were in favor and the meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Barbara Margoese, Secretary