

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of July 3, 2013 to order at 7:00 p.m.

MEMBERS PRESENT: Craig Schwemmer, Elliott Averett, Morris Bauer, Harvey Ort,
Alternate Members: Geoffrey Price
Members Absent: Dorothy Walter, Anthony Spina, Frank Baguiao, Robert
 Bridgman
Others Present: Secretary Barbara Margolese, Engineer Leon Hall, Attorney
 Gail Fraser, Planner David Banisch

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT - Adequate notice of this meeting was published in the Observer-Tribune on January 17, 2013 and posted on the Bulletin Board on the same date. Notices were mailed as requested.

Pledge of Allegiance.

MINUTES

1. June 5, 2013 Regular Meeting

A motion was made by Mr. Bauer to approve the minutes of June 5, 2013 as presented, seconded by Mr. Price. A voice vote was taken; all were in favor. The motion carried.

Ayes: Elliott Averett, Morris Bauer, Geoffrey Price, Craig Schwemmer
 Nays: None Abstentions: Harvey Ort

The meeting was opened to the public for items not on the agenda.

No comments were received and the meeting was closed to the public for items not on the agenda.

RESOLUTION

13-09 The Promised Land (Dr. Ronald Weiss) – Block 34, Lot 42 – 177 West Mill Rd. –R-5 Zone -Home Occupation Conditional Use (Medical Office) - Minor Site Plan with a Variance -Public Hearing held on June 5, 2013

Attorney Fraser stated that she would be making a couple of corrections on the presented resolution; on Page 3 it is to say “stone shed” and the acronym CSA is to be spelled out as Community Supported Agriculture. Mr. Price asked if we need to note that there were interested parties at the meeting. Ms. Fraser stated that as none of the persons attending came to the microphone to identify themselves the resolution can not note these interested persons. Attorney Fraser stated that she will forward the corrected copy of the resolution to the Board secretary for signing and distribution. Mr. Bauer made a motion to approve the resolution with the noted corrections, seconded by Mr. Schwemmer. A roll call vote was taken of those eligible to vote:

Ayes: Averett, Bauer, Price Schwemmer

Nays: None

Absent: None

Abstain: None

APPLICATIONS

1. Michael & Emily Doherty - Block 45, Lot 29 -9 Roosevelt Avenue
 Variance to allow single family dwelling construction on a non-dedicated street
 Completeness and possible public hearing (deemed incomplete on March 6, 2013)

It was noted that this application is still incomplete as per comments made in Engineer Hall's letter dated June 27, 2013.

A motion was made by Mr. Bauer to deem the Doherty's application as incomplete, seconded by Mr. Averett. A voice vote was taken; all were in favor and the motion carried.

Ayes: Elliott Averett, Morris Bauer, Geoffrey Price, Craig Schwemmer, Harvey Ort

Nays: None Abstentions: None

It was noted that the Dohertys had noticed for this meeting and it was announced that the public notice is carried to the August 7, 2013 meeting.

2. Terence Stone & Laurie Campanelli – Block 52, Lot 9 – 31 Sky Top Road – R-5
 Variance to allow single family dwelling construction on a non-dedicated street
 Completeness Determination

The applicant, Mr. Terence Stone was sworn-in. Mr. Stone noted that he currently resides in Weehawken. Mr. Stone stated that he did not have an architect draw the elevations because he had hoped that he could get his approval from the Board before paying for an architect. He said that he felt the drawings were similar to what is there. He told the Board that he is hoping to convert an existing 30 foot height, 30 foot by 42 foot barn into a single family home. He stated that the first floor of the barn is 700 square feet and the second floor is 1600 square feet due to the topography of the property. Mr. Stone noted that the existing structure is dug into the grade.

The Board referred to Engineer Hall's June 26, 2013 report. It was determined that the proposed building is to be within the existing barn footprint.

A motion was made by Mr. Averett to waive the required building elevations for completeness purposes and to deem the application complete, seconded by Mr. Bauer. A voice vote was taken; all were in favor and the motion carried.

Ayes: Elliott Averett, Morris Bauer, Geoffrey Price, Craig Schwemmer, Harvey Ort
Nays: None Abstentions: None

Mr. Stone stated that he is proposing to take the existing structure and turn it into a home. He stated that there is a well that is on the opposite side of the access road on the southwest side of the property. Mr. Stone told the Board that the front of the property is flat and that the proposed septic system will go in this flat area which is located on the southeastern side of the property. Mr. Stone stated that parallel to the back of the barn is an upper field that is also flat.

Mr. Stone stated that he would like to turn this building into a three bedroom dwelling with two floors. He said that the upstairs will have the bedrooms and the downstairs will have the kitchen, bathroom and living room area.

Planner David Banisch was sworn-in. Mr. Stone stated that previously this property was part of a large piece of property which was subdivided into smaller lots. He stated that this lot was created with the barn on it alone without a dwelling. Mr. Banisch stated that for the record it should be noted that variances for pre-existing bulk variances are needed. Attorney Fraser stated that these variances can be identified as technical variances for pre-existing conditions. Chairman Schwemmer noted that many lots on Sky Top Road are much smaller than this lot. Mr. Stone informed the Board that there are 8 houses currently on Sky Top Road. Mr. Price noted that the existing principle use is a barn and the proposed principle use is as a house. The following variances were noted as pre-existing; non-conforming lot for minimum lot size in the R-5 Zone, lot frontage, lot width, front yard setback for the pre-existing structure, and not abutting a public street. Mr. Stone acknowledged that he was asking for the variances for 4 pre-existing non-conformities along with the variance for not abutting a public street.

The Board continued to review Engineer Hall's comments from his June 26, 2013 letter. It was noted that the Board had not received comments from the Fire Department on this proposal. Chairman Schwemmer stated that the Board needs a plot plan showing the road with a k-turn being provided. He also stated that the applicant should provide the topographical information for the septic field area and the septic system area. Attorney Fraser noted that Engineer Hall noted in his report (Comment "C") that written consent should be obtained from the property owners of lots 10 and 11.01 regarding the 25 foot access easement across their property. It was also noted that the applicant needs to provide a copy of the recorded deed of the easement for the traveled way. It was recommended that the applicant speak to his neighbors about this situation and to bring photographs to the next meeting.

Mr. Banisch told the Board that the applicant is going for a Highlands exemption #2. Attorney Fraser asked the applicant if Sky Top Road has a Home Owners Association. Mr. Stone noted that there is no formal Home Owners' Association' however, there each resident pays \$110 per year to maintain the road. Mr. Schwemmer said that he would need to hear testimony regarding the maintenance of this road during construction.

Chairman Schwemmer announced that the hearing on this application is being carried to the August 7, 2013 meeting.

DISCUSSION - CORRESPONDENCE

1. Vouchers

Two vouchers were received from Gail Fraser for \$76.50 and \$504.90. The motion to approve the submitted vouchers was made by Mr. Bauer and seconded by Mr. Averett. A voice vote was taken; all were in favor and the motion carried.

Mr. Averett made a motion to adjourn, seconded by Mr. Bauer. A voice vote was taken; all were in favor and the meeting was adjourned at 8:16 p.m.

Respectfully Submitted,

Barbara Margolese, Secretary