

In compliance with the Open Public Meetings Act of the State of New Jersey adequate notice of this meeting has been mailed to The Daily Record and posted at the municipal building.

ROLL CALL:

Members Present: Joe Fleischner, Brian Schaechter, Henry Fastert, David Koptyra, John Mania, Nelson Russell, Frank Wilpert, Jr., Howie Weiss

Members Excused: Dan Nelsen, Kim Mott

Members Absent: Sandra Stotler

Professionals Attending: Edward Buzak, Esq.

Professionals Excused: Chuck McGroarty, Planning Consultant, Eugene Buczynski, Township Engineer, Tiena Cofoni, Esq.

APPROVAL OF MINUTES

March 12, 2015 Public Meeting

Motion: Joe Fleischner
Second: Brian Schaechter

Roll Call:

Joe Fleischner	- yes
Brian Schaechter	- yes
David Koptyra	- yes
Nelson Russell	- yes
Frank Wilpert	- yes
Howie Weiss	- yes

COMMITTEE REPORTS

MR. WEISS: We have committee reports, anything from the Mayor?

MR. FASTERT: Nothing from the Mayor.

MR. WEISS: John anything from the Council?

MR. MANIA: Nothing from the Council.

MR. WEISS: Joe environmental commission?

MR. FLEISCHNER: No that's Nelson.

MR. WEISS: I'm sorry, Nelson?

MR. RUSSELL: I took notes on my phone but its busy updating at the moment so I can't tell you.

MR. WEISS: Okay I certainly encourage you to just interrupt, maybe in between the applicants we'll come back. Joe I'm sorry about that ordinance committee?

MR. FLEISCHNER: No report at this time.

MR. WEISS: I have nothing from the street naming committee. Dave?

MR. KOPTYRA: No.

MR. WEISS: All right that was very quick. We then move right into our developmental matters.

APPLICATION #PB 15-09 – RAJDEEP MOHAPATRA – (Block 7702, Lot 16.22)

MR. WEISS: Our first item on the agenda this evening is PB 15-09 Rajdeep Mohapatra I'm very sorry if I'm mixing it up I'm sorry sir. You are requesting a variance for a rear yard setback at 10 Salmon Court Block 7702, Lot 16.22. Sir if you would you'll come up to the table our attorney is going to swear you in and we will go through the process.

(RAJDEEP MOHAPATRA SWORN IN FOR THE RECORD)

MR. BUZAK: Please be seated and can you just for the record state your name and spell your name so it will be on the tape.

MR. MOHAPATRA: My name is Rajdeep Mohapatra (R-A-J-D-E-E-P) (M-O-H-A-P-A-T-R-A) and I live at 10 Salmon Court, Budd Lake, NJ.

MR. BUZAK: Thank you sir.

MR. WEISS: Okay we all have a copy of the report that was prepared for you by the Planning Department so we understand what you wanted to do. What we need for you to do though sir is why don't you explain your property, explain your project, explain what brings you here tonight and we'll kind of supplement your questioning. What happens at this hearing is that as you might be aware and if not we certainly can help you with what we're looking for is your going to need to make some proofs, positive, negative criteria it might be overwhelming to you but we'll take it slow for you. So if you would let me turn it back over to you and you can explain to the Planning Board what brings you here tonight.

MR. MOHAPATRA: So I plan to build a deck on the rear side of my property and as it is I understand that you know the building envelope does not allow for the deck building and that's why I'm requesting for a variance to be approved.

MR. WEISS: Okay I think what we should do for the record is put a little more technical substance behind what you said. Although you're correct technically let's give Catherine why don't you for the record read into what the applicant is asking for and what the variance is for.

MS. NATAFALUSY: Sure. This application is for a variance for encroachment in a rear yard setback. The property is located at 10 Salmon Court otherwise known as Lot 16.22 in Tax Block 7702. It's in the subdivision known as Lakeview Estates it was approved as a cluster development with lots having a minimum lot size of 10,000 square feet. The property is improved with a single family home and the applicant as I said before is seeking approval to construct a deck measuring 12 feet in depth by 14 feet in width on the rear of the dwelling. The deck as proposed is situated approximately 23 feet from the rear lot line a minimum setback of 35 feet is required in the zone district. Building and lot coverage are within acceptable limits although building coverage with this deck would be 18 percent so probably any further improvements would require a variance but we have to do calculations for that.

MR. WEISS: Okay so what that means essentially is your comments although technically accurate wasn't exactly true in that your building envelope does allow for you to build a deck except the deck that your proposing encroaches over the imaginary line if you will therefore you need approval from this Planning Board. So what Catherine just read is she read the standard of the zone where you live explaining that exactly that your 23 feet from the rear lot line and that you need 35 feet. So we do the math your 12 feet over and you're here to explain to us why you want to do that.

MR. MOHAPATRA: So I want to basically right now the small . . . I have a small landing placed there you know which the builder kind of gave me. I'm planning to take it down and build a deck so that you know it will improve the value of the property and we can have some family over there.

MR. WEISS: Okay and Catherine made a comment too that the amount of coverage that you can give on your property is 20 percent. Is that right Catherine?

MS. NATAFALUSY: Right 20 percent.

MR. WEISS: 20 and with this deck it's approximately 18 so although that's not an issue today if you were to come back and I'm going to make it up and say you want a swimming pool or build something else you might have a problem. So from that perspective as far as how much of your lot is covered it's not an issue today. So that's nothing we really need to worry about. When I look at your deck and I'm sure we have some pictures floating around, I'm seeing the deck and it's built and it's

obviously going to encroach the imaginary line by 12 feet, have you considered making that deck smaller so that it doesn't have to encroach? Have you considered that?

MR. MOHAPATRA: So based on I considered a few variations you know towards this thing and what the (inaudible) told me is you know 12 feet is the most appropriate because there are other decks on other properties I think the model home has a deck which is around 15 feet or 18 feet something around that. So I considered that 12 feet based on that situation.

MR. WEISS: Just for the record the Planning Board kind of looks at each property separately so some properties would probably allow for a 15 or even a 20 foot deck your property being rather small what we try to do is work out some kind of a situation where perhaps we can find something that could be built that doesn't need a variance.

MS. NATAFALUSY: Mr. Chairman.

MR. WEISS: Yes.

MS. NATAFALUSY: If he wants to build it on the back of his house he needs a variance no matter where he puts it on the back. The only place that he wouldn't need a variance would be on the side of the house. Because the house is really taking up most of the building envelope.

MR. BUZAK: The setback of the house is 35.5 feet and the rear yard is 35 feet so he's got a half a foot or so.

MR. WEISS: I figured that was the case because a 12 foot . . . you're over by 12 and the deck is only going to be 12 feet. I understand that I do understand I'm trying to get the applicant to give us that testimony. So your answer would probably be that if he cut it back 12 feet you'd have a 6 inch deck. And a 6 inch deck probably doesn't provide much in anything and causes you a hardship if nothing else. I bring it up because although it's not impossible it's not very practical and that's what we try to do when we're here is to just make sure we identified. So we did talk briefly about perhaps putting this deck on the side, did you ever consider that? And if the answer is no perhaps tell us why.

MR. MOHAPATRA: The answer is no because I don't have an opening over there on the side.

MR. WEISS: By opening you mean a doorway to access the deck.

MR. MOHAPATRA: To the deck.

MR. WEISS: Nothing wrong with that answer. Okay so does anybody have any questions? You've mentioned other decks in the neighborhood so again you're testifying that there are other decks. With the construction of this deck would you say that this will deter from the neighborhood? Will it cause any detriment to the neighborhood will there be any negative impact on your neighbors by you building this deck?

MR. MOHAPATRA: No I do not believe so.

MR. WEISS: And the reason is why?

MR. MOHAPATRA: The reason is the placement of the deck the way I am building it it is in between the two houses and it will not directly face any house in particular.

MR. WEISS: And I guess you're telling us that other homes in that neighborhood have decks that come off of the back of their house as well.

MR. MOHAPATRA: Yes.

MR. BUZAK: Excuse me sir will this deck replace the landing that's there and the steps that go down?

MR. MOHAPATRA: Yes.

MR. BUZAK: So it will be at that level the same level as your landing it will just go out further and wider.

MR. MOHAPATRA: Yes.

MR. BUZAK: Right but it will be in the same place. It won't be down on . . . it will be at that higher level.

MR. MOHAPATRA: Yes.

MR. WEISS: Right we were talking about you had looked at the pictures it appears that there's a little porch that's up at about the 20 foot mark that's where this deck will be constructed.

MR. MOHAPATRA: That is correct.

MR. WEISS: It's not going to be at ground level.

MR. MOHAPATRA: It is not going to.

MR. WEISS: Will there be steps coming down to the bottom?

MR. MOHAPATRA: There will be a staircase coming down.

MR. WEISS: Is that staircase calculated on this plan as well?

MS. NATAFALUSY: No.

MR. WILPERT: It's a form of egress so they're going to have to put it in no matter what.

MR. BUZAK: Do you have an idea where the stairway would be from the new deck?

MR. MOHAPATRA: It will be exactly how it is.

MR. BUZAK: So come off the side of the deck adjacent to the house not out further.

MR. MOHAPATRA: No.

MR. BUZAK: Okay so it will follow that same line. You said some of your neighbors have decks? On one side you have open space so there's nothing there right? As your facing your house from Salmon Court on the left side does that house have a deck do you know?

MR. MOHAPATRA: That house does not have a deck but the house nearby has a deck, the model home which is at 14 Salmon Court that has a deck.

MR. BUZAK: And how big is that deck?

MR. MOHAPATRA: That deck is 15 or 18.

MR. BUZAK: And where is that located in relation to your house?

MR. MOHAPATRA: It is on my left one house after.

MR. WEISS: Towards the circle, towards the cul-de-sac?

MR. MOHAPATRA: Towards the cul-de-sac.

MR. FASTERT: I have a question for Catherine. The existing landing that's on this house already encroaches on the setback. Did they need approval for that when they built it?

MS. NATAFALUSY: There was another one that was built with the development. They made a model home was built with a deck with no approvals from us and then they had to come back to get that approval. I guess all of the houses had some kind of . . . in another development sometimes they just put a border like in Flanders Crossing. They couldn't put a deck on so they put some kind of barrier. But for some reason this developer . . .

MR. WILPERT: As a form of egress to get his CO they needed to have egress out of that back door or to close it off so that's why the developer put them on.

MS. NATAFALUSY: But like I said in Flanders Crossing they didn't do that.

MR. BUZAK: Sir how about behind you on the lots that back up to you? Do they have decks?

MR. MOHAPATRA: They have decks, both of the properties behind me they both have decks.

MR. BUZAK: And of generally a similar size that you're talking about putting?

MR. MOHAPATRA: Yes, yes.

MR. BUZAK: Just approximate.

MR. MOHAPATRA: Yes.

MR. BUZAK: Same height?

MR. MOHAPATRA: No they are on the ground level.

MR. BUZAK: They're lower because of the topography.

MR. MOHAPATRA: Yes.

MR. WEISS: Is it fair to say all the lots in this neighborhood are about the same size?

MS. NATAFALUSY: Yes it was a cluster development 10,000 square foot lots.

MR. WIESS: Because it looks like the property directly behind the applicant's home and I'm looking at a map is bigger is it possible?

MS. NATAFALUSY: Yes.

MR. WEISS: I don't have the expanded tax maps.

MS. NATAFALUSY: No your correct that was a 150 by 117 but they clustered to 10,000 square foot lots and some of them might be bigger than others.

MR. WEISS: Tell us a little bit about the property that you have. Is there a steep slope?

MR. MOHAPATRA: There is no steep slope but there is my property land goes beyond there is a rock bank and then there is . . .

MR. WEISS: There is a stone wall.

MR. BUZAK: Is that a walkout basement at ground level?

MR. MOHAPATRA: Yes.

MR. BUZAK: And in the front you didn't show any pictures in the front, is the front three stories as well? Or is the front . . .

MR. MOHAPATRA: The front is still kind of on the same level.

MR. BUZAK: Oh so it is.

MR. MOHAPATRA: Yes.

MR. SCHAECHTER: So when you walk in you walk into your basement or do you walk into the level above your basement?

MR. BUZAK: From the front.

MR. MOHAPATRA: From the front I walk to the level above the basement.

MR. BUZAK: So there's a set of stair there as well?

MR. MOHAPATRA: A few stairs two, three stairs you know it's just a small (inaudible).

MR. WEISS: So there is a slight slope.

MR. MOHAPATRA: Yes.

MR. WEISS: I'm trying to obviously help the applicant find some positive criteria and I know that the condition of the property would help. Do you feel that there's enough testimony Mr. Buzak about positive criteria?

MR. BUZAK: I can't think of any other information that the applicant can furnish that relates to this particular concern. You show a stone wall, the survey shows a stone wall how high is that wall?

MR. MOHAPATRA: That wall is probably 2 feet 2 to 2-1/2 feet.

MR. BUZAK: Now from your property in the rear as you look to the backyards of the people behind you does it slope downward? It looks like it does in one of these pictures but it just could be an optical illusion here. In other words is the property behind you lower than your property?

MR. MOHAPATRA: Yes.

MR. BUZAK: It is lower than your property okay. This is your post and rail fence is that right?

MR. MOHAPATRA: That is correct.

MR. BUZAK: So this is looking out your back.

MR. MOHAPATRA: Back.

MR. WEISS: So with regard to the testimony I would imagine and maybe correct me if I'm wrong that the fact that this applicant has a home that sits 6 inches or so off of the building envelope makes this very unique. It's kind of an exceptional situation I think we have case that it could be an exceptional situation that's my opinion.

MR. BUZAK: How large is the house square footage do you know?

MR. MOHAPATRA: It is 2975 square feet.

MR. BUZAK: 2975.

MR. MOHAPATRA: Yes.

MS. NATAFALUSY: That's both floors though it's an 1800 square foot building footprint.

MR. WEISS: Okay and so you then went on to testify that if we were to grant such a variance it wouldn't cause any substantial detriment to the public and it wouldn't cause any issues negative issue in the neighborhood. I don't have any other questions for the applicant. Ed do you have anything else?

MR. BUZAK: No.

MR. WEISS: What I'll do at this point let me open it to the public if anybody from the public has any questions about the testimony that's given tonight from this applicant now would be a good time. Sir if you would what you'll do is you'll state your name and address for the record your going to become an expert on decks at Lakeview.

MR. LAM: Good evening my name is Yau Ting Lam I'm actually the next door neighbor to my wonderful neighbor. I actually can answer some of the questions for you.

MR. BUZAK: Sir we're going to have to swear you in. Please spell your name and address for the record.

MR. LAM: Sure first name is (Y-A-U – T-I-N-G) my last name is Lam (L-A-M). I reside at 12 Salmon Court exactly next door neighbor.

MR. BUZAK: Thank you sir.

MR. LAM: Oh you're welcome. The reason actually to answer some of the questions that was brought up. Behind us our house is actually a little bit unique in a way that we actually slope down. We have a walkout basement that's about 45 degree on the side. So basically if you walk in from the front of the street is you go in straight to the first level but you actually have a basement that you walk out. At that time . . . but the slope continues to go down to our back door neighbor. So if you look at it it's a 45 degree hill straight down. The reason I agree, actually I support him because I'm actually going to go for a deck myself because there's no other way that you can put the deck except in the back. Because the kitchen when you walk out from the first level that's the only way they can walk out. They didn't have any entrance or exit on the side of the house so therefore that is the only exit. And also because of the sliding door you actually need a very safe area I would say for you to land on to go down and it's also shame that you can't enjoy the back of the view because we are facing the lake. So in my mind I think having a deck there would be great for a family. And I think that's the only reason why we moved here you know to have a family, to raise a family here in Budd Lake.

MR. WEISS: I do agree with you it's a beautiful view of the lake from your home I saw that this afternoon. Okay thanks Mr. Lam.

MR. LAM: Thank you.

MR. WEISS: Anybody else from the public? Okay I'll close it to the public that being said if anybody has any comments or questions? Do you have anything else to say on your application?

MR. MOHAPATRA: No.

MR. WEISS: Okay I don't really hear any conditions besides the normal boilerplate conditions so therefore the application as presented has been delivered I will look for someone to make a motion.

MR. RUSSELL: I move that PB 15-09 be approved.

MR. MANIA: I'll second it.

MR. WEISS: Nelson thank you and John thank you. Any comments? I happen to have one comment and I certainly don't like the applicant who sits in front of us to be the brunt of the problem but I guess it's a little bit late for the conversation I don't see us making approving anymore developments like this. But perhaps if we ever do I think we need to consider the product that we're going to be approving because you have a very fine family man who has very much demonstrated his need. If you haven't been up there the view of the lake is spectacular I'm sure from your deck it will even be better. And you should have the right to do that. But unfortunately we have zoning rules, we have ordinances that kind of try to control how much development is made in a neighborhood like yours it's a cluster development which means the homes are on smaller lots and we have to try to prepare in advance to make sure that it's not overpopulated. It's not overly built and although your deck is simple, I don't mean that in a negative way its modest is a better word, it still encroaching by a tremendous amount. As a matter of fact almost 100 percent of it no fault of yours but it's still a problem and I think that we need to keep this . . . and it seems like it comes in front of us all of the time. That the homeowner is left holding the bag and all he wants to do is provide for his family. So I'm not going to say anything else I think we have a situation that we need to keep in our mind if in the fact the day ever comes that we're looking at another development of this nature. That being said Catherine roll call.

MS. NATAFALUSY:	Joe Fleischner	- yes
	Brian Schaechter	- yes
	Henry Fastert	- yes
	David Koptyra	- yes
	John Mania	- yes
	Nelson Rusell	- yes
	Frank Wilpert	- yes
	Howie Weiss	-

MR. WEISS: Congratulations to you but I'm going to vote no and in no disrespect to you. I'm going to vote no just to make a record that I object to us having to do this it's something that's greater

than your involvement but congratulations and enjoy your deck. What's going to happen next month we will have the resolution signed, once you get that signed resolution you can go forward and get your building permits.

MR. MOHAPATRA: Thank you.

MR. WIESS: All right good luck.

MR. RUSSELL: My phone is ready for the environmental commission.

MR. WEISS: Okay let's do that. Nelson why don't you go we'll just break real quick from the agenda.

MR. RUSSELL: We discussed 180 acres owned by the Hackettstown MUA off of Route 46 by Iona Farms. The property can't be sold because of the liability surrounding the two dams on the property.

MR. WEISS: Wait where is the property again?

MR. RUSSELL: It's off of Route 46 on the right as you're headed for Hackettstown. We discussed planting a tree in honor of Earth Day or making a \$250.00 contribution to the community garden, and we discussed making a contribution to TNR. That was it.

MR. WEISS: Okay.

APPLICATION #PB 15-10 – VINCENT PIACENTE – (Block 2802, Lot 17)

MR. WEISS: Let's move on to our second application of the evening is PB 15-10 Vincent Piacente it's a variance request for a front yard setback at 72 Waterloo Road Block 2802, Lot 17. Sir if you I believe you have been here before right?

MS. NATAFALUSY: No.

MR. WEISS: If you could come up and we'll swear you both in. In case you needed to provide any testimony.

(VINCENT PIACENTE SWORN IN FOR THE RECORD)

(EDWARD HARDMAN SWORN IN FOR THE RECORD)

MR. PIACENTE: I'm Vincent Piacente (P-I-A-C-E-N-T-E).

MR. HARDMAN: I'm Edward Hardman (H-A-R-D-M-A-N).

MR. WEISS: Okay gentlemen you can have a seat. What we'll do is we'll go through the application like we did previously it's a similar type of application. We have a report in front of us what I'd like you to do is just explain to the Planning Board what it is that you want to build and what brings you here tonight.

MR. PIACENTE: Okay I want to put an extension on the house because I want to put a master suite in for me and my wife. She is handicapped and right now we just have a tiny it's like a 13 by 16 bedroom and it's a king size bed because she needs a hospital bed that go up and down and she is walking on crutches sideways in this place. I just need to put something where you know if she has to be in a wheelchair she'll be able to maneuvering it around. And I'm putting in a lower floor and an upstairs because you know all my children to move in with me because I can help them and then they can help me with their mother.

MR. HARDMAN: He's got an old converted Budd Lake bungalow that was he's been living in for years I don't know how he does it with all of these grandchildren he has but if anybody ever needed an addition it's him.

MR. WEISS: Yeah I guess what you can do is continue to tell us about the existing condition. It's a small house, how big is the current home?

MR. PIACENTE: About 1300 square feet.

MR. WEISS: And the addition that you want to put on is how big?

MR. PIACENTE: Probably about 1200.

MR. WEISS: Okay tell us about the property.

MR. PIACENTE: The property, the one lot is 100 by 150 and I purchased the lot behind me and that's 100 by 250 and I joined the two lots together.

MR. WEISS: So according to our report the building and lot coverage are within acceptable limits you have plenty of property to make this addition. You understand that the reason that you're here is that you're encroaching 15 feet into the front yard setback.

MR. PIACENTE: Right I have two front yard setbacks.

MR. WEISS: Correct because you're on the corner of a paper street. I was looking for it today and I didn't see it and then I had to look and realized it's a paper street. Okay well that's an interesting thing you live on a corner lot you have two front yard setbacks. Do we need to address the swimming pool Catherine I saw that was on the report?

MS. NATAFALUSY: It says formerly above ground damaged by storm.

MR. PIACENTE: That's coming down. There's been a pool there since, oh my children's grandfather had a pool there I just (inaudible) out there that's all I did it's the same size.

MR. WEISS: Okay so you're not going to rebuild the pool.

MR. PIACENTE: No.

MR. WEISS: Although I'm not saying you can't.

MR. PIACENTE: Right I know if I do I need to get a variance. I didn't know anything about that I'm sorry.

MR. WEISS: Okay you might not even need a variance for the pool I don't know that but at least for now your testimony is you're not going to build a pool. You're here to simply put an addition on your home, you've told us you that you live on a corner lot which gives you two front yard setbacks. The home is wooded it's relatively is it flat, is it steep?

MR. PIACENTE: No it's pretty narrow grade it's steep on the one side on the left but the addition is going on the right side.

MR. WEISS: So you have no steep slope but you do have a corner lot. Let's talk about the neighborhood, how many homes are within . . . from your front deck, from your front stairs how many homes can you see?

MR. PIACENTE: You can see about four.

MR. WEISS: Four you're being very aggressive. It's very wooded correct?

MR. PIACENTE: Yeah.

MR. WEISS: I said your home is very wooded it's hard to see the other homes. You're not in a cluster neighborhood, you don't have a development, there's no sidewalks you're on a rural road your neighbors are not right on you you don't have a 12 foot setback.

MR. PIACENTE: No.

MR. HARDMAN: I also previously before this application had built two story additions of the same fashion on the two neighbors on the same side of his road already. And how I didn't have to go for a variance for those is beyond me because they're all as close to the road as him and maybe some are grandfathered I don't know.

MS. NATAFALUSY: Because I think you went up a level rather than an extension.

MR. HARDMAN: Oh that's right so we're doing a level and we're doing a bump out that is it thank you Catherine.

MS. NATAFALUSY: You're welcome.

MR. HARDMAN: But I did do . . . I doubled the size of both of the homes right next to him so I don't know if that's of any relevance or not. But it is making that part of the street look like they have real homes instead of shanties now so it is helping the aesthetics of that part of the town.

MR. WEISS: Well ultimately I ask a question and maybe now is a good time to ask a question is by building this addition would you say that this addition would negatively affect the neighborhood?

MR. PIACENTE: Oh no it would just make it look better.

MR. WEISS: And the reason is as Mr. Hardman just explained to us your neighbors have the similar additions put on their homes.

MR. PIACENTE: Yes.

MR. WEISS: So it's actually the way your home exists now is you're kind of the oddball if you will.

MR. PIACENTE: Yes I am.

MR. WEISS: Okay well that's actually very helpful for us to understand that if we were to grant such a variance it wouldn't affect the neighborhood and that's always a concern of the Planning Board. We also have to make a determination if granting such variance would alter from our zone plan and I don't really hear anything that would say such. It's a pretty fairly straight forward application, Mr. Buzak do you have any questions?

MR. BUZAK: Just a couple. There's a large lot across the street from you is that open space?

MR. PIACENTE: Yes they can't build there they've been trying to build on there but they just can't get approvals. There's wetlands over there too.

MR. BUZAK: Okay and how about opposite you on Mohawk?

MR. PIACENTE: There's just nothing back there. A lot of it's just some streets Oneida Trail and . . .

MR. BUZAK: Yeah there's a lot of paper streets there but is there any development at all there?

MR. PIACENTE: No there's nothing.

MR. HARDMAN: I just believe that those paper streets haven't been vacated yet and I'm sure because there's really no way to access them for anything useful I'm sure ultimately they will be vacated as space becomes a premium in our town as we notice.

MS. NATAFALUSY: The only issue would be we can't land lock a property so that's why probably a lot of them are not vacated. Can I just ask a question, the frame lean-to that's in the paper street whose is that?

MR. PIACENTE: That's mine. If it has to be moved I'll move it.

MR. WEISS: I would imagine that you would run into trouble from the Building Inspector or the Construction Official we do have our Zoning Officer back and I would suggest to you that you remove things that shouldn't be there and we'll make that a condition of approval. Which means your final CO won't be issued unless you follow through with that. This is also a good opportunity to clean up anything that's . . .

MR. HARDMAN: I'll help him understand that.

MR. WEISS: I'm sure you will which is why it's nice seeing you come for this meeting. By understanding the overall processes to not just grant you what you're looking for but it's also an opportunity for the Planning Board to keep things in house and keep in order. And so if you do have something that's built on property where you shouldn't have it we're going to make that a condition of this approval.

MR. PIACENTE: The surveys from before you know are different than the survey you get now. Because this is my wife's grandfather's house from the 1940's. You know there was a shed over here . .

MR. WEISS: Our report does tell us that the home predates our current zoning. Are there any other things on the property that need to be removed that might affect . . .

MS. NATAFALUSY: Well you can't move a well house.

MR. PIACENTE: The well shed is on my property because I own that lot behind it.

MR. WILPERT: Correct.

MR. PIACENTE: Okay the other shed I put that shed where the old shed used to be.

MR. WILPERT: Yeah that's the gore the infamous gore over there.

MR. WEISS: That's when you pass the house.

MR. WILPERT: Yeah it's no man's land.

MR. WEISS: Is there a house back there?

MR. PIACENTE: There's an old foundation back there that used to be . . . I mean when we were kids we'd call it Dick's Castle we used to use it as a clubhouse it was an old hunting lodge.

MR. WEISS: I saw it today and wondered where the driveway was to get to that house. I'm going to make one suggestion I don't think we can make it a condition of approval but I was looking for your property today to take a look and by process of elimination I found it but I can only make a suggestion if I was an emergency vehicle . . .

MR. PIACENTE: I just put that mailbox up and I forgot to get the number.

MR. WEISS: There wasn't a number on the front door, there wasn't a number on the mailbox I suggest for your own good I mean especially you said your wife is not well, I started to think if I'm an emergency responder I'm in trouble.

MR. PIACENTE: I just put that mailbox in the ground.

MR. HARDMAN: And you know what makes matters worse? He delivers pizza as a part time job, how many people are getting cold people because they don't have numbers on their mailboxes.

MR. WEISS: So I can only make that as a suggestion.

MR. FLEISCHNER: I recommend you get the numbers I guess through the Police department they'll offer the ones that glow at night. The ones that glow the blue and you can see at night.

MR. WEISS: Especially in light of . . . I don't think we have the authority to mandate that you do that but . . .

MR. PIACENTE: No it's on my agenda.

MR. WEISS: Okay I did make a note of that that there's no numbers.

MR. MANIA: Good point Mr. Chairman.

MR. WEISS: Yeah I had trouble find it. And if I had . . I wasn't in a rush imagine if there was an emergency so . .

MR. FLEISCHNER: Just get the ones that the headlights shine on it and you can see it.

MR. HARDMAN: That's a good idea. I just put my mailbox up yesterday I got the letters you're talking about. The snowplows, I don't know who did it but . . . Fortunately I found mine at 58 Madison I was able to bring it back and reinstall it.

MR. WEISS: Okay let me . . . do you have any other testimony you want to provide the Planning Board tonight?

MR. PIACENTE: No.

MR. WEISS: Okay let me open it to the public if anybody from the public has any questions or comments for the applicant? I see none so I'm going to close it to the public. Anybody from the Planning Board have any comments? We did note that one condition Ed about . . .

MR. BUZAK: Removing the lean to in the paper street.

MR. WEISS: On Mohawk Trail.

MR. BUZAK: Yes and the applicant indicated that they don't intend to reconstruct the pool and I'd like to put that in because that pool is now that it's gone and it did not receive a variance which seems to be the case then they can't rebuild it without getting a variance. The applicant has already acknowledged that if he was going to do that he'd have to come for a variance, I like to put that in the resolution as a statement of fact.

MR. WEISS: Well let's be clear though we don't know if he needs a variance but he would have to come for a permit.

MS. NATAFALUSY: He'd need a variance because as an accessory structure it doesn't meet the standards.

MR. WEISS: Okay it doesn't mean that he couldn't take a pool and put it somewhere else on the property.

MS. NATAFALUSY: On the property but if he wants to locate it in that . . .

MR. WEISS: Understood but there's no reason that he has to. So let's make sure that we're clear.

MR. PIACENTE: So say I will want to put another pool later on now if it's within these limits you don't need a variance?

MR. WEISS: You just need a building . . . because you need a permit. Not a building permit a zoning permit.

MR. PIACENTE: Even above ground ones.

MS. NATAFALUSY: As long as it meets the setbacks for an accessory structure.

MR. HARDMAN: You have to provide the information on the filter and motor to the building department they have to have it in the file.

MR. WEISS: But that's something different so let's make it a condition that the existing location where your pool is and was will not be a swimming pool when you're done with this project.

MR. PIACENTE: No.

MR. WEISS: And that you're going to remove it and it doesn't limit you from ever coming back and saying I want a pool but at least not here not now.

MR. PIACENTE: Right.

MR. WEISS: Okay so we're clear with that and you accept that.

MR. PIACENTE: Yes.

MR. WEISS: Okay all those being said I will then . . . Catherine is there anything else that you had?

MS. NATAFALUSY: No.

MR. WEISS: Okay anybody from the Planning Board would like to make a motion for . . .

MR. RUSSELL: I'll move that PB 15-10 be approved.

MR. MANIA: I'll second it.

MR. WEISS: Any conversation? Roll call.

MS. NATAFALUSY: Joe Fleischner - yes
Brian Schaechter - yes
Henry Fastert - yes
David Koptyra - yes
John Mania - yes
Nelson Russell - yes
Frank Wilpert - yes
Howie Weiss - yes

MR. WEISS: Gentlemen good luck to you and the same situation it will be in about 30 days we will have a resolution signed.

MR. WEISS: Now we are concluded with our agenda I see folks if you have something you'd like to discuss with the Planning Board I'll open it to the public. You can sit right here just for the record state your name and address.

MR. GRANT: My name is John Grant and I own the property at 9 Harwich Road in Flanders.

MS. NATAFALUSY: I don't want to interrupt you but this is an application that's coming before the Board in a couple of months.

MR. WEISS: Okay so . . .

MS. NATAFALUSY: It was scheduled for tonight and we contacted them and told them they needed a use variance because they want to put an addition on the property which is going to consist of a second dwelling unit for the in-laws. After review we originally scheduled it for tonight and then we reviewed it further and then realized that they need a use variance. So they are now in the process of amending their application to include a use variance for a second dwelling unit on the property. I haven't heard from them I don't know when it's going to be scheduled again but it's not on tonight.

MR. WEISS: Okay so I think then certainly if you have something to say we'll listen I just want to make sure that . . .

MR. BUZAK: Well we need to be careful here because if you're going to be coming with an application then all that you're saying now can't be utilized as part of that application. Because in order to have the application you have to give notice and that hasn't been done yet.

MR. GRANT: I'm objecting to a bulk variance that would affect my property.

MS. NATAFALUSY: But it's not before the . . .

MR. GRANT: So I don't think I'm applying for anything.

MS. NATAFALUSY: No it's Mr. Stutz has made the application and we've deemed it incomplete so he's not on the agenda tonight he's amending that original bulk variance application to be a use

variance for two dwelling units on one lot. So he has to come back to the Board, he has to as these people do sit in front of the Board present his testimony and then the Board will hear the case and you can object at that time.

MR. GRANT: I'm sorry I missed it here that he's already asked for a use variance for a second dwelling unit. And this is the notice that was sent to me that's one of the complaints that I have.

MR. WEISS: Okay so let me just . . . you're not the applicant.

MR. GRANT: No I'm the neighbor.

MR. WEISS: Okay and you're going to ultimately object to this.

MR. GRANT: Absolutely.

MR. WEISS: Okay so that's fine I think what we can do is explain the system. You're probably unaware of what's going to happen. There's been a complication from the applicant he's requesting something that his application was deemed incomplete so he's not being heard tonight. But when that day comes you will be notified and you sit here you've seen very small applications tonight but there will be a full hearing. A use variance is a little bit more complicated than the simple variances that we heard tonight. It's a much more detailed process when someone is requesting a use variance. So your neighbor is going to have to put up, I'm sure there will be a planner and I'm sure there will be an engineer and they'll come in with maybe an attorney and he'll present his case. And you'll have a right to speak and question every step of the way and ultimately at the end of the meeting before we close it to the public you'll have a right to tell us anything that you'd like that's on your mind. But I'm asking you don't say anything tonight. But the process is ahead of us you'll be notified when it's scheduled, you'll be notified of anything that goes on with that application and you'll have the right to speak along the way. You also have the right if you want to bring in your own experts and you can testify as an objector. That's an option for you as well. So if you feel that you're going to be out dueled by an engineer you have the right to bring in your own engineer. And we'll give you that opportunity to object to the application through the use of your professional. So you do have rights, you do have options I don't even want to listen to what your concern is today because it's not on the agenda.

MS. GRANT: My name is Diane Grant and I live at 9 Harwich Road.

MR. WEISS: Then you must know him then.

MS. GRANT: A bit. What I'd like to know is will we be notified by the town? Because we were notified by his attorney to come tonight. That's where we got our information.

MR. WEISS: It's one in the same it's a notification that the town mandates that they give a notification. So the letter does come from his attorney.

MS. GRANT: Okay because that's what we have here.

MR. WEISS: But then they have to prove to us through receipts of certified mail or a signature by you that you've been notified. So it's not like you can say well I didn't get the mail.

MS. GRANT: Okay so now what we sign for here is not going to count for the next letter that we should receive.

MS. NATAFALUSY: No he will renotece.

MR. WEISS: See he has an . . . all applicant's they're mandated to notify even the gentlemen the families that were here tonight and they have to do it ten days prior to the hearing. So that seemed to be an offensive move by the attorney. Assuming he was going to be on tonight he noticed. It was deemed incomplete that notice is invalid.

MS. GRANT: Okay.

MR. GRANT: Who deemed it incomplete?

MR. WEISS: It's our team of professionals.

MS. GRANT: However the attorney did not inform us.

MR. WEISS: What the attorney did is he noted what he is supposed to do, the worse thing that happened you came out for a 45 minutes and you realized it didn't need to be. But you will be noticed again and he will prove to us but we have. . . we'll get a tax map and we'll know all of the homes that are 200 feet from this property. Catherine will keep a checklist and we'll make sure that every person in that circle has a certification that they've been noticed.

MS. GRANT: Okay.

MR. WEISS: If that doesn't happen that will be cancelled, the meeting will be cancelled for improper notice.

MS. GRANT: Okay.

MR. WEISS: So you don't have anything to worry about as far as you being left out and wake up the next morning you read it in the paper.

MS. GRANT: Okay.

MR. WEISS: I do suggest that the Planning Board meets the second and third Thursday of every month and if you're not sure and if you go through a period where you don't hear anything check with the office. Is it on the website?

MS. NATAFALUSY: Yes it's always on the website.

MR. WEISS: You can check the township website for the Planning Board agenda.

MS. NATAFALUSY: Or you can call me.

MR. WEISS: Or call Catherine.

MS. NATAFALUSY: But you will be noticed and they have not amended the application as of today. I spoke to their attorney the other day and he said they're in the process. So it's not going to be on before May at this point.

MR. SCHAECHTER: If they're noticed but can't attend that night should they contact you?

MS. NATAFALUSY: There is nothing . . . I mean we received a letter the other day from Mr. Prevetti and the problem is we can't cross examine a letter and I told the secretary because I wasn't in when somebody delivered the letter. The Board can't cross examine a letter so we can't take a letter.

MR. GRANT: That's fine he'll be back in the country tomorrow so he can show up here with me.

MS. NATAFALUSY: Right.

MR. FLEISCHNER: Just so you're aware it's a use variance which means it's not a simple majority of the Board members.

MS. NATAFALUSY: That have to get five out of seven votes, a majority. It's not like a bulk variance like tonight.

MS. GRANT: Well in the event that we would be out of town at the next meeting then what do we do?

MR. WEISS: It's a problem.

MS. GRANT: Yeah.

MR. WEISS: It's a problem unfortunately you don't have the right to ask us to move it because it's not your application it's theirs.

MS. GRANT: And you can't get a letter notarized or anything and submit that?

MR. WEISS: I'm told no.

MR. GRANT: Should I get an attorney to show up for me?

MR. WEISS: You can.

MR. GRANT: (inaudible) in May then I'd have to get an attorney and have him come in.

MR. FASTERT: Would a deposition be okay?

MR. BUZAK: No. But you have to remember that your attorney can't testify on your behalf. So the attorney can ask questions of the applicant, ask questions of the applicant's witnesses, and he can put forth an argument but he can't make statements of fact to the Board. That needs to be made by people under oath and the attorneys are not put under oath because they are representing someone. So it's a little bit more difficult for an attorney to represent an objector when the objector himself or herself is not present. Because you need to get some facts on the record and he or she can't really do that.

MR. FASTERT: Ed I'm curious why is a deposition not appropriate?

MR. BUZAK: Because we can't cross-examine a deposition.

MR. FASTERT: Okay. But it's just a simple statement under oath.

MR. BUZAK: Yes it is but the difficulty with it and even like with a notarized statement where someone will submit a certification or an affidavit. If there's any questions that we have we can't ask it of the affidavit we need the people here. And you need to be able to judge their credibility you know there's a lot of benefits of having live testimony.

MR. FASTERT: Oh you get no argument from me at all.

MR. FLEISCHNER: Can I ask a question since we live in the age of technology? Not that this is going to happen but I know in certain criminal cases people have testified from hospital beds via Skype.

MR. BUZAK: Sure well I mean if you want to set all that up I suppose that can be done I don't know if we have the technology here to do that. But the idea is that you need to have someone present.

MR. FLEISCHNER: Where there's a will there's a way and let's hope that when this comes before the Board you're available and everything just works out.

MS. NATAFALUSY: We have two meetings in May the 14th and the 21st and I've already scheduled something for the 14th I haven't even heard from them so I don't know when they're going to amend the application and file it again.

MR. GRANT: We're away on the 21st we'll be in Georgetown, Grand Cayman.

MR. WEISS: I believe that . . . I spoke to Catherine just yesterday and it was my request if possible to cancel the 21st meeting anyway my son graduates college so I won't be here and if we're not that busy I have spoken to Catherine about trying not to schedule anything on the 21st so it might work out in your favor.

MR. GRANT: Good.

MR. FASTERT: Well can't we just simply schedule it for the first meeting in June?

MS. NATAFALUSY: I have to get the application before I schedule it.

MR. FASTERT: I'm saying when you get the application

MR. WEISS: I've heard the Grant's concern and if it comes up obviously I'd work with Catherine on the schedule and I certainly taking your concerns into account.

MR. GRANT: Good.

MS. GRANT: Thank you.

MR. WEISS: Okay I had no other business. Is there any other new business?

MR. SCHAECHTER: I'll make a motion that we adjourn.

MR. WEISS: Brian makes a motion to adjourn.

MR. FLEISCHNER: Second.

MR. WEISS: All in favor?

EVERYONE: Aye.

(MEETING ADJOURNED AT 7:52:32 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Department