

BOROUGH OF SUSSEX
MEETING MINUTES
PLANNING/ZONING BOARD
September 22, 2014

1. CALL TO ORDER by Chairman Klein.

2. ROLL CALL – MEMBERS PRESENT: Rich Klein, Jonathan Rose, Sal Lagattuta, Steve Danner, Karen Vander Veer, John Rand, Kathy Little, Frank Darvey, Brad Case
ABSENT: Bruce Kristiansen
PROFESSIONALS PRESENT: Ken Nelson, Mike Vreeland
ABSENT: Glenn Gavan

3. STATEMENT OF COMPLIANCE – Chairman Klein stated “This meeting is in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. It has been properly advertised and certified by the Secretary.”

4. FLAG SALUTE AND MOMENT OF SILENCE – Chairman Klein invited everyone to stand for the Pledge of Allegiance and a moment of silence.

5. APPROVAL OF MINUTES – A motion to approve the minutes of the August 25th, 2014 meeting was made by Steve Danner, second by John Rand.
Upon roll call vote:
Ayes: Klein, Danner, Little, Vander Veer, Rand, Darvey, Case
Nays: None
Absent: Kristiansen
Abstentions: Lagattuta, Rose

6. APPLICATIONS
 - a. *Barry Fitzpatrick, PZ 2013-03*
49 Bank Street, Block 204, Lot 4
Use Variances and Height Variance

Martin Van Der Heide, Attorney for the Fitzpatrick’s appeared before the Board. Mayor Rose and Councilman Lagattuta recused themselves and left the dais. Mr. Fitzpatrick was sworn in. Mr. Fitzpatrick stated that there was a change in plans during the renovation of the existing garage with the addition of a second floor and the relocation of the stairs from the inside to the outside of the structure. The Floor Plans consisting of five (5) pages were marked as Exhibit A. The first page shows the second floor of the garage with an open floor plan. Other than removal of the stairs, the first floor of the garage will be used as storage for hand tools and a cabana area for the pool on the left side; and the right side will be used for car parking, a bathroom and storage of pool equipment. The second page shows the pool which is located directly in the rear of the garage. The Survey prepared by Greenaway Surveying dated July 5, 2013 and updated on July 14, 2014 shows the location of the pool

MEETING MINUTES

September 22, 2014

Page 2.

on the lot. The third page shows the rear elevation and the fourth page shows the right elevation and the fifth page shows the left elevation of the pool enclosure. Dimensions of the pool enclosure are 20 feet by 32 feet. The pool enclosure and the garage are not attached and are two separate buildings.

Mr. Fitzpatrick said that there are two reasons for the garage apartment: His wife is from Chile and they have relatives that visit for six (6) weeks at a time. The second reason is that the house is listed with the State of New Jersey as a film site. Once this work is completed, my wife and I will stay in the apartment when they are filming in the primary residence. There is no intention of renting out the space. The height for accessory buildings is 15 feet; and according to the Engineer's and Planner's reports, the height of this building is 19 feet 7 inches. A variance is needed for that and a variance is required for the second living unit in the garage building.

Mr. Danner noted that the stairway is very close to the side property line. A question was asked if the stairs could be moved to the inside of the building. Square footage would be lost in the living space. Duplex dwellings are allowed in the zone; however, they are attached units. Mr. Nelson commented that this might be the most important variance which would be a "d" variance since the second unit on the property could be considered another principal structure. A "c" variance is required for the side yard setback. The Board can find in a case like this, the benefits substantially outweigh the detriments and a "c2" variance can be granted. Mr. Van Der Heide stated that the applicant is asking for a square footage variance since the unit is 484 square feet and the ordinance allows 750 square feet. Mr. Nelson stated that the Health Department regulations would supersede the zoning ordinances. Mr. Fitzpatrick minimized the height of the building by installing a mansard roof instead of a gable roof.

Chairman Klein noted that the stairs are shown inside the building on the original plans which were approved by the Building Dept. The applicant has not submitted revised plans for approval to the Building Dept. Mrs. Little inquired whether there is a width requirement for the stairs. The width would be in the Uniform Construction Code.

Mr. Nelson outlined different options for approval or denial of the application and suggested that the occupancy can be a condition of the approval. Mr. Vreeland stated that there is just enough parking because the gravel area in the front shouldn't be utilized for parking but can be useful in making K-turns. Provisions for water run-off from either of the roofs should not be directed to the neighbor's property or to the sanitary manhole in the back.

OPEN TO THE PUBLIC

Mr. Edwin Diaz of 47 Bank Street appeared before the Board. Mr. Diaz submitted photographs taken on this date and marked as "O1" A through E. Mr. Diaz's testimony included the following:

- a. The cantilever installed on all sides of the building is not located within the ten foot side yard setback (photographs A, D & E);
- b. The stairs are located very close to the side property line making it very dangerous. If someone falls down the stairs, it would be difficult for EMS to get to them;
- c. The applicant has not requested a variance for the new structure to enclose the pool which is not within the ten foot setback;
- d. Concerns with the garage, stairs, carbon monoxide exposure and the pool enclosure.

Mr. Nelson stated that if the building is considered as a principal structure, then the height restriction would no longer apply.

Attorney Van Der Heide listed the reasons for approval: It is a nice building; the applicant will have limited use of the apartment; there is adequate parking; and it is an improvement to the neighborhood.

Chairman Klein said that he spoke to the Zoning Officer regarding the premises and/or residence being used as a film site. Under those circumstances, it then becomes a Commercial property which would also require a variance. Because this is so technical, the Board will not be voting on this tonight. This application will be carried over to the next meeting.

CLOSE TO THE PUBLIC

The meeting was closed to the public.

- b. Galtag, LLC, PZ 2014-04
52 Main Street, Block 702, Lot 9
Concept Plan*

Mr. George Popov appeared before the Board for a Conceptual Review. Mr. Popov stated that he received a report from Ken Nelson. The application contains photos and sketches of the proposed work. Currently, the first floor of the building contains a deli and the second and third floors are apartments. The work is on the rear egress for the third floor and access to the storage area on the second floor.

Chairman Klein stated this project has a "Stop Work Order" on it from the Building Dept. The Zoning Permit was denied because it is a Commercial property and requires approval from the Board. Mr. Kervatt, Zoning Officer, said he spoke to Attorney Gavan and since this is a small endeavor, told him to instruct the applicant to apply for a Concept Plan. Chairman Klein said that since Attorney Gavan has not discussed this with him, he would like to speak with him and proceed from there. Mr. Nelson suggested that the application be changed to a Minor Site Plan in order to be heard next month. Chairman Klein called for a five minute recess. Chairman Klein said he spoke to Attorney Gavan and recommended that the application be resubmitted for the Minor Site Plan.

7. RESOLUTIONS

- a. *McNamara Investments, PZ 2014-03*
25 Bank Street, Block 204 Lot 10.01
Memorialization of Resolution of Use Variance

A motion to memorialize the resolution for McNamara Investments was made by Steve Danner, second by John Rand.

Upon roll call vote:

Ayes: Klein, Danner, Rand, Vander Veer, Little, Darvey, Case

Nays: None

Absent: Kristiansen

Abstentions: None

8. BILLS/VOUCHERS

Dated 8/6/14 from Guerin & Vreeland Engineering re: General	\$236.00
Dated 8/6/14 from Guerin & Vreeland Engineering re: McNamara	\$318.60
Dated 8/30/14 from Glenn T. Gavan, Esq. re: General	\$150.00
Dated 8/30/14 from Glenn T. Gavan, Esq. re: Fitzpatrick	\$135.00
Dated 8/30/14 from Glenn T. Gavan, Esq. re: McNamara	\$405.00
Dated 9/10/14 from The Nelson Consulting Group re: McNamara	\$322.00
Dated 9/10/14 from The Nelson Consulting Group re: 24 Bank St.	\$253.00

A motion to approve the Bills and Vouchers was made by Karen Vander Veer, second by Sal Lagattuta.

Upon roll call vote:

Ayes: Klein, Danner, Rose, Lagattuta, Vander Veer, Rand, Little, Darvey, Case

Nays: None

Absent: Kristiansen

Abstentions: None

MEETING MINUTES
September 22, 2014
Page 5.

9. OPEN AND CLOSE TO THE PUBLIC

The meeting was opened to the public. Since there were no comments from the public, the meeting was closed to the public.

10. COMMENTS FROM PROFESSIONALS

Mr. Vreeland reported that the DOT asked the Hyundai dealership to relocate one of their signs. Initially, a variance was granted for Hyundai to have two signs on the property. If it was a conforming sign, a field change would be sufficient; but since a variance was granted, the Board will want to know the new location of the sign. This work will most likely require an amended Minor Site Plan.

Chairman Klein asked the Board members if they knew Mr. Kervatt, the Zoning Officer.

11. ADJOURNMENT

A motion to adjourn was made by Sal Lagattuta, second by Kathy Little with all in favor.

Meeting adjourned at 8:59 P.M.

Blanche Stuckey, Planning/Zoning Board Secretary

Date of Approval