

Zoning Board of Adjustment

MINUTES

January 27, 2016

Meeting brought to order by Chair McLaughlin at 8:00pm

**ROLL CALL**

Richard McLaughlin	Present	Rev. M Peoples	Absent
Michael Roth	Present	Steve Lott	Present
John Powers	Present	Stephen Martinez	Present
Jin Cho	Present		

Also present: Florence Savoye, Land Use Clerk  
John Schettino, Board Attorney

**New Members to be Sworn in**

Mr. Todd Cannao – First Alternate - will attend next month

Mr. Lynn Lander – Second Alternate – will speak to Mayor, he is not interested in being and alternate, so was not sworn in.

**2016 Appointments Approval**

Chair: Martinez nominated McLaughlin, Lott seconded

Vice-Chair: Powers nominated Roth, McLaughlin seconded

Secretary: Roth nominated Powers, McLaughlin seconded

Clerk: McLaughlin nominated Savoye, Powers seconded

ALL 2016 Board Member Appointments	Roll Call Vote				
	MOTION	SECOND	YES	NO	ABSTAIN
McLaughlin			X		
Roth			X		
Powers			X		
Cho			X		
Rev. Peoples					
Lott		X	X		
Martinez	X		X		

Mr. Schettino Board Attorney 2016 Appointment					
Roll Call Vote	MOTION	SECOND	YES	NO	ABSTAIN
McLaughlin	X		X		
Roth			X		
Powers			X		
Cho			X		
Rev. Peoples					
Lott			X		
Martinez		X	X		

Mr. Hakim Board Planner 2016 Appointment					
Roll Call Vote	MOTION	SECOND	YES	NO	ABSTAIN
McLaughlin	X		X		
Roth			X		
Powers			X		
Cho			X		
Rev. Peoples					
Lott			X		
Martinez		X	X		

Neglia Engineering Board Engineer 2016 Appointment					
Roll Call Vote	MOTION	SECOND	YES	NO	ABSTAIN
McLaughlin	X		X		
Roth			X		
Powers			X		
Cho			X		
Rev. Peoples					
Lott			X		
Martinez		X	X		

**Invoices Approved:**

Michael Hakim: Doggy Deuce Board of Adjustment App. May 2013 – \$1200.00

Law Office of John L Schettino, LLC: Verselis - \$250.00 Oct./Nov. 2015 General Legal Services – \$325.00

Invoices	<b>Roll Call Vote</b>				
	MOTION	SECOND	YES	NO	ABSTAIN
McLaughlin			X		
Roth			X		
Powers			X		
Cho			X		
Rev. Peoples					
Lott		X	X		
Martinez	X		X		

**Minutes APPROVED:** March, April, December, 2015

March 2015	<b>Roll Call Vote</b>				
	MOTION	SECOND	YES	NO	ABSTAIN
McLaughlin			X		
Roth			X		
Powers	X		X		
Cho			X		
Rev. Peoples					
Lott		X	X		
Martinez			X		

April 2015	<b>Roll Call Vote</b>				
	MOTION	SECOND	YES	NO	ABSTAIN
McLaughlin			X		
Roth	X		X		
Powers			X		
Cho			X		
Rev. Peoples					
Lott			X		
Martinez		X	X		

December 2015 <b>Roll Call Vote</b>					
	MOTION	SECOND	YES	NO	ABSTAIN
McLaughlin			X		
Roth		X	X		
Powers			X		
Cho			X		
Rev. Peoples					
Lott	X		X		
Martinez			X		

**OLD BUSINESS**

**John Ingannamorte** of 211 LaRoche Avenue (Block 1315, Lot 11.01) returns regarding his application for a variance for an existing custom shed accessory building in the back yard. Several Board members wanted the opportunity to visit the property before voting on the application.

No questions from Board

8:15 Chair opens meeting for public/No public/Meeting Closed

Ingannamorte Variance <b>Roll Call Vote</b>					
	MOTION	SECOND	YES	NO	ABSTAIN
McLaughlin	X		X		
Roth				X	
Powers		X		X	
Cho					X
Rev. Peoples					
Lott				X	
Martinez					X

The Board voted NO to the variance requested. Resident to move shed to conform to Zoning Code, remove the shed, or face fines. Applicant expressed his displeasure, mentioning the great number of clearly nonconforming sheds in his neighborhood. Chair McLaughlin noted there were no neighbors present to complain. After discussion the Board offered to entertain a motion to reconsider the application in February. Board Members Cho and Martinez, who abstained from voting, agreed to listen to the recording from the December Board of Adjustment meeting where the application was initially heard, and possibly visit the property.

Ingannamorte Reconsideration <b>Roll Call Vote</b>					
	MOTION	SECOND	YES	NO	ABSTAIN
McLaughlin			X		
Roth				X	
Powers				X	
Cho			X		
Rev. Peoples					
Lott	X		X		
Martinez		X	X		

Applicant can also return with new information; for example, a list of addresses of non-conforming sheds and/or adjacent neighbors may attend the meeting or state they are satisfied with the location of the shed in a letter.

**Jesse Barragato** of 148 Schraalenburgh Road, (Block 1203, Lot 12) is requesting the Board reconsider their determination not to grant him a modification to the resolution approved on March 25, 2015. The reason the applicant is required to come back to the Board of Adjustment is that the resolution specifically indicates a “storage area” above the garage. Mr. Barragato is currently using the space for recreation. A modification to the resolution is required for the issuance of a Certificate of Occupancy for any other use and needs to reflect the Board’s approval.

During the Board discussion of the application, Mr. Roth asked Mr. Barragato if he would be willing to have a deed restriction regarding commercial use of the garage, and Mr. Barragato said he would be willing, after consulting an attorney. Mr. Schettino outlined the steps and costs necessary to get a deed restriction.

Mr. Powers asked if there is heat and air conditioning in the upstairs. Yes, there are vents. Mr. Roth wondered why someone can’t work out in their garage...they can, but in this case, the variance specified only “storage area” for the second floor.

The board voted to amend the existing resolution to include recreational use in the second floor of the garage.

<b>Barragato Roll Call Vote</b>					
	MOTION	SECOND	YES	NO	ABSTAIN
McLaughlin			X		
Roth					X
Powers	X		X		
Cho					X
Rev. Peoples					
Lott		X	X		
Martinez					X

A revised resolution will be presented for adoption at the February Board meeting.

**Biskup Resolution ADOPTED**

<b>Biskup Resolution Roll Call Vote</b>					
	MOTION	SECOND	YES	NO	ABSTAIN
McLaughlin			X		
Roth		X		X	
Powers	X		X		
Cho					X
Rev. Peoples					
Lott			X		
Martinez					X

Clerk will send letter the resolution and Mr. Schettino's letter to Mayor and Council and the Planning Board for action regarding the Zoning Board of Adjustment's request to have the code amended to avoid ambiguity of Code 350-42B.

**Next Meeting Wednesday, February 24, 2016**

<b>Adjourn Roll Call Vote</b>					
	MOTION	SECOND	YES	NO	ABSTAIN
McLaughlin			x		
Roth			x		
Powers			x		
Cho			x		
Rev. Peoples					
Lott			x		
Martinez			x		

**Meeting Adjourned 8:55 pm**