

CORRESPONDENCE:

Handouts:

List of Board Solicitor vouchers dated September 24, 2015.

List of Board Engineer vouchers dated October 1, 2015.

List of Engineering Design Associates voucher dated October 1, 2015.

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Mr. Brand made a motion to approve the minutes from the September 3, 2015 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

Mr. Utsch made a motion to approve Board Solicitor vouchers. The motion was seconded by Mr. DiStefano. Motion carried.

Mr. Utsch made a motion to approve Board Engineer vouchers. The motion was seconded by Mr. Brand. Motion carried.

Mr. Utsch made a motion to approve Engineering Design Associates voucher. The motion was seconded by Mr. Brand. Motion carried.

Mr. Utsch made a motion to approve the resolutions from the September 3, 2015 meeting. The motion was seconded by Mr. Brand. Motion carried.

Chairman Waterman read the agenda for the benefit of the public.

1. Interpretation & hardship variance applications to determine if lots have merged and/or hardship variance to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by Mister X, LLC for the location known as Block 525, Lots 11-16, 3-5 Delair Road.

Mr. Louis C. Dwyer, Jr., Esq., represented the applicant.

Mr. Fred Xenidis, applicant, and Mr. Harold Noon, PP, Licensed Land Surveyor, was sworn in by Chairman Waterman.

Mr. Xenidis explained he has been a builder for 40 years and is the owner of the property on Delair Road. He explained he has research the ownership of the property and gave the history of the deeds. He had submitted into evidence a deed dated October 3, 1960. He explained the house at 5 Delair Road was built in the 1920's and submitted a printout from the Township. A deed from 1938 was submitted into evidence. He explained the deed and tax records show the structure was built in 1937 and in 1939 the tax records show an increase with the additional purchase of the lots. Submitted into evidence was a tax duplicate from 1939.

Mr. Xenidis explained he bought the property from the bank. He explained the previous owners had gutted the property. He explained the main building on 5 Delair Road was built in the 1920's and the building on 3 Delair Road was built in the mid 1930's. He explained there was a garage addition built onto the front of the carriage house. He explained there are carriage doors on the side and it appears they used them as windows. He explained there is a loft in the building. He explained there are three (3) rooms plus the loft.

Submitted into evidence was seven (7) photos of 3 Delair Road. Two (2) additional photos of 3 Delair Road and one (1) photo of 5 Delair Road was submitted into evidence.

In one of the photos there is a large tree by the carriage house doors. He explained one would have to drive around the tree to get into the garage. He explained he had a plumber come to estimate the date of the plumbing and he estimated it at least 60 years old. He explained the siding was clapboard.

Mr. Dwyer explained they have submitted proofs to show there is a principal structure on both 3 Delair and 5 Delair Roads. He explained their belief is both were built prior to zoning. He explained when zoning came into effect in 1953, lot sizes were 50 x 100. He explained he believes they were lawful structures. He explained lots do not merge with existing structures on them. He explained nothing was done that would have created merger of the lots.

Mr. Dwyer explained to the Board that he urges the Board to find there is no merger. He explained his client would get rid of an outdated house and replace with a more modest home that would be in character with the neighborhood.

Mr. Galestok read findings-of-fact #9 from Resolution No. 08-25, 'The property is developed with a single family structure on Lots 14, 15 and 16, and a detached accessory structure (garage) on Lots 11, 12 and 13. Mr. Miller testified that he uses the garage as an accessory structure to the principal structure (the house) on the adjoining parcel.' Mr. Xenidis explained to the Board that Mr. Miller is not here tonight. Also, he had testified there were six foot ceilings in this building and the building height is actually taller than that.

Mr. Harvatt asked how the building was marketed? Mr. Dwyer explained it was an 'as is' property.

Mr. Dwyer explained that if the Board determines the lots have not merged, then a variance would not be needed. He explained the Ordinance was changed to allow demolition of houses and reconstruction without variances.

Mr. Harvatt explained to the Board that they have to consider if a carriage house was a principal structure.

This portion of the hearing was opened to the public.

Ms. Nancy Markle was sworn in by Chairman Waterman.

Ms. Markle explained to the Board her family had property on Cedarbrook Road and her and her family has been coming here since 1948 until she moved here permanently. She gave the Board the history of the property in question. She explained Mrs. Christie's grandson lived in the house at 5 Delair Road. She explained that since she has lived there, no one has lived in the building at 3 Delair Road. She explained she has pictures that this building looked like a garage.

Ms. Markle asked if there were two wells? Mr. Xenidis explained he couldn't find a well or septic system. She asked if there was city water or sewer? Mr. Xenidis explained he didn't believe there was a tie-in for sewer, but there is a pit to tie into the city water.

Mr. Dwyer asked Ms. Markle when she stayed at the house, if she saw anyone stay in this structure? Ms. Markle explained she would stay here in the summer and she never saw anyone stay in this building.

Ms. Ellen Vancko was sworn in by Chairman Waterman.

Ms. Vancko explained she has owned her property on Cedarbrook for ten years. She explained she has always understood this building to be a garage. She explained the previous owners were renovating it for an exercise room. She explained she has not seen this used for living.

Ms. Vancko explained at the previous meeting it was determined that there is another building on the property that was not there when the application was made for subdivision.

Mr. Galestok explained the subdivision application was 2004 and the plan was marked into evidence.

Mr. Dwyer had submitted into evidence a 1992 survey prepared by William Sweeney.

Mr. Noon explained there were two water connections.

Mrs. Susan McGarrity was sworn in by Chairman Waterman.

Mrs. McGarrity explained the property was sold as one, bought as one and shouldn't be

looked at like two properties.

Mr. Joe Dollderer was sworn in by Chairman Waterman.

Mr. Dollderer explained he has recently moved to the area into a home built by Mr. Xenidis and he owes Mr. Xenidis for him moving here.

This portion of the hearing was closed to the public.

Mr. Dwyer explained he believes these are two principal structures and made non-conforming because the zoning changed, but a 60 x 100 is keeping with the area. Mr. Noon explained there are 14-60 x 100 lots or smaller in a 200' radius.

The Board discussed their feelings about whether it is a carriage house and used for living. Nothing was submitted to the Board that it was ever used as living unit.

Mr. Dwyer explained that the Board needs to look at the deed history of the lots. He explained when zoning came to be, the lot sizes were 50 x 100 and these lots are 60 x 100.

Mr. Harvatt asked Mr. Galestok if he knew whether accessory uses were permitted in the 1950's? Mr. Galestok explained he did not know.

Submitted into evidence was a photo of a plumbing pipe from 3 Delair showing there was plumbing at this house at one time.

Mr. Brand made a motion to approve the interpretation application that the lots have not merged. The motion was seconded by Mr. Utsch.

VOTE:	Mr. Brand	YES	Mr. DiStefano	NO
	Mr. Utsch	NO	Mr. Sweeten	NO
	Chairman Waterman	NO		

Motion denied.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

- Hardship variance application to construct an addition encroaching into the front, side and rear year setbacks and exceeding allowed building coverage, submitted by Elliott & Joann Sturm for the location known as Block 606, Lot 10, 401 Miller Avenue.

Mr. Elliott Sturm and Mrs. Joann Sturm, applicants, were sworn in by Chairman Waterman.

Mr. Sturm explained to the Board he would like to construct an attached garage. He explained he needs a new heating system and would like the heater to be in the garage. He also explained he would like additional storage. The garage addition would be 24 x 24 and one story. He explained the existing detached shed would be removed.

There was a discussion about the odd shape of the lot.

This portion of the hearing was opened to the public. There were no public comments. This portion of the hearing was closed to the public.

Mr. Brand made a motion to conditionally approve this application. The motion was seconded by Mr. Sweeten.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Sweeten	YES
	Chairman Waterman	YES		

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

Mr. Brand made a motion to adjourn at 8:30 P.M. The motion was seconded by Mr. Utsch. Motion carried.

Respectfully submitted,

Lisa A. Schubert,
Recording Secretary

A verbatim recording of said meeting is on file in Township Hall.

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE PUBLIC BODY AT ITS NEXT MEETING. THIS BOARD WILL NOT BE RESPONSIBLE FOR ANY MIS-STATEMENTS, ERRORS OR OMISSIONS OF THESE MINUTES, AND CAUTIONS ANYONE REVIEWING THESE MINUTES TO RELY UPON THEM ONLY AT THEIR OWN RISK.