

ZONING BOARD OF ADJUSTMENT

REGULAR MEETING

OCTOBER 5, 2011

The regular meeting of the Zoning Board of Adjustment for October 5, 2011 was called to order at 7:00PM by Chairman Robert Ruhle.

Secretary Romero read the Sunshine Act.

Rollcall: Ruhle, Barbire, Affuso, Deinhardt, Finke, Helstoski, Magnusson, Attorney Kimball Secretary Romero. Absent: Reiter

DOCKET 2011-1 DONALD VANSELOUS, 146-148 3RD ST. APPLICANT WISHES TO APPEAL DECISION OF ZONING OFFICAL AND IF NOT GRANTED WILL REQUEST USE AND BULK VARIANCES.

Planning Board Members Frank Finke, Renata Helstoski and Jeffrey Magnusson were in attendance for a quorum. Also in attendance Stephanie Santos for Neglia Engineering.

A-1 Appeal

A-2 Tax Collector Certification

A-3 Zoning Official letter 6/6/11

A-4 Survey of Anthony J Mamno 5/16/11

A-5 Tax Map 1930 revised 1961

A-6 Denial letter with Exemption request by Paul Clemente 9/5/11

A-7 Appeal letter

A-8 Formal letter of appeal

A-9 Neglia Engineering Report 9/29/11

A-10 Ken Nelson Report 9/2/7/11

A-11 Paul Clemente memo deeming application complete 9/20/11

A-12 Police memo 9/22/11

A-14 Notice Materials

Applicant feels that the two lots were originally two 50X100 lots. When the tax map changed lot 4 was changed to residential (4 unit building and garage) lot 3 only had detached garage. Something happened between 1961 an now because the tax map shows the lots as one lot of 100X100 also these lots have become owned by one single owner. The taxes were paid by one person by 1990. There was never an approval to merge lots 3 and 4.

The property owner now wants the property deemed as two lots. They would like to renovate the one property and build on the other lot.

Mr. Donald Van Selous was sworn in. I am the owner of one property.

A-15 Tax Assessors Card block 267 lot 11 100X100 and listed as 3 family.

The 4 family was constructed in 1936. 1930-1961 tax maps shows 2 lots clearly. The exemption from the Zoning Board Official was because you're making 2 lots out of 1 lot of 100X100, that you feel the Borough somehow erased one lot line. Mr. Crook feels Mr. Clemente should have looked back to find out that these lots were 2 lots in 1961.

Mr. Crook – to get certificate of exemption there needs to be one owner, which would meet the criteria for the merger citation.

Mr. VanSealous has a buyer for the property.

PUBLIC COMMENTS:

Richard Martinelli, 216 10th St. I'm representing my family at 142 2nd St who are the rear neighbors. I have seen neglect and property maintenance issues. I would like the property to be sold with out the split.

Lorraine Vanderbeck, 359 Marlboro Rd. 146 3rd was always nice 148 will be better when it put together. I believe 146 was where Mr. Charles Lockhardt received his business mail. I 'm in favor of the sale and the split of the property.

Mr. Martinelli- Is there a tax benefit? We don't know.

CLOSED TO PUBLIC

BOARD QUESTIONS/COMMENTS:

These lots were purchased separately at two different times and separately deeded and then one deed had both lots on it. Then the town sent out one tax bill as opposed to two. What was Mr. Mamno working off of when he did the survey? The deed.

Mr. Crook is requesting the reversal of the exempt certificate and when the sale occurs deeds will be filed with the county.

Finke- D we have any advice from our attorney or Borough Attorney regarding the lots are they one or two?

Kimball- No, it's for you to decide. We have looked back into the towns records but have found nothing to show why it was changed on the tax map.

Finke- If the owner has been paying the tax bill since 1987 isn't it the owner's job to ask the Borough why they are only receiving one tax bill for two properties.

When was the request made to the Tax Assessor and CCO? September 19, 2011.

Has the four family been inspected by the State? Yes. Two tanks have been removed and the contaminated soil has been removed today.

Barbire- I feel it is difficult to make a decision when we don't know what the new buyers are going to put on the property.

Motion: Mr. Ruhle made a motion to grant exemption certificate, seconded by Mr. Magnusson. Rollcall: 6AYES

Motion: Mr. Ruhle made a motion to approve the minutes, seconded by Mrs. Barbire.
Rollcall: 4 AYES

Motion: Mr. Magnusson made a motion to adjourn, seconded by Mrs. Barbire. Rollcall:
6 AYES