

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Of November 24, 2014**

Following are the Fair Lawn Zoning Board of Adjustment's Meeting Minutes from the Zoning Board Special meeting held on November 24, 2014

Acting Chairman Kevin Puzio called the Special meeting to order at 7:10 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: **Present:** Mr. Racenstein, Mr. Pohlman, Mr. Gil, Mr. Seibel, Mr. Blecher,

Absent: Mr. Naveh, Mr. Zharnest, Mr. Sacchinelli, Mr. Lowenstein
& Mr. Todd Newman

Also in attendance were Bruce Rosenberg, Board Attorney; Candice Galaraza, Court Reporter; Ann Peck, Assistant Zoning Officer & Cathy Bozza, Zoning Assistant.

Board Professionals in Attendance: Board Engineer: Paul Azzolina,
Board Traffic Engineer: Mark Kataryniak
Acting Board Planner: Jennifer Beahm

Pledge of Allegiance is cited.

Commercial Business Carried from the October 27, 2014:

1. Application #2014-15, Varvara Property LLC/Oceanos Oyster Bar and Sea Grill
2-27 Saddle River Road, Block 1301, Lot, 13-15, Zone R-1-2
Proposed expansion to create additional dining room seating. Will create a dining room on first floor and move all offices to second floor at existing structure located on site currently being used for offices. Will create additional dining area on first floor of existing storage structure and move storage to second floor. Will remove an existing structure in rear of the property and create additional parking. Restaurant is not a permitted use in the R-1-2 zone which requires a D-2 variance for expansion as per Section 125-57.D.(1)(d)[1]. Would increase the impervious coverage from 86.1% to 87.5% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements. Required 10' minimum rear and side yard buffer where less than 10' is existing and 1.0' is proposed as per Section 125-42.F.
Requires an amendment to existing parking variance. Presently site had 64 parking spaces with expansion site will have 71 spaces where 114 spaces are required. All other variances and/or waivers that may be required for this application.

****No testimony to be given- Special meeting date to be announced.**

Mr. Socrates Lambrinides (Attorney for Oceanos Oyster Bar and Sea Grill) steps forward & states they have asked for an adjournment on the hearing of this Application to be moved to a Special Meeting date of December 11, 2014.

APPLICATION CARRIED TO A SPECIAL MEETING DATE OF DECEMBER 11, 2014

Residential Business Carried from October 27, 2014:

1. Application #2014-19, Timothy Raimondo,
0-17 26th Street, Block 3215.01, Lot 10
Proposed addition and front porch would increase the building coverage from 22.5% to 29.27% where 25% is permitted. Would increase the impervious coverage from 37.9% to 43.95% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements. FAR of 43.2% where 40% is permitted requires a D-4 variance as per Section 125-57.D.(1)(d)[1].

Fees have been paid and there is proof of Service.

Mr. Puzio swears in: Mr. Raimondo (Resident)
0-17 26th Street
Fair Lawn, N.J.

Christopher Rodriguez (Architect)
17-15 Maple Ave,
Fair Lawn, N.J.

Mr. Rosenberg (Board Attorney) suggests to Mr. Rodriguez that because he has significantly revised the plan, he may want to start over....

Mr. Rodriguez agrees.

Mr. Rodriguez begins his testimony stating they are here tonight with a property in the R-1-2 zone requesting two variances. It is an undersized property, a 6000sf property where 6500sf is required. They are proposing to have 1625sf of building coverage which would give a 27.08% is over the requirement by 2.08%. They are also over the impervious coverage, noting they are currently 37.9% and are proposing to go up to 38.9% which requires a variance.

Mr. Rodriguez explains if the property were properly sized, the building coverage would be within the requirement but the impervious they would still be over...

Mr. Rodriguez continues. What they are looking to do is put a 2nd story on a Split to give them 2 Bedrooms and on the 1st floor expand the Kitchen area approximately 6.5ft out the back and also build a Front Porch which is not habitable area but it is building coverage...

Mr. Puzio (Acting Chairman) asks if this would affect the front yard setback.

Mr. Rodriguez testifies it would not but it does contribute to the building coverage impervious.

Mr. Puzio asks if there are any questions from the Board Members.

Mr. Seibel (Board Member) would like review & clarification on what was done to revise the building coverage.

Mr. Rodriguez (Architect) explains how they reduced the building coverage by three and a half (3 1/2feet) out the back, they previously had an FAR requirement which they no longer have and they reduced the building and impervious coverage from 29.27% to where they are today and they were 43.95% on the impervious where they are now at 38.9%.

Mr. Seibel has no further questions.

Mr. Rosenberg (Board Attorney) would like to clarify for the record with Ms. Peck (Assistant Zoning Officer) the Applicant's relief now being requested is for a building coverage of 27.8% where 25% is permitted and maximum impervious coverage of 38.9% where 35% is permitted. This is the only relief the Applicant now requires?

Ms. Peck concurs. The FAR has been eliminated.

Mr. Rosenberg (Board Member) asks Mr. Rodriguez what the total number of Bedrooms will be.

Mr. Rodriguez (Architect) testifies on the main living room floor there are 3 Bedrooms existing, they are adding two (2) which brings the total to 5.

Mr. Rosenberg asks how many bathrooms will there be.

Mr. Rodriguez testifies there are two (2) on the upper 2 floors and one downstairs, so 3 in total.

Mr. Puzio (Acting Chairman) asks if there are any other questions from Board Members.

Mr. Blecher (Board Member) clarifies there is no front setback with the Porch.

Mr. Rodriguez reiterates there is no front setback with the porch. In fact, the front porch is inside the existing front portion of the garage by about 3ft.

No further questions from Board Members.

Mr. Puzio opens to Residents living within 200ft. of the applicant for questions or comments. Seeing none, Mr. Puzio closes this portion.

Mr. Puzio opens to the General Public for questions or comments. Seeing none, Mr. Puzio closes this portion and asks for a motion.

Mr. Seibel makes a motion to approve the application.
Mr. Racenstein seconds the motion.

VOTE: Mr. Seibel, Mr. Blecher, Mr. Gil, Mr. Racenstein & Mr. Pohlman
Yes.

APPLICATION APPROVED
Motion Carries.

New Commercial Business Carried:

2. Application 2014-23 GRL Holding Corp.

22-09 Rosalie Street & Rosalie Street Parking Lot
Block 3327, Lot 28 & 29, Block 3326, Lot 29, 30 & 34

The Applicant to appeal the determination of the Zoning Officer regarding the Commercial use located at 22-09 Rosalie Street, Block 3326, Lots 27-34 which has relied on the Parking lot on Rosalie Street, lots, 28 & 29 for additional off-street parking. The existing business located at 22-09 Rosalie Street cannot provide the required off-street parking without the existing parking lot on Rosalie Street. If determined the existing parking lot does provide the required off-street parking for the business, the applicant would then require a parking variance. If the Parking variance is granted, the proposed request to change the use of the existing parking lot to a new one family could proceed. Change of use from a parking lot to a new one family dwelling. Property is located in the R-1-3 zone which requires a Lot frontage of 65' & 6500 square feet. Existing non-conforming lot has a 53.15 frontage & 53.09 square feet. Requires a variance to build. C1 variance is required per Section 125-57.D. (1) (c) [1]

Mr. Andrew Kohut (Attorney for the Applicant) steps forward, from the firm of Wells, Jaworski & Liebman. 12 Route 17 North, Paramus, New Jersey.

Mr. Kohut begins by stating he would like to give a brief overview of why they are here tonight. His Client owns two (2) properties which are across the street from one another. One being Block 3326, Lots 27-30 and 34. He will call this Lot B-this is a Commercial building in the I-2 Zone.

Mr. Kohut continues...He will call Block 3327, Lots 28 & 29, Lot A-this is a Parking Lot that is located in a Residential Zone. His Client owns both these properties.

Mr. Kohut explains this building right now is used for an office and a warehouse use for the Lumber-for the building supply company which is Glen Rock Lumber and GRL Holding. The Applicant filed an Application with the Zoning Department to construct a Single Family dwelling on, what is now the parking lot.

Mr. Kohut continues. After his client submitted this application, two issues arose from the Zoning Officer. The first being it was an undersized lot and they would need certain variances to be able to build on it, but the main issue was the Zoning Officer made a determination that since the building, the Commercial use on Lot B does not have enough parking per the code today, they cannot use it for this purpose unless they have access to the parking lot on Lot A.

Mr. Kohut explains if they were to build a house on the parking lot –Lot A, the parking lot would no longer exist and they would have to use the parking spaces over there (points to exhibit)

Mr. Kohut states if the Board agrees with them on the reasons they state why these two things are linked together, then they will ask for the variances required to build on an undersized lot. So in order to get to that point, they first have to go through the process of explaining to the Board why these two properties are linked.

Mr. Blecher (Board Member) asks what the size of the parking lot is, the undersized lot.

Mr. Kohut testifies 53X100 or 5300 is the size, so the reason why the Zoning Officer denied the application and stated they needed this extra parking lot is because A: They don't have enough of parking based on today's Ordinance and B: stated they were "relying on this parking".

Mr. Kohut states they will hear testimony from Steve Leone. He is the Principal of GRL Holding and he will go through the history of the property but he just wanted to explain what their position was....in essence while he completely understands the Zoning Officer's concern regarding the parking, the issue is in their opinion that it's of no moment. This building predates the Borough's Ordinance. The actual Commercial building, the building on Lot B was built between 1942 & 1950.

Mr. Kohut walks the Board through the Borough's Tax records which state the building was built in 1950. The Zoning Ordinances did not come into play until 1954. This means they have a valid pre-legal, pre-existing nonconforming use. What this means is they cannot require a property owner to bring his property into conformance with today's standards if that property existed this way before the Ordinances were in place.

Mr. Blecher (Board Member) defers to Mr. Rosenberg (Board Attorney) and asks him if he agrees with this statement.

Mr. Rosenberg (Board Attorney) states yes and explains. The general Law is that under the Ordinance 40:55(D) 68 any pre-existing non-conforming use and structure can continue, not expand, but continue as a grand-fathered use even if it has inadequate or parking that does not meet the current code....details further...

Mr. Rosenberg states they will hear from Ms. Peck (Assistant Zoning Officer) at length as the Zoning Official. He is sure everyone will be putting documents into the record, they will hear testimony but the core of this issue, he thinks is going to be whether or not the grandfathered status is as Mr. Kohut is stating to the Board and right now making statements. He is trying to orient everyone where he is going this evening and what kind of testimony is to occur.

Mr. Rosenberg continues...remember it is Mr. Kohut's burden to show that Ms. Peck's interpretation, Ms. Peck's knowledge, the Documents that the Borough has produced and relied upon that he can overcome this burden because it is his burden to overcome.

Discussion continues...

Mr. Kohut refers to a Supreme Court case which also went to this issue...explains. He also thinks it is most important that there is no legal link between these two properties besides having the same owner. He requested an OPRA from the Building department, the Zoning Department & the Planning Department, etc. There is no documentation with the Municipality that requires the parking lot on Lot A to be available to the user on Lot B., there is no Resolution with one exception...there is no Building permit, there is no Easement, there is no License agreement, no Developer's agreement. There is nothing in place that states they need to have these two things used together.

Mr. Kohut refers to a 1958 Resolution from the Zoning Board of Adjustment that allowed Lot A, the parking lot, to become a house. This approval allowed for a single family use. If they approved this in 1958 and didn't mention the Commercial use on Lot B in which his client owned both at that time, it could lead the Board to think there was never a requirement linking these two lots.

Mr. Kohut refers to the one exception he spoke of earlier. A 1988 Resolution of Approval in which the Applicant went in for requesting a Building addition and Use variance, Site plan approval that said if he were to build this addition, etc...the parking needs to be based on shared parking.

Mr. Blecher (Board Member) states this was if the building was completed, correct?

Mr. Kohut replies yes.

Mr. Blecher asks if this would be the addition to the existing building, which he is calling Lot A.

Mr. Kohut replies yes but there was no addition built. They will hear testimony to this. There was some additional parking spaces put in place for this use because it's an I-2 zone, but they did not build the building so the additional parking spaces never went into play. They actually made the situation better by gaining additional parking onsite.

Mr. Kohut (Attorney for the Applicant) continues...so in essence, they believe there is ample evidence to say this is a pre-existing non-conforming use, and would suggest the fact there is no legal nexus between these two properties and finds that a Town cannot come back and say there is a nexus between these properties and they have to be in place again.

Mr. Kohut refers to Mr. Rosenberg's (Board Attorney) comments on the MLUL. It is clear that it cannot require a property owner to retroactively conform to the current zoning standards where there is a legally existing non-conforming condition.

Mr. Kohut explains the Zoning denial. It said the Applicant, the Property Owner is obviously relying on that parking lot and they do not agree with this. There have been no studies provided or evidence to come to this effect. It is probably the exact opposite and they will hear testimony on this.

Mr. Kohut will now ask for his first witness, Mr. Leone unless any members of the Board have questions for him.

Mr. Puzio (Acting Chairman) does have a question. He mentioned there was no link between the properties, but it certainly sounded like it in the Resolution by getting the approval, the lots were linked at that time.

Mr. Kohut testifies it has to. Just because there is an approval, does not mean there is a link. They would have to act on the approval in order for there to be a link.

Mr. Puzio clarifies with Mr. Kohut there was no work done at all at that point in time after the Resolution was passed.

Mr. Kohut reiterates there was no expansion of the building.

Mr. Puzio asks what the change to the parking lot was.

Mr. Kohut replies; they added parking spaces.

Discussion continues...

Clarification on lots purchased.

Mr. Gil (Board Member) asks the Lot where they want to build a house is an R-1-3 zone.

Mr. Kohut states correct.

Mr. Gil asks at what point in the history between 1950 and now did this lot get paved over and made into a parking lot.

Mr. Kohut cannot answer this with a definite date. He does know there was a lease in 1951 for parking, for them to use it.

Discussion continues on the history of this parking lot.

Mr. Gil states what he is trying to link is at some point someone coming before the Board to say, they were going to pave over this R-1 and make it a parking lot, but he is saying that was predated.

Mr. Kohut testifies he does know in the 1988 Resolution there is language confirming this to be a pre-existing non-conforming structure, but he does not think there was ever an approval put in place. He didn't see anything in the Documents that there was an approval in place for this parking lot, any variance or use variance.

Discussion continues...

Mr. Seibel (Board Member) refers to Mr. Kohut's testimony stating that there was no Ordinance in 1954...

Mr. Kohut testifies the current Zoning Ordinances were put in place in 1954.

Discussion continues...

Mr. Seibel notes there was Zoning prior?

Mr. Kohut replies; he does not know what was in place or what Zoning was in place in 1954. He can say there is a building there. There was a building built. There is no Resolution of approval in the file. That was six decades ago...

Mr. Seibel clarifies with Mr. Kohut, the Glen Rock Lumber site and the site across the street were purchased separately?

Mr. Kohut states; correct, at different times...explains the history of the purchased properties but states his witness will be a better person to explain.

Mr. Seibel has no further questions.

Mr. Rosenberg (Board Attorney) would like to clarify for the record with Mr. Kohut, it is vitally important that all the Exhibits they will rely on tonight get entered and marked and introduced. He has received packages, letters, etc.. He would like the record to be very complete, to be sure to mark all documentation and describe it.

Mr. Kohut concurs and asks if they could mark them now.

The following marked in evidence:

- A1-Application with Exhibits attached to it.
- A2- (Devolution of Title) Correspondence with Attachments dated August 14, 2014
- A3- July 7, 1958 Regular Meeting Minutes from the Zoning Board of Adjustments.
- A4- Series of letters dated October 2, 2014 to Adjoining Property Owners
- A5- Site Plot Plan
- A6- Architectural Plans prepared by Frank E. Hall Architects, revision date 7/28/14, consisting of 3 Sheets.
- A7- An Aerial Photograph.

A discussion on two issues relative to Exhibit A2 of the application. Mr. Kohut would like to touch base quickly in case it comes up later. Refers to subsequent letter-this will be used as a warehouse, a warehouse/office use. It is permitted in the I-2 zone.

Mr. Kohut explains there were some questions if they want the Zoning Officer to issue a Zoning permit that said this property is going to be used for Office and Warehousing, indoor warehousing and they asked us to bring this also to this Board for their review...defers to Ms. Peck (Assistant Zoning Officer) for clarification.

Mr. Rosenberg (Board Attorney) clarifies with Mr. Kohut that he is speaking of Lot B.

Mr. Kohut states correct.

Discussion...

Ms. Peck notes there was mention of Retail?

Mr. Kohut replies; no retail.

Discussion.

Mr. Rosenberg for clarification purposes so notes, the Applicant has stated on the record there is no retail from the Warehouse and Office building located on Lot B. Ms. Peck is prepared to issue a Zoning Certificate confirming this use is allowed?

Ms. Peck (Assistant Zoning Officer) states she cannot give a Zoning Certification, only the Board can.

Mr. Rosenberg defers to Mr. Kohut and notes this will be part of their request.

Mr. Kohut concurs.

Mr. Puzio (Acting Chairman) asks if there are no other questions, he will swear the Witness in.

Mr. Puzio swears in: Mr. Stephan Leone
143 Cranmore Drive
Toms River, N.J.

Mr. Leone testifies he is the President of Glen Rock GRL Holding, formally known as Glen Rock Lumber and Supply Company which is the same company. They changed the name in 2006. He is the son of the founder of Glen Rock Lumber, E.B. Leone who passed away in the year 2000, who founded the company in 1933.

Mr. Leone would like to put one fact into evidence. Glen Rock Lumber as they knew it over the years no longer is active. It is closed down. At one time there were 3 locations along Banta place and Morlot Avenue. The Banta place property has been sold as well as the Morlot Ave property.

Mr. Leone explains they used to lease from N.J. Transit a 2 Acre parcel in which they had their bulk storage of Lumber. This has been terminated and the lumber liquidated. The only existing use today is a Warehouse Office which is not operating; it is closed down and is for lease.

Mr. Leone continues his testimony...it will be leased to someone who will conform with the Zone use and if they don't, they will be before this Board or the Planning Board for permission to get a variance of do whatever they would need to do. So in this respect, the use of this parking area, Lot A is not a use and will not be in use, especially if a house is being built on it conforming to the zone that it is in, a residential use.

Mr. Leone reviews the history of where they are and how they got here, testifying in 1951 his father entered into a lease for Lot A. In 1953 purchased the building known as Lot B. At this time Lot B consisted totally occupied by the building and the warehouse. There was no excess land.

Mr. Leone continues with the history of the lots...the office burned in the 1970's to the best of his recollection and as a result of this moved the operation over to Lot B where his office was established... a few years later the warehouse burnt down and he then leased the property from N.J. Transit to have bulk storage there and sold the property to DePasquale....at that, prior to this date, this Lot A was used for the employees that were in the main facility because there was no parking lot there.

Discussion of history continues...

Questions & Testimony on the history for clarification purposes....

Mr. Leone ending his testimony of the history with the statement the operation has closed down and is no longer operating in any manner. There is no lumber stored and there is a public sighting in front of it. Lot A for a period of time would have some employees but it was just a convenience of being next to the office and needing the office space.

Mr. Leone continues to state as Mr. Kohut has indicated there was never any restriction on the use of the parking lot, tying it into building B until an application was made by his father in 1987/88 in which he was seeking to expand the office building by adding a second floor and some additional ground floor space. This construction never took place but as part of this application he had acquired an additional 4 lots, two of them located in the residential zone and two of them in the industrial zone.

Mr. Leone explains the two that were in the residential zone, he sold to the Manager of the Lumber yard. The operations person built a house on it and had recently sold it and the other two lots were annexed to the building and expanded the parking on the site beyond what was permitted and this is the present state of it today.

Mr. Kohut asks Mr. Leone just on that 1988, just so the Board is clear, if they were to find in favor of the appeal, he would be willing to withdraw any application of approval regarding the expansion of the building?

Mr. Leone testifies absolutely.

Ms. Jennifer Beahm (Board Planner) would like to ask a quick clarification question. Lot A-can they give her the Block & Lot number?

Mr. Kohut (Applicant's Attorney) states Block 3327, Lots 28 & 29

Ms. Beahm questions Lot B-Block & Lot.

Mr. Kohut testifies Block 3326, Lots 27 to 30 and 34.

Ms. Beahm states she is trying to keep the information all straight based on Mr. Leone's testimony. Additional lots were purchased in 1985. The two in the residential zone, Lots 25 & 26 were sold and then Lots 28 & 29 were...27 & 28 were combined with 29 to provide parking for 29?

Mr. Leone testifies to provide additional parking for the existing building on Lot B.

Clarification on Lots is discussed....Rosalie Street divides the two properties and Block 3327, Lots 28 & 29 are on the southern side of Rosalie Street-this is called Lot A.

Mr. Puzio (Acting Chairman) interjects to say; so what the application is showing is Lot 3327, Lots 27 & 28, not 28 & 29?

Mr. Kohut refers to a subsequent letter correcting the Blocks and Lots...

Discussion & clarification on the testimony regarding the history of both lots....1954 & 1986.

Mr. Seibel (Board Member) clarifies by stating; the vacant lot was sometimes used for additional parking to which Mr. Leone testifies yes.

Mr. Seibel follows up with clarification by asking when Mr. Leone father purchased the property.

Mr. Leone testifies 1954...

Discussion continues....Mr. Seibel wants to know where the 1986 come from?

Mr. Leone explains; there was an application and an addition of 4 lots that were abutting the existing building on Lot B.

Mr. Kohut (Applicant's Attorney) explains if they are looking at Lot B from Rosalie and looking to the right of the Commercial building, he purchased 4 Lots. Two of the Lots were used to build a house and two of them were added onto the property. Everything to the left of this was part of the original building.

Questions from Mr. Seibel continue. When was the 1st time somebody was going to build a single family house there?

Mr. Kohut states 1958 and got an approval but never built it.

Discussion of confusion continues...

Mr. Kohut states what they are trying to say is; if there were a link between the building on Lot B and the parking lot on Lot A, why were they granted a variance to build a house on Lot A in 1958....

Discussion continues....

Mr. Leone (Principal of GRL Holdings) testifies GRL Holdings is in one ownership now, however GRL—Glen Rock Lumber at that time purchased the Lot A from one party and the building on Lot B from a different party. There was never unity of ownership of both parcels before they acquired it.

Mr. Kohut follows this testimony with the statement; this would be in the Devolution of Title, Exhibit A2. Before 1954 these two lots were never owned by the same person, the same entity.

Mr. Rosenberg (Board Attorney) defers to the Board Members explaining why this is important. There is a concept in Land Use Law called Merger. If the parcels were contiguous and one was undersized and they were held in the same ownership, they would have merged and become one legal lot. Because they are bisected by Rosalie Street and owned in different ownerships, they don't merge by operation of law.

Mr. Rosenberg continues...it's an important legal concept for everyone to understand it is significant.

Mr. Kohut concurs...

Mr. Rosenberg refers to the approval & Resolution of 1958. Could Mr. Leone shed some light on the language used and quotes; "the applicant also stated that his application on July 7th, 1958 for a parking lot on this property was denied."

Mr. Leone testifies he was a young man at the time....

Discussion continues.....

Mr. Rosenberg asks how did it come to be that ultimately they got an approval to use is as a parking lot.

Mr. Leone testifies he does not believe they ever did get it. There has been some determination that we had, but in his examination of the records he thinks the parking lot is an illegal use. His Father went in to get permission to use it as a parking lot. He was denied. Why he was looking for it had to do with the property on the DePasquale's property. How it came to be that it was paved or used as a parking lot and determined it was part of Building A, he can only speculate...

Discussion continues..

Mr. Kohut (Applicant's Attorney) testifies there was a 1988 approval. They don't know how it happened. They don't know why it happened because the Resolutions are not as complete as they are today, but there is a resolution that states the Zoning Board had determined the parking lot is a pre-existing non-conforming use. They made that determination in the 1988 Resolution...

Mr. Kohut states he does not know specifically what was testified to, what was discussed and what evidence was provided but he knows the Lease from 1951 was provided and this is why the parking lot was there and is there today..

Mr. Blecher (Board Member) asks Mr. Leone when his father purchased the parking lot which they are calling Lot A.

Mr. Leone testifies 1954. The Lease says 1951, but he purchased it in 1954.

Discussion and Testimony continues....

Mr. Blecher asks if it was a paved parking lot at that time in 1951 or did your father pave it at some point during the lease or after he purchased the property.

Mr. Leone testifies to his knowledge it was not paved. It was an empty building lot with nothing there.

Mr. Blecher then asks if his father paved it during the lease or after he purchased it.

Mr. Leone believes during the Lease he paved it...

Discussion & questions continue...

Mr. Newman swears in Ms. Peck (Assistant Zoning Officer)

Ms. Peck notes to the Board Members that in the package that everyone received, there is a copy of the Zoning Board of Adjustments Regular Meeting Minutes from date July 7, 1958.

Marked as Exhibit A-3-Zoning Board of Adjustments Regular Meeting Minutes from 7/7/58.

Ms. Peck calls attention to the back of the page. It states Glen Rock Lumber, Lots 28 & 29, Block 3327 which is being referred to as Lot A as the parking lot. Reads from the minutes... "The applicant, Glen Rock Lumber Supply Company appeals to the Zoning Board for a use variance so as to use the open land for the parking of automobiles." The Applicant stated they desire to permit off-street parking in a congested and regulated area. It goes on to say the applicant withdrew this and there is nothing beyond that giving permission to use it as a parking lot other than statements in the record.

Ms. Peck testifies this was part of the reason for sending them here. The second one was a lot of information in here referred to this lot as overflowed parking...

Discussion...in 1958 they asked to turn it into a parking lot and they were denied. They withdrew the application and there is nothing going forward that allowed it.

Mr. Blecher (Board Member) comments it appears they withdrew the application to make it a parking lot to use it, but then paved it and used it anyway...

Ms. Peck states the record does not say when the use was permitted, so it could have morphed into it....this is why they are here, to clarify it.

Mr. Kohut (Applicant's Attorney) interjects to state he does not believe they were asked to be here based on what the status of the parking lot was. It was based on is that parking lot needed for Lot B.

Discussion continues...

Mr. Rosenberg would like Mr. Kohut to finish with Mr. Leone's before hearing from Ms. Peck and her presentation as to her rationale for what she has put forth as the Zoning Official.

Mr. Seibel (Board Member) has a question. If they can't use it for parking, wouldn't that preclude it from being connected by Lot A&B?

Ms. Peck states; it very well could.

Discussion.....

Mr. Rosenberg (Borough Attorney) states perhaps, it sheds light on the fact it really might not have ever been connected legally because the variance to allow this parking lot was never approved by the Borough. Ms. Peck has reviewed the record in its totality, but this Document is important...

Discussion continues....was it zoned residential back then, was it rezoned?

Ms. Beahm (Acting Board Planner) notes they needed a variance to use it as a parking lot for the Commercial entity, so it could have been zoned residential, because if it were commercial, she would not know why they needed a zoning variance to put a parking lot there..

Mr. Rosenberg clarifies he is speaking to the 1958 approval to use it as a residential dwelling..

Mr. Kohut notes it is an undersized lot.

Discussion continues.....

Mr. Kohut would like to put some things on record before the testimony of Ms. Peck. He begins questioning Mr. Leone...

Mr. Leone testifies the property was purchased in 1953/Lot B by his father.

Mr. Kohut brings the Board's attention to Lot B-Exhibit C/Tax records for the Borough of Fair Lawn for the property in question....walks the Board through Exhibit, then refers to Exhibit D/Multiple tax records from 1942...walks through history of assessed values for the improvements on the property, so there is obviously something on the property back then in 1942..

Mr. Kohut notes there was some type of structure/building on this property...Lot B.

Mr. Kohut asks Mr. Leone if prior to purchasing the Lot A in 1954 were these properties ever owned simultaneously by the same entity or person.

Mr. Leone replies no. His examination of the title record confirms this.

Mr. Kohut asks Mr. Leone based on his experience with these properties, is he aware or has he come across any parking agreements or easements between Lot A & Lot B.

Mr. Leone testifies he reviewed the title record and he reviewed whatever records he could get his hands on in Glen Rock Lumber and he never found any restrictions with respect to Lot A being tied to Lot B other than the 1988 Application that if this building were expanded, then the property would be restricted for this use.

Mr. Kohut has no further questions for his witness.

Mr. Blecher (Board Member) still has a question regarding Lot A, the parking area is now zoned residential- has it ever been zoned for anything other than residential?

Mr. Puzio (Acting Chairman) states they should wait until Ann testifies...he first needs to open to residents.

Mr. Puzio opens to residents living within 200ft. for questions of the witness. Seeing none, Mr. Puzio closes this portion.

Mr. Puzio opens to the General Public for questions of the witness. Seeing none, Mr. Puzio closes this portion.

Ms. Peck (previously sworn) directs her answer to Mr. Blecher stating she did not go back that far, as far as the zone changes, but there is a use variance in 1958 to use open land for parking automobiles. In 1958 it appears it was a vacant lot. Whether it was paved and striped and being used as an official parking lot or gravel and just being parked, she would not know.

Discussion continues...

Clarification there was never a structure on this Lot. It was a vacant lot and was zoned residential. It is in the middle of an R-1-3.

Discussion continues...

Mr. Blecher asks if there are any records in any year of that land, block and lot.

Ms. Peck states it was always vacant. There was never a structure and it was zoned for residential. It was in the middle of R-1-3.

Ms. Beahm (Acting Board Planner) states she has an appeal, a Zoning Board Appeal dated June 7, 1954. It was an appeal to make use of the land for the purpose of an employee parking lot during working hours which would enable the employee to park their cars off the public streets and thus prevent the impairment of traffic on adjoining streets.

Discussion continues...

Mr. Blecher (Board Member) notes, it seems unless proven otherwise this has always been a residential lot.

Ms. Beahm concurs...based upon reading these Documents, notes she does not want to speak for Ms. Peck (Assistant Zoning Officer) but she would assume it was zoned residential, otherwise they would not have been looking for a use variance to create a commercial parking lot.

Ms. Peck (Assistant Zoning Officer) testifies basically the record goes back and forth. We don't know if it was a legal parking lot. We don't know if it was attached.

Mr. Blecher (Board Member) comments it doesn't matter anymore because they are looking to build a house in a residential lot that seems to have always been residential.

Ms. Peck states it was always used as parking for overflow of Glen Rock Lumber businesses on Banta & Morlot...

Discussion continues....

Ms. Peck reiterates the record is unclear so what will happen is once they use this residential lot, the tenant who leases this building will not have enough parking on that site. Most of the record refers to that lot as overflow parking. They always referred to this lot as their overflow parking. They have relied on it when they asked for a variance. Whether they followed through with the variance or not, they used it in the sense that it was a parking lot.

Ms. Peck continues...so their position was we don't know if it is a legal parking lot. We don't know when it became a parking lot because it became vacant land, but the record shows that Glen Rock Lumber acknowledged the use of it as an overflow parking lot for their business, therefore we asked the Architect, can the structure that is left on the corner maintain parking for itself? It could not provide enough parking without that lot.

Discussion continues....

Mr. Seibel (Board Member) clarifies they were grandfathered in prior to the existence of Lot A.

Mr. Rosenberg (Board Attorney) states yes, this is what the testimony has shown.

Discussion...

Ms. Peck testifies she would call it pre-existing non-conforming as opposed to grandfather because there are totally two different....

Mr. Blecher interjects to say; they are grandfathered into Lot B, meaning they don't have to have Lot A to use Lot B for what they want to use it for.

Ms. Beahm (Acting Board Planner) states this is why they are here. They purchased the property separately is what the testimony is...it appears in looking through the records and in reading the information, even if there is no legal connection or common ownership, they have historically relied upon the availability of the spots on this lot to accommodate employees and prevent them from having to park on the adjacent residential

Mr. Kohut (Applicant's Attorney) objects..

Ms. Beahm continues... regardless of the fact the circumstances for the user has changed and the properties have been liquidated, and their operations have significantly reduced over time which may or may not necessitate the additional spots on that property, she thinks the reason for why we are here is to see whether or not they are in common ownership. Whether they were used as part of the overall operation of the facilities and therefore the elimination of this lot or spots is going to create a new con-conforming condition. This is the issue.

Ms. Beahm thinks what the applicant has presented is in looking through all of the Title work and all of the information, there has never been any representation the two lots were combined or part of any condition of a Resolution...

Mr. Kohut concurs.

Ms. Beahm thinks the choices or decision point is, it has that piece of property, this parking lot whether it was there legally or not, it's there now. Has it always been used as the overall operation of this facility or not? If it has, then eliminating these spaces creates a situation where if you take the warehouse/office across the street that requires between 28 and 31 parking spaces and has 15, would that create a new non-conforming condition which would require relief, which is why Ms. Peck did not approve the zoning permit.

Ms. Peck concurs.

Mr. Kohut (Applicant's Attorney) would just like to say first, the testimony was never that they needed an overflow parking lot for the property on Lot B. The testimony was it was originally used for 22/23 which was the old DePasquale property. That testimony was never on the record. Secondly, he does not know a case where you can say there is no type of binding on the two properties; this was one big operation....

Mr. Blecher (Board Member) interjects his testimony to clarify one thing said. Lot A, the overflow parking, this was parking used for employees that were working at Lot B or were working at what was the operation of DePasquale?

Mr. Leone (Principal of GRL Holdings) testifies it was the DePasquale property because if they knew this property, there was really no parking on that site other than to go inside the gates at the Lumber yard so if a customer went to that location there may be two or three spots out front so they would go inside the gates of the lumber yard where all the sheds were and find some spot to park. The employees were parking on Lot A.

Discussion continues...

Mr. Blecher clarifies his testimony, so the employees were from DePasquale, not across the street? So at the time there were really two separate issues, one was not reflective upon the other.

Mr. Leone testifies the Lot across the street was never really used as an Office until the office burned down in 1970. They never tied it into the building on Lot B. It became used after it burned and was paved..

Mr. Racenstein (Board Member) asks Ms. Peck (Assistant Zoning Officer) if because this lot was empty and the Lumber yard, Glen Rock Lumber used it just for parking, there were no taxes paid.

Ms. Peck testifies she cannot answer to taxes. She has no idea; she did not look at the taxes.

Mr. Leone interjects to testify they got a separate Tax Bill on that Lot. The taxes were always paid and are paid to date.

Mr. Puzio (Acting Chairman) notes it was assessed as an empty lot.

Mr. Leone concurs.

Discussion....

Mr. Leone testifies they don't access it as a parking lot. They access it as a vacant land with improvements, being the blacktop. There is no building on it.

Mr. Puzio asks if there are any other questions from the Board.

Mr. Seibel (Board Member) has a question. Theoretically if the Glen Rock Lumber building had 15 extra parking spaces, they wouldn't be having this conversation?

Ms. Peck (Assistant Zoning Officer) testifies probably not, because it would sustain itself. What will happen is; because it can't, whoever leases this is going to have the same parking requirements as the prior use. It's going to be the same use and all the overflow is going to end up where?

Ms. Beahm (Acting Board Planner) notes this would be correct,

Mr. Blecher notes that his testimony still maintains he does not need the extra parking spaces...

Ms. Peck states he maintains he didn't need it based on the Glen Rock operations. She does not know what the next operation is going to do and the Ordinance still requires, regardless of how it is operated, it still requires the amount of parking based on the use...

Mr. Blecher asks; isn't it grandfathered in?

Ms. Peck states she is not sure.

Discussion continues...

Ms. Beahm defers to Mr. Rosenberg (Board Attorney) is this use like pre-existing non-conforming in perpetuity regardless so long as it is the same use if there is a modification?

Mr. Rosenberg states this would be correct. Change of use is different.

Discussion....

Ms. Beahm clarifies. If there is a breakdown shift, let's say there is a certain amount of warehouse and a certain amount of office in the building, if they go to all office, then the current parking requirements come into play? Then they would wind up coming before the board for Site plan approval?

Mr. Rosenberg states; this is correct. He thinks the applicant has acknowledged this. They recognize this and he believes they stated this at the beginning they are here also for a Zoning Certificate under 68 for the Board to confirm what the use is currently.

Mr. Rosenberg continues...to be allowed on an ongoing basis when they get a new tenant or a new occupant in and he thinks they are all in agreement the mere change of occupancy does not forfeit these rights. As Ms. Peck & Ms. Beahm stated, a change in use or orientation of the building within the building could trigger another different parking ration requirement. This is where he would come down legally.

Discussion amongst Board Members and Board Attorney..

Ms. Peck questions Mr. Leone. In his letter of September 3rd, 2010 he stated in 1985, Lots 25, 26, 27 & 28 were purchased, 25 & 26 were sold and a single family was-the 27 & 28 were combined with 29. Did they have site plan approval for 27 & 28 to be turned into a parking lot?

Mr. Leone (Principal of GRL Holdings) testifies he does not know the answer, but that increased the parking onsite. Whether they failed to get a site plan approval to increase the parking on a non-conforming site is not something he knows about.

Ms. Peck states there are so many variables. They expanded the property by adding two lots. That could change.

Mr. Leone testifies it was expanded for parking. They took a non-conforming use that had either no parking or very little parking and increased the parking to 15 spaces on site B at that time. Whether it got a site plan, approval, we could not find it in the records. Other than the subdivision approval that allowed the two lots...Mr. Leone corrects this testimony with the comment; he does not think they got a subdivision approval, he thinks it was lot lines, he sold off two lots for the Residential purpose and then added two lots to the Industrial.

Discussion continues....

Ms. Beahm notes they do not know when this expansion took place, whether or not the Lot conformed to the coverage requirements in the Zone. They are just focusing on the fact that now you have added parking spaces, which she would agree is a good thing but is he paving lot line to lot line and now taking a pre-existing non-conforming condition, adding two lots to it and now covering 100% of it necessitating a variance? You don't get grandfathered in in 1985.

Mr. Leone states correct. We do not know but what we do know is Lot A was being sought to be put to the use of the zone, to be more conforming.

Discussion continues....

Mr. Puzio (Acting Chairman) states this is the crux of the first part of the application. The first thing they need to look at is; is this Lot tied into Lot B or is this still zoned for the same use as they are going for, which is Residential.

Discussion...

Mr. Rosenberg (Board Attorney) states unless there is another first threshold issue to make a determination about, their request based upon the testimony that was proffered by the applicant, by Ms. Peck, the documents that have been reviewed, whether or not Lot A is separate and apart and can be used as a separate and apart Lot for residential conforming purposes. He thinks this is really the first initial questions for the Board to take a vote on, because depending on how the Board votes will determine what their next step is going to be.

Discussion...

Mr. Kohut (Applicant's Attorney) summarizes. Begins by stating he thinks the Board now understands what the actual issue is, simply put, they have two lots that exist, Lot A & Lot B. There has been un rebutted evidence and testimony the building on Lot B was built prior to the Ordinance somewhere between 1940 & 1950. There are no conditions in any Resolution, Developer's Agreement, and building permits. There is no easement, no license agreement stating in order to use Lot B, you must have Lot A for parking, in fact, what the evidence shows is Lot A should be a Residential lot right now, a single family use, a house.

Mr. Kohut continues...he feels the evidence is quite clear this building on Lot B is a pre-existing and non-conforming structure. They have already said it is going to be used as an Office/Warehouse which is a permitted use in the Zone.

Mr. Kohut notes there are no residents within 200ft. This says something about the way the property has been used... He believes the Board can comfortably say this is a pre-existing Non-conforming structure and there has never been a legal nexus between the use and operation on Lot B with the operation on Lot A. There is no documentation on this. He feels for these two reasons and the testimony heard from Mr. Leone, the Board should approve their request for denial and approve their request to appeal Ms. Peck's determination.

Mr. Puzio asks for a motion to confirm Lot A is a Residential Lot and not connected to Lot B. The rest of the application depends on just this.

Mr. Seibel makes a motion to approve the request to conform the Block: 3327, Lots 28, 29 and Block: 3326, Lots 29, 30 & 34 being separate and individual properties and not related to each other.

Mr. Puzio adds; and also Block: 3327, Lots 28 & 29 are zoned as Residential.

Mr. Seibel so amends Block 3327, Lots 28 & 29 should be considered residential and in the R-1-3 zone.

Mr. Blecher seconds the motion.

Ms. Peck (Assistant Zoning Officer) states for the record, the approval is to overturn the Zoning Officer's decision. A yes is to overturn...a no...

VOTE: Mr. Pohlman, Mr. Racenstein, Mr. Gil, Mr. Seibel, Mr. Blecher & Mr. Puzio, YES.

Motion Approved.

Mr. Rosenberg questions Mr. Kohut on the re-noticing for the (c)
Mr. Kohut replies he re-noticed for all.

Discussion...

Mr. Puzio (Acting Chairman) requests a 5 Minute Recess.

RECESS.

Mr. Puzio calls the meeting back to order.

ROLL CALL: Mr. Pohlman, Mr. Racenstein, Mr. Gil, Mr. Seibel, Mr. Blecher & Mr. Puzio, present.

Mr. Puzio opens the 2nd part of Application #2014-23, GRL Holding.

Mr. Kohut (Applicant's Attorney) begins his testimony on the 2nd part of this Application, which is to build a single-family dwelling on the property in question, Block 3327, Lots 28 & 29. The only variances they need is for the actual lot itself. The House itself will be conforming with regard to setbacks, coverages, height, etc. all will be conforming, but they do need a variance for lot area, lot width/lot frontage. These are the two variances that are required.

Mr. Kohut explains Case Law. When asking for a variance for an undersized lot, they are required to notice all adjacent property owners and offer them the chance to purchase the property or to sell a piece of property if available. He would like to make these letters submitted for the record...

Discussion...

Exhibit A-4, Series of letters, each dated October 2, 2014 to adjoining property owners in conformance with the Land Use Law requirement for an undersized lot.

Mr. Kohut continues. With the application, he also submitted two plans. One being a Site Plan, shows the footprint of the proposed building.

Exhibit A-5. Site Plan.

Mr. Kohut refers to Architectural plans, last revision date is July 28, 2014.

Exhibit A-6. Architectural Plans (3 Sheets) prepared by Frank E. Hall Architects.

Mr. Kohut continues...unless the Board has any questions, he would like to call Kevin Kain, a Licensed Planner in the State of New Jersey who will speak to this application.

Mr. Puzio (Acting Chairman) swears in: Mr. Kevin Kain
142 Pershing Avenue
New Rochelle, N.J.

Mr. Puzio certifies Mr. Kain as an Expert in the field of Planning with no objections from the Board.

Mr. Kain begins his testimony with regards to the application. Upon cross from Mr. Kohut, he testifies he is familiar with the Borough's Ordinances and Master Plan.

Mr. Kain testifies this should be a bit more straightforward than the 1st part and he will go through a little overlap of what was discussed earlier, but would like it on record for this portion of the application. Explains the site they are talking about is what was referred to as Lot A. it is 22-09 Rosalie Street. This is in the R-1-3 District which is a residential zone. The site in total is 5300 square feet. It is actually 5309 square feet and the width is 53.15 feet. The site as discussed earlier is a lot, a parking lot which essentially is all paved. The Lot is rectangular...the propped development is simply a single family dwelling.

Mr. Kain testifies the Architectural characteristics of the single family dwelling are aesthetically pleasing and fully a conforming use in a residential zone whereas single family dwellings are permitted. The dimensions of the home, the setbacks, all are fully compliant with the Zoning regulations of the Code. They are only here for this portion just for the existing conditions of the lot as already established...

The minimum lot area for this zone is 6500sf. but reiterates the Lot is only 5309ft. The required width is 65ft. and they have 53.15ft. Primarily they are looking at a residential neighborhood but do obviously have the industrial zone to the west...

Mr. Kain refers to an Exhibit which he submitted.

Marked as Exhibit A-7.

Exhibit A-7, Aerial Photograph.

Mr. Kain walks the Board through the aerial photo...refers to the right side where he points to a red rectangle indicating the site which they can see it is just an undeveloped lot and primarily the areas around it residential. Refers to the left side, a gray line shown to the west is the industrial zone. Mr. Kain notes the bulk of the map is showing the R-1-3 one family zone and to the south the B-2 business zone.

Mr. Kain continues his testimony. What the map also shows is lots in the area just in their zone that are not conforming in terms of lot area...what this demonstrates is this lot like many other lots in the area is undersized. However, the lots that exist which have single family developments are functioning adequately. There are no significant issues because they are undersized.

Mr. Kain goes through some points from the June 24th Master Plan pertinent, goals and objectives that were discussed and how they relate to this application...

The Master Plan seeks to preserve existing single family residential character of the Borough and maintain the scale and streetscapes of the residential neighborhoods while also providing for a greater mix of housing types to meet the needs of a variety of household types, incomes and lifestyles. It seeks to decrease storm water runoff and damages from flooding, it seeks to increase the floodplains through the reduction of impervious coverage and acquisition of land conservation easement or fee title...

Mr. Kain continues testimony regarding the Master Plan...speaks to the lot and how it is fully paved now, and they are going down to approximately 35% lot coverage so this lot is going to be an improvement in runoff.

Walks the Board through the variances needed...speaks to the C(1) variance, feels it would be applicable for this application because of the existing conditions there is no way to get around it. As discussed earlier, the applicant reached out to surrounding neighbors to see if there was any interest in taking this property and using it for theirs. There was no interest, so basically they are left with this lot...

Mr. Kain moves to the C (2) variance speaking to the positive and negative criteria. Believes there are a number of benefits and no significant detriment with this application... The construction is an aesthetically pleasing single family dwelling which will fill a vacant lot, it will be in keeping with the surrounding neighborhood and reiterates it will reduce some impervious coverage on the site. It will also remove a non-conforming use and bring the site into compliance with the Zoning Code.

Mr. Kain believes the Board can grant these variances without substantial harm to the Master Plan and Zoning Ordinance. They are taking a parking lot which isn't permitted in the R-1-3 zone and turning it to a single family home which is predominant in the zone.

Mr. Kohut (Applicant's Attorney) has no further questions of his witness.

Mr. Puzio (Acting Chairman) asks the Board Members if they have any questions.

Mr. Seibel (Board Member) clarifies the depth of the Lot.

Mr. Kain explains it is 100ft. deep...refers to the Site plan. At the street frontage at Rosalie it is actually 53.21 and 52.98 in the back, so it's not a perfect rectangle...the only dimensions that don't apply are the width and the area.

No further questions from Mr. Seibel.

Mr. Puzio asks if any Board Members have questions of the witness. Seeing none,

Mr. Puzio opens the witness to questions from residents living within 200ft. of the applicant. Seeing none,

Mr. Puzio closes this portion.

Mr. Puzio opens to the General Public for questions of the witness. Seeing none, Mr. Puzio closes this portion.

Mr. Puzio asks the Board Planner (Ms. Beahm) if there were any questions. (Apologizes for going out of order)

Ms. Beahm has no questions and takes no exception to the testimony that has been proffered to the Board. She feels the relief requested for the area and the width would fall under the C (1) stature of the Municipal Land Use Law seeing it is a pre-existing condition. It is not be exacerbated in any way by the development of the lot as a single family use.

Ms. Beahm agrees with the applicant this relief granted would help to bring the lot into conformance with the zoning and would take no exception to the Board acting favorably on this application.

Mr. Puzio asks if there are any other questions or comments. Seeing none, Mr. Puzio asks for a motion.

Mr. Seibel makes a motion to approve the application.
Mr. Blecker seconds the motion.

VOTE: Mr. Pohlman, Mr. Racenstein, Mr. Gil, Mr. Seibel, Mr. Blecker & Mr. Puzio.

YES.

Motion Carries.

APPLICATION APPROVED.

Discussion continues amongst Mr. Rosenberg, Mr. Kohut and Ms. Peck regarding the Zoning Certificate issue. Are they coming back for this?

Mr. Rosenberg reminds Mr. Leone the extent of the nonconformity of the building on Lot B. They have to have some type of voting on what portion is office, what portion is warehouse.

Mr. Kohut states he was under the impression they would provide a floor plan and it would be incorporated into the CO....

Ms. Peck (Assistant Zoning Officer) states she does not have the authority to grant Zoning Certification after one year of the non-conforming use, so she cannot give a letter of Certification, only the Board can.

Ms. Beahm (Acting Board Planner) asks if they could give a Zoning Certificate conditioned upon the floor plan being provided to Ms. Peck because she would assume Mr. Kohut does not have one right now.

Mr. Kohut states correct, he does not. He can tell them on record what the square footage is for each use if they would want this?

Mr. Rosenberg (Board Attorney) agrees and states this would be fine.
Mr. Kohut concurs and apologizes...

Direct Examination:

Mr. Kohut begins his questioning of Mr. Leone.

In regard to the building on Lot B, can he advise the Board of the breakdown between the amount of square footage for the Office and the Warehouse?

Mr. Leone testifies he can and he knows this because the property is listed for rent or sale and he recently took measurements of it. The Warehouse itself is 70x100, or 7000sf. The Office itself is 3635 square feet, which contains two bathrooms, a kitchen area and the rest of it is office area.

Ms. Beahm asks if he knows how many parking spaces there are.

Mr. Leone testifies he believes there are 15 onsite spaces.

Testimony concludes.

Mr. Puzio moves to Order of Business:

Vouchers:

1. Winnie Banta Hetherington Basarelli & Kahn in the amount of \$816.66 for Professional Services rendered.

Mr. Racenstein made a motion to accept this voucher and Mr. Pohlman seconded the motion.

VOTE: All Present – AYE

Minutes:

1. Mr. Pohlman makes a motion to accept the minutes of September 15, 2014 and Mr. Racenstein seconds this motion.

VOTE: All Present – AYE

Adjourn

Mr. Racenstein made a motion to adjourn this meeting and Mr. Pohlman seconded the motion.

TIME: 9:00 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza,
Zoning Board Clerk

7. Public Comment
8. Correspondence/Resolution/Bills

9. Approve Minutes: September 15, 2014
- 10.

