

GREENWICH TOWNSHIP ZONING BOARD OF ADJUSTMENT

PUBLIC MEETING MINUTES

February 10, 2011 7:30 p.m.

CALL TO ORDER and PUBLIC NOTICE

Mr. Buckwalter called the meeting to order at 7:30 pm. Ms. Oldford said this is the regular meeting of the Board of Adjustment of the Township of Greenwich. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a Notice was published in the Express Times and the Star Ledger, and the notice of and agenda for this meeting was posted on the bulletin board in the Township Administration Building, and notice was filed with the Township Clerk.

FLAG SALUTE

ROLL CALL

Present: Ray Buckwalter, Dan Detore, Steve Babula, Michael Black, Robert Vetrecin, Angelo Faillace, and Dawn Marie Kondas

Absent: Jeanne Zander (excused), Robert Vetrecin (excused)

Professionals in attendance: Jonathan Drill, Esq., Michael Finelli, P.E.

MINUTES

Motion to approve the minutes of January 13, 2011, was made by Steve Babula and seconded by Dan Detore.

Members concurred on voice vote.

Abstaining: Dawn Marie Kondas and Angelo Faillace

RESOLUTION

Warren Solar, Application #2009-03

Block 15, Lot 1; Block 17, Lots 1 & 2; Block 13, Lot 3; Block 19, Lot 1; Block 16, Lot 6; Block 14, Lot 10

Denial of “d(1)” use variance for a solar electric generation facility.

Members eligible to vote: Mike Black, Steve Babula, Robert Vetrecin, Dan Detore

Mr. Drill said the fourth draft of the resolution is completed. However, there are 6

transcript citations that are missing because the transcripts from June and July, 2010 and January, 2011 have not been completed. Ray Buckwalter said that he would like to adopt the resolution once, not twice, so if things were missing he suggests tabling the resolution until the March meeting. Mike Black asked why the transcripts had not been prepared if all other transcripts from August to December, 2010 had been completed. Mr. Drill said that the court reporter had not started them because the applicant had not forwarded to her the deposit check.

The Board agreed that under the circumstance it was appropriate to table the adoption of the resolution until March prior to which time the outstanding transcripts should be available for attorney Drill's use.

PUBLIC HEARING

MASONIS, Application #2010-3
Block 41.02, Lot 6 (corner lot) RCD zone
106 Birch Lane

Applicant seeks "c" variances to construct a 67' x 43' garage/natatorium addition which will be connected to the existing dwelling by a breezeway.

Variances required:

Front yard setback – proposed 59 ft., required 75 ft.
Impervious coverage – proposed 11.11%, required 10%
Rear yard setback (not requested) – 97.7 ft., required 100 ft.

Motion to open the public hearing was made by Dan Detore and seconded by Steve Babula, with all members concurring on voice vote. Jeff Martin, AIA, was called and sworn. Mr. Drill explained applicant's public notice is defective in that the utilities were not noticed.

Mr. Martin said the utilities will be noticed. Mr. Drill said there is no need to re-notice the neighbors or to advertise again.

The Board proceeded with completeness consideration.

Mr. Finelli was duly sworn. He discussed his second completeness review of the application.

There were three items raised in his letter of January 27. The applicant has submitted certification from the tax collector, notice and publication. It was confirmed that the additional fee has been paid.

Motion to deem application complete contingent on notice to the utilities was made by Dawn Marie Kondas and seconded by Steve Babula.

All members concurred on voice vote.

The hearing will be continued to March 10.

SPECIAL QUESTION/INTERPRETATION

RATH'S DELI, Application #2011-1
Block 24, Lot 4

Applicant received variance approval on 8/10/2000 permitting expansion of the building's pre-existing non-conforming use. Approval restricted any further expansion without subsequent use variance approval. At the time of approval, the property was zoned R-2 Residential. Subsequently, the property has been re-zoned B-2 Highway Business. The re-zoning makes the neighborhood convenience shopping center a permitted use.

Applicant wishes to divide one of its existing tenant spaces, making the property a four-tenant neighborhood convenience shopping center, rather than a two-tenant space. No external building or site improvements are proposed.

Applicant seeks an interpretation that restriction (#2) limiting the number of tenants to two (2) does not apply because the property has been re-zoned to permit the use.

The applicant believes the requested change does not represent a significant change that would constitute a new application.

Angelo Faillace recused himself.

Michael Selvaggi, Esq., introduced himself on behalf of Mr. Rath. Mr. Selvaggi referenced his letter of January 20, explaining the need for a use variance at the time of approval. Subsequently, the property became part of the Highway Business zone.

The question is whether there is a need for a use variance at this time. Mr. Selvaggi noted that the subsequent re-zoning rendered the condition void. The use is now conforming.

Mr. Buckwalter recalled granting the variance. At that time the change to the Highway Business, B-2 zone was imminent. This condition applied to the use variance. The property is fully subject to the B-2 requirements.

Does condition 2 become moot because of the zone change? The Board concurred that condition 2 becomes moot.

Motion to open the public hearing was made by Steve Babula and seconded by Dan Detore. No one from public appeared to raise questions or comment.

Kenneth Rath, 450 Rt. 519, Stewartsville, was called and sworn. Mr. Detore asked what portion is proposed to be divided. Mr. Rath testified the deli portion will be divided to allow for retail or office space.

Motion to remove condition 2 from the 8/10/2000 resolution for application #00-14 moot and to rescind it due to the zone change was made by Dan Detore and seconded by Steve Babula. Motion also to include that the applicant must comply with all other zoning and site plan ordinance requirements.

All in favor Dan Detore, Steve Babula, Michael Black, Dawn Marie Kondas, Ray Buckwalter

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT

Motion to adjourn was made and seconded. The meeting was adjourned at 8 p.m.

These minutes were approved March 10, 2011.

Alice Oldford
Secretary to the Board