

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD
MEETING MINUTES
OCTOBER 11, 2006

Meeting called to order 7:35 p.m. "Pledge of Allegiance to the Flag" recited.
Roll Call: Nita Galate, Frank Hughes, Margarett Wilson, Ray Simard, Melissa Fostle, JoAnne Sendler, John Driscoll, Art Ondish and Johanna LoPonte. Absent: Ken Morris and Michael Stanzilis. Robert van den Hende arrived at 7:50 p.m.

Motion to approve minutes from September 13, 2006 meeting by Hughes, second by Galate. All in favor, motion approved.

Motion to approve vouchers by Sendler, second by Hughes. All in favor, motion approved.

Memorialization of Resolution:

Shadow Woods Subdivision – per Michael Selvaggi, resolution should be corrected to read Final Major Subdivision, not Final Major Site Plan. Block 72 Lot 1 and 3; Block 82 Lot 1; Block 83 Lots 9,12&15. Motion to approve with corrections by Hughes, second by Galate. Ayes: Galate, Hughes, Wilson, Simard, Sendler, Driscoll and Ondish. Motion approved.

Motion to deem Chaney application, 13 McGregor Avenue, Block 10 Lot 65, two story addition complete and schedule for hearing date of November 8, 2006. Motion by Sendler, second by Hughes. Ayes: Galate, Hughes, Wilson, Simard, Fostle, Sendler, Driscoll and Ondish. Abstain: LoPonte. Motion approved.

New Business: Schneider, 61 Mountainview Avenue, Block 21 Lot 6, change of use. William Fisher, attorney for applicant.

Peter William Schneider sworn in to provide testimony, property owner and resident of 61 Mountainview Avenue, Mount Arlington. Owner since 1989.

Formerly a residential health care facility. Zoned in RSFD zone. Abandoned use approximately 1 (one) year ago as a health care facility. Describes interior of home, bedrooms and bathrooms on 3 floors, additional living space, and no changes to structure since purchasing it.

Wife, daughter and others living in the house with him. Voluntarily turned in license with Board of Health, current residents living in house approximately last five years.

No advertising was done requesting Boarders. 21 people lived there when it was a health care facility, reassigned when no longer a facility. Fisher – do they contribute financially? Schneider – yes, but he manages the money for the house.

Schneider wants to keep it a single-family residence, some alterations, deck on rear of house maybe a garage, nothing actually proposed right now.

Sendler – fire escape to remain? Schneider – if moving forward with garage, would remove, nothing has been decided.

LoPonte – what is financial situation with other members of house? Schneider – contribute to bills.

Selvaggi – ages of other people in the house? Schneider – range 40's – 80's. Each bedroom lock? No. Plan to have other people move in? No. Plan is to possibly combine bedrooms.

LoPonte – distinction how is this different from a Boarding House? Fisher – no relationship between individuals entitled to live together, cites examples.

Daren Phil – intent to change of use?

Fisher – doesn't want to do this, was told they had to do this?

LoPonte – by whom?

Fisher – Zoning official, DCA.

Wilson – DCA still has this listed as a health care facility.

Fisher – DCA claims that, it isn't.

LoPonte – still not resolved with the State? Fisher – that is correct.

Wilson – still listed, are residents still receiving money from the state? Fisher – not certain. Schneider – some, yes.

Selvaggi – if Board determines SFD, and state says Boarding House, what happens?

Fisher – doesn't know.

Selvaggi – explains case that Mr. Fisher is citing, unrelated persons can live together operating as a family unit and be treated as such. Concern is Board's decision effecting State decision.

LoPonte – Sewers? Charged as I2, would request reduced rate as RSFD.

Selvaggi – license would be required for a Boarding house. Fisher – isn't pursuing Boarding House application.

Sendler – what is Board's determination?

Selvaggi – is this okay to use as a SFD.

Ondish – deed restriction?

Selvaggi – no, specify use as SFD in resolution.

Witness – Charles Joseph Skeen, 61 Mountainview Avenue. Lived there 6-7 years, contributes to household. Has known other household members 6-7 years.

Selvaggi – average monthly contribution? Skeen - \$200 – 300. Per month.

Selvaggi – mail delivered to house? Skeen – yes, one mailbox. Received his money via direct deposit into his own account.

Selvaggi – what's different no than when he first lived there? Skeen – business then, different monthly rate.

Selvaggi – qualification to move into residential facility? Skeen – homeless, found out about facility by way of County. Eats as a family, alternates who cooks. Assigned chores? Yard work, snow, cleaning. Mr. Skeen's bedroom is approx. 16 x 14. Keys to house? Yes.

Wilson – have you seen a caseworker? No, not since no longer a facility. Skeen – not a caseworker, social worker. Has one he can call if he needs to.

Ondish – doesn't think the Land Use Board should make a determination without state issues resolved.

Van den Hende – table matter?

Selvaggi – question is he using this as a single-family residence, is he using it as a Boarding House.

Witness – Timothy Davis, 61 Mountainview Avenue. Lived there approx 4 years. Socialize, etc. with other residents. \$150.00 in food stamps monthly. Contributes to heat, etc.

Selvaggi – application originally deemed complete on August 9, 2006. 120 days to make a decision. Pending application with the state, Mr. Fisher conference scheduled with Judge, Board should not vote on this tonight.

Open to public

Mariette Damonico – thinks Mr. Schneider is requesting zoning change to avoid answering violations he was cited for. Mr. Selvaggi explains Mr. Schneider voluntarily withdrew his license. Will house be allowed to stay in this condition? Selvaggi – depends on situation. Property maintenance ordinances are in effect.

Close to public.

Carry to November 8, 2006 meeting.

New Business:

Hansen, Block 101 Lot 24, 535 Dell Road, two-story addition.

Eric and Tina Hansen, 535 Dell Road, Landing sworn in to provide testimony.

Cantilever front of house 2' and back. 20% ordinance, increasing setback in front yard is concern to Board.

Mr. Hansen – first floor remains same, second floor addition will come out farther, however, less than soffits in existence now come out.

Van den Hende – possibly go out farther in back, decrease front? Board can't design application.

Selvaggi – describes variance requirements, what classifies hardship.

Mrs. Hansen – other homes in neighborhood cantilever, typically. This plan would look different if they went straight up and down in front of the house.

Exhibit A1 series of photos of existing home (5 photos).

Eliminating front porch decreases front yard setback. Basement runs under entire house, door out back of house, height greater than 6 ½'.

Plan should reflect accurate front yard setback. Non-conforming will now be less non-conforming.

Should indicate 3rd story because of basement but won't exceed 35'.

Open to public, no comment. Close to public.

Variances – proposed addition exceeds floor area of existing first floor, front yard setback, basement included creates 3rd story.

Motion to approve Hansen application by van den Hende, second by Sandler. Ayes: Galate, Hughes, van den Hende, Wilson, Simard, Fostle, Sandler, Driscoll, Ondish and LoPonte. Motion approved.

Van Zeyl, Block 57 Lot 2, 33 Bertrand Island Road – addition onto existing garage.

Mr. Van Zeyl reads statement summarizing application. Pictures depicting garage in existence. Concrete and asphalt removed from property. Approximately 121 tons impervious coverage removed. 51% impervious coverage including addition to garage. Just under 50% without addition.

Height variance requested because feels this plan is more appropriate with neighboring properties.

Second story on garage is meant for storage.
Sendler – 23% - now, without application? Van Zeyl – original survey showed that.
Sendler – still looking for correct calculations, beginning and now.
LoPonte – had requested aerial photos previously.
Daren Phil – accurate previous impervious coverage.
Van Zeyl reviews July 11, 2006 letter from contractor about removal of concrete and asphalt totals from property.
Phil – height of garage? Slope?
Stream encroachment permit required. Van Zeyl – obtained previously, on file with original application.
Sevlaggi – testimony needs to be provided, impervious coverage, height and side yard.
Storm water runoff also needs to be addressed. Reasonable degree of proof what was there before, as far as impervious coverage. Planning testimony needed to justify 51% coverage.
Sendler – use garage? Van Zeyl – no, won't fit. Will fit one car with improvements and park one on driveway.
Board wants to see aerial photos.
Need determination why they need 51% coverage.
Continue November 8, 2006 meeting. Board refers applicant back to Ken Dykstra to discuss Storm water Management further.

Motion to adjourn meeting by van den Hende, second by LoPonte. All in favor.
Meeting adjourned at 10:38 p.m.

Carolyn Rinaldi
Clerk / Secretary