

BOROUGH OF WESTVILLE
Land Use Board
Meeting Minutes
Monday, April 4, 2016

The meeting was called to order by Chairman Vince DiCicco at 7:01 who read the Public Notice. Salute and Pledge of Allegiance followed.

Roll call was taken, with the following persons in attendance:

PRESENT: Solicitor Thompson, Board Members: George Baker, William Bittner, Travis Lawrence, Dawn Leamy, Charles Murtaugh, Bruce Nordaby, Chairman Vince DiCicco, Secretary Christine Helder, Applicant Brian Tait and Board Planner/Engineer Candace Kanaplue.

Absent: John Louis

Chairman DiCicco advised that Solicitor Thompson presented the Oath of Office to Board Member Baker, prior to the meet

A motion to approve the February 1, 2016 meeting minutes was made by Board Member Bruce Nordaby and seconded by Board Member Charles Murtaugh. Motion was unanimously approved by voice vote.

OLD BUSINESS:

There was no old Business.

NEW BUSINESS:

BULK VARIANCE APPLICATION

Brian Tait of 241 Edgewater Ave. Mr. Tait was sworn in by Solicitor Thompson. Board Planner/Engineer Candace Kanaplue was also sworn in to given testimony. Solicitor Thompson states there was an issue with completeness regarding certification of taxes being paid. Solicitor Thompson advised that a motion to deem the application complete was required. A motion was made by Board Member William Bittner and seconded by Board Member Charles Murtaugh to approve the application complete. Motion was unanimously approved by voice vote.

The next issue introduced by Solicitor Thompson was adequacy of public notice given by Mr. Tait. Solicitor advised the public notice and 200 foot list was not considered to be complete due to notice stating nothing about a variance, only front yard addition, and front yard shed. Under the case law and statute, when an applicant is aware of variances that are needed, they should be listed. He advised those not familiar with variances can make the wrong assumptions about what is being done. Solicitor Thompson addressed his concerns regarding the lack of information and advised should the board proceed with the hearing that someone

could challenge this decision. Also, if challenged, Solicitor would recommend that the Board not defend the actions, due to legal fees and costs. Solicitor Thompson advised that 45 days after application is approved and published, it can then be challenged at any time within the 45 days. Board member William Bittner stated he believes the public notice did state the major concerns addressed and that the public was notified that all information could be found at the Borough office. Board member George Baker asked if anyone came into the office to request information and he was advised that no one did.

Mr. Tait stated that many of his neighbors were aware of what was taking place. Solicitor Thompson requested that Board Member William Bittner make a motion deeming the notice to be adequate. William Bittner made a motion and George Baker second the motion. Motion was unanimously approved by Roll Call Vote. A lengthy discussion took place between Solicitor Thompson and Mr. Tait regarding the sizes and plans for the application. Board Planner/Engineer Candace Kanaplue reviewed the application and advised that the variance did fit in with the residential area. There were no questions by the board. A motion to open the meeting to the public was made by Board Member William Bittner and seconded by Charles Murtaugh. Motion was unanimously approved by voice vote.

There was no one in the public to comment. A motion to close the public portion was made by William Bittner and seconded by Charles Murtaugh. Motion was unanimously approved by voice vote.

Solicitor Thompson stated a motion should be made to grant a list of in depth variances to Mr. Tait. A motion was made by Board Member William Bittner and seconded by George Baker. Motion was unanimously approved by roll call vote. A

Discussion on New Land Use Application/Appeal

Board Member William Bittner commented that the old Land Use Application was not specific enough for applicants to understand what is necessary to file an application. He advised that a new application was completed by Land Use Board Secretary Christine A. Helder and Solicitor Thompson. Board Member William Bittner made a motion to adopt the new application, Board Member Charles Murtaugh seconded that motion. Motion was unanimously approved by voice vote.

Sub Committee Reports:

602 Ryan Avenue T-5, Committee met on February 2, 2016 - This was approved as it is a Permitted Use in an Industrial Area; Certificate of Occupancy will be required for the sale of the property. (Epoxy Flooring Company, Painting and Construction)

MARTIAL ARTS STUDIO - owner Drew Hayes will be moving to (Old Hardware Store) 217 Broadway. He was advised that certificate of Occupancy would be required, prior to moving in.

Communications:

Correspondence from PSE&G regarding the New Jersey Department of Environmental Protection Freshwater Wetlands Statewide General Permit #1 (Application notice to County & Municipal Officials) fresh water wetlands.

NJDEP Information regarding MS4 Tier "A" Pre-draft Permit Renewal. The Original Document was received by Mayor and Council at the March, 14, 2016 Council meeting. Solicitor Thompson advised that if the draft is approved, training by Board members would be required. It would be an online 45 minute review to be able to ask and answer questions.

Board Member William Bittner advised that he received a flood plain management packet and asked if the Land Use Board should be involved with this. Board Planner/Engineer Candace Kanaplue advised the board could be more involved, but there are certain guidelines throughout the state. Solicitor Thompson stated there is an updated existing ordinance regarding flood plains and if a variance is required, the Land Use Board would become involved. Lengthy discussion took place regarding what is permitted and what is not when building in a flood plain.

Secretary Helder reminded Board members the Financial Disclosure Notice must be filed on-line by April 30th, 2016.

COMMENTS FROM BOARD MEMBERS:

No comment received from the Board Members

A motion to adjourn the meeting was made by Chairman Vince DiCicco and seconded by Board Member Baker. *Motion unanimously approved by voice vote.*

The meeting was adjourned at 7:33 p.m.

Respectively Submitted,

Christine A. Helder
Secretary, Land Use Board