**BOROUGH OF MOUNT ARLINGTON**

**LAND USE BOARD MEETING MINUTES**

**September 12, 2012 -7:00 PM**

### Regular Meeting

# Meeting called to order at 6:59 p.m. “Pledge of Allegiance to the Flag” recited.

This meeting was advertised in the Daily Record and the Roxbury Register.

Roll Call. Present: Absalon, Foley, Loughridge, Simard, Wilson, Cerasoli, Fostle, van den Hende, Rinaldi. Absent: Hallowich, Windish, Ondish.

7:00 p.m. – Motion to Approve Minutes, August 22, 2012. Motion by: Simard, second by Wilson. Yes: Absalon, Foley, Loughridge, Simard, Wilson, Rinaldi. No: None. Abstain: van den Hende

7:02 p.m. – Motion to Approve Vouchers, August 22, 2012. Motion by: Wilson, second by Simard. Yes: Absalon, Foley, Loughridge, Simard, Wilson, Fostle, van den Hende, Rinaldi. No: None.

Correspondence distributed. Originals on file with secretary.

Postponement of Memorialization of Resolution:

**Borough of Mt. Arlington on behalf of Mt. Arlington Ventures, LP. 9 and 7 Howard Boulevard, 1 Season Drive - Block 61, Lot 39.01, 40.01 and 23.01.** Application for minor subdivisions/lot line adjustment and associated bulk variances.

Mr. Selvaggi summarizes the application and its history to the Board. The Resolution will be available at the October 10th meeting.

Completeness Review:

 **Poisseroux -– 207 Howard Boulevard; Block 61, Lot 11.** Application for approval to enclose deck.

Motion by Rinaldi, second by Simard. Yes: Absalon, Foley, Loughridge, Simard, Wilson, Cerasoli, Fostle, van den Hende, Rinaldi. Motion approved.

Public Hearing:

**Poisseroux -– 207 Howard Boulevard; Block 61, Lot 11.** Application for approval to enclose deck.

Mr. Selvaggi spoke briefly regarding Mr. Phil’s completeness report with regard to limited issues and that Mr. Ritter, Township Planner is here to discuss the application as a use variance, which adequately addresses Mr. Phil’s concerns from an Engineering perspective.

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Matilda Linda Poisseroux, 135 Stevens State Park Road, Mount Olive, NJ, is sworn in and will provide testimony as the owner and represents her mother who lives at 207 Howard Boulevard.

Louis A. Poisseroux, 135 Stevens State Park Road, Mount Olive, NJ, is sworn in and will provide testimony as an owner.

Mr. Poisseroux – gives background of property and explains their intent to enclose an existing deck for Mrs. Poisseroux’s mother. The purpose for the change is to allow her more shelter from the sun as well as to illuminate some of the noise from the surrounding commercial properties. The deck is currently three-levels, it will change to one level; walls will be constructed, as well as a roof will be added.

Mr. van den Hende pointed out that the change would still remain within the existing footprint.

Mr. Poisseroux pointed out that they did hire an Architect to design the deck, look at roof lines and to eliminate any water problems. The specifications are to Building Code.

There are only two neighbors that will have any visibility. The Poisseroux’s met with them prior to the last meeting, they both agreed they had no problems with the change.

Mrs. Poisseroux stated that a sealed survey had been submitted as well as receipts for the certified mailings. The purpose of the deck was to be a three-season room.

Mr. vanden Hende asked Mr. Ritter, Borough’s Planner if he had any comments.

Mr. Ritter informed the Board that the house itself is located in a B-1 commercial district. Any expansion to the house in this district initiates the need for a use variance. He also reminded the board that there are two principal dwellings located on this property which also is in variance from the town codes. The applicant would be asking for, as part of their expansion plan, is for a use variance to permit the expansion of the house to include the deck enclosure. Mr. Ritter pointed out that this property has been a preexisting nonconforming use for many years. In his opinion, this addition does not create any another additional variance in the sense of encroachments of other yards. It does not impact any of the neighbors as far as setbacks. This lot is really surrounded by residences, except for the closed Liquor Store. In that sense it is not out of character to its surroundings and it does not have any substantial impact on the zoning district itself.

Mr. van den Hende pointed out that conditional to and prior to receiving their Certificate of Occupancy an updated sealed survey would need to be provided to the Construction Department.

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Mr. Selvaggi explained the need for a sealed survey and also suggested to the Board that they can authorize the issuance of the Building Permit without having to wait for the resolution being memorialized.

7:27 p.m. Open to the Public

No response.

7:27 p.m. Close to the Public

Mr. van den Hende asks for two motions:

1. Motion to approve application as submitted with the condition that an updated sealed survey must be submitted prior to issuance of Certificate of Occupancy.

7:30 p.m. Motion by Simard, second by Cerasoli. Yes: Absalon, Foley, Loughridge, Simard, Wilson, Cerasoli, Fostle, van den Hende, Rinaldi. Motion approved.

1. Motion to authorize issuance of Building Permit, only if all items comply with the Building permit requirements, prior to the resolution being acted upon.

7:32 p.m. Motion by Simard, second by Cerasoli. Yes: Absalon, Foley, Loughridge, Simard, Wilson, Cerasoli, Fostle, van den Hende, Rinaldi. Motion approved.

Mr. van den Hende made a recommendation to consult with Mr. Phil prior to getting their survey completed.

Motion to adjourn by Cerasoli, second by Foley. All in favor. Motion approved.

# Meeting adjourned at 7:33 p.m.

Debbie Halik

Secretary to the Land Use Board