Chairman Nargiso brought the regular meeting of December 19, 2013 to order followed by a Pledge to the Flag. The Chairman stated that this meeting is being held in conformance with the Shine Law Requirements having been duly advertised and posted at Borough Hall.

**ROLL CALL:**

Present: Donnelly, Roche, Sulski, Hauck, Brown, Grygus, Finelli, Nargiso

Absent: Alviene (excused), Calvi (excused), Fox (excused)

**RESOLUTIONS:**

NC13-51 Estate of Catherine Bush

Motion to approve resolution as presented:

Motion: Brown

Second: Finelli

Voted Aye: Donnelly, Sulski, Hauck, Brown, Finelli, Nargiso

Abstain: Roche, Grygus

Voted Nay: None

**CASES TO BE HEARD**

13-177V Butler Carey Associates

Block 11 Lot 11.01

Mr. Fortunato stated that his attorney Mr. John Zunic will be unable to appear and that he himself is an attorney he will be representing himself during this proceeding.

Mr. Fortunato stated further that the Planner had a conflict and will be unable to appear

Mr. Barbarula stated that there should not be a problem as long as Mr. Fortunato’s license is current. The issue is that the planner is not available and it seems the board has numerous questions for the planner.

Oath Given:

Joseph Vander Ploeg

Robert Fortunato

The following was testified to by the applicants

* Contract to purchase
* Convert to office space possibly 2 offices with an entrance and one office on each side approximately 800 SF
* 4 parking spaces in the front which may encroach somewhat on the right-of-way
* 45 Carey avenue has a rear parking lot with approximately 100 spaces
* A Resolution will be drawn up to allow any tenants of 53 Carey Avenue to parking the rear of 45
* There are currently 20 to 30 unused spaces on a daily basis

Mr. Barbarula stated that he will not recommend to the board to take a resolution for a parking issue. The only affirmative issue is something that goes with the land although you don’t own 53 Carey yet; 45 Carey Avenue would have to give a parking easement to 53 and be recorded to run with title. The issue of merger goes with intent and whether or not there are substandard lots. In any situation when people are going to use their piece of property for my property, if it is sold and there is a resolution, resolution is a document that binds that company and only that company. If there is an easement it runs with the land, a resolution is not going to do it. The Land Use Act does not say give me approval because no one else can use it says you are supposed to show us this is why you should give me the approval because this is what I can bring to the table. One of the things that you can bring to the table is a document that says this property that has no parking now will have parking and it will run with the land because this document that was created and it will become a part of the title as an easement.

Board questioned the witness on various aspects of their testimony

Chairman Nargiso stated that the applicant has been given allot of information to review. You don’t have to agree with anything the board is asking for but to get the variance there are things that we require.

Mr. Fortunato stated that the Zoning Officer would only give a CO for office use he did not want any manufacturing use.

Mr. Barbarula stated that this property had a number of variances, it had a 1985 variance and it had an August 1998 variance and that was for manufacturing. Here is the situation if you come before the board for 53 Carey Avenue and will use 45 parking; you then open up both site plans for review. There is a previous resolution going from office to manufacturing, and now manufacturing back to office you may have a different situation.

Mr. Fortunato stated that he has owned 45 Carey Avenue for approximately 6 to 7 years, have current CO’s, the building has been improved and there have been good tenants and further stated this seems to be a pick on match going on.

Chairman Nargiso stated the board and the attorney are just doing the job the board is supposed to do.

Mr. Fortunato stated he does not want to bring 45 Carey Avenue into this discussion. Let 53 Carey Avenue stand and be granted or denied on its own

Chairman Nargiso stated his suggestion is to stop this application at this point go back to your professionals, come up with what you actually want, and see what you need for parking.

Mr. Barbarula stated the board is giving you the opportunity to come back and present the application in the best way you can. He further stated the application back in 98 states it has 2000 square feet of warehouse, 2000 square feet of office, building B having a manufacturing floor of 5000 square feet and 1000 square feet office, 5000 square feet office and another 1000 square feet of manufacturing. Then 5000 square feet in building C of manufacturing and 5000 square feet of office what they proposed is switching making a total of 2000 square feet of warehouse in one building 10,000 square feet in 2nd building and 9000 in the third building and that would require a total of 75 parking spaces and 98 are provided.

Applicant consents to carry to the February 2014 date.

Mr. Barbarula stated that this application will be carried to the February 2014 meeting, there will be no further notice required. The tentative date for February is February 20, 2014.

**APPROVAL OF VOUCHERS**

Motion: Brown

Second: Finelli

Voted Aye: Donnelly, Roche, Sulski, Hauck, Brown, Finelli, Nargiso

Voted Nay: None

**APPROVAL OF MINUTES – October 10, & November 14, 2013**

Motion: Donnelly

Second: Brown

Voted Aye: Donnelly, Sulski, Hauck, Brown, Roche, Grygus, Finelli, Nargiso

Voted Nay: None

Motion to adjourn:

Motion: Brown

Second: Finelli

ALL AYES

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CHAIRMAN – PLANNING BOARD

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ADOPTED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SECRETARY – PLANNING BOARD