

**ZONING BOARD OF ADJUSTMENT
MEETING FEBRUARY 12, 2014**

The caucus meeting began at 7:00 P.M. and the meeting began at 7:30 P.M.

Members present were:

Edwin Bergamo
George LoBiondo
Alan Angelo
Elaine Greenberg
Robert Ortega
Ryan Flaim
William Guccio

Members absent were: Jeffery Francesconi, Allan Bernardini

Others Present were: Solicitor Frank DiDomenico, Secretary Yasmin Ricketts, Zoning Officer Patrick Finley and Principal Planner Stephen Hawk.

Applicant- **Joseph Petronglo**-500 Columbia Avenue, Block 201, Lot 6, Zone A-5.

The applicant testified on his own behalf and requested a variance for a ground mount solar array for his personal residence.

Ms. Greenberg wanted to know where it would be located.

Mr. Petronglo explained that it would be located in the rear of the property and it would provide electric directly to his single family home.

James R. Castle, Developer, testified on behalf of the applicant. The solar array will consist of fifty five panels and twelve rows in an area of 60' x 16'. The solar panels will provide direct electric into the applicant's single family home.

Roll call:

Mr. LoBiondo: Yes
Mr. Guccio: Yes
Ms. Greenberg: Yes
Mr. Flaim: Yes
Mr. Ortega: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Mr. Angelo made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes
Mr. Guccio: Yes
Ms. Greenberg: Yes
Mr. Flaim: Yes
Mr. Ortega: Yes

Mr. Angelo: Yes
Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Ellis Pond**-Lincoln and Chestnut Avenues, Block 654, Lot 1, Zone R-4.
The applicant was represented by Leonard Wood, Esq.

Mr. DiDomenico explained that this was a remand from the Superior Court. There was a defect in the recording system, so there is no record of the initial hearing. Judge Farrell ordered both attorneys to agree to stipulations. Mr. DiDomenico presented them to the board and they agreed to those stipulations as to what occurred on June 19, 2013 meeting. The judge gave a procedure for the evening. Notice is proper, no additional fact witnesses, no testimony for the applicant, and no one from the public can testify. The stipulations of fact will be read into the record and that will become the facts. All six members will be permitted to vote. Mr. Wood, Esq., represents the applicant would be permitted to give a closing statement. After the closing statement, an explanation of the law will be given. The stipulations were read into the record.

Mr. Leonard Wood, Esq. agreed to the stipulations that were read into the record. He explained that the criteria set forth in the statute for conversion were met by the applicant. The statute leaves the board no choice but to grant the application. This statute is foreign but it is clear on what the board needs to do.

Ms. Greenberg had questions about the conversion.

Mr. Ortega indicated that he heard the very first application and had a problem with the traffic at that time.

Mr. Hawk went over why they denied the conversion in the previous hearing. The reasons are listed in the resolution #1-4.

Mr. DiDomenico explained that the conversion law is not a law under the Municipal Land Use Law but instead under Title 45, Professions and Occupations, Chapter 22A, Real Estate Developers. The Conversion mandates the use as a permitted use upon a request for conversion. The applicant must show seven items as being met as set forth in NJSA 45:22A-46.6. They must also show that it can be granted without any substantial detriment to the public good. Additionally, the Courts have stated since the statute states that the conversion cannot be considered a use variance then it is a permitted use.

Ms. Greenberg and Mr. Ortega both indicated that they did not agree with this law.

Mr. Angelo explained that the board has to apply the facts to the law that Mr. DiDomenico read.

Roll call:
Mr. LoBiondo: Yes
Mr. Gruccio: Yes
Ms. Greenberg: Yes
Mr. Flaim: Yes
Mr. Ortega: Yes
Mr. Angelo: Yes

Mr. Ortega made a motion to approve the conversion.

Roll call:

Mr. LoBiondo: No

Mr. Guccio: Yes

Ms. Greenberg: No

Mr. Flaim: No

Mr. Ortega: Yes

Mr. Angelo: Yes

Request was **denied**.

The Chairman entertained a motion to approve the minutes from the January 15, 2014 meeting.

Roll call:

Mr. LoBiondo: Yes

Mr. Guccio: Yes

Ms. Greenberg: Abstain

Mr. Flaim: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

The Chairman entertained a motion to approve the resolutions from the January 15, 2014 meeting.

Roll call:

Mr. LoBiondo: Yes

Mr. Guccio: Yes

Ms. Greenberg: Abstain

Mr. Flaim: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Chairman made a motion to adjourn.

Roll call:

Mr. LoBiondo: Yes

Mr. Guccio: Yes

Ms. Greenberg: Yes

Mr. Flaim: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Meeting adjourned at 8:50 PM

Yasmin Ricketts, Secretary

Zoning Board of Adjustment

