

**ZONING BOARD OF ADJUSTMENT
CITY OF LAMBERTVILLE
REGULAR MEETING MINUTES**

Wednesday, June 28, 2018

The meeting was called to order by Board Chairman Pasquale Pittore, at 7:30 p.m. with a statement of compliance with the Open Public Meetings Act.

Roll Call

Mrs. Lawton called the roll as follows:

Present: Fred Eisinger, Kate Dunn, John Woods, Jane Wesby, Scott Consoli, Pat Pittore and Maddy Urbish.

Absent: Georg Hambach and Marcus Rayner.

Also Present: Board Attorney, Stewart Palilonis, Board Planner Emily Goldman and Board Engineer Paul LaPierre.

APPROVAL OF MINUTES

May 31, 2018

Jane Wesby made a motion to approve the meeting minutes, as submitted. Fred Eisinger seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

RESOLUTION 3-2018

Variance Approval
52 Buttonwood Street
Block 1007 Lot 14
Donna and Alex Grushow

Jane Wesby made a motion to approve the resolution as submitted. Maddy Urbish seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

Public Hearing

Bulk Variance
45 Buttonwood Street
Block 1010 Lot 17
Marisa Ehinger & Tony Martinez

Board member Maddy Urbish recused herself from the application, as she received a certified notice and lives within 200 feet of the applicant.

Mr. Palilonis stated that all notices were in compliance and that the Zoning Board of Adjustment had jurisdiction to hear this application.

The application was submitted for the expansion of an existing non-conforming garage on the property. The proposed change does not permit for a second floor in the garage, it is to remain a one-story structure.

Michael Burns, the applicant's architect and Marisa Ehinger and Tony Martinez were sworn in as witnesses to present testimony.

The purpose of the expansion is to allow for two cars inside the garage as opposed to it currently only allowing for one car to fit. Also, the additional space will provide storage for bicycles and outdoor equipment.

The applicants are proposing to install a water source with this project, as this will allow for them to easily clean off equipment.

A neighbor of the applicant whose property is attached to this one, stated that she has no objection to the proposed expansion.

VARIANCES:

The applicant requires a variance for the expansion of an existing non-conforming use, side yard setback requirements and variance for a 5-foot rear yard setback.

Jane Wesby made a motion to approve the application as submitted. Kate Dunn seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present.

MOTION CARRIED.

APPEAL TO THE ZONING OFFICER'S DECISION

52 North Union Street
Block 1031 Lot 13
CBKB, LLC

The applicant is before the Board for an appeal of the Zoning Officer's decision regarding the use at 52 North Union Street.

A complaint was received and the Zoning Officer, Frank D'Amore, issued a letter to the owners of the property stating that the intended use was not permitted and that they would need to seek approval from the Planning Board for any changes.

Mr. D'Amore noted that there were several past resolutions that prohibited alternate uses without first obtaining approval from the Planning Board.

When the applicant's purchased the property the first level was commercial space and the second level was office space, which they want to continue using as such. The third level is currently being used as an apartment.

However, the resolution states that the second floor must only be used for storage. According to the applicant, the second floor was not being used as storage when they purchased the property.

Construction records show that a permit was submitted and issued for the renovations of an apartment on the second and third floors. However, according to Mr. Palilonis, proper approvals for this use were never obtained.

Mr. Palilonis also stated that the applicant's appeal was not warranted, as they did not obtain a formal denial of a zoning permit from Mr. D'Amore, but rather a letter instead.

Larry Wahl spoke as a member of the public and stated to the Board and Mr. Palilonis that the letter issued by Mr. D'Amore serves as a denial of proposed use.

Mr. D'Amore was not present at the meeting, as he was not aware that his attendance was needed. Therefore, Mr. Palilonis stated that the Board cannot take any action on this application and that a formal denial should be obtained. Once that is obtained, the applicant can appear again before the Board for an appeal. However, approval of the appeal was not guaranteed.

NO ACTION WAS TAKEN.

APPEAL TO THE ZONING OFFICER'S DECISION

58 Church Street
Block 1077 Lot 8
Phyllis Cortese

The property at 58 Church Street currently consists of an abandoned barn structure. In 2015 a zoning permit was approved for the conversion to a studio apartment with storage space on the second level. No permits were ever submitted for this and the use was never changed.

The property owners submitted a new zoning permit in 2017, along with construction permits. The zoning permit indicated that the proposed use was to convert an existing residential studio apartment to include the entire first floor.

It was later determined that the previous approval in 2015 was never acted upon and that the property was still considered a barn like structure. Therefore, the Construction Official issued a Stop Work Order to determine if the project was a permitted use.

The application was reviewed by the zoning officer and the conclusion was that any change to this property was to be approved by a Board.

Since Mr. D'Amore was not at the meeting, Mr. Palilonis stated that the Board cannot take action on this application.

There were several members from the public present objecting to the entire project, as they have been told by the property owners and the contractors that in order to complete the project they would need to a portion of the surrounding neighbor's properties.

NO ACTION WAS TAKEN.

PAYMENT OF BILLS

Jane Wesby made a motion to pay bills, so long as funding was available. Maddy Urbish seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present.

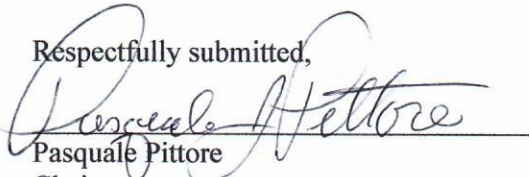
MOTION CARRIED.


ADJOURNMENT

Jane Wesby made a motion to adjourn the meeting at 9:00 pm. Fred Eisinger seconded the motion. A unanimous voice vote of ayes was taken in favor of the motion by all members present.

MOTION CARRIED.

Respectfully submitted,


Pasquale Pittore
Chairman


Crystal Lawton
Administrative Officer