

Borough of Kinnelon

Board of Adjustment

December 4, 2018

The regular monthly meeting of the Kinnelon Board of Adjustment was called to order by Chairman John Carpenter at 8:00p.m., Tuesday, December 4, 2018 in the Municipal Building.

It was posted that adequate notice of this meeting had been given in accordance with the Sunshine Law by posting a notice on the municipal bulletin board, by publication of a legal notice in the Suburban Trends on January 2018 and by sending the meeting date to the Daily Record and Herald News on January 2018.

Present and answering roll call were Mr. Carpenter, Mrs. Minett, Mrs. Canale, Mr. Bender and Mrs. Maletsky. Mr. Ruocco and Mr. Diani was absent from this meeting.

Mr. Carpenter asked if everyone would please rise for the Pledge of Allegiance.

Application #1498 252 Long Meadow Road, Otto DeJager. The applicant would like to reconstruct the dwelling within the same footprint, construct a 2nd story addition, garage and a new covered entrance.

A motion to deem this application complete was offered by Mrs. Maletsky, second by Mr. Bender with the affirmative “yes” vote of all on roll call.

Mrs. Canale read the Engineers report into the record.

Mr. Bacchetta swore in Mr. DeJager.

Mr. Carpenter stated that the Secretary Ms. Highers reached out to you in regards to the patio or porch and asked if we would like to proceed without it or amended the application, Mr. DeJager stated that he just wants to get the house up.

Mr. DeJager stated that he would like renovate this had and it had a murder suicide. Mr. DeJager stated that he and his wife were talking about what to do and since they couldn't go in the back room without their hair standing up on the back of their necks they decided to remove the structure except the foundation. Mr. DeJager stated that he started to demolish part of the house and notice the termite damage and poor construction. Mr. DeJager received a stop work order. Most of the house is being put back on the existing foundation except for a small extension on the back left side for a 3rd car garage and 2nd story. Mr. DeJager stated that the car port has also been removed.

Mr. Carpenter asked if the foundation has been checked and Mr. DeJager stated that he is a structural repair contractor and the same foundation will be used just might have to eliminate some things, add some steel and fill is solid.

Mr. Carpenter stated that there is always concern with lightning and asked what kind of lightning will be used and Mr. DeJager stated that it would be minimal lightning.

Mr. Carpenter opened the meeting to the public and hearing no one closed the public portion and opened it back up to the board.

A motion to approve this application subject to Mr. Booradys letter. Lights are to stay within the envelope of the property and if a patio or deck is to be installed a new application will be made was offered by Mrs. Maletsky, second by Mrs. Canale with the affirmative "yes" vote of all on roll call.

A motion to approve the bills was offered by Mrs. Maletsky, second by Mrs. Minett with the affirmative "yes" vote of all on roll call.

A motion to memorialize resolution #'s 1494, 1496, 1485, 1500 and 1483 by Mrs. Minett, second by Mrs. Canale with the affirmative "yes" vote of all on roll call.

Mr. Carpenter stated that Mr. Bacchetta stated that he would like to address the board.

Mr. Bacchetta stated that he sent a letter back in August to Mr. Carpenter regarding the fee structure. Mr. Bacchetta stated that he has been getting paid the same since 1991 which is \$3,000 per year \$250. Per meeting. Mr. Bacchetta stated that anything he does being resolutions etc. is done on his time. Mr. Bacchetta stated unlike the planning board there is an Escrow set up where I would get paid for resolutions that I would get paid from. I don't want to do this on my time anymore. Mr. Bacchetta stated that he brought this up in August so we were here in December discussing this. If the Board chooses to keep the current rate I will leave as attorney. Mr. Bacchetta stated that Kinnelon is his favorite client and has enjoyed working with everyone on the Board.

Mrs. Maletsky asked when does the planning board meet and Mr. Bacchetta stated that he only comes when he is asked to and the planning board has met 5 or 6 times this year.

Mr. Carpenter stated that if we don't have a meeting he still gets paid.

Mr. Bacchetta left the meeting at this time.

Mr. Carpenter stated that he is leaving the meeting open for anyone that has comments or questions.

Mr. Carpenter stated that its unfortunate that this was given to me in August but I wasn't sure if this was something the Mayor & Council did or us as a Board did. It seems like it has been thrown in our lap. Mr. Carpenter stated that Fran has talked to some people and some have conflicts some are not in the price range and just don't have the time. Mr. Carpenter stated that he had a couple people in mind and is going to reach out to them. Mr. Carpenter stated that Mr. Bacchetta has always been good to this board but not too happy with the outcome of Pio Costa. Mr. Carpenter stated that he wasn't happy with the admission to the property, the board members gaining access to the property and being represented 100%.

Mrs. Canale asked if the other attorneys were in line with what Mr. Bacchetta is asking for.

Mrs. Maletsky stated that Bernie's fees at \$3,000 per year are very low for being at the meetings and he just did 5 resolutions. Mrs. Maletsky stated that she talked to Mrs. Roselius from the Planning board and

they plan on keeping Bernie. Mrs. Maletsky stated that Mrs. Roselius stated that he also doesn't charge for every phone call or every little thing.

Mrs. Canale stated that we should go forward with Bernie for the year and see how it works out.

Mrs. Maletsky stated she has talked to some people and one person wants twice as much and another isn't available. Mrs. Maletsky stated that she thinks Bernie's number is negotiable.

Mrs. Maletsky stated that when he is here in the meeting and I'm looking for advice on Pio Costa he wasn't as open as he was in the parking lot.

Mr. Carpenter stated that he appreciates everyone's comments and is adjourning the meeting.

Submitted by:

Jennifer Highers
Board of Adjustment

Cc: All Board Members
Board Attorney