

**BOARD OF ADJUSTMENT
MEETING MINUTES
SEPTEMBER 27, 2006**

Meeting called to Order by Chairman Novellino at 7:30 p.m.

Vice-Chairman Barthelmes read the Adequate Notice.

Salute to the Flag.

Roll Call. Present: Iradi, Lesto, Novellino, Curcio, Barthelmes, Morelli, and Devine.
Absent: Finley, Lambros.

APPROVAL OF MINUTES: Mr. Lesto made a Motion to approve and Mr. Curcio offered a Second. Roll Call Vote: Lesto, Curcio, Barthelmes, Morelli, Novellino and Devine voted yes to approve.

RESOLUTIONS:

Z05-14 DJ'S CAPITAL ENTERPRISES (SAVOIA) – Block 16.01, Lot 2. 600 Rike Drive. 3.26 acres located in the BP Zone. Present use office and warehouse (under construction). Applicant proposes to utilize 21,000 s.f. for office, warehouse, commercial recreation (Batting cages). Deemed Complete. 2/7/06. Application Denied July 28, 2006.

Mr. Morelli made a Motion to Memorialize the Resolution and Mr. Curcio offered a second. Roll Call Vote: Morelli, Curcio, Lesto, Novellino and Devine voted to Memorialize.

CARRIED APPLICATION:

Z06-01 WAWA – Block 56, Lots 3 and 4. Located at CR 537 and Pine Drive. 5.57 Acres located in the HC-1 Zone. Applicant's present use: Food Mart and Gasoline Station. Applicant seeks building and parking addition to the present use. Preliminary and Final Site Plan. Deemed complete 5/15/06. Date of Action: 9/12/06. Extension granted through 9/30/06. Applicant requested the Board to Dismiss the application Without Prejudice.

Mr. Vella explained that Attorney Timothy Prime who represents Wawa in letter dated August 11, 2006, requested that the Board dismiss the matter without prejudice in order that they could deal with the septic issues on site. He explained that this dismissal allows the applicant to file a new application in the future.

Mr. Barthelmes made the Motion to Dismiss Without Prejudice and Mr. Lesto offered a Second. Roll Call vote: Barthelmes, Lesto, Iradi, Morelli, Curcio, Devine and Novellino voted yes.

Z05-09 PARAMOUNT PROPERTIES - Block 54, Lot 1. Applicant received variance approval to construct a single family dwelling in Resolution memorialized on October 28, 2005. Applicant returning to the Board for an Extension of Time.

Attorney Vella explained to the Board the Ordinance concerning granting an extension of time. Mr. Vella stated that the applicant went to Upper Freehold Township to annex

the property. This procedure took time and Upper Freehold Township declined to annex the property. He explained the further delay due to a conflict the Township Attorney had with the matter. Mr. Vella was forwarded the file to handle on behalf of the Township. He advised the matter was not yet resolved and the Board could grant an extension up to fifteen (15) months. Attorney Craig Ganetti representing the applicant advised that they would request an extension through January 2007 and felt that was sufficient time to conclude this matter.

Mr. Morelli made a Motion to grant an extension through January 26, 2007 and Mr. Curcio offered a Second. Roll call Vote: Morelli, Curcio, Barthelmes, Iradi, Lesto, Devine and Novellino voted yes to grant the extension.

Z06-02 MILLSTONE ACQUISITION – Block 20, Lot 3.14. Located at Route 33 and Dugan's Grove Road. 6.41 acres located in the HC Zone. Applicant seeks a minor subdivision to keep the existing uses with new lot for a proposed day care center. Proposed new building consisting of 7,500 s.f. with one-story. Deemed Complete: 5/24/06. Carried from 6/28/06. Date of Action: 9/21/06. Extension granted through September 30, 2006. Applicant requests that the application be carried to December 14, 2006.

The applicant's attorney sent correspondence to the Board, requesting that the matter be carried to the December Board meeting so that the applicant could resolve issues relating to the septic. The applicant has granted an extension of time through December 31, 2006 to hear the application. The applicant is required to renotice for the December 14, 2006 meeting.

Mr. Vella advised the Board that if the applicant is not prepared to proceed at the December meeting, then the Board could dismiss the application without prejudice so that this is not kept on the books for more than six months. The applicant may return to the Board with a new application in the future.

Mr. Iradi while not stepping off of the dais for this Motion, did not participate due to a conflict.

Mr. Curcio made a Motion to carry to December 14, 2006 and Mr. Lesto offered a Second and by unanimous roll call vote the application was carried to December 14, 2006 with applicant renoticing.

Z06-04 COTTRELL, RICHARD (John Trippedi- Owner) – Block 37.07, Lot 29.06. Vacant property located on Clarksburg Road consisting of 40,000 s.f. acres in the R-80 Zone. Applicant seeks approval to construct a 3,300 s.f. single-family dwelling. Variance needed for lot area. Deemed Complete: 6/20/06. Carried from: 7/26/06. Date of Action 10/18/06.

Applicant is represented by Vincent Halleran. The owner of the property, Mr. Trippedi is represented by his counsel, Kenneth Pape. Board Member Sal Iradi had listened to the tapes of the prior hearing, reviewed the evidence and signed a certification reflecting same in order to vote on this application.

Board Attorney Vella gave a brief overview of the application that was being carried from the last meeting of July 26, 2008. The issue confusing the Board was that Mr. Cottrell was the applicant and prior owner of the property. Attorney Vella explained the doctrine of merger and explains why it does not apply to this application. Mr. Cottrell had owned property located in a one-acre zone and applied for a subdivision to create the lot in this application from the mother lot that was perfected by a subdivision. The 1-½ acres lots wrap around this one acre piece. The Planning Board should have merged this lot but did not. Attorney Vella explained that Mr. Cottrell sold this lot to Mr. Trippedi in early 2006. Attorney Vella explained that the Board has before them an undersized lot that must go to the Board of Adjustment for approval to build upon and he confirmed to the Board that Mr. Trippedi is the true owner of the property. Mr. Halleran had asked that the application be amended to reflect Mr. Trippedi is the applicant. Mr. Coppola explained that the parcel is not grand fathered if it is less than 80,000 s.f.

A-12 was entered into evidence, Deed between Cottrell and Trippedi recorded on March 21, 2006

The matter was opened to the public at 7:50 p.m. Seeing no public comment, the matter was closed to the public at 7:50 p.m.

Attorney Vella had two conditions of approval to discuss. The revised lot area on the plan should be noted. 7A and B, B should be deleted completely. The home should not be less than 3,300 s.f.

Mr. Devine made a Motion to approve as conditioned, and Mr. Barthelmes offered a Second. Roll Call vote: Devine, Barthelmes, Iradi, Morelli, Curcio and Novellino

At 8:00 p.m., Mr. Curcio made a Motion to enter Executive Session to discuss pending litigation and Mr. Lesto offered a Second. Mr. Novellino advised that after Executive Session, there would not be any business for the regular session. By unanimous roll call vote the Board went into Executive Session.

At 8:30 p.m. the Board came back into the regular session and upon Motion of Mr. Lesto and Second offered by Mr. Devine, the meeting adjourned at 8:30 p.m.

Respectfully submitted.

Pamela D'Andrea