KEYPORT UNIFIED PLANNING BOARD

The Keyport Unified Planning Board held a Regular Meeting on July 25, 2013 which was called to order at 7:04 PM in the Council Chambers at Borough Hall, 70 West Front Street, Keyport, NJ, called to order by Mark Sessa, the Sunshine Law Notice was read followed by the Flag Salute.

ROLL CALL:

Present: Mayor Harry Aumack, Councilman Sheridan, Mark Sessa, Robert Burlew, Roger Benedict, Dennis Fotopoulos, John Kovacs, Terry Musson, Jacqueline Kovacs-Olsen, Planning Board Attorney Marc Leckstein; Engineer Donald Norbut; Engineer, Martin Truscott; Planner

Absent: Allen Hudson Juan, Carlos-Oviedo

VOUCHERS:

M. Leckstein for July 23, 2013 meeting $250.00

Motion made by D. Fotopoulos, second by R. Burlew with ayes by all present

Minutes: June 27, 2013 meeting

Motion made by T. Musson; second by D. Fotopoulos

Ayes: Mayor Aumack, R. Burlew, A. Hudson, M. Sessa, R. Benedict, T. Musson, D. Fotopoulos, J. Oviedo, J. Kovacs-Olsen
Abstain: J. Sheridan
Absent: A. Hudson, J. Oviedo

Mr. Musson stated he understands that it is up to the Chairman to set the agenda but would like to know why the meeting is starting on a new application before finishing the one that was carried over. Mr. Sessa explained that the other case was at the last meeting and had to pay his professionals and they were never heard. Mr. Sessa suggested that we give each applicant a time limit. Mr. Sessa asked the board if anyone had any comments about giving a time limit. Mr. Fotopoulos thought that it was a good idea. There was further discussion regarding giving a time limit to each applicant. It was agreed by the Board to give each applicant a time limit as long as they are aware of it before they proceed to give their presentation.

APPLICATIONS:

Application No. 13-02 108 Broad Street LLC (Carried over from June meeting)
108 Broad Street
Blk 60 Lot 6
Use Variance/Site Plan

Mr. Leckstein stated that since all the applications are use variances that Mayor Aumack and Councilman Sheridan should step down from the dais. They are welcome to stay and here the applications. Councilman Sheridan asked if there was anything that they needed before the step down. Mr. Leckstein mentioned about the ordinances that the Administrator was checking into it.

Mr. Sessa explained the time limit for the application to end approximately 9:00 pm to the applicant and his attorney.

Exhibits A1 – Proposed Renovation, Con/Struction dated June 14, 2013
Exhibits A2 – Preliminary site plan – Two River Engineering dated June 10, 2013 with revision date June 20, 2013
Exhibit A3 – Series of six photos
Exhibit A4 – Colored plan same as sheet 3 in exhibit A-2
Exhibit B1 – June 21, 2013 T&M review letter

Kinish K. Jaferian, Attorney for applicant.

Mr. Telymonde was sworn in. Mr. Jaferian asked what Mr. Telymonde relationship is with the applicant. Mr. Telymonde stated he was the sole member of the LLC. Mr. Telymonde described the building and stated that he will be residing in the top part of the building and using the using the other parts as a showroom to show his bathroom/kitchen ideas. Mr. Telymonde described his work and what will be placed in the showroom in further detail. There will be no building in the store everything is done on site in the customer's home. There will be only two employees one which would be secretary/welcoming person. Mr. Jaferian confirmed the amount of people on site. Mr. Jaferian asked about the hours of operation; Mr. Telymonde explained it would be from 8am to 6pm; Monday through Saturday unless someone asked for either a later appointment or a Sunday appointment.

Mr. Telymonde was asked how often does not expect to have deliveries, most items are delivered directly to the client certain things possibly molding special orders but most things are shipped to job.

Attorney asked about solid waste; Mr. Telymonde stated that it would be typically the same as now, during construction phase there would be containers but after it would be typically paper stuff.

Mr. Sessa asked if any board members had questions for Mr. Telymonde.

Mr. Musson asked if it would be by appointment or walk in; Mr. Telymonde stated that someone would be there to greet them but typically they would make an appointment to see him. There probably would be people that walked in just to get ideas.

Mr. Musson asked about the change out periodically of cabinets, Mr. Telymonde stated that yes it would happen but not often.

Mr. Fotopolous asked about the plans that Two River Engineering exhibit item six states that you are going converting the existing structure and a structure with another built inside of it. There was discussion on what the building was and Mr. Burlew explained what the building was used for. Mr. Fotopoulos asked if Mr. Burlew as through the building department, no it was out of the county. There was further discussion on why the building was set up the way it was.

Mr. Burlew stated that building that is being discussed will need to have a sprinkler system with the new height variance and that there was a few other items that need to be addresses.

Mr. Fotopoulos asked about the sign and where it was going to be located; Mr. Telymonde stated that it would be on the front of the building by the hexagon space. Mr. Leckstein stated that on the architectural it is on the end of the building. There was discussion on where the sign would be located.

Mr. Fotopoulos asked if it was going to be a digital sign that was running like a marquee; yes and offered the town the use of the sign for various events and no costs to the Borough. Mr. Leckstein asked the sign in general is going to be your sign; yes he is just offering to the town.

There was further discussion regarding the sign and other people using the sign, Mr. Leckstein stated that you can't offer it to other people. Mr. Telymonde will do whatever the town ordinance states on the height. He just wants it to look nice. Mr. Leckstein states that he isn't sure that the board was understanding what type of sign Mr. Telymonde was asking for. Mr. Truscott stated that there are different types of digital signs.

Mr. Leckstein asked what Mr. Telymonde is envisioning in his sign; Mr. Telymonde stated he would like to use it for charity work and fundraising that would be the only time he would change the sign. Mr. Leckstein stated that he doesn't understand it seems as though there are two uses for the sign.

Mr. Musson asked if Broad Street is a county road and they are very strict with signs. Mr. Telymonde stated that they were sent the letter. Mr. Leckstein explained that Mr. Telymonde would have to apply to the County Planning Board. That would be a condition on the resolution.

There was discussion regarding the sign and whether or not there would be moving images. The Board has to be specific of what the sign would be and what would be on the sign.

Mr. Burlew mentioned that there is a sign ordinance; just advertise for your business. Mr. Burlew stated that the KBBC has criteria and when the building department gets a request for sign they run it past them. Doesn't believe it should be a flashing sign.

Mr. Leckstein stated that the resolution has to have something regarding the sign so something needs to be decided. Mr. Leckstein asked about the letter Mr. Telymonde was referring to. Planning board secretary stated that the letter was sent to Mayor, Council,
Clerk and Administrator not to the planning board.

Martin Truscott, Planner stated there is no details on plan. There was discussion regarding the variances needed for the sign. Mr. Truscott stated that the ordinance states it is silent.

Mr. Burlew feels the sign should never be rented out only use for his business. Mr. Leckstein asked the Board what there feelings about a digital sign. There was a discussion on digital signs in Keyport. Mr. Benedict asked that something be brought to the board, what he feels that the board is getting out is a static digital sign not flashing.

Mr. Leckstein stated that part of the application will be amended to a static digital sign, only for business activities and will be shut down at 8pm. The hours for the sign will be 7:30am to 8pm.

Mr. Sessa asked if there was any more questions from the Board. Since there was no more questions the meeting was opened to the public at 8:02 pm.

Mike Lane, 51 First Street, the business you described how you can insure the use you describe will last the life of the use variance. Mr. Telymonde stated he always worked for himself and never missed payroll or increase his business and plans on spending his life here.

Mr. Leckstein asked for clarification as to what Mr. Lane meant, the use variance will only be used for the business proposed today. Mr. Lane asked if that would be a condition; yes that is what the applicant is asking. Mr. Leckstein explained what the owner occupied means and that is what is being placed in the resolution. Mr. Leckstein explained that if you go to sell the property you will have to sell it as an owner occupied business; Mr. Telymonde said yes.

Mr. Lane asked if one of the conditions was going to be the amount of employees; Mr. Telymonde stated he didn't say it would be a maximum of three if business picked up then he would need to hire more people. Mr. Lane asked for Mr. Telymonde to explain the parking spaces; three interior would be dedicated to himself and two employees and then there would be three exterior parking that would be customer.

Mr. Lane discussed the hours of operation as part of the conditions; Mr. Leckstein explains that just because Mr. Lane is requesting something that doesn't mean it has to be accepted.

Mr. Sessa asked if anyone else had any questions from the public. There were no further questions the meeting was closed to the public at 8:11 pm.

Motion to close to the public was made by Mr. Fotopoulos, second by Mr. Benedict with ayes by all present.

Marc Leber applicants Planner/Engineer was sworn in. Mr. Leber is with Two River Engineering. Mr. Leber gave his credentials he was accepted by the Board.

Mr. Leber explained what this property is zoned R/B Residential business. Mr. Leber spoke about the neighborhood surrounding the application. The garage that is presently there will be demolished and the applicant will be rebuilding an attached garage. There was regarding the non conformities of the buildings, as well as the height. Mr. Leber explained the variances that are going to be required.

Mr. Sessa asked if anyone had any questions regarding the site plan; since no one had any questions Mr. Leber moved on with the presentation.

There was discussion as to what uses are allowed in the area of this application. There was discussion in regards to the master plan and borough ordinances.

There were no questions from the Board at this time.

Letter from T&M Engineering dated 6/21/2013 – Exhibit B1

Mr. Leber went through the conditions on the letter. Item 1 was covered in the presentation; Item 2 parking issues will need a variance. Mr. Leckstein asked for clarification as to the amount of parking there would be a total of five. The plan shows four and the architect will describe the fifth spot which is by under the stairs. The plans will be modified to show that.

Mr. Norbut asked for Mr. Leber to describe the interior parking. There was discussion as to the parking in the interior and the one space that is not going to be accessible to the other employees.

There was discussion as to the pavers in front, the board would like it to match what is already there. Mr. Kovacs asked about the curbing; it is concrete. Mr. Telymonde already agreed to upgrade the sidewalks to what is already there and he would bring it around the corner to the parking area.

Mr. Leber would like the curbing to looked at; Mr. Norbut said he would look at that in the field he thought because the handicap spot and the driveway had to be done that would be replaced as well. Mr. Telymonde agreed with Don to replace.

No new water service is proposed, they imagine that there would have to be an additional separate meter they will pay any fees and comply if needed, and Two River would apply the board with anticipated calculations and the applicant will pay any fees that are involved.

Mr. Leckstein confirms that there is nothing in the letter that the applicant doesn't agree with and that he will comply with all the conditions; yes. Mr. Leckstein asked that go through all the numbers that are in the T&M letter so that they have everything in the resolution correct. Mr. Leber went through the numbers and what variances are being requested. Mr.

Mr. Sessa opened the meeting to the public at 8:49 pm.

Mike Lane, 51 First Street, asked about the parking in the vicinity in the proposed commercial, when you observed the parking on Third; during the day. There was discussion regarding the parking in the neighborhood. Mr. Kovacs mentioned that there is a municipal lot off of Third Street that can be used.

There were no other comments from the public the meeting was closed at 9pm.

Mr. Sessa mentioned that they have reached 9pm. The applicant requested that they are allow 15 minutes for his last witness; the Board agreed.

Konstantinos Aravantos, Architect was sworn in and his credentials were accepted by the Board. Mr. Aravantos explained what the building was going to look like. The building will be traditional/ colonial like downtown Keyport.

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Mr. Sessa asked if there are any questions from the Board.

Mr. Musson asked about the staircase in the garage; they placed the stairs higher so that there would be parking under the staircase

Mr. Benedict stated that he thinks it was a wonderful improvement but asked about the rational of the two lavatories back to back. Mr. Aravatos explained why this was as going to happen. There was further discussion as to the lavatories placement.

Mr. Fotopoulos asked about the garage and if they are actual stalls; yes. There was further discussion regarding the way the employees would have to park in the garage.

Mr. Burlew stated that all the plans will have to be marked up to meet UCC standards; yes the drawings that will be submitted will be up to code.

Motion made at 9:07pm to open to the public by Mr. Kovacs, second by Ms. Kovacs with ayes by all present.

There being no comments from the public the meeting was closed at 9:08pm.

Motion to open to the public was moved and carried at 9:15.

Mr. Lane submitted an exhibit on the review of master plan. Mr. Leckstein stated that the exhibit is sections complied by Mr. Lane. Mr Leckstein marked in as Exhibit O-1. Mr. Lane discussed the 1989 master plan and what the committee looked to do at that time. Mr. Lane discussed the D1 use variance this board must reconcile for proposed used for mixed use in this area. He denies this D1 use variance for this application.

Mr. Lane stated that the applicant needs seven variances prove they are not suited. As the engineers report pointed out more parking, light patterns, free standing sign. Mr. Lane asks the board to deny the application.

Mr. Leber gave his opinions on why the application should be approved. There was discussion as to the size of the building and why it couldn't be rented as a single family.

Motion made and carried to close to the public.

Mr. Fotopolous stated that his main concern is the parking and how that that would be addressed. Mr. Kovacs explained about the parking lot and mentioned that he has seen cars there parked overnight.

Mr. Musson felt that it is less of a problem then when church is in session on Sunday. Mr. Benedict stated that he went through the parking lot today and knows where Mr. Kovacs is speaking about. Mr. Benedict stated that he disagrees with Mr. Lane what Mr. Telymonde proposes here is better that what is there right now.

Ms. Kovacs stated that the foot traffic will be from people walking around not someone that is going to park and just look at his building. Mr. Sessa thinks the plan is wonderful with the sign issue being resolved, there is municipal parking. Mr. Sessa would like to grant the use variance.

Mr. Sessa asked for a motion to approve this application. Mr. Kovacs made motion to approve with conditions, second by Mr. Musson

Roll call: ayes: Mark Sessa, Robert Burlew, Roger Benedict, Dennis Fotopoulos, John Kovacs, Terry Musson, Jacqueline Kovacs-Olsen
Absent: Mayor Aumack, Councilman Sheridan, Allen Hudson, Juan Carlos Oviedo

Motion made and carried to take a five minute break.

The meeting was reconvened at 9:20pm

Roll call: Mark Sessa, Robert Burlew, Roger Benedict, Dennis Fotopoulos, John Kovacs, Terry Musson, Jacqueline Kovacs-Olsen

Application No. 13-01 Alaric Properties (continued)
45 Beers Street
Blk 39 Lot 12, 13 and 14
Use Variance

Mr. Leckstein explained that the applicant finished his case and asked Mr. Rosensweig if they had anything else to offer.

Motion to open to the public was moved and carried.

Mr. Kovacs asked about the building you have parking taking up 20 feet underneath building; Mr. Kirk replied yes. Mr. Kovacs asked about the space in front of the parking space, open space, Mr. Kovacs asked if it is play area, is it going to be closed in; yes. Could it be used for recreation; yes. Mr. Kovacs asked what was going to be there; black top.

Mr. Fotopolous asked if any changes were made; Mr. Leckstein replied no changes.

Mr. Lane, 51 First Street, handed an exhibit. Mr. Rosensweig stated he has no problem as Mr. Lane testifying as a fact witness. Mr. Rosensweig objects to anything about the previous Planning Board or master plan. Mr. Lane stated that this was his view as a previous board member. Mr. Rosensweig stated that the document provided by Mr. Lane contains Mystic at Keyport which doesn't relate specifically to this applicant so he objects to that part of it. It contains a list of positive criteria which the applicant must prove which is something a planner would do and that Mr. Lane is not a planner.

Mr. Leckstein stated he has to agree with Mr. Rosensweig, you can not go back to an old application. This application has to be heard on its own unless you have witnesses but you can not use another application. Mr. Leckstein explains that Mr. Lane is not an expert and this Mr. Lane asked Mr. Norbut about the storm water plan, does a quarter of an acre require storm water plan. Mr. Norbut explained that the applicant will have to follow the County. There was further discussion on the storm water management plan.

Mr. Leckstein asked Mr. Norbut if this application had to be submitted to DEP for approval. If DEP has requirements the applicant would have to come back to the board; Mr. Norbut replied yes.

Mr. Lane presents the fact that the sight does flood, would like to submit page four as an exhibit. Mr. Rosensweig stated he is fully aware that parts of Keyport floods. There was discussion about the building on page four. Mr. Rosensweig objects to the photos and doesn't feel Mr. Lane has the expertise to this say why the building was sinking. Mr. Leckstein stated the board can look at the photos but not the comments. Photo five is a photo of the 1992 Nor Eastern Mr. Lane doesn't remember who took the photo there was further discussion on this photo, Mr. Leckstein marked this in as Exhibit O-2, and Mr. Rosensweig objects page six and explains his objection to this photo. Mr. Rosensweig stated that the applicant will comply with whatever the elevation needs to be. Mr. Rosensweig stated that they know what the height variance will be the applicant will comply and the applicant understand that. There was further discussion as to the flood elevation. Mr. Leckstein marked Page six marked in as Exhibit O-3.

Mr. Lane talks about the recent ordinance passed by the Borough and about the safety because the land is not being elevated. Mr. Leckstein reminds Mr. Lane that he can not testify on what other people say or stories that are heard in town. Mr. Leckstein states that the board can not consider something from 2004 and it is irrelevant to this application.

Mr. Lane showed a picture of the back of house and spoke about how he and his neighbors are raising ten feet. Mr. Rosensweig asked how doesn't understand how this relates to the application since this is on First Street and objects to this picture. The flood prevention will be part of the site plan and the applicant will comply what is requested by the Borough. The height will be part of the site plan and applicant will comply to what is needed by the Borough.

Page nine of eleven is the back of his home 1960 Mr. Lane explained that this photo who was in the Keyport Yacht club history book documented both page nine and ten marked as Exhibit O-4.

Mr. Lane spoke of the testimony given by the applicants' planner regarding the district; Mr. Lane spoke of the density of this application and the variances needed for this applicant and feels it is not suited for this site. Mr. Lane gave his opinion on the site. Mr. Lane brought up older applications Mr. Leckstein explained to the Board should not consider what happened in a previous application only can deal what is before the Board tonight.

Proposed Exhibit O-5 - Mr. Leckstein stated that page four would not be considered by the Board because it has personal comments on it. Mr. Leckstein asked Mr. Rosensweig if there are any objections to the exhibit. Mr. Rosensweig stated besides from the back the part that based on property evaluations and it doesn't apply to the applicant.

Mr. Leckstein asked about the information submitted for the First Street Town houses. Mr. Lane stated that the information on page three is from the County website. Mr. Lane stated that is his sworn data. Mr. Rosensweig objects because this has nothing to do with Beers Street. There was further discussion on this exhibit after the discussion both attorneys felt that this exhibit had no relevance to the application. Mr. Rosensweig objects to this exhibit. There was discussion regarding low income houses and the value of properties Mr. Leckstein asked the Board to disregard this information. Mr. Leckstein stated that none of this be considered by the Board.

One last exhibit was handed out by Mr. Lane – Mr. Leckstein stated that the Board is not going to consider page seven of seven since it is Mr. Lane's commentary. If the rest of the exhibit is from the Master Plan the Board can take cognizance. Mr. Leckstein stated how it is improper to present one page of a resolution of the Planning Board Re-examination Master plan that was revised and doesn't continue. Mr. Rosensweig objects to the one page. Mr. Leckstein explained that this will not be marked in as an exhibit since it is part of the Master Plan. There was discussion on why Mr. Lane explains submitted this.

Mr. Lane explained that the 1989 Master Plan states that they eliminated all multi family development, as a permitted or conditional use within all zones and districts. Mr. Lane stated that a multi family is no longer allowed; Mr. Leckstein stated that is why they are here for a use variance. Mr. Lane further discussed multi family units.

Mr. Fotopolous asked if we have had any multi family developments since 2001. Mr. Lane stated he is not aware of any that this board approved except Manchester but that wasn't constructed. Manchester was approved around 2006 and Mr. Burlew stated that there were others. There was discussion on other multi family applications after 2001.

Mr. Leckstein stated that whether the Board granted approval on any other application is irrelevant the Board has to vote on the merit of this application on its own. The Board should only base their decision on what is heard at the last meeting and what has been heard this evening.

Mr. Lane stated that the applicant had an opportunity to present why it should be allowed but feels he has not been given the opportunity to present why it should be allowed. Mr. Leckstein replied that he is being giving the opportunity but cant site to other applications that is not before the board. Mr. Leckstein asked Mr. Lane if he has proof that the applicant has not met the criteria to please present it, Mr. Leckstein explained to Mr. Lane why certain things were irrelevant. Mr. Lane stated he doesn't feel this application should be granted.

Mr. Leckstein asked if Mr. Rosensweig had anything to say. Mr. Sessa asked if anyone else from the public had anything to say.

Ed McNamara, 76 Maple Place, feels that many occasions that he has tried to go down Beers Street, and that it floods he spoke about other storms when the residents had to move out feels that putting houses there again is a mistake.

Mike Cummins, 44 Beers Street, directly impacted on whatever happens he is deeply concerned that what he is hearing tonight about what should happen in the future. Feels people are nervous about low income housing and is very troubling to him. Mr. Leckstein stated that he advised the board that they are not to consider that as an argument. Mr. Cummins hopes that decisions are not made on that.

Motion to close the meeting was made by Mr. Kovacs, and second by Ms. Kovacs with ayes by all present.

Mr. Sessa asked any comments/questions from the Board.

Mr. Fotopolous stated that his main concern was the increase of units, he understands the situation that Mr. Telarico brought up that apparently the only thing that would make financial sense.

Mr. Musson stated that last week someone mentioned about driving into town and looking at that area and how it looks bad, if it is done like it is now there is no improvement. Mr. Musson has a problem with number of units, understands where they are coming from. All neighbors testified that they didn't like what was there before but are all in favor of improving the conditions.

Mr. Benedict has one question for Mr. Burlew as far as rebuilding would it be rebuilt to the same grade or lifted. Mr. Burlew stated that they would have to come in without any variances they could rebuild building where it is just move building to ABFE. There was further discussion on the ABFE and elevations. The applicant has the choice to do whatever, Mr. Burlew would rather see something that is better constructed and something we would be happy with.
Mr. Benedict stated he would like to know his options. Mr. Norbut asked for clarification on whether it had to be raised, Mr. Burlew replied yes.

There was discussion as to what each apartment was going to look like and how many units. Mr. Kovacs suggested that some of the apartments can be age restricted. Mr. Rosensweig stated that was not acceptable. Mr. Sessa spoke of the issues that have been brought before the board at the last meeting with regards to the police calls he feels that the increase in the amounts of bedrooms he is in favor of approving he use variance. Mr. Fotopolous asked if the applicant has actually evidence to the increase only being three additional bedrooms. Mr. Telarico stated he can get leases; Mr. Leckstein stated you can take the applicants word.

Mr. Benedict spoke about the last meeting and how the management of the building seemed to be the biggest complaint. The applicant stated it would be part of the site plan to have a management proposal with someone that would be on call. There was further discussion on how the property will be managed. Mr. Leckstein stated at the last meeting there was a condition that one of the apartments will be for the super to the apartment building.

Mr. Leckstein stated that since there was a lot of conversation between the board and the applicant he feels the meeting needs to be reopened to the public.

Motion made by Mr. Burlew, second by Mr. Kovacs to open to the public ayes by all present.

Mike Lane, 51 First Street, we have the tendency with this application, the last application and the First Street application to solve all problems with all conditions but we don't have a very good record keeping to enforce these conditions, so be careful that you feel you have solve all problems with the conditions.

There was no further comments from the public; motion made and carried to close the meeting.

Mr. Fotopolous asked for clarity to what is being voted on are we voting separately; Mr. Leckstein said no. Applicant made it clear they are not willing to change the density.

Mr. Musson made motion to approve application in entirety. There was no second so the motion died.

Mr. Leckstein asked Mr. Rosensweig if he would like to speak to his client since the motion to approve the application as is failed.

The meeting was called back to order after a short break.

Roll call: Mark Sessa, Robert Burlew, Roger Benedict, Dennis Fotopoulos, John Kovacs, Terry Musson, Jacqueline Kovacs-Olsen

Mr. Rosensweig after consulting with his applicant the number he applied for is what he wants.

Mr. Leckstein asked the Board what they want to do. Mr. Leckstein asked Mr. Fotopolous if he wanted to speak.

Mr. Fotopolous explained that he is a multi family owner as well it he is wondering if it would make sense to change the number of units. Mr. Fotopolous asked if you can cut the apartments and increase the rent.

Mr. Talarcio explained why he wants the number of units, and feels that none of this testimony is very encouraging and feels it is not viable to change the number of units. There was discussion by Mr. Talarico and Mr. Burlew as the damage done on the building and what needs to be repaired. Mr. Talarico spoke about the property and how it was.

Mr. Fotopolous stated that he respects the project but what you are saying the other option is just rebuild and that is not what he wants. He would like you to do that but the density is something he has a concern about.

Mr. Norbut stated that he wants to clarify what to the Board what needs to be done with the property if this application is denied. Mr. Norbut explained that with the damage that is done the property will have to be raised; Mr. Talarico stated that is not true. There was further discussion on the determination on the property. Mr. Burlew explained how the tabulation is done on a property and the letters that were given to Mr. Talarico. There was discussion on what would have to be done to meet today's standards.

Mr. Musson makes a motion to deny the application, Mr. Fotopolous feels he has no choice but to second. Mr. Rosensweig asked that they have a chance and if the Board doesn't like the site plan than they will not be allowed to move forward. Let them show the board how things are going to be taken care of and then if the board is still not happy then do let the applicant move forward.

Mr. Leckstein stated that he is not comfortable with granting the D5, if Mr. Rosensweig wants to pull the D5 until the site plan.

Mr. Talarico asked if he was willing to make two units one bedroom would that make the Board more comfortable then it gets us closer to the number of bedrooms. Mr. Leckstein states that he feels the board wants to approve it but is not comfortable with the Density.

Ms. Kovacs asked for four one bedroom apartments; Mr. Talarico spoke about what the Bank would approve. Mr. Truscott asked that the board go back to the planning issues.

Mr. Talarico spoke about how much he is losing every month being unable to rent his property. There was discussion as to how many units the Board is asking for.

Mr. Burlew asked what the Board would be comfortable with, Ms. Kovacs stated take off four units and have a playground. Mr. Leckstein stated that the board has to make a decision on this application.

Mr. Talarico asked the board if they would be okay if he made four one bedroom apartments and then twenty two bedroom. Mr. Sessa explained that would only be one more bedroom than it is now.

Mr. Talarico and Mr. Rosensweig went out of the room to discuss what is being proposed.

The meeting went back on the record –Roll call: Mark Sessa, Robert Burlew, Roger Benedict, Dennis Fotopoulos, John Kovacs, Terry Musson, Jacqueline Kovacs-Olsen

Mr. Leckstein stated if the applicant is going to suggest something the applicant can just amend application to change the units.

Mr. Talarico offered twenty, two-bedroom apartments and four, one-bedroom apartments.

Mr. Leckstein suggested that Mr. Musson withdraws motion. Mr. Leckstein states since the application has changed has to open to the public.

Mr. Burlew wanted clarification on the amount of two bedrooms units.

Motion to open to the public was made by Ms. Kovacs, second by Mr. Fotopolous with ayes by all present

Mr. Lane, just in alignment with my previous testimony do not approve the density variance until you see the site plan. He feels that there were problems in previous applications.

Motion to close the meeting was made and carried.

Mr. Fotopolous asked Mr. Leckstein to clarification to what the board can do.

Mr. Leckstein spoke about what is being proposed as well as the other variances that are needed. He ask the Board to approve everything.

Mr. Musson made motion to approve as amend, second by Mr. Kovacs

Roll call: Ayes Mark Sessa, Robert Burlew, Roger Benedict, Dennis Fotopoulos, John Kovacs, Terry Musson, Jacqueline Kovacs-Olsen
Nays: Robert Burlew

Application was approved.

There was discussion as to the resolutions for the next meeting.

PUBLIC SESSION

Motion to open made by Ms. Kovacs, second by Mr. Fotopolous

Diane Brinkley, 26 Osborne Street, complained about 22 Osborne Street. Mr. Leckstein explained that the board has no enforcement. Mr. Burlew stated that he would look into it.

Motion to adjourn the meeting at 11:20pm

Roll call: R. Burlew, M. Sessa, R. Benedict, A. Hudson, T. Musson, D. Fotopoulos, J. Kovacs
Alternates: J. Oviedo, Ms. Kovacs

The next regularly scheduled Planning Board Meeting will be Thursday, August 22, 2013.