

Al's Copy

Bound Brook Board of Adjustment

Regular Meeting - April 7, 1983

The regular meeting of the Bound Brook Board of Adjustment was called to order by Chairman John Mc Donald, at the Borough Hall, Thursday April 7, 1983 at 8:15 p.m..

Chairman McDonald stated that this meeting is being held in compliance with the "Open Public Meetings Law," in that the requirements of the Law have been met by the Annual Meeting Notice having been posted in the Municipal Building, filed with the Municipal Clerk and forwarded to the Bound Brook Chronicle, the Home News and the Courier News in January 1983.

Roll call revealed the following members present: John McDonald, Vincent Morano, Frank Juliano, Richard Schindelar, Theresa Prokop, Joseph Jarema and Marilyn Tataryn. Also present were Michael Rodgers, Board Attorney and Al Fischetti, Jr., Director of Inspections.

Communications: All flyers and booklets are on file for those interested.

Public Hearings:

Application of Reginald and Laura Gulliford. 320 East Street-Block 13, Lot 46A. File #83-1. Use Variance.

Mr. Gulliford and his Attorney, Mr. Clemens came forward. Board Attorney reviewed the legal standards for granting a variance.

Mr. Gulliford was sworn in by Board Attorney, Michael Rodgers. Miss Prokop at this time stated that she works for the attorney who represented the sellers of the property. Mr. Clemens asked that she not vote on this application.

Mr. Gulliford stated that he purchased the property at 320 East Street in July 1982. There was an ad in the paper stating that it was a 2 family dwelling, which was what he and his wife were looking for. They bought it. At the end of 1982 Mr. Gulliford went to the Building Inspector for a permit to build a deck in back of house off the second floor.

Mr. Ciarfello, the Building Inspector, turned him down for the permit, stating it was an illegal 2 family dwelling. Mr. Ciarfello said that the Gullifords would have to go to the zoning board for a variance to make it a legal 2 family.

The house was empty when they bought it. It was constructed as a 2 family, as far as they know for at least 6 or 7 years it was in use as a 2 family. Before subdivision building was constructed as a 3 family.

This house was shown to other buyers as the only 2 family house in the row of houses, on East Street that the sellers owned at that time.

Bound Brook Board of Adjustment

Regular Meeting - April 7, 1983

Mr. Clemens showed the Board the ad from newspaper, stating 320 East Street as a 2 family dwelling.

Mr. Clemens had it in writing from the sellers that the property meets all zoning and planning requirements. He wanted to make sure subdivisions of properties wer proper. Subdivision of property does not show that dwelling had 2 apartments.

Mr. Gulliford made a drawing to show board members the lay out of apartments.

Mr. Gulliford and board members reviewed drawings.

He stated that the lot is 150 ft. long and 25 ft. wide.

Cars park in back of dwelling.

Mr. Gulliford stated he wanted to build deck off his kitchen with stairs going down to back of house on the outside.

He has an easement to driveway which is used by both houses.

Can park 4 or more cars in parking area.

Board members also reviewed subdivision of the 4 duplex houses into 8 1 family dwellings.

Mr. Schindelar noted; Lot 46 on subdivision which this is a part of, existing use are 2 residential dwellings on one lot. Proposed use 2 residential dwelling units on separate lots.

It was represented to the Planning Board that they were single family on each side of duplex. And that's how Planning Board reviewed the subdivision application.

Mr. Schindelar noted that Planning Board granted subdivision in 1981 as 8 single family units on 8 lots.

Seller misrepresented property to the Gullifords.

Original applicant, Mr. Ford also misrepresented property to the Planning Board when asking for subdivision. Seller at the time was Chairman of Planning Board and he knew what he was doing.

Board Attorney stated that this is an illegal 2 family house, and a variance is needed from the Board. This doesnot mean that Board will have to grant any other owner a variance for the same thing.

Mr. Gulliford stated that he did pay a premium. He paid between \$5,000 and \$7,000 dollars more than other owners did on the other houses.

Meeting closed to public.

Mr. Fischetti noted that this was the only 2 family house in the 8 houses.

Mr. Schindelar stated that his problem with the whole thing is not the granting of the variance for the 2 family in that area; It appears that the house was built for it, but the fact that the subdivision was given as and represented to the Planning Board, and he sat on the board during negotiations and during deliberations, as 3 single family dwellings on four lots, and now have 8 single families on 8 lots. It's stated that way on applications in the file.

Bound Brook Board of Adjustment
Regular Meeting - April 7, 1983

Sellers did a flim-flam on this and put the Board of Adjustment in the middle.

Discussion closed.

Frank Juliano made motion that Board grant Mr. Gulliford variance to make this a two family dwelling, seconded by Joseph Jarema.

Roll call vote taken:

| | | | |
|-----------------|----------|--------------------|-------------|
| John McDonald | - yes | Richard Schindelar | - yes |
| Vincent Morano | - yes | Theresa Prokop | - abstained |
| Walter Chersack | - absent | Joseph Jarema | - yes |
| Frank Juliano | - yes | Marilyn Tataryn | - yes |
| Isidoro Garcia | - absent | | |

6 yes votes. variance granted.

Mr. Schindelar had a legal question.

What is the position of a fraudulent application to a municipal body?

This application was done by two professional people in town, asking for one thing then turning around and charging a premium.

Board Attorney stated that at the time application for subdivision the Board does not know how building was being used. Mr. Schindelar mentioned that during testimony tonight it was stated that for at least 6 years the house was used as a 2 family.

Mr. Rodgers noted that if at the time the application was before the Planning Board and 2 families were in dwelling, then there was some type of perjury before Planning Board, applicant is under oath.

There probably is a criminal violation, but attorney is not sure what it is.

Mr. Schindelar made motion that minutes of this meeting go to the Planning Board and have them take action, seconded by Vincent Morano.

Mr. Schindelar will go to Mr. Gilly, Chairman of the Planning Board and discuss the matter.

Carried.

Theresa Prokop abstained.

Board Attorney passed out resolution on Marra application. Frank Juliano moved to accept resolution, seconded by Marilyn Tataryn. Carried.

Bound Brook Board of Adjustment

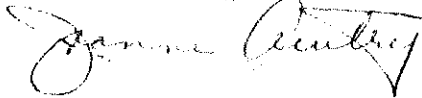
Regular Meeting - April 7, 1983

Vouchers: Richard Schindelar moved to approve voucher submitted by recording secretary, seconded by Frank Juliano.
Carried.

There being nothing further to come before the Board, a motion was made and seconded to adjourn the meeting.

Meeting adjourned at 9:30 p.m..

Respectfully submitted,



Joanne Awtry
Recording Secretary