

**BOROUGH OF JAMESBURG
LAND USE BOARD**

**MINUTES
June 11, 2009**

The Chairman called the meeting to order and announced that the same was being held pursuant to the Open Public Meetings Act and that all the provisions of the Act had been met.

Flag Salute

Roll Call: Present:	Patrick Connelly	Brian Wright
	Roseanna Davino	Alt. I: George Zelasko
	Susan Kozar	Atty: Michael Balint
	Mayor LaMantia	Engineer: Jeff Staiger
	John Walker	

Absent: Longo, Perdoni

Approval of minutes April 9, 2009

Motion: Walker

Second: Wright

All in Favor

PUBLIC HEARING

East Railroad Avenue Holdings, LLC – Michael Balint explained that the applicant applied for a site plan approval and following a phone call from a concerned party, he feels the applicant did not apply for proper relief and should have asked for a use variance instead of a conditional use approval. The applicant will re-notice and amend the application to include a use variance and come back to the Board in July.

INTERPRETATION

Alan Aly – Block 36, Lot 1 – Chairman Connelly had to recuse himself due to a conflict. John Walker took over as chair. Jonathan Heilbrunn explained the application and what happened at the last meeting. At the meeting the Board wanted restrictions on the proposed addition. Mr. Heilbrunn reviewed the ordinance and concluded that the home already is a 2-family house and that is not changing. The applicant understands that the Board wants the apartments to remain 2 bedrooms and he does not have a problem with that. Mr. Heilbrunn provided case law that substantiates that increasing the size of an apartment does not require a use variance. He stated that the increase in units would require a variance but that is not what is being proposed. Mr. Heilbrunn also stated that the Board should not decide what an inside of a house should be.

Motion that a variance is not required subject to conditions: Wright

Second: Zelasko

In favor: Kozar, Wright, Zelasko, Walker

Note: There was a motion to open to the public and no one wished to speak.

Motion to Adjourn: Wright

Second: Zelasko

All in Favor