

Florence, New Jersey 08518-2323  
September 1, 2016

The Regular meeting of the Florence Township Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Zekas called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Lutz then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

|                  |                  |
|------------------|------------------|
| William Bott     | Brett Buddenbaum |
| Joseph Cartier   | Larry Lutz       |
| Anant Patel      | Lou Sovak        |
| B. Michael Zekas | Anthony Drangula |
| Margo Mattis     |                  |

Also Present: Solicitor David Frank  
Engineer Andrew Banff  
Planner Barbara Fegley

#### APPLICATIONS

- A. Application ZB#2016-06 for Francisca Santiago. Applicant is requesting a Use Variance to legalize an existing apartment on the second floor of the residence which will include separate cooking, bathroom and sleeping rooms located at 320 West Fifth Street, Florence. Block 40, Lot 5.

Chairman Zekas called Ms. Santiago. The application had been continued from a previous meeting. Ms. Santiago concurred. She said at the last meeting she was told to gather more information. She gathered information related to the taxes and utilities. She also had pictures to enter into evidence. Solicitor Frank asked if she still considered herself sworn in. She said she did. The photos were entered as A-1 through A-9 with this evening's date. She explained the pictures. A-1 showed the front of the house with two mail boxes, showing there were two mailboxes there prior to her purchasing the property. A-2 showed two electrical meters on the outside of the house. A-3 was another picture of the meters. A-4 showed an electrical panel in the basement. It controls the first floor. The next, A-5, showed the second electrical panel on the second floor that services the second floor. A-6 showed the two electrical emergency breakers for the two electrical panels. They are located in the basement. The next, A-7 showed two hot water heaters in the basement. A-8 showed two separate gas meters located in the basement. A-9 shows the deck that is the access to the second floor. Solicitor Frank asked if that was the only access to the second floor. Ms. Santiago said it was. There was no internal access to the second floor.

Ms. Santiago said she looked for more information regarding the taxes as to when it started to be taxed as two units. She said the records were provided by the Tax Department. In 1990 the property went from a single family to two units. Solicitor Frank entered the records into evidence. The information from 1985 was entered as A-10, the record from 1988 was labeled A-11. A-12 was the record for 1989 and A-13 was the 1990 record. The 1990 record shows two units. Planner Fegley asked if the ownership of the property was the same for 1989 and 1990. Ms. Santiago said the record showed the same owner for both years. Solicitor Frank said A-14 was the record for 1991. The 1992 record, labeled A-15, similarly shows two apartment units. The 1997 record marked as A-16 shows the same. Ms. Santiago presented a current tax record that shows she is paying taxes for two units. It was labeled A-17. Solicitor Frank said the current record shows there are two apartments.

Ms. Santiago said she called PSE&G to find out what the process was to get a second meter installed. They told her a request would have to be made by the township. For the gas meter there would need to be a cutting card from the township to PSE&G. There would be a sticker put on the pipe once the work was done. Notification would come from the township to PSE&G. It is not something that a resident could do on their own. Solicitor Frank said that would be the current method, what the township doesn't know is when it was done. Ms. Santiago said she spoke to the supervisor and she was told it has always been done the same way. They told her they could probably locate some records but she would need to get a subpoena. The records would only go back for seven years.

Solicitor Frank asked her if she had any municipal records from construction. Ms. Santiago said there were only some available. She provided a record from PSE&G showing the installation date of a meter, but there were readings on record before that date so PSE&G said the installation was probably to replace the meters that were already there. Solicitor Frank said it really wasn't a helpful record. The document was a business record from PSE&G and it can be accepted for what it says. Ms. Santiago said she had a letter from PSE&G's legal team. Solicitor Frank said the board is not strictly bound by the rules of evidence. In a court of law, she couldn't bring a letter from someone to prove something that the letter said. That would be hearsay. That is an out of court statement offered to prove the truth. The board is not bound by the rules of hearsay but it tries to respect them because it is an important idea. He reviewed the letter.

Chairman Zekas said he didn't know if anyone was familiar with the tax records but the record from 1997 shows an exemption amount of \$1,400.00. He recalled from the July meeting, one of the members of the public had indicated there were Section 8 renters at the property. He asked if that would have been the reason for the exemption. Solicitor Frank said he didn't know that there was any kind of tax exemption available for that kind of rental but there would be some sort of reduction for veterans. There could also be a senior freeze. Chairman Zekas said it was the same property owner on all the records but for this particular one there was an exemption. It leads him to believe there was some reason for the exemption. Solicitor Frank agreed but he did not believe it would be for rental status under a federal government program.

Ms. Santiago said regarding the Water & Sewer, she is also paying for two units. She provided a print screen of the billing record. Member Bott said in the pictures provided it looked like the water heaters and other things were all new. The applicant said there was a flood and one of the water heaters was replaced. They are fairly new. Mr. Bott asked about the two electric meters. Ms. Santiago said there were two separate meters and she does not pay the electric for the second floor. Member Bott said he was curious about when all of this was done. Solicitor Frank said that is what the board is having a difficult time finding out. PSE&G's records that are easily available to them only go back seven years. Solicitor Frank said he would be able to provide a subpoena if necessary. Ms. Santiago said PSE&G told her they were only required by the state to keep records from the last seven years. They did say they keep meter reading records. Solicitor Frank said if the information was that important to the board he could supply the subpoena under the authority of the board chairman.

Solicitor Frank asked Ms. Santiago what other evidence she would like to submit. She explained the computer system at the Construction Department can only go back to 2005 so she only had the listing of permits pulled from then on. She did have one from 1992 when the decks were built. It was entered as exhibit A-21. A-20 was the township permit record print out. Ms. Santiago said A-21 was from 1992 when the deck that leads to the second floor was built. It was approved by the construction official. Solicitor Frank reviewed the information that was on the permit.

Solicitor Frank addressed the Chairman. He noted regarding the tax exemption there was a column with a code number. That would explain what the exemption was for.

Solicitor Frank said one of the permits issued on 10/14/2011 was for two 100amp services. Member Buddenbaum asked if that was to replace old ones. The photos showed services that looked fairly new. Solicitor Frank said there is a record in 2006 of two receptacles and one switch and a 200amp service cable. This shows a history of permits being issued for a second unit. Whether this was the first permit issued or just a permit issued, there is no way to tell. It appears as though the property was drawing 200amps in 2006.

Solicitor Frank said it would be interesting to know if the 2011 two 100amp services were new services or replacements of old services. The Construction Office should have that information available. If it was for new service, that would have been when a cutting card would have been issued.

Chairman Zekas asked Solicitor Frank about the 1989-1990 tax records and what would trigger the municipality to designate the structure as two units. Solicitor Frank said there were two ways for that to happen. One would be if there was some sort of reassessment. That is something that could be seen in the tax records. If there were simultaneous shifts in valuation it would indicate a reassessment. The other way would be if permits were pulled. The assessor receives copies and makes the required adjustments. Chairman Zekas said either way, those records, on their own, seem to indicate two apartments. Solicitor Frank said it was interesting that tax records show a two unit dwelling from 1990 on, but the permits for the deck were pulled in 1992. He asked if in 1990 there was a general shift in the values of all the properties on the same page.

Solicitor Frank said the ordinary case for this board is that this was lawful when it was created and predates the current restrictions against that use and therefore it should be allowed to be continued. It existed all that time under everyone's radar screen. This case is a different kind of case. It is always the applicant's burden to demonstrate their proofs. Because of the history of having been taxed as two apartment units and because of the history of the issuance of construction permits, the applicant is providing another way to demonstrate a pre-existing non-conforming use. It's Estoppel, a way of saying the municipality treated it as two units for all this time and it is not fair the municipality to backtrack on that now. This applicant showed that and the property was treated that way. Balanced against that, the applicant had some knowledge that this was an issue when she purchased the property. He asked the applicant if she had any more proofs to present. Ms. Santiago said she did not. Solicitor Frank said it might help to have more information from PSE&G as to when the two units were created and some assurance that it was done appropriately at that time. He said he was explaining the considerations for the board to consider.

Member Bott asked if there were an in-law suite and the in-law moved, would the property revert back to the original status. Solicitor Frank said the problem with that is that he doesn't see anything in the ordinances that said an in-law suite is permitted, not permitted or even defined. Planner Fegley concurred. Solicitor Frank said it would make sense for the board to create such a thing if it were legally authorized to do it. One of the most important ideas in the zoning laws of New Jersey is that zoning is never personal. It doesn't depend on who the owners or occupants, it always depends upon the nature of the property and the nature of the zoning that applies to it.

Member Patel asked if it was determined if 1990 was a reassessment year. Member Cartier was reviewing the records. He said from 1990 to 1992 all the properties stayed the same. In 1997 all the values jumped. Solicitor Frank asked if there were any big shifts earlier. Member Cartier said the property values were the same from 1985 to 1992. Solicitor Frank said it didn't appear that the triggering event for a change in designation was a reassessment. It appears the change was most likely triggered by construction. Member Cartier said it appeared from the records that in 1997 everyone's values went up almost \$35,000 each. Solicitor Frank asked if there was a shift in the applicant's property value in 1993. Member Cartier said in 1992 the value was shown as \$103,000 and in 1993 it was valued at \$159,000. Solicitor Frank asked if there was an increase when the listing was changed from a single family to two units. Member Cartier said from 1985 until 1992 the value stayed at \$103,000. Solicitor Frank said that runs counter to the idea that there were permits because if there were permits for improvements there would most likely have been some kind of increase involved, but not necessarily.

Member Bott said it seems that the evidence shows that the property has been two units for some time. He asked Solicitor Frank if that was the case. Solicitor Frank said that was for the Board to determine. Chairman Zekas said he agreed with Member Bott. He thinks from the evidence that was seen, including testimony from the July meeting that it has been recognized as two units. The timeframes might not match up exactly because some of it was testimony from residents' memories, but there was testimony given that there was a family

member living in the upper part of the home. Later on, from the evidence, it appears steps were taken to put in separate utilities. That seems to be in line with the testimony that a family member was living there and at that time there were probably single utilities. The second unit then became a rental unit, and the evidence proves that. He also doesn't know that a subpoena for records from PSE&G was really necessary. Solicitor Frank said that would be up to the Board to decide.

Member Patel said it appears the township has been treating the property as two units for 26 years. Chairman Zekas said in his mind the tax records are the strongest evidence. Typically he doesn't think a homeowner would volunteer that information to the Tax Assessor, especially when it means a possible tax increase. Chairman Zekas said he doesn't know if there is any more documentation that may exist that would make it any clearer. Based on the testimony from the July meeting and the evidence that was seen there might not need to be more. Member Bott said there have been two units there since at least 1989. He believes there is enough evidence to show there have been two units there. Chairman Zekas said the question would be whether or not the Board has sufficient evidence to make a determination that this has been a two-family unit. If so, there is really no need for a variance request.

Solicitor Frank concurred. He said that was the issue before the Board. The Board sort of backed the applicant up. She appeared for a use variance and the Board told her it could be the case that there was a preexisting non-conforming condition. If that was the case the use variance would not be needed. The Board sent the applicant to find proofs. It still entails a finding and decision by the Board. If the Board decides this is a preexisting non-conforming use, there would only be two ways to get there. One way is for there to be proofs before the Board that this use was lawfully created prior to this being a zone that only allowed single family homes. The other way to get there would be the Estoppel. That means it had been treated like that for so long by the municipality that it would be unfair and improper to now change that. He doesn't think there were any proofs given with regard to what the zoning was when this was created because there is no certainty about when it was created. There is a tax record that shows when the town knew it was two units. There aren't any construction records available, through no fault of the applicant.

The Board can either decide that it isn't fair because it's been this way for so long or can require more evidence from the applicant. He suggested hearing from the public regarding the new evidence.

It was the Motion of Cartier, seconded by Buddenbaum to open the meeting to the public. All ayes.

Anthony Garruto, 314 West Fifth Street, said he was there when PSE&G took the meters because Mrs. Lula Henry gave them to him. He said water was getting in and shorting out the panel. She had them replaced. He didn't remember if there was one or two. He said the property has been in one family. The family changed deeds throughout. This has been a mother-daughter property for a long time. As people passed on, through the courts they just took the property over. He said he had the deeds showing when the property changed hands.

Multiple families lived there but they were all related. He said he had deeds from 1997-2005. Solicitor Frank asked if this was regarding ownership of the property. Mr. Garruto said yes, they were deeds. He said it was always a mother-daughter property and family always lived there. He would like to see that continue. He spoke to the Township Administrator and Assistant Administrator and they told him there are mother-daughter properties in the township. Solicitor Frank said that would be considered hearsay because they are not in attendance to testify or be cross examined. Mr. Garruto said they told him they couldn't. Solicitor Frank said Mr. Garruto could not testify to what they told him. Solicitor Frank said he could testify as to his own observation of what went on at the property. Mr. Garruto asked if a mother-daughter house is allowed in the township, how would he get that before the Board. Solicitor Frank said he would have to cite the ordinance that says it is a use that is in the town. He said both he and Planner Fegley have examined the ordinances and they didn't see it. That doesn't mean it isn't there, it just means that two people who read them all day every day for a living can't find them. Mr. Garruto said that was the big discussion at the last hearing, no one knew if there were mother-daughter dwellings in Florence. He said that he was trying to obtain that information by talking to the administration, but he didn't realize there would need to be a statute. He was sure they would have given it to him.

Chairman Zekas said what was presented are property deed records. Mr. Garruto said they show that the property has always been owned by the same family. Solicitor Frank said that shows ownership, but they don't demonstrate who occupied the property. Mr. Garruto said the deeds explain it. Member Sovak asked Solicitor Frank if the deeds showed any reference as to how many units there were. Solicitor Frank entered the papers as Exhibit O-1, 9/1/2016. He said with deeds there is a grantor and a grantee. In the body of the deed there is a discussion about how the grantor got it, that's called a recital. It helps the title searcher look back and trace the title. Chairman Zekas said that just shows the transfer of property ownership, it doesn't say who lived in the house.

Ms. Santiago said the record shows that ownership went from the Hayes to the Henry's. At one point the owner, Charles, passed away and it was given to his wife. Mr. Garruto said he believed that the Hayes were Lula Henry's mother and father. They lived upstairs, and when he passed away she stayed for a while and then went to a nursing home. Then Lula's son moved into the upstairs.

Dominick Cucinotta, 313 West Fifth Street, said Hayes was Mr. & Mrs. Henry's daughter's husband. He got killed. Solicitor Frank said all this is shows is that there were some transfers of property within the family. It does not have any information about occupancies or anything else.

Ms. Santiago tried to find any record of a Landlord Registration but there was no record. She was told the records only go back ten years. She was told possibly there was something filed with the state.

Rich Brown, 333 West Fifth Street, said every time someone testifies that they were told something by the township they are told it is hearsay and can't be considered. Ms. Santiago

just said two things she was told by the township and it was accepted. Solicitor Frank said his general instruction to the Board is that if someone says they were told something, it is hearsay and not a valid statement. Mr. Brown said he wanted it noted that the applicant's statements were not dismissed but whenever members of the public speak they are told it is not acceptable.

He said he would like to dispute some of the evidence presented that this had always been an apartment. If someone lived there and had family living upstairs, it would not necessarily mean it was an apartment. There are a lot of blended families. He said the best anyone can tell there were not two meters on the house definitively until 2011. No one has been living there since 2011. No one knows if there were two meters on the house at any time when there was more than one family living there. There isn't any separation of the water, and there never was. This rebuts some of the evidence that this is a slam dunk that it was always two units. There was discussion about two meters in 2011 and discussion about the two meters being approved in 2006. Around that time the house underwent a major rehab. There was new siding, a new car port was added and a lot of other work was done. It is very possible the service could have been upgraded to 200amp at that time. 2011 is the latest that there is definitive proof that there were two meters and no one has been living there since then.

His neighbor submitted an OPRA request and the township complied and met with Mr. Brown and Mr. Garruto but the township did not give them any papers. He said either the administrators need to come and testify or the board needs to let him tell them what the administrators told them because that was the result of the OPRA request. The township has no definitive proof that this was ever an apartment. That is why there is a need for a variance. The problem was that in the past if an assessor came out and was told it was two apartments they would have just checked it off with no permits or anything. That is the concern of the township. That is why it is a single family home and was sold as a single family home. The evidence that was presented is very convoluted. There is no definitive evidence to say that it was an apartment. It's not the applicant's fault. She said the township told here they didn't have any permits. Doesn't the board have the power to tell the township to produce them?

Solicitor Frank said what the applicant is testifying to is that she sought them from the town and that she didn't receive them. Mr. Brown asked why that was not considered hearsay. Solicitor Frank said he concurred, that could be hearsay. The applicant was testifying to what she experienced. Mr. Brown said he experienced a meeting with administrators but wasn't able to testify about it. Solicitor Frank said Mr. Brown can't testify to what the administrators told him but he can testify to what he experienced. Mr. Brown said as much evidence that was heard to show this was an apartment, he believed there was also enough to dispute a lot of it. He didn't know what standard of proof the board would need to continue with that.

Solicitor Frank said he explained to the board the two options there were, one of which there wasn't any real evidence for. He felt the zoning path did not have any real evidence. The other is the Estoppel option.

Member Bott asked Mr. Brown if he thought there should be a variance. Mr. Brown said he believed the evidence is convoluted enough that the board should look at requiring a variance. Member Bott asked what his position would be if the variance was granted. Mr. Brown said he is a believer in following rules and laws. If the variance is granted, that's the way it is.

Member Drangula asked Mr. Brown if he was saying there was no proof at all. Mr. Brown said he is saying the proof is convoluted. Mr. Drangula said there were tax records that show it as two apartments going back over twenty years. Mr. Brown said the assistant administrator told him the records could not be used that way because in the past things were done differently than they are now. The standards weren't the same. Someone could have just called the municipal building and said there were two units, or an assessor may gone out and said it looked like two apartments and checked it off. That's the problem that the township has and it's the reason for the need for a variance in the township's eyes. Solicitor Frank said Mr. Brown couldn't testify to what the township requires. Mr. Brown said he could because he received a paper during his meeting with the administrators and it was part of the application. Solicitor Frank said Mr. Brown received a copy of the Zoning Officer's denial. That document stands on its own and it is a record that is before the board. That is not the same thing as Mr. Brown testifying to what he was told by the administrators. Mr. Brown said it shows that the township considers the variance necessary. Solicitor Frank said the Zoning Officer made that decision based on the evidence he had before him.

Chairman Zekas said Mr. Brown has lived across from the property for many years. He asked Mr. Brown to explain what he has observed at the property. Mr. Brown said he didn't know the people who lived there. He couldn't say one way or another. At one point there was a boy there who was his son's age who said he lived there and went to church with the owner. He said he didn't know at all what went on in that house. There were never a lot of people there. Chairman Zekas asked if it appeared as though both stories of the house were occupied. Mr. Brown said he couldn't say that for sure. It has been a long time since anyone has lived there. It never seemed like there were a lot of people moving in and out.

Planner Fegley asked if the administrators had the records that the applicant had pulled at the time of the meeting. Mr. Brown said he didn't know if they did but he assumed they did because they were trying to satisfy his request for records.

Solicitor Frank said a Zoning Officer is an administrative official. The job of a Zoning Officer is to administer the ordinances. Zoning Officers are not given any discretion. They are by the book. They don't have the authority to make the kinds of decisions the board can make about preexisting non-conforming uses. The job of the Zoning Officer is to determine what is and is not allowed in certain zones. The use was not certified as a preexisting non-conforming use, so it needs to come to the Zoning Board to continue. That is what the Zoning Officer's Certification states. The Zoning Officer's determination is not the end of the story. The board has the discretion to hear evidence and weigh evidence and to make determinations about things and make the decision that something is a preexisting non-conforming use.

Mr. Brown said he feels the evidence is convoluted. It is just loose facts that need to be strung together to make a leap. He would rather see this as a variance and have it judged on those merits. Is it good for the neighborhood and the town? Is it a positive? It goes against the density of the zone and there are several issues with it. He thinks given the nature of the evidence it should be heard as a variance.

Kyle Wirth, 310 West Fifth Street, said he owns the property next to Ms. Santiago and their yards are joined. He bought his house in 2007. When he first moved in there were renters in the top portion of the house. They were there for about a year.

It was the Motion of Lutz, seconded by Buddenbaum to close the public hearing on Application ZB#2016-06. All ayes.

At this time the board adjourned for a short recess.

Chairman Zekas called the meeting back into session.

Mr. Garruto asked Solicitor Frank what the next step was. Solicitor Frank said the Board is at the point it was at before the meeting was opened to the public. The application originally came to the Board as a variance application because that was what the applicant received from the Zoning Officer. At the last meeting there was some evidence of a preexisting non-conforming use, or potentially a problem with Estoppel. The town has long treated the property as something other than a single family home. The Board asked the applicant to try and find more evidence to support that. She presented everything this evening. Principal among those records are some construction permits and tax records.

Solicitor Frank said there were two paths for the Board. One is a zoning path saying that even though the use may not be permitted in this zone, it was permitted when it was created and was lawfully created and has continued ever since. It has a vested right to be continued or grandfathered. The other option is Estoppel. The essence is that it wouldn't be right for the municipality to treat the property differently after having long treated it in a certain way. In this case there is evidence for the board to weigh showing that the taxes being paid on the property have long been for two units. There isn't evidence of how it was triggered. There was also a construction permit from 1992 that seems to indicate the two story deck was built at that time. There were some records of electrical services and the like. It is for the board to weigh all those things and determine if there is evidence that demonstrates this has been going on for a long time. If it has been then the Board needs to weigh the relative equities of the situation. Is it fair to change the way it is being recognized today or not? There doesn't have to be a decision made tonight if the Board would like to request more evidence from the applicant or from any other source that might be available.

There hasn't really been any testimony regarding a use variance. He didn't think that should be what is before the board for a decision. The initial matter is the preexisting non-conforming use issue. Member Drangula asked if it has been treated for over 20 years and it has been taxed that way, if the board decided it is a single family dwelling would there be

money returned? Solicitor Frank said no, that would not be the case. Taxes only go one way, there are no refunds. Member Sovak said there are past tax records that say two units. He asked what the current tax bill listed the property as. Ms. Santiago said it is listed as two units.

Chairman Zekas said he didn't think there would be a good source to get any additional information that would tell anything better than what is already known, recognizing people keep records for limited amounts of time. There are probably times when records weren't even kept. He thinks the records that were presented this evening to the current day show the township has had this designated as two units.

Member Bott said he feels there is evidence from the township, the applicant and people in the audience. He doesn't live in the neighborhood but guessed those living near the property would have memories of what was going on. There is evidence that the property has been treated as two units. In his opinion the evidence proves to him it has been treated as two units for many years.

Solicitor Frank asked if Mr. Bott was making a motion. Mr. Bott said he was. Mr. Frank asked if the motion was that based upon the evidence, this having so long been treated as a two family building, that no use variance is necessary because it is a preexisting non-conforming use that was legitimized by the township's actions. Mr. Bott said that was his Motion. It was seconded by Zekas.

Upon roll call the Board voted as follows:

YEAS: Bott, Buddenbaum, Cartier, Lutz, Patel, Sovak, Zekas

NOES: None

ABSENT: None

Solicitor Frank told Ms. Santiago she would not need a use variance, she has a legitimate two unit dwelling. He said he would write a resolution that puts in writing what the board has decided this evening. The board will adopt that at its next meeting and that will put in writing its determination. Shortly after the board adopts the written resolution memorializing its decision, a notice will be published in the newspaper by the board clerk. For a period of 45 days after the notice is published interested persons have the right to file an appeal through Superior Court. If such an appeal is filed, the court will revisit the decision of this board and make a subsequent determination.

#### RESOLUTIONS

- A. Resolution ZB-2016-16 granting the application of Robert Schoen for a Bulk Variance to permit construction of a 24'X16' garage located on the property of 220 West Front Street, Florence. Block 45, Lot 3

It was the Motion of Lutz, seconded by Patel to approve Resolution ZB-2016-16.

Upon roll call, the Board voted as follows:

YEAS: Bott, Buddenbaum, Cartier, Lutz, Patel, Sovak, Zekas

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NOES: None  
ABSENT: None

- B. Resolution ZB-2016-17 granting the application of Kelly Lung for impervious lot coverage to permit construction of an arbor with solar mounted panels in the rear yard of the property of 1Almond Court, Florence, NJ 08518. Block 155.49, Lot 15

Solicitor Frank said he changed the text of Finding of Fact Number 4 somewhat to alter the second sentence to make it into about four sentences to make it slightly more sensible. He had the Board Secretary read it into the record. It noted the proposed arbor would be accessory so it would be subject to the lesser accessory structure setbacks standards instead of the greater setbacks required of principle structures. Therefore no rear yard setback variance is required.

It was the Motion of Sovak, seconded by Cartier to approve Resolution ZB#2106-17.

Upon roll call, the Board voted as follows:

YEAS: Bott, Buddenbaum, Cartier, Lutz, Patel, Sovak, Zekas  
NOES: None  
ABSENT: None

#### MINUTES

It was the Motion of Lutz, seconded by Buddenbaum to receive and file the (revised) minutes of the Regular Meeting of June 2, 2016 and the Regular Meeting of July 7, 2016. All ayes.

#### CORRESPONDENCE

There was no correspondence.

#### OTHER BUSINESS

Motion of Cartier, seconded by Patel to adjourn the meeting at 9:14 p.m. Motion unanimously approved by all members present.

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Larry Lutz, Secretary

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