

Belvidere Planning Board Minutes
Town of Belvidere
Warren County, New Jersey
June 18, 2019

Harold Halvorsen opened the meeting of the Belvidere Planning Board with the Pledge of Allegiance and read the following notice in compliance with the Open Public Meetings Act: In accordance with Chapter 231 of the Public Laws of 1975, notice of this meeting was given by way of notice filed with the Star Gazette and/or the Express-Times, filed in the Municipal Clerk's Office and posted in Belvidere Town Hall, 691 Water Street, Belvidere NJ.

Roll Call:

Present - David Dech, Andreas Eisenberger, Lawrence Gregan, Harold Halvorsen, Claudia Howard, Michael Luna, Patricia MacCallum,
Absent - Joseph Kennedy, Laurel Napolitani, Charlotte Warnick

Adoption of Minutes:

A motion was made by Lawrence Gregan, seconded by Claudia Howard and carried to adopt the May 7, 2019 minutes of the Belvidere Planning Board.

New Business:

There was no new business discussed at this time.

Previous Business:

Use Variance (continuance of public hearing) - 320 Knowlton Street, block 28/lot 4 (Dreambig Properties)

Steven Gruenberg advised that the applicant rested at the last Board meeting and public testimony had begun.

Paul Sterbenz advised that the applicant was obligated to provide additional escrow funds to continue. Discussion ensued. The applicant stated that they would provide a personal check. The Board agreed to accept the applicants personal check for \$2,200 and allowed the hearing to continue.

Kristen Gaitan, 523 Fourth Street was sworn and gave the following testimony: Fifteen year resident. Concerned for privacy and security. No guarantee of correction of drainage. Outdoor smoking issue. Would not have purchased her home if she thought this type of variance would be allowed. Filled with anxiety. Four or three apartments are still too many.

Joseph Roth, 530 Third Street was sworn and gave the following testimony: Back yard abuts church property. Applicant did a great job with his presentation. Appreciated the applicants frankness and honesty.

Exhibit O-1 Code of the Town of Belvidere

Applicant's planner testified that the predominance of the residents within a nine block surrounding area are single family homes. Approval of this variance would more than double the population of this area and would also create parking on the street. This is not why we moved to

Belvidere. Alley not designed to handle additional traffic and would need to be rebuilt at the expense of the Town. Most of the Third Street victorian homes have been, or are in, the process of being restored. Concerned about the value of neighboring homes. The Board should deny this application on the following five principles: 1) will dramatically increase the population to the detriment of the neighborhood 2) will disrupt the environment 3) more than a two-family is out of character for the neighborhood 4) economically dubious for the Town 5) will negatively affect the values of the surrounding properties. The Board needs to make their decision based on the long-term needs of the Town.

Eric Goldberg - are you concerned about this becoming a house of worship? Roth - no, that would be fine. Goldberg - think a church would affect parking? Roth - yes, but another churches in the area also affect parking. Goldberg - other events at church a concern? Roth - no.

Maureen Overko, 526 Third Street was sworn and gave the following testimony: Three years after a fire destroyed her home in Hope, purchased current home that had been vacant for over five years. The neighbors had maintained the grounds during this time. Property maintenance was done at the church every week while it was vacant. This proposal will affect the privacy and well being of the community. Concerned with the drainage. Board please vote "no".

Harry Brown, 607 Oxford Street was sworn and gave the following testimony: In general, renters don't participate in the community and add needs to the community. The multi-family conversions that were testified to by the applicant's planner were misleading. This proposal adds nothing to the community.

Exhibit O-2 611 Oxford Street showing parking concerns

Parking will definitely be a concern. This is a slippery slope. If approved, site plan should address a water run-off collection system and submission of a geological report. Eric Goldberg objected to Mr. Brown's testimony as having no basis, not being an expert and impossible to cross examine. Paul Sterbenz reviewed Mr. Brown's document. Steven Gruenberg advised that the information in the document was common knowledge and that Mr. Brown was not offering expert opinion.

Exhibit O-3 Geology of Warren County

Tracy Schade, 324 Hardwick Street was sworn and gave the following testimony: Lives one block away, is a realtor and an investor. Will be an impact on a close-knit community.

Goldberg - qualified as an expert witness? Schade - No. Applicant trying to impose his will on the community. Goldberg - aware that applicant was told that the property was in an R50 Zone? Schade - Applicant didn't do "do diligence" and should have been aware of the current zoning.

Martha Linbo-Terhar, 520 Fourth Street was sworn and gave the following testimony: Reiterate previous statements. Home values have not recovered. Concern for resale value. Churches show consistent community involvement. No public transportation available. Members should vote "no".

Nancy Mason, 626 Third Street was sworn and gave the following testimony: Is this an R75? Steve Gruenberg - yes. Board has no obligation to this applicant. Must preserve the character of the historic district. Will drastically change the neighborhood and is wrong for the neighborhood. Fire truck will not fit down the alley and have no access to the rear of the property. The slope of the alley creates a site-line issue. All surrounding properties are single-family homes.

Exhibit O-4 Zoning/Tax map of the Town of Bevidere

Robert Czopath, 605 Third Street was sworn and gave the following testimony: Uphold the zoning laws and protect the citizens of Belvidere. Not consistent with other uses in the area. Would change the whole neighborhood.

Steve Ruff, 529 Third Street was sworn and gave the following testimony: Applicant stated that if not approved, would go back to two townhouses. Selling both units would make the occupants property owners that would be more invested in the community. Landlord would be long distance and problems will arise. Vote to preserve single family occupancies.

Tom Overko, 526 Third Street was sworn and gave the following testimony: Like my house. Is nice and quiet. This is pure greed and will ruin my peace of mind.

Jean Gingles, 520 Third Street was sworn and gave the following testimony: Belvidere known for it's victorian homes with a large victorian district. The seal of the Town has a victorian house on it. Apartments on the edge of the historic district. Up to the Board to preserve this quiet country town. Town is in a time capsule and will lose it's ambiance. Houses need to be preserved for the future. Will open a door, vote "no".

Eric Goldberg summarized the current zoning. Mr. Goldberg stated that this property is still listed as an R50 with a permitted multi-family use. Chris Anderson, previously sworn, relied on that information in purchasing the property. Would have received approval for two units. Steven Gruenberg - would proposal have satisfied conditional use? Chris Anderson - would still have required a use variance. R50 or R75 would have required D3 variance relief. Would have been before the Board either way. Mr. Goldberg had no further questions for his witness. Maureen Overko - listed on MLS as R75 with no parking. Chris Anderson - relied on County Tax Board and municipal zoning official. Steven Gruenberg - were you aware of the MLS listing? Chris Anderson - no. Real estate agent presented the listing. Do not get information from MLS. Nancy Mason - did you buy the property sight unseen? Chris Anderson - no. Verified that there were no other multi-families in the neighborhood. Martha Linbo-Terhar - who was the real estate agent? Chris Anderson - Jenny Winkler.

Exhibit A-17 Zoning Official denial

Paul Glietz - previously sworn.

Exhibit - A-18 map and block/lot analysis

Review of R50 tax records and R75 zoning map. Review of conclusions of data presented. Eric Goldberg had no further questions of Mr. Glietz.

Paul Sterbenz - reason for the boundary in his study? Paul Glietz - surrounding blocks of the applicants property enough to show surrounding area. Harry Brown - R75 less dense? Paul Glietz - yes. Prevents further subdivision. Maureen Overko - does map extend beyond the historic district? Paul Glietz - did not consider the historic district. Martha Linbo-Terhar - what were the boundary streets used on your map? Paul Glietz - Second to Fifth Streets and Mansfield to Oxford Streets.

Eric Goldberg in summary stated the following: Applicant relied on what he thought was the appropriate zoning of the property but continued to meet with the neighbors and revise his plans. Applicant bent over backwards to satisfy the surrounding neighbors. If approved would proceed as determined. If denied, building remains vacant or becomes a house of worship. Property is

meant to ultimately be utilized. Should not permit the property to remain in it's current state. Mr. Goldberg continued to address the positive and negative criteria. He encouraged the Board to consider approval of this application.

Steven Gruenberg advised that the applicant has the burden to prove to the Board that this proposal should be approved. Applicant must show positive and negative criteria and that the variance could be granted without substantial detriment to the Town. If there is no burden of proof of use then the Board can deny the application.

A motion was made by Michael Luna and seconded by Lawrence Gregan to deny the use variance application for 320 Knowlton Street, block 28/lot4 (Dreambig Properties).

Roll call:

Ayes - David Dech, Andreas Eisenberger, Lawrence Gregan, Harold Halvorsen, Claudia Howard, Michael Luna

Nays - Patricia MacCallum

Abstentions - None

Recusal - None

Absent - Joseph Kennedy, Laurel Napolitani, Charlotte Warnick

Lawrence Gregan - four apartments are two apartments too many.

David Dech - need to hold as closely to the zoning plan as possible. Two family may be a better alternative.

Michael Luna - concur with Lawrence Gregan and David Dech. Does not benefit the Town.

Benefits don't outweigh the negatives.

Claudia Howard - zoning ordinance was established to preserve the property rights of others.

This proposal is not welcomed in our community.

A motion was made by Patricia MacCallum to adjourn the meeting of the Belvidere Planning Board at 9:19 PM.

Respectfully submitted,

Teresa A. Yeisley, Board Secretary