

b) September 25, 2013

Upon motion made by Steven Cohen and seconded by Louisa Clayton, a motion was made to adopt the September 25, 2013 minutes as written and amended.

ROLL CALL:

Aye	Penelope Baskerville
Aye	Louisa Clayton
Aye	Michael Floyd
Aye	Steven Cohen
Aye	Doreen Blanc-Rockstrom
Aye	Barrie Royce

2. RESOLUTIONS OF MEMORIALIZATIONS:

- a) 39 Random LLC**
276 Mt. Lucas Road
Section 5404, Lot 12, R-6
“C” – Lot Width for New House
File No. Z13-13-092V

Upon motion made by Michael Floyd and seconded by Louisa Clayton, a motion was made to adopt the resolution of 39 Random, LLC as written and amended.

ROLL CALL:

Aye	Penelope Baskerville
Aye	Louisa Clayton
Aye	Michael Floyd
Aye	Steven Cohen
Aye	Doreen-Blanc Rockstrom
Aye	Barrie Royce

- b) 255-257 Nassau Corp/ROI Renovations and Development**
255-257 Nassau Street
Block 48.01, Lots 7&8, SB Zone
C/D Variances and Prelim/Final Major Site Plan Approval
File No. Z13 13-029PUV

Upon motion made by Michael Floyd and seconded by Penelope Baskerville, a motion was made to adopt the resolution of 255 Nassau Corp/ROI Renovations and Development as written and amended.

ROLL CALL: **Aye** **Penelope Baskerville**
 Aye **Michael Floyd**
 Aye **Richard Kahn**
 Aye **Doreen Blanc-Rockstrom**

3. APPLICATIONS:

- a) NAMES, Lauri**
16 Madison Street
Block 28.02, Lot 39, R-4
C1/C2 – Front-yard Parking
File No. Z13 13-094V

Present for the hearing were Lauri Names, applicant; and Steven W. Griegel, Attorney.

Attorney Cayci said all of the noticing documents were in order and the Board was in a position to entertain jurisdiction of the application.

Mr. Griegel said that the applicant sent out all of the notices and noticed the application in the papers and it was then brought to the courts attention that the objectors filed with the court to have this application adjourned from this meeting tonight in order for them to retain a planner.

Attorney Cayci said the neighbors have hired an attorney and asked the Judge to adjourn the application this evening in order for them to obtain a planner. She said the Board can take jurisdiction this evening and the application will be adjourned until the next meeting which is December 11, 2013. She said the Board may or may not hear the case that evening. She said it had appeared that the Boards agenda was full for the December 11, 2013 meeting, however, that applicant has indicated that they may not be able to appear that night. She said a problem has arisen in that the Judge has required the objectors to submit their planners report 20 days prior to that meeting. She said it may not be possible for the objectors to do that; however they will speak with the Judge and see if she will relax that deadline. She said if the Judge does in fact relax that deadline then it's possible the Board could hear the application on December 11, 2013. She said the attorneys will discuss this with the judge over the next week or so and advise the Board accordingly.

Chairman Royce said that in the past the Board has required the applicants to re-notice by regular mail and suggested that this applicant do the same.

Mr. Griegel stated that that is not something that is required by law, but he will take that advice under advisement.

Ms. Studholme, attorney for the objectors, said that she has to check with the Planner to see if she is available on December 11, 2013 as well as other neighbors that would like to be heard. She explained to the Board that this application is a remand from the courts and she would like to place on the record that she feels that the notice is inadequate. She said the notice is not clear that the neighbors have the right to have an attorney and also have the right to be heard at the hearing. She said the wording should say that “any interested party has the right to have an attorney and to be heard at the meeting”.

Mr. Griegel said that he did not agree that the notice was inadequate, he thinks it is adequate.

Chairman Royce then inquired as to why the Board was mandated to read the transcripts when the resolution told a much clearer story of the original hearing on the matter.

Attorney Cayci explained that procedurally the applicant’s argument was to preserve the original record and to just provide additional testimony. She said while the resolution is clear, the transcript is what transpired at the hearing. She said the Judge ordered that the transcript must be read and that each Board member will need to sign a certification that they did in fact read the transcript.

Attorney Cayci also noted that she does not agree with the objection on the notice. She said she does not think that anyone would be confused or conclude that they would not be heard at the hearing. She said that the attorneys will decide between now and December 11, 2013 on whether or not this application will be heard that evening or not.

Member Kahn suggested that is the applicants change the wording to accommodate the objection on the notice since they are going to send out notices by regular mail.

Ms. Studholme noted that they would like to have the applicants re-notice by certified mail and not regular mail.

Chairman Royce said that historically the board has taken jurisdiction and if the application was not heard and it was carried to another date, the applicants would send out a courtesy notice by regular mail only.

Ms. Studholme noted that the statutory requirements are that the notices are sent out via certified mail.

Mr. Griegel noted that the applicant is being put in an adversarial position. He said the applicant stands by the notice and feels it was done sufficiently, however they will take under advisement the suggestion to re-notice by certified mail.

Chairman Royce noted on the record that the Names application for 16 Madison Street was being carried to the December 11, 2013 meeting of the Zoning Board of Adjustment.

Ms. Studholme noted that if the Judge will relax the 20 day requirement on the Planners report and if all of the neighbors who would like to speak are available that evening then the objectors will be ready to proceed.

Attorney Cayci said that between now and the 11th; the attorneys will be speaking with the Judge and will advise the Board on the outcome.

4. ADJOURNMENT:

Upon motion made by Richard Kahn and seconded by Steven Cohen, a motion was made to adjourn the meeting at 8:08 p.m.

ROLL CALL:

Aye	Penelope Baskerville
Aye	Louisa Clayton
Aye	Steven Cohen
Aye	Michael Floyd
Aye	Richard Kahn
Aye	Doreen Blanc-Rockstrom
Aye	Barrie Royce

Respectfully Submitted,



Debra Rogers, Secretary

Date Approved: December 11, 2013