Chairman Nargiso called the special meeting for November 14, 2013 to order followed by a Pledge to the Flag. Chairman noted that this meeting is being held in conformance with the Sunshine Law Requirements having been duly advertised and posted at Borough Hall.

**Roll Call:**

Present: Donnelly, Roche, Sulski, Hauck, Brown, Grygus, Finelli, Calvi, Nargiso

Absent: Alviene (excused), Fox (excused)

**CASES TO BE HEARD:**

Mr. Barbarula stated the court order regarding Quick Chek; the resolution is brought back to the board to enumerate the reasons for the adoption of the affirmative resolution. As a result there are only three members that are from the board that approved that are eligible. This will not be opened to the public.

**Quick Chek Resolution SP10-59**

Resolution read line by line with modifications and changes made to the resolution by the three eligible voting members

Motion to adopt the resolution as amended and modified tonight

Motion: Donnelly

Second: Brown

Voted Aye: Donnelly, Brown, Nargiso

Voted Nay: None

**NC13-51 Estate of Catherine Bush**

 Block 76.05 Lot 5

Mr. Dixon, Esq. representing the applicant

Mr. Dixon the applicant has to prove that this was a pre-existing non-conforming use as far back as February 1955. Trying to prove a use that occurred over 60 years ago is difficult a number of witnesses that the application was seeking to present are no longer with us. The application itself is seeking to approve the pre-existing non-conforming status of what is a two apartment unit converted barn on the property of the Bush estate which is a separate building from the main primary building at 224 Boonton Avenue. The records of the Borough relating to this use, the only proof that can be obtained from the town dates back to an assessor card from 1969. That is the only evidence that could be found with establishes this two family barn and single family home existed on the property by documentary proof. The board should take notice of Ordinance from 1955 which established this as a pre-existing non-conforming use.

Oath Given

Catherine Bush – Executor of the Estate

**Exhibits**

A1 – Property Record Card

A2 – 1955 Ordinance

A3 – Converted Barn

A4 – Copy of 1946 Deed

A5 – Family photographs prior to barn conversion

A6 – Indenture – 11/20/51

A7 – Indenture – 3/2/53

Ms. Bush testified to the following:

* Presently resides at the premises
* Resides in one of the units in the converted barn
* Barn has been in existence since the early 1950’s
* Apartment layout
* Description of entrance and exits
* Apartment layouts have been in existence since the 50’s
* No change in interior or the footprint during that time
* Property was acquired in 1946
* Ms. Bush was born October 28, 1946
* Barn was converted for the use of the grandparents
* Units were used by family members only