

**Borough of Cresskill
Zoning Board of Adjustment
Minutes Dec. 19, 2011**

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1202 Lee (cont.)

102 6th St.

Block 48 Lot 691

Mr. Lee's son said that he had not received it yet.

The Building Department representative said that it had been sent only that day.

Mr. Amicucci said that he could proceed no further with the application until the problem is worked out. The complaint is running an HVAC business from the house- which is illegal.

The complaint was brought by a neighbor. An assistant to the Building inspector took pictures which show that you are operating a business.

Mr. Lee's son said the garage was used for storage purposes

Mr. Van Horne said that the Notice of Violation should be reviewed by Mr. Lee. He can then discuss it with the Building Department. They may issue a summons. They will then have a right to a trial before the municipal judge. We need a finding of fact on that issue because it is relevant to the application before the board

Mr. Lee's son asked could you specify what is operating a business.

Mr. Van Horne said that it was up to the building department. Receiving delivery, storing materials and debris in and around the property- it will be up to the judge to determine whether what he is doing constitutes operating a business.

Mr. Van Horne said that the hearing must be rescheduled until after the issue is resolved with the Building Department or the court.

Mr. Lee's son agreed.

Mr. Amicucci said that the application will be carried to the February meeting.

Mr. Lee's son talked to Mr. Van Horne.

Mr. Van Horne said that Mr. Lee does not deny the allegations but that he want to time to review the Notice of Violation.

Mr. Amicucci said that he has a letter in which Mr. Lee says he is contracting from his own house.

The Mr. Nam said that he was doing general contracting for his own house as the A/C contractor and not running a business.

Mr. Amicucci said that we have pictures of deliveries being made, of old units in the yard, of a big stock pile of used stuff, and a picture of his truck with his address as a contractor on the truck. The notice will come tomorrow.

Mr. Nam said that has nothing to do with the garage.

Mr. Amicucci said that if he is working out of the garage and we approve the application then we are expanding the non-conforming use for an illegal business. Mr. Lee must first straighten this out with the Building department. After that you can come back and we will hear your case.

Mr. Nam said that he has seen the inside of the garage and it is so packed that no one can move around and work there.

Mr. Amicucci said we are not enforcers. We cannot make a decision on this case tonight because of the complaint.

Mr. Lee's son asked if it could be sooner than the Feb. meeting.

Mr. Amicucci said that if matter is resolved than the application can be heard on Jan. 26, 2012.

Mr. Lee's son said that they request the Jan. 26 date.

Mr. Amicucci asked if anyone in the audience is not OK with Jan. 26.

The application is carried to the Jan. 26, 2012 meeting of the Zoning Board.

