

Unified Planning/Zoning Board of Adjustments Meeting
August 6, 2007

The meeting was called to order by chairman, Ken Cassidy, and the pledge of allegiance was recited.

Roll call was taken with the following members present: Ms. Aufsesser, Mr. Cassidy, Ms. DeYoung, Mr. Duffy, Mr. Mendes, Mr. Mullaney, Mr. Olini, Ms. Rinear, and Mr. Shea. The alternates that were present were: Mr. Bunyon and Mr. Gallego. Mr. Sponder and Ms. Malanga were absent.

Ms. Rinear made a motion to approve the minutes of the July 16, 2007 meeting and Mr. Mendes second. The board voted with all members in favor.

The first application was Mr. & Mrs. Horwath Block 119, Lot 12

The notices were reviewed and approved but the newspaper ad was only advertised for 9 days and not the needed 10 according to the Municipal Land Use law. The Horwaths granted the board an extension of time and the board decided to hear this application on September 5, 2007 at 7:30 p.m. The applicant must re-publish but not re-notice. Ms. Rinear made a motion and Mr. Cassidy second. The board voted with all members in favor to carryover the application.

The second application was Mr. & Mrs. Shell Block 47, Lot 28

Mr. & Mrs. Shell were sworn in as well as the board professional, Mr. White. Mr. Mullaney recused himself. The notices were reviewed and approved. The applicants are adding a 10' by 12' addition to their house to expand the laundry room and add an eat-in kitchen. The setbacks are 9'7" and will be 23'. It is less than a one-car garage now but a bulk variance is needed.

Public questions-none

Board questions-none

Mr. Mendes made a motion and Mr. Olini second. The board voted with all members in favor and one member recused.

The third application was Mr. & Mrs. Young Block 6, Lot 24.01 and part of Lot 24

Mr. & Mrs. Young were sworn in as well as the board professional, Mr. White. Mr. Pieper is the applicant's attorney. This is a D variance so the Class 1 & 3 members stepped down. The notices were reviewed and approved. The map and photos were marked as exhibits. A use variance is needed to use the garage as an apartment as it is an existing structure. The attorney questioned the applicant in regards to the history of the property and how it became an apartment.

Board questions- Mr. Cassidy said the variance looked big and wondered why.

Mr. Pieper said it is in a general business zone but was never used as such and this would help utilize that. Mr. Cassidy said he is afraid if this were approved, the board would see a lot of these types of applications. Mr. Pieper noted that there are existing apartments over stores now and it would depend on where these other applications were located.

Mr. Mendes asked about the fumes and carbon monoxide from the garage below, and also wanted to be sure this apartment was a 1 bedroom so there would only be 2 occupants. The applicant said there are 2 bays for cars. Another family had lived there and it was never a problem and the applicants live there themselves. He said there are carbon monoxide detectors installed. Mr. White did make note that the construction official would have to sign off on that anyway. Mr. Shea asked if they still needed a garage and would it still be underneath the apartment and the applicant said yes and that there is parking outside as well.

Mr. White told Mr. Pieper that according to the letter he had sent, the Borough owned Lot 24 but the site plan shows the applicant owns it and that is why he requested a copy of the survey. They did not have a survey with them. The board discussed this matter and agreed they wanted to wait for the survey before making any decisions on the application. Mr. Pieper granted an extension of time and the board decided to carryover the application to October 1, 2007 at 7:30p.m. Ms. Rinear made a motion and Mr. Duffy second. The board voted with 6 members in favor and 1 member abstaining.

The fourth application was Mr. & Mrs. Rosenbaum Block 47.02, Lot 62

Mr. & Mrs. Rosenbaum were sworn in as well as the board professional, Mr. White. Mr. Mullaney recused himself. The survey was marked as exhibit. The applicants want to put an addition on back over the deck and sidewalk to enlarge the kitchen and laundry room and to also put on a new small deck. The front setback is 37.2 and 40' is needed. The lot coverage now is 32%, the applicant wants to take it to 33% and it should be 20%.

Board questions- Mr. Mendes asked some questions to clarify where the deck would be and the applicant restated where it would go.

Public questions-none

Ms. Rinear made a motion and Mr. Mendes second. The board voted with all members in favor and 1 member recused.

Resolutions

American Properties Resolution- Mr. Cassidy, Mr. White and Mr. Mullaney were all recused. Mr. Irene went over the updated resolution with the board. Mr. Shea asked if the material in this resolution is material that is covered in all resolutions and Mr. Irene stated that attorneys differ but as for the ones that he drafts, this is the practice he uses.

Ms. Aufsesser made a motion to approve the new resolution and Mr. Mendes second. The board voted with the following roll call vote: Ms. Aufsesser-yes, Mr. Mendes-yes, Ms. DeYoung-yes, Mr. Duffy-yes, Mr. Olini-yes, Ms. Rinear-yes, Mr. Shea-yes, Mr. Bunyon-yes and Mr. Gallego-yes.

ESK Builders Resolution- Ms. DeYoung recused herself. Mr. Mendes made a motion to approve the resolution and Mr. Mullaney second. The board voted with the following roll call vote: Ms. Aufsesser-yes, Mr. Cassidy-yes, Mr. Duffy-yes, Mr. Mendes-yes, Ms. Rinear-yes, Mr. Shea-yes, Mr. Bunyon-yes, Mr. Gallego-yes, and Mr. Mullaney-abstained.

Gavan Resolution-This was a denial. Ms. DeYoung made a motion for the denial and Mr. Duffy second. The qualified members of the board voted with the following roll call vote: Ms. DeYoung-yes, Mr. Duffy-yes and Ms. Rinear-yes.

Moreau Resolution- Mr. Cassidy made a motion to approve the resolution and Mr. Mendes second. The board voted with the following roll call vote: Ms. Aufsesser-yes, Mr. Mendes-yes, Ms. DeYoung-yes, Mr. Duffy-yes, Mr. Mullaney-yes, Mr. Olini-yes, Ms. Rinear-yes, Mr. Shea-yes, and Mr. Bunyon-yes.

Ms. Rinear made a motion to adjourn and Mr. Cassidy second. The board voted with all members in favor. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Diane Cannon
Board Secretary