

Unified Planning/Zoning Board of Adjustments  
July 6, 2011

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

Roll call was taken with the following members present: Mr. Buccellato-late, Mr. Butler-yes, Mr. Cassidy-yes, Mr. Gallego-yes, Mr. Lopez-yes, Mr. McKenna-yes, Mr. Montfort-yes, Mr. Urciuoli-yes and Ms. Malanga-yes. The only member absent was Mr. Saporito.

The first application was Emlerich LLC 126 Main St Block 24 Lots 3, 4, 6, 6.07, 7-9  
Mr. Alfieri is the applicant's attorney and said that the architectural plans have all been revised and they have eliminated the 4<sup>th</sup> floor. The engineering plans are not completed and they need more time. He is asking to carry the application with extension of time granted through the end of September and they will re-notice. Mr. Montfort made a motion to carry it to the September 7, 2011 meeting and Mr. Urciuoli second. The board voted with all members in favor.

The second application was Mr. Bezrodny 46 Ravine Dr Block 82, Lot 13.01

This application was carried over and a structural engineering report was to be done. The applicant said he wanted to review the other variances and wait on the engineering report on the slope because that will be costly.

Mr. Irene explained that can't be done because these variances may all rely on the slope. He went over and read all his notes from the previous meeting and said it was up to the board but it seemed like the applicant was to come back with the report completed in order for the board to move forward.

Mr. Hadderer said there was a disconnect between the structural engineer supporting the extension and the other variances. He said it can't be done because there may be other major changes regarding the slope, setbacks, lot coverage, height etc, but agreed that it would be more costly to do the report.

The applicant said he didn't want to hire the engineer unless he knew the application was going to be approved.

Mr. Cassidy said there was a discrepancy in lot coverage and if that was not exact, the applicant would be sent back to the board again anyway. He said he did understand what the applicant meant about incurring the costs but did not see how it can be done any other way.

Mr. Urciuoli asked the applicant if he was saying that he would tell the neighbors where the extension would be and they would be alright with it and he said yes.

Mr. Irene stated that the neighbors have nothing to say on variances, they come to the meeting to comment or object. The last meeting the board wanted an updated plan and they wanted exact calculations.

Mr. Montfort said most of the issues involved the steep slope and they need to be sure it is stable. Mr. Cassidy agreed completely.

Mr. Irene said the board is not comfortable to vote on what could be-they need plans.

The applicant stated again that he did not want to bring in a structural engineer unless he had full confidence that the project would move forward.

Mr. Montfort said that depends on what the structural engineer says because depending on his determinations, the whole application may change.

Mr. Urciuoli said he would give the benefit of the doubt to the applicant if he had to vote now.

Mr. Montfort said he wanted to see a structural engineer's report.

Mr. Gallego said he wanted to see a structural engineer's report.

Mr. Irene said it was an ordinance issue dealing with the slope and the board could do a contingency but the applicant would have to come back anyway and would still incur an expense.

Mr. Montfort said he would like the engineer to review it first.

Mr. Cassidy said he would also, so he suggested to the applicant to come back with an engineer's report.

Mr. Montfort reviewed all the areas that are of concern and are affected which included the setback, slope, lot coverage and 100' of the stream.

Mr. Irene asked how the board would be able to vote if the setbacks then changed afterwards.

Mr. Buccellato said he felt that the applicant is asking to confirm that if the structural engineering report came back alright then he wouldn't be denied for something else.

Mr. Irene explained that the board votes on the whole application but could take it in pieces; however it still all relies on the whole application. He explained the application process to everyone.

Mr. Montfort asked if the steps are considered part of the setback and Mr. Hadderer said yes because it is part of the principal structure.

Mr. Montfort questioned the difference in the numbers and the applicant explained that he used a real estate survey and then paid for a new survey.

Mr. Hadderer reviewed the measurements on the survey and said they encroached even further into the side yard setbacks going from 7'6" to 4'5".

Mr. Cassidy asked the applicant again if he wanted the board to vote on this tonight or if he wanted to carry it and get a structural engineering report and he said he would carry it.

Mr. McKenna made a motion to carry it to the September 7, 2011 meeting and Mr. Montfort second. The board voted with all members in favor.

#### Other Business

##### Resolutions

Lacerre Resolution: Mr. Montfort made a motion to approve and Mr. McKenna second. The following roll call vote was taken: Mr. Butler-yes, Mr. Gallego-yes, Mr. Cassidy-yes, Mr. McKenna-yes, Mr. Montfort-yes, Mr. Urciuoli-yes and Ms. Malanga-yes.

Mr. Montfort made a motion to approve the minutes from the June 1, 2011 meeting with 2 changes and Mr. McKenna second. The board voted with all members in favor.

Mr. Irene said that in regards to the Geiring matter- they should get the consent for remand soon and then a hearing will be set.

Mr. Montfort announced on behalf of the Historical Society that there would be Rosehill Cemetery tours the weekend of July 9 & 10.

Mr. Montfort made a motion to adjourn the meeting and Mr. Buccellato second. The board voted with all members in favor. The meeting was adjourned at 8:00 pm

Respectfully submitted,

Diane Cannon  
Board Recording Secretary