

**Board of Adjustment Meeting  
May 5th, 2010**

Vice- Chairperson Haines called the Board of Adjustment Meeting of May 5th, 2010 to order at 7:30 p.m. announcing that the meeting had been duly advertised according to Chapter 231, Open Public Meetings Act. The meeting took place at the Municipal Building in the Court Room.

**ROLL CALL:**

Joseph Jaghab -Present

Barry Quick -Absent

Helen Haines, Vice-Chairpersons - Present

Leon Krals - present

Walter Dietz, Chairman -Absent

Frank Valcheck - Present

John Sheridan - Absent

Frank Herbert (Alt. #1) - Present

John Stamler (Alt. #2) - Present

Mark Wetter (Alt. #3) - Absent

Michael Volpe (Alt. #4) - Absent

Also in attendance are Mark Anderson, Esq., Board Attorney, Woolson Sutphen Anderson, P.A.; William H.R. White, III, P.E., P.P., C.M.E., Board Engineer, Maser Consulting, P.A.; Rebecca Marshall, Assistant Planner/Zoning Officer and Tina Restuccia, CSR.

**Pledge of Allegiance**

**Applications:**

**Interstate Development (Walgreens) - #BA-09-10 – Block 178, Lot 20 - Raider Blvd and Route 206**

- Mr. Everett P. Shamy Jr. introduces himself as counsel for the applicant.
- Mr. Shamy asks for an extension of time to complete the restoration of the carriage house at the corner of Raider Blvd. and Route 206.
- Mr. Leonard is sworn in as the executive vice president of Interstate.
- Mr. Leonard testifies May 12<sup>th</sup>, 2010 was the original date to restore the carriage house.
- Mr. Leonard gives a history of the actions already done to try and complete the carriage house by the original date.
- Mr. Leonard testifies he received bids from three companies regarding the restoration.
- Mr. Leonard testifies there is still rental space available and he did not anticipate the space would take this long to rent therefore causing financial hardships.
- Mr. Leonard also testifies the work on Route 206 for the right turn lane has not been completed and as a result, Walgreens has not been paying rent, also creating hardships financially.
- Mr. Leonard testifies that due to a prior agreement, Smoothie King has just begun to pay rent.
- Mr. Leonard requests a twelve month extension for the work on the carriage house due to financial constraints.
- Mr. Krals asks when the bids came in for the work.
- Mr. Leonard testifies they came in in December.
- Mr. Krals asks why nothing has been done with the bids until now.
- Mr. Leonard said the site was still under construction then and the DOT was taking longer than expected with the road improvements.
- Mr. Krals asks why no action was taken on the bids.
- Mr. Leonard testifies there were not funds available to take any action.
- Ms. Haines asks why Mr. Leonard did not expect there could be setbacks.
- Mr. Leonard testifies he knew there could be setbacks but did not anticipate this many.
- Mr. Leonard testifies they were focused on getting the businesses running so they could begin to pay the bills.
- Mr. Leonard lists the setbacks that have been encountered.
- Mr. Herbert asks if the carriage house has been stabilized.
- Mr. Leonard testifies it has been.
- Mr. Stamler asks why they are asking for twelve months.
- Mr. Leonard testifies he hopes to have the additional space leased in the next few months to generate the money to do the carriage house.
- Mr. Stamler asks about payment plans with the restoration companies.
- Mr. Leonard testifies that might be possible.

- Ms. Haines comments a six month extension would bring the project to November and after that the cold weather would set in and they would be unable to build at that point anyway.
- Mr. Jaghab asks if in six to eight weeks, they could come up with a definite plan for what would occur over the next year.
- Ms. Haines says or in six months time.
- Mr. Leonard testifies the Walgreens back rent is not enough to cover the project.
- Mr. Krals comments he does not have sympathy for the financial situation of Interstate.
- Ms. Haines comments she would be more in favor of a six month extension and not twelve months.
- Mr. Stamler does not mind a six month extension.
- Mr. Shamy comments that he does not want to have to ask for another extension and that is why they are initially asking for twelve months.
- Mr. Leonard comments he wants to get the carriage house done because it is an eyesore.
- Mr. Krals comments he would want the completion of the carriage house done in six months.

Motion to complete the project in six months: Mr. Krals  
2<sup>nd</sup>: Mr. Stamler

Roll call:

Mr. Valcheck - yes  
Mr. Krals - yes  
Mr. Jaghab - yes  
Mr. Stamler - yes  
Mr. Herbert -yes  
Vice- Chair Haines – yes

**Iannella, Sandro**- #BA-10-05 – Block 200.02, Lot 14, 747 Route 206

- Mr. Barrood introduces himself as counsel for the applicant.
- Mr. Anderson comments this application also requires a “D” use variance and there are only six members who can vote.
- Mr. Barrood agrees to be heard without seven members.
- Mr. Iannella is sworn in as the owner of the property since 2006.
- Mr. Iannella testifies the property was being used as a contracting business prior to his purchase.
- Mr. Iannella currently uses the property for his mason business.
- Mr. Iannella testifies he wants to replace two army barracks being used for storage with a pole barn of the same footprint.
- A1 a historic rendering of the property is submitted.
- Mr. Barrood submits A2, fifteen photos of the current state of the barracks, which are dilapidated.
- Mr. Iannella describes the photos.
- Mr. Iannella testifies the peak of the pole barn would be 25 feet.
- Mr. Iannella testifies there will be no outdoor storage of vehicles if a new pole barn is permitted.
- Mr. Iannella testifies the building will be a steel pole barn with a metal roof to match the other building.
- Mr. Iannella wants to do a cupola which would add two feet to the height of the building.
- Mr. Ford is sworn in as the engineer.
- Mr. Ford testifies there is no site plan since the barracks are being replaced with a pole barn on the same footprint which causes no engineering issues.
- Mr. Ford testifies both the contracting use and the home are both principle uses.
- Ms. Haines asks about the impervious coverage.
- Mr. Ford testifies it is only 35% impervious coverage.
- Mr. Ford testifies across the street is the HOO zone.
- Ms. Haines asks if this was changed to the HS Zone.
- Mr. Ford testifies across from the applicant are non-residential uses.
- Mr. Ford asks for relief of the buffering along the Route 206 frontage.
- Mr. Ford also asks for relief from street trees, sidewalk and right of way dedication.
- Mr. Ford testifies the right of way dedication was handled by his office.
- The Board discusses waiving the tree buffer on Route 206.

- Mr. Ford testifies a letter from previous zoning officer addressed the pre-existing non-conforming use of the property.
- Mr. Anderson discusses why there is a required “d” variance and this is because the building is being made taller which is an expansion of a non-conforming use.
- Mr. Barrood comments the footprint of the building is not changing and this is why there is no site plan required.
- Mr. Melick is sworn in as a professional planner.
- Mr. Melick describes the aerial view of the property.
- Mr. Melick reads the intent of the Gateway B zone from the ordinance.
- Mr. Melick goes over the negative and positive criteria.

Motion to approve with conditions: Mr. Krals  
 2<sup>nd</sup>: Mr. Stamler

Roll call:

Mr. Valcheck – yes  
 Mr. Krals – yes  
 Mr. Jaghab – yes  
 Mr. Stamler – yes  
 Mr. Herbert – yes  
 Vice Chair Haines – yes

**Acceptance of Minutes:**

March 3<sup>rd</sup>, 2010

Motion to Approve: Mr. Valcheck

2<sup>nd</sup>: Mr. Stamler  
 All aye

**Acceptance of Resolutions:**

• **Thomas Finley BA-10-01**

Motion to Approve: Mr. Krals  
 2<sup>nd</sup>: Mr. Valcheck

Roll Call

Mr. Valcheck - yes  
 Mr. Krals - yes  
 Mr. Stamler -yes  
 Mr. Herbert - yes  
 Vice Chair Haines - yes

• **Stephen and Karen Mauger BA-10-02**

Motion to Approve: Mr. Krals  
 2<sup>nd</sup>: Mr. Stamler

Roll Call

Mr. Valcheck - yes  
 Mr. Krals - yes  
 Mr. Stamler -yes  
 Mr. Herbert - yes  
 Vice Chair Haines - yes

• **Giuseppe and Tami Ruvolo BA-10-03**

Motion to Approve: Mr. Krals  
 2<sup>nd</sup>: Mr. Stamler

Roll Call

Mr. Valcheck - yes

Mr. Kral - yes  
Mr. Stamler -yes  
Mr. Herbert - yes  
Vice Chair Haines - yes

Omnipoint and Mr. Giraldi's application are discussed.

The Board asks questions about Mr. Lazorchak's business.

The board goes into closed session.

**ADJOURNMENT**

The meeting adjourned at 9:41p.m.

Submitted by:  
*Rebecca Marshall*  
*Assistant Planner/Zoning Officer*  
*Board of Adjustment Secretary*

Approved