

**Board of Adjustment Meeting
July 7th, 2010**

Chairman, Walter Dietz called the Board of Adjustment Meeting of July 7th, 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 - Present

Frank Valcheck - Present

John Sheridan - Absent

Frank Herbert (Alt. #1) - Present

John Stamler (Alt. #2) - Present

Mark Wetter (Alt. #3) - Present

Michael Volpe (Alt. #4) - Present

Also in attendance are Mark Anderson, Esq., Board Attorney, Woolson Sutphen Anderson, P.A.; Dave Hoder, P.E., Board Engineer, Maser Consulting, P.A.; Rebecca Marshall, Assistant Planner/Zoning Officer and Lucille Grozinski, CSR.

Pledge of Allegiance

Joseph Canica- File # BA-10-06 – Block 140.04, Lot 3 – 68 Weston Road

- Mr. Canica is sworn in.
- There is discussion as to whether or not Mr. Canica noticed properly.
- Mr. Anderson advises that he feels the notice was sufficient if the Applicant wants to proceed.
- The Board strongly suggests Mr. Canica asks for an adjournment and come back with either a planner or an attorney to support his application.
- Mr. Canica agrees.
- This application is adjourned to September 1st, 2010 with notice.

John and Jane Lella – File #BA-10-09, Block 12, Lot 45.03 – 779 Mill Lane

- Mr. Lella is sworn in.
- Mr. Lella presents testimony to his application for his addition.
- The Board explains to Mr. Lella the onus is on the Applicant to provide proper testimony; not for the Board to draw the information out of him.
- Mr. Lella testifies his in laws are moving in and he needs the space for his family.
- Ms. Haines points out there is a shed missing from the site plan.
- Mr. Lella testifies the existing garage will be used for storage.
- Mr. Lella describes how he will relocate the driveway.
- Mr. Wetter asks about the side yard setback.
- Ms. Marshall comments the garage is not attached and therefore has to fall into the requirements for an accessory structure and not into the sideyard setback requirements.
- This would mean Mr. Lella would need a variance for an accessory structure in the front yard and not a side yard setback requirement.
- Mr. Anderson discusses the variances that would be needed if the accessory structure is in the front yard.
- Mr. Hoder provides a definition for a front yard according to the variance.
- Chairman Dietz asks why not attaché the garage to the house.
- Mr. Lella testifies the power is on the side of the house so he would have to move the meters.
- Mr. Lella asks the Board to adjourn his application to September 1st, 2010 so he can consult a planner or an attorney.
- The application is adjourned until September 1st, 2010 with notice.

Acceptance of Resolutions:

None

Acceptance of Minutes:

- June 16th, 2010 – Regular Minutes
 - Motion to Approve: Mr. Valcheck
 - 2nd: Ms. Haines
 - All: Aye
- June 16th, 2010 – Closed Session
 - Motion to Approve: Ms. Haines
 - 2nd: Mr. Kral
 - All: Aye

Motion to Cancel July 21st, 2010 Meeting: Mr. Kral
2nd: Mr. Stamler

Roll Call:

Mr. Valcheck - yes
Mr. Kral - yes
Mr. Jaghab - No
Mr. Stamler - yes
Mr. Herbert - yes
Mr. Wetter - yes
Mr. Volpe - yes
Ms. Haines - yes
Chairman Dietz - yes

ADJOURNMENT

The meeting adjourned at 7:59p.m.

Submitted by:

Rebecca Marshall

Assistant Planner/Zoning Officer

Board of Adjustment Secretary

APPROVED