

**Board of Adjustment
Minutes
June 22, 2004**

Chairman Eller declared that a quorum was present to conduct the meeting in accordance with the 'Open Public Meetings Law.'

Roll Call: Hurley, Schlader, Post, Eller, Mangiacotti and Nienstedt –
6 Present.

Absent: Semonche and Woykowski – 2 Absent.

Also Present: Stuart Ours, Esq., Board Attorney
Linda L. Hendershot, Clerk

Chairman Eller led everyone in the flag salute.

MINUTES:

Regular Meeting – May 25, 2004

Chairman Eller entertained additions or corrections to the minutes of the regular meeting held May 25, 2004.

Hearing none, it was moved by Schlader, seconded by Hurley that the minutes of the regular meeting held May 25 2004 be approved as presented.

Roll Call: Hurley, Schlader, Eller and Mangiacotti – Ayes: 4, Nays: 0.
Abstained: Nienstedt and Post – 2.

Motion carried.

RESOLUTIONS:

CASE #2004:5 -L.J. Associates, 100 Van Buren Street

It was moved by Hurley, seconded by Schlader that this resolution be adopted denying the applicant his request for an additional use on his property heard before the Board at the May meeting.

Roll Call: Hurley, Mangiacotti, Eller and Schlader – Ayes: 4, Nays: 0.
Abstained: Nienstedt and Post – 2.

Motion carried.

CASE #2004:6 – Matthew S. Edmunds, 6 Hann Terrace

It was moved by Schlader, seconded by Mangiacotti that this resolution be adopted approving a second floor addition to the house as approved at the May meeting.

Roll Call: Mangiacotti, Eller, Schlader and Hurley – Ayes: 4, Nays: 0.
Abstained: Post and Nienstedt - 2.

Motion carried.

CASE #2004:8 – Cory Orlando, 122 Myrtle Avenue

It was moved by Mangiacotti, seconded by Schlader that this resolution be adopted approving an addition to the house as approved at the May meeting.

Roll Call: Hurley, Schlader, Eller and Mangiacotti – Ayes: 4, Nays: 0.
Abstained: Nienstedt and Post – 2.

Motion carried.

APPLICATIONS:

Case #2004:7 – Francis & Patricia D'Astoli, 284 Belvidere Avenue, Blk. 35, Lot 46

This application is filed for the purpose of constructing an addition on the westerly side of the house.

In the Zoning Officer's Refusal of Permit this request was denied for non-compliance with the provisions of Section(s) 94-83 B 3 & 4. No side yard shall be less than twenty (20') foot and no rear yard less than twenty-five (25').

This case was carried from last meeting due to the affidavit of publication not being advertised properly.

A copy of the new affidavit of publication is included in the agenda packet.

Attorney Ours reviewed the affidavit of publication and found it to be in order to proceed. The Oath was administered to Mr. D'Asoli by the attorney for his testimony.

Mr. D'Asoli testified that he has been a resident of the Borough for sixteen years and his family has outgrown the house. In order to stay in the Borough he would like to put a 16' ft x 36' ft. addition to his existing house so he can remain in the community. He would be removing the existing garage on his property. He is proposing that the addition be constructed on the westerly side of the house where the garage will be removed. Mr. D'Astoli testified that his property is adjacent to the Turbine Alloy contamination site and he does not want to build on the easterly side of his property.

The addition will increase the square footage from 1400 Sq. Ft. and 1,852 Square feet which will improve the quality of life for his family. The addition will be composed of 2 stories with the second story housing an additional bedroom and bath. The garage that he is proposing to demolish sits one (1') foot off the property. The addition will leave a 2-1/2' side yard.

The contamination adjacent to his property from Turbine Alloy is lead. He has retained his own environmental consultant. There is a distinct chance that he may not be able to sell his property with the contamination adjacent to his property. There may be a good chance he can apply for a grant through the DEP to have the lead removed from his property.

Testing has shown high levels of lead on the easterly side. The westerly side doesn't appear to have the problem with the contamination.

The Board had a real concern as to whether the DEP would permit him to construct this addition? Board member Schlader noted that the Board would not like to see him hung up with the DEP when he would go to apply for his permits to build.

After extensive discussion and the Board and Attorney suggested he go to an architect and rework the plans from and bring the addition out the front of the house. They agreed it would much safer and a better planning strategy to come out the front of the house.

A motion was made by Schlader, seconded by Nienstedt that this application be tabled until next meeting or that he come into compliance and meet the zoning setbacks if the plans are reworked to come off the front of the house.

Roll Call: Mangiacotti, Eller, Post, Schlader, Hurley and Nienstedt.

Ayes: 6, Nays: 0.

Motion carried.

COMMUNICATIONS:

None.

Chairman Eller reported that he had appeared before the governing body for the Board of Adjustment's Annual Council appearance. He indicated everything seemed to be going fine. Washington Meadows was discussed and the developer is dragging his feel on getting the fields up and running that were dedicated to the Borough for Soccer and Baseball.

Board member Post noted that the building office and the engineer are responsible for getting this matter corrected.

Hearing no further business to come before the Board, it was moved by Hurley, seconded by Post that the meeting be adjourned at 9:00 PM.

Respectfully submitted,

Frank Mangiacotti, Secretary