

Planning Board Meeting – May 14, 2009 – 7:00 p.m.

Roll Call: Davey, Egan, Ernst, Kenny, McLaughlin, O'Malley, Placitella, Ryan, Talmage, Maloney. Absent: McGovern, Mahon. Also present: Michael Rubino, Plan. Bd. Attorney & Charles Rooney, Engineer.

Hearing is a continuation of Quirk, 227 Roosevelt. Present is Mr. Quirk, Mr. & Mrs. Hertler and their attorney Ron S. Gasiorowski.

A copy of the survey is submitted by Mr. Gasiorowski, had been submitted by Mr. Quirk on 3/24/09.

Other items submitted into evidence:

Letters from Borough Engineer, Charlie Rooney:

PB1 – 3/10/09

PB2 – 3/18/09

PB3 – 3/24/09

PB4 – Survey

PB5 – Plan

H1 – Photo rear of property

Mr. Rubino swore in Cliff Brautigan, Charlie Rooney, Heidi, Beverly & Carl Hertler & Mr. Quirk.

Mr. Gasiorowski made opening statement. Construction of porch on rear of property by Mr. Quirk. Property has 2 frontages. Contends not permitted use. Position is this is 2 story dwelling. Top of porch is level with 2nd level.

Mr. Quirk – tax records say I have 1 basement and 1 1st floor. Deck is 64 inches off ground – it is not 2nd floor deck. Submitted into evidence: Quirk1 – property tax record dated 5/14/09.

Mr. Gasiorowski – any level with less than 50% below grade is a story according to ordinance.

Mr. Rubino to Mr. Quirk – 3 ft. below and 5 feet above ground? Yes.

Mr. Rubino & Mr. Maloney question whether an accurate measurement should be taken of Mr. Quirk's basement.

Discussion with Mr. Rubino and Mr. Gasiorowski re: definition of porch.

Mr. Rubino doesn't think measurements are necessary. Mr. Maloney feels it is up to the board.

Mr. Quirk – deck is similar to the Hertler's, no blockage, just railings.

Mr. Gasiorowski to Mr. Rooney – experience limited to plans that are coming before the Plan. Bd. – knock-downs, rebuilds, additions. Have there been any just porches? Yes, 1. Has been to site once, not inside house. Property basically flat, didn't take measurements. No opinion on grade of basement.

Mr. Gasiorowski to Mr. Quirk – purchased house in 1994. Is interior same now as when bought it? Yes. Go up 2 steps before going down 5. Described rooms and configuration of interior.

Used to rent house, but no longer. Stairs removed by contractor. 5' X 4" deck built. Now seeking 5' X 10" deck with roof, columns, railings. Does roof of porch attach to roof line of house? No, attached to side of house.

Mr. Maloney – doesn't think testimony of what is inside house is relevant.

Mr. Gasiorowski to Beverly Hertler – live at 226 Roosevelt (east of Quirk's house). Always been a summer house. Lived there when Quirk house was originally built. Described house interior at that time. Small outside landing – about 2' x 3' with stairs.

Mr. Quirk – new porch is in line with all other residences & doesn't block any views.

Mr. O'Malley – asked Mr. Quirk about crawlspace. Approximately 10' x 7' and used for storage.

Recall Mrs. Hertler – what was in area where dining room is? Concrete steps & slab.

Mr. Brautigan – Mr. Quirk asked to replace the porch. I went & looked at it and o.k.'d it. Did say no to a fence. Agrees with Mr. Rooney's definition of porch.

Mr. Gasiorowski to Mr. Brautigan – were you at house before porch removed? Yes. It's your position that replacing porch with a porch? Yes.

Any questions or comments from the public? None.

Planning Board questions or comments:

Maloney – feels there are to issues: is it a 1 story house & def. of porch.

Egan – it is a story & ½ house, 1 story porch.

Ryan – agrees with Cliff.

O'Malley – in line with others, had form of supported roof prior.

Mr. Gasiorowski – closing comments. Wants board to tell construction official that a CAFRA permit is required.

Mr. Rubino – board can't rule on CAFRA. Can only rule on whether Zoning Officer made mistake in his decision.

Mr. Quirk – replace cinder block because it rotted out. Deck is 10' along house and 5'4" out from house.

Mr. Ryan asked if deck will be solid wood or space between. Solid.

Mr. Rooney – said definition of porch is not more than 1 story in ht. and definition of story is space between floor and ceiling of next floor.

Motion by Ernst seconded by Kenny that appeal is denied.

The Vote:

Aye: Egan, Ernst, Kenny, McLaughlin, O'Malley, Ryan, Talmage, Maloney

No: None