

Minutes of the Planning Board Meeting of October 13,2011

Attendance-

Present-- Egan, Ernst, Kenny, Mahon, McGovern, McLaughlin, Placitella, Ryan, Talmage, Maloney.

Absent-- Davey, O'Malley

The first hearing was for the sub-division of Block 8 Lot 1 for Balsamo, Ramella, and McGovern. It was an application for a sub-division of this property into two lots.

Lot 1 will be approximately 7,600 sq feet and Lot 2 will be approximately 8,400 sq. feet. Mike Rubino is the attorney for the applicants. Mr. Joseph Lazok, is the land surveyor for the applicant Who prepared the sub-division papers.

It was called to the attention of the applicants that the lots will both have 50 foot frontage on East End Ave. They will also front on Lakeside Ave. Consequently this would mean that by the Avon Ord. proposed Lot 1.01 would have three fronts. One on Lakeside Ave. with a second one on West End Ave., and a third front on First Ave. Lot 1.02 would have one front on Woodland Ave with a second front on Lakeside Ave

The Zoning schedule submitted with the application states that proposed lot 1.01 will be 50 feet by 152 feet or 7,600 sq. feet. Proposed lot 1.02 will be 50 feet by 168 feet or 8,400 sq. feet.

The applicant will set monuments as required by Engineer Rooney.

Set backs for any future homes to be built will be determined when plans for homes to be built are submitted.

Motion by Mahon, second by Maloney that the application be approved.

Vote on the motion:

Yes- Egan, Ernst, Kenny, Mahon, McGovern, McLaughlin, Placitella, Ryan, Talmage, Maloney.

No- None

Absent-Davey, O'Malley

The Second hearing was a continuation of the application from Paul Amato for a sub-division of lot 54 blocks 3,4,11.

The only witness for this hearing was Charles Hartl, presented by Attorney Middleton for Paul Amato.

Mr. Hartl explained his relationship to this case. He is the grand-son of the past owner of Lot 11. This is a major part of the property involved in this case. When questioned by Attorney Middleton about the Garage located on the property Mr. Hartl testified it was a two car garage. My grand father used one half to park his car. The other half he used for storage of equipment for the upkeep of the property. It was also used by the family for recreational purpose such as family picnics and barbecues. It was also a place that we and many of our friends would play.

The garage was built in the early 60's. This was about 50 years ago. I remember the fire department using this area for drills. They would drive the fire truck down along the rear of the property. Yes I can remember construction vehicles and trucks using it.

Question from Atty. Middleton to Mr. Hartl- Do you remember the garage ever being flooded or water going into the garage?

Mr. Hartl- "No"

Question from Attorne Middleton to Mr Hartl. Did you ever offer the lot to Mr. Hardie?  
As my father grew older we spoke to a number of people, including Mr. Hardie, about purchasing lots in this area. This was prior to Mr. Amato offering to purchasing the property.

When cross examined by Attorney Gianetti Mr. Hartl answered, I moved from the property in about 1975. Yes I did testify that I never saw water come into the garage.

Attorney Gianetti placed a number of documents, O 16 to O 25, on file.

- O 16- A deed to the property (Block 54 Lot 11) transferring this property from the "Hartl Family Limited Partnership" to CMM Construction Inc.
- O 17- A deed to the property (Block 54 Lot 4) transferring this property from Charles Hartl to Shire Reality Inc.
- O 18- A deed to the property (Block 54 Lot 3) transferring this property from Charles Hartl to Paul and Joyce Amato
- O 19- A mortgage note dated October 28, 2005, for Block 54 lot 4 between Shire Reality Inc., (the borrower) and Charles Hartl (the lender) for \$705,000.00
- O 20- A modification made on June 1, 2011 to the note dated October 28, 2005 between Paul and Joyce Amato and the Estate of Charles Hartl.
- O 21- A mortgage between Charles Hartl (Lender) and Shire Reality (Borrower) for \$705,000
- O 22- A mortgage note dated October 25, 2005 between Paul and Joyce Amato and Charles Hartl for Lot 3 Block 54.
- O 23- A mortgage dated October 28, 2005 between CMM Consrtruction (Borrower) and Hartl Family partnership (Lender) for \$430,000 for Lot 11, Block 54.
- O 24- A mortgage dated October 28, 2005 between CMM Consrtruction (Borrower) and Hartl Family partnership (Lender) for \$430,000 for Lot 11, Block 54.
- O 25 A page titled "Amato purchase from Hartl: October 28, 2005 ( Does not indicate who generated this page or where the figures came from.)

Motion by Mahon, second by Ryan to continue this hearing for Mr. Amato at the Planning Board meeting of November 10, 2011

Vote on the motion.

Yes- Egan, Ernst, Kenny, Mahon, McGovern, McLaughlin, Placitella, Ryan, Talmage, Maloney.

No- None

Absent- Davey, O'Malley

The third hearing was for Ms. Joanne Rajioppi of 500 Jefferson Ave. Ms. Rajoppi was represented by Attorney Dennis Barrett. Attorney Barrett indicated this is a very small lot. It is 50 feet by 90 feet. It is 4,500 square feet as compared to a standard lot of 7,000 square feet.

Ms. Rajoppi indicated her parents bought the property in the 1950's. She is intending to move and live here all year. One problem with the house is the bedrooms are all small and all are upstairs. The first floor house is currently 763 sq. feet. The plans call for an increase in the Building Lot coverage from 28.6% to 45.38%. The impervious will be under 50%.

The first floor has 1250 sq feet livable space. The plans as provided will require a number of variances.

After the presentation by Attorney Barrett and Ms. Rajoppi the board suggested they should consider reviewing the plans and see if it is possible to come in with an application that is more in line with the Borough Ordinance of 35% Building Lot coverage.

Motion to carry the application for Ms. Rajoppi to the next meeting..

Yes- Yes- Egan, Ernst, Kenny, Mahon, McGovern, McLaughlin, Placitella, Ryan, Talmage, Maloney.

No- None

Absent-Davey, O'Malley

The next hearing was for Mr. and Ms. Bongiorno of 210 Sylvania Ave. Block 19 Lot 15.02. Mike Rubino is the attorney for this applicant.

The applicant explained how the family has a daughter who is handicapped and this becomes part of the application. They have a front house and a rear garage apartment. The applicant wants to take the front down and replace it with a new home that can be used all year. The new front house will need four variances.

The rear house will be used by the daughter who is handicapped as her residence. This would allow her to live alone but be near her parents who will reside in the front house.

The following points were discussed regarding this application

- 1, Two house on one property is not an allowed use.
2. A front set back of 21.14 feet is proposed and 23.32 required for the front house.
3. Building lot coverage of 41.31 % on this lot.
4. The new front house will have a building height of over 35 feet at 35.75 feet.

Attached to the application was a letter explaining the applicants reasons for the above variances being granted

The board listened to the details of the situation and of the plans for the new house.

A number of exhibits were presented. They included :

A-1 A site plan

A-2 Photos of neighboring houses

A3 Photos of houses in the neighborhood higher then they are asking the board to approve

A4

A-5 A Photo Board

A-6 A Photo Board

A-7- Drawings of the proposed house

As the application was discussed the board showed concern with two houses on an undersized lot with one being over the allowed building lot coverage. Some members showed concern and indicated they would like to see it at 35% lot coverage.

The board approved a motion to carry this application to the November meeting to allow the applicant to make adjustments and see if they can reduce the building lot coverage

Vote on the motion to carry this application was approved by the board.

Yes- Yes- Egan, Ernst, Kenny, Mahon, McGovern, McLaughlin, Placitella, Ryan, Talmage, Maloney.

No- None

Absent-Davey, O'Malley

The final application for this meeting was from Eugene Johnson of 235 Woodland Ave., Block 19, Lot 1.02. Mr Fitzsimmons was the architect and appeared with Mr. Johnson.

Mr. Johnson and Fitzsimmons explained to the board what it is Mr. Johnson wants to do.

He wants to expand the main residence and continue the rear house. As two structures are on this lot a use variance is needed to keep both houses. The applicant presented two boards showing the property with surrounding homes. He also explained the set backs for the existing house and the attached garage which will require a variance to remain on the property. After he finished his presentation the board asked questions as to the size of the house the setbacks, and the attached garage.

A motion was made by Maloney with a second by McLaughlin that the application be approved with the following stipulations and or conditions.

1. Any garage should be at least 6 feet off of the lane and meet any other set back requirements.
2. A use variance is required as the property has two residences on it.
3. A variance is required for the rear house as it is less then five feet from the east property line, and extends to the lane.

4. The shed at the rear of the property will be removed.
5. If the front structure is removed all sideline requirements will apply to a new home.
6. If the front house is not removed a variance is needed for the 2.5 foot set back that currently exist on the west property line.
7. The maximum lot coverage for this lot is 30%. As the total coverage is greater then this a variance is needed for lot coverage of 35%.
8. As the fence along the property line on the west side appears to be over the property line ownership of this fence should be determined. If this fence belongs to the applicant they should present an easement for it.
9. Existing structures that are currently on adjacent properties will be removed or any easements will be provided.
10. Six sets of new plans should be presented to Secretary Brautigan for distribution to Engineer Rooney and Attorney Cramer for evaluation and approval that show
  - A. the location and dimensions of all new structures to be placed on this lot.
  - B. the location and dimensions of all existing buildings that will remain on this lot.
  - C. all variances, existing or new, that are being requested or proposed for this lot.
  - D. Ownership of the fence on the west side of the property and present an easement if it is determined to be on this property.

Vote on the motion to approve this application with the above conditions and/or stipulations

Yes- Egan, Ernst, Kenny, Mahon, McGovern, McLaughlin, Placitella, Ryan, Talmage, Maloney.

No- None

Absent-Davey, O'Malley