

Chw. Annabel Resnisky, Judith Pehota, Martin Reardon,
Sara Vecchitto, John Voli

BOARD MEMBERS
PRESENT

Linda Guarino, Evelyn Russo

BOARD MEMBERS
ABSENT

William Warner, Director, Brian Robinson, Zoning En-
forcement Officer

STAFF

On motion and second by Board Members Martin Reardon
and Judy Pehota the Board approved the minutes of the
August 5, 2004 regular meeting. Vote was unanimous with
Board Member John Voli abstaining.

ITEM 2.1
APPROVED THE
MINUTES OF THE
8/5/04 MEETING

On motion and second by Board Members Judy Pehota and
Martin Reardon the Board tabled an appeal of a finding by
the Director of Planning, Conservation and Development and
the Chief Building Official regarding the issuance of a certificate
of occupancy for Lot #19, 173 Saddle Hill Drive, in the Country
Hill Subdivision located off East Street. Vote was unanimous.
Applicant/agent Thaddeus Bysiewicz/Michael F. Dowley &
Associates ZBA2004-11

ITEM 3.1
TABLED AN APPEAL
OF A FINDING BY
THE DIRECTOR OF
PLANNING, CON-
SERVATION AND
DEVELOPMENT
AND THE CHIEF
BUILDING OF-
FICIAL REGARD-
ING THE ISSU-
ANCE OF A
CERTIFICATE OF
OCCUPANCY FOR
LOT #19, 173 SAD-
DLE HILL DRIVE,
IN THE COUNTRY
HILL SUBDIVISION
LOCATED OFF
EAST STREET

Jerry Bauer, Jr., presented the proposed variance. He indicated that
his company would lose twenty-five (25%) percent of the parking,
that the offset on the building would hinder snow removal and that
the addition would restrict the amount of dumpsters and security.
William Warner commented. On motion and second by Board Mem-
bers John Voli and Judy Pehota the Board closed the public hearing.
Vote was unanimous. On motion and second by Board Members
John Voli and Martin Reardon the Board granted a variance to
Section 36.03 with regard to the side yard setbacks for a proposed
addition to an existing building located at 33 Forest Street. Vote
was unanimous. Applicant/agent Jerry F. Bauer, Jr./John Brayshaw,
Architect ZBA2004-14

ITEM 3.2
GRANTED A
VARIANCE TO
SECTION 36.03 WITH
REGARD TO THE
SIDE YARD SET-
BACKS FOR A PRO-
POSED ADDITION
TO AN EXISTING
BUILDING LO-
CATED AT 33
FOREST STREET

William Warner presented the City's case to the Board. Atty. Michael Dowley presented the appeal and read letters from George Lapadula and Clifton Seifert into the record. Resident Chet Fud, explained that the site has been improved by the current owner and voiced his support for the trailer. Earle Roberts stated that vending had occurred for a number of years in the 1950's. Ray Roberts stated that vending had occurred in past years. Jerry Butterworth stated that auctions and vending activities had occurred at the former Wilcox property. Discussion ensued. Carl Hayn expressed his support with the majority of the audience standing up in support of the vending use. Andy Rak, a Planning and Zoning Commissioner, stated that no stipulations were added to the Planning and Zoning application for the continued non-conforming use. Maria Holzberg expressed support for the vending trailer. Bruce Seboldt, of the Middletown Police, expressed that no traffic problems have occurred during the operation of the trailer. Bob Westner expressed opposition due to traffic problems. Christopher Parslow expressed his opposition and indicated that the trailer is located in a small adjacent property that has only been residential. Marie Clark expressed her opposition to the vending trailer. Bill Wamester expressed opposition to the vending trailer. Atty. Michael Dowley continued his presentation of the appeal. Discussion ensued. On motion and second by Board Members John Voli and Martin Reardon the Board closed the public hearing. Vote was unanimous. Discussion ensued. On motion and second by Board Members Judy Pehota and Martin Reardon the Board reversed the decision by the Zoning Enforcement Officer regarding the issuance of a cease and desist order for a food vending trailer operating at 980 South Main Street. Vote was unanimous. Applicant/agent Seventeen Oaks, LLC/Michael F. Dowley & Assoc. ZBA2004-15

William Warner presented the decision by the Planning and Zoning Department to deny a single family dwelling on the Leonard Smith property. Leonard Smith presented his appeal. Nilda Perricci expressed her opposition to the appeal. Michael Ennis expressed concern about the size of the house. Orin Jones expressed opposition to the appeal. Two members of the public asked questions about the site plan. Discussion ensued. On motion and second by Board Members Martin Reardon and Judy Pehota the Board closed the public hearing. Vote was unanimous. A motion to reverse the decision by the Director of Planning, Conservation and Development regarding a single family dwelling to be placed on the property of Leonard Smith located at the corner of Kelsey Street and Maple Shade Road was made by Board Member Judy Pehota and seconded by Board Member

ITEM 3.3
REVERSED THE
DECISION BY THE
ZONING ENFORCE-
MENT OFFICER RE-
GARDING THE IS-
SUANCE OF A
CEASE AND DE-
SIST ORDER FOR
A FOOD VENDING
TRAILER OPERA-
TING AT 980 SOUTH
MAIN STREET

ITEM 3.4
REVERSED THE
DECISION BY THE
DIRECTOR OF
PLANNING, CON-
SERVATION AND
DEVELOPMENT RE-
GARDING A SINGLE
FAMILY DWELLING
TO BE PLACED ON
THE PROPERTY OF
LEONARD SMITH
LOCATED AT THE
CORNER OF KELSEY

John Voli. Discussion ensued. The motion passed unanimously.
Applicant/agent Leonard Smith ZBA2004-16

STREET AND MAPLE
SHADE ROAD

David Faraci presented the application. Discussion ensued. On motion and second by Board Members Martin Reardon and John Voli the Board closed the public hearing. Vote was unanimous. On motion and second by Board Members John Voli and Martin Reardon with regard to the height requirements for a proposed sign and the setback requirements for a canopy at a gas station located at 436 South Main Street. Vote was unanimous. Applicant/agent Mondo's Inc./David Faraci ZBA2004-17

ITEM 3.5
GRANTED A
VARIANCE TO SEC-
TIONS 48 AND 32
WITH REGARD TO
THE HEIGHT RE-
QUIREMENTS FOR
A PROPOSED SIGN
AND THE SETBACK
REQUIREMENTS
FOR A CANOPY AT
A GAS STATION
LOCATED AT 436
SOUTH MAIN
STREET

There was no Old Business.

ITEM 4
OLD BUSINESS

There was no New Business.

ITEM 5
NEW BUSINESS

On motion and second by Board Members Martin Reardon and Judy Pehota the Board adjourned the meeting at 8:00 p.m. Vote was unanimous.

ITEM 6
ADJOURNMENT

Respectfully submitted,

William Warner
Director of Planning, Conservation and Development