

Chw. Annabel Resnisky, Judith Pehota, Martin Reardon, Evelyn Russo, John Voli

BOARD MEMBERS PRESENT

Anthony Szalkiewicz, Sheila Walsh, Sara Vecchitto

BOARD MEMBERS ABSENT

William Warner, Director, Kevin Kennedy, Zoning Enforcement Officer

STAFF

The following changes were noted: Under Item #2.1 Board Member Evelyn Russo did not second the motion and had abstained. Under Item #3.2 Board Member Sara Vecchitto was absent. A motion to approve the minutes of the November 6, 2003 meeting as amended was made by Board Member Martin Reardon and seconded by Board Member Evelyn Russo. The motion passed with Board Members Judy Pehota, Martin Reardon and Evelyn Russo in favor and Board Member John Voli abstaining.

ITEM 2.1
APPROVED THE MINUTES OF THE 11/6/03 MEETING AS AMENDED

Atty. Dykas, representing William Ziegler, presented the reasons why the Zoning Enforcement Officer is wrong and feels the sign is artwork. He raised constitutional arguments about the definition and feels the mural is not for advertising purposes. Atty. Dykas feels this is not commercial speech and is in fact free speech and artwork and not a sign as decided in the Schwartz case. Kevin Kennedy presented his case on why this is a sign with a handout. He read a letter from the Design Review and Preservation Board into the record. Board Member Evelyn Russo spoke at length. From the public, Burke Ziegler feels Middletown is an artistic community and the mural was never considered a sign. S. Guiliano feels this does not constitute a sign. R. Kamins feels it is art. G. Garafalo feels it should stay up and indicated it is not a sign. M. Farber feels it is not a sign and spoke about the history and revitalization and the size of signs. J. Bass feels this makes Middletown unique. G. Dooley feels this is not a sign. P. James feels he is not being irresponsible to his customers. Earle Roberts commented on his opinion. M. Brokow commented on safety and windstorms. A. Tomaselli spoke in support of William Ziegler. P. Galums spoke in support of William Ziegler. S. Rosenblith feels this is absurd and is not a sign. S. Marino spoke in support of William Ziegler and feels there is no safety issue. G. Volius, an artist, spoke in support of William Ziegler. William Ziegler feels it is a mural that is a part of him and submitted a petition with twenty-three hundred signatures. E. Fox spoke in support. C. Burnham, an artist that painted the mural, feels there is no safety issue. H. Ziegler spoke in support

ITEM 3.1
REVERSED THE FINDING BY THE ZONING ENFORCEMENT OFFICER REGARDING ILLEGAL SIGNAGE AT WILD BILL'S NOSTALGIA LOCATED AT 1003 NEWFIELD STREET

of William Ziegler. Carl Bolz, a Planning and Zoning Commissioner, spoke in support of the Zoning Enforcement Officer. On motion and second by Board Members Evelyn Russo and Martin Reardon the Board closed the public hearing. Vote was unanimous. Board Member Evelyn Russo doesn't feel this is "recognized advertising purposes" and that this is not a sign. Chw. Annabel Resnisky feels this is a part of his life and not a sign. Board Member John Voli agreed with Board Member Evelyn Russo. Board Member Judy Pehota agreed with Board Member Evelyn Russo that it is not for advertising purposes. Board Member Martin Reardon agreed with Board Member Evelyn Russo that it is not for advertising purposes. On motion and second by Board Members Evelyn Russo and John Voli the Board reversed the decision of the Zoning Enforcement Officer regarding illegal signage at Wild Bill's Nostalgia located at 1003 Newfield Street. Vote was unanimous. Applicant/agent William Ziegler ZBA2003-18

On motion and second by Board Members Evelyn Russo and Judy Pehota the Board tabled a finding by the Zoning Enforcement Officer regarding operation of an illegal rooming house at 99 Lincoln Street. Vote was unanimous. Applicant/agent Randy Hujar/Jonathan B. Orleans, Esq. ZBA2003-21

On motion and second by Board Members Evelyn Russo and John Voli the Board accepted withdrawal of a proposed variance to Section 40.04 with regard to the parking requirements for 134 Main Street Extension. Vote was unanimous. Applicant/agent NJ Holdings, LLC/Conklin & Soroka ZBA2003-16

John Moore explained the request. William Warner commented. On motion and second by Board Members Evelyn Russo and Martin Reardon the Board closed

ITEM 3.2
TABLED A FINDING BY THE ZONING ENFORCEMENT OFFICER REGARDING OPERATION OF AN ILLEGAL ROOMING HOUSE AT 99 LINCOLN STREET

ITEM 3.3
ACCEPTED WITHDRAWAL OF A PROPOSED VARIANCE TO SECTION 40.04 WITH REGARD TO THE PARKING REQUIREMENTS FOR 134 MAIN STREET EXTENSION

ITEM 3.4
APPROVED A REQUEST FOR LO-

the public hearing. Vote was unanimous. On motion and second by Board Members John Voli and Martin Reardon the Board approved a request for location approval for a used car dealership under G.S. Sec. 14-54 at 165 Johnson Street. Vote was unanimous. Applicant/agent John Moore ZBA2003-22

CATION AP-
PROVAL FOR A
USED CAR DEAL-
ERSHIP UNDER
G.S. SEC. 14-54
AT 165 JOHNSON
STREET

On motion and second by Board Members John Voli and Evelyn Russo the Board accepted withdrawal of a request for location approval for a used car dealership under G.S. 14-54 at 38 Ward Street. Vote was unanimous. Applicant/agent E-Muscle, LLC ZBA200-23

ITEM 3.5
ACCEPTED WITH-
DRAWAL OF A
REQUEST FOR
LOCATION AP-
PROVAL FOR A
USED CAR DEAL-
ERSHIP UNDER
G.S. SEC. 14-54
AT 38 WARD
STREET

William Warner explained the variance and the hardship. Salvatore Formica spoke in support. Armando Formica spoke in support. J. Guerin of 104 Bailey Road questioned the precedent. William Warner explained. Chw. Annabel Resnisky spoke in support of the compromise. On motion and second by Board Members Evelyn Russo and Martin Reardon the Board closed the public hearing. Vote was unanimous. On motion and second by Board Members Martin Reardon and Evelyn Russo the Board granted a variance to Sections 12.04 and 10.07.04 to allow a shed within five (5) feet of the principal dwelling to be used as a recreation room only, no food preparation or overnight use on the property of Robert & Marion Page located at 136 Westfield Street. Vote was unanimous. Applicant/agent Salvatore Formica SBA2003-

ITEM 3.6
GRANTED A
VARIANCE TO
SECTIONS 12.04
AND 10.07.04 TO
ALLOW A SHED
WITHIN FIVE (5)
FEET OF THE
PRINCIPAL
DWELLING TO
BE USED AS A
RECREATION
ROOM ONLY,
NO FOOD PRE-
PARATION OR
OVERNIGHT USE
ON THE PRO-
PERTY OF
ROBERT &
MARION PAGE
LOCATED AT
136 WESTFIELD
STREET

On motion and second by Board Members Martin Reardon and John Voli the Board accepted withdrawal of an appeal of a finding by the Zoning Enforcement Officer regarding a zoning violation pertaining to a

ITEM 4.1
ACCEPTED WITH-
DRAWAL OF
AN APPEAL

shed on the property of Robert & Marion Page at 136 Westfield Street. Vote was unanimous. Applicant/agent Salvatore Formica ZBA2003-17

OF A FINDING BY THE ZONING ENFORCEMENT OFFICER REGARDING A ZONING VIOLATION PERTAINING TO A SHED ON THE PROPERTY OF ROBERT & MARION PAGE AT 136 WESTFIELD STREET

William Warner explained. Atty. Stephen Gionfriddo submitted a survey map. On motion and second by Board Members John Voli and Evelyn Russo the Board tabled a proposed variance to Section 21.02 with regard to the side yard setback for a proposed addition in the R-60 zone at 830 Arbutus Street. Vote was unanimous. Applicant/agent Chris Chekas ZBA2003-19

ITEM 4.2
TABLED A PROPOSED VARIANCE TO THE SIDE YARD SETBACK FOR A PROPOSED ADDITION IN THE R-60 ZONE AT 830 ARBUTUS STREET

There was no New Business.

ITEM 5
NEW BUSINESS

On motion and second by Board Members Martin Reardon and John Voli the Board adjourned the meeting. Vote was unanimous.

ITEM 6
ADJOURNMENT

Respectfully submitted,

William Warner
Director of Planning, Conservation and Development