

REGULAR MEETING

Salute to Flag: 8:00pm

OPENING STATEMENT:

This is the Regular Meeting of the Wanaque Board of Adjustment and adequate notice has been given and it has been duly advertised by the placement of a notice in the Herald News and the Suburban Trends on January 11, 2017 respectively, and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

ROLL CALL: Chairman Jack Dunning, Members Frank Covelli, Barry Hain, Donald Ludwig, Michael Levine and Bridget Pasznik, and Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Vice Chairman Bruce Grygus and Member Peter Hoffman

Application #ZBA2017-01 & 02 – Agostino Properties, LLC
18 Railroad Avenue & 20 Railroad Avenue (Block 236.01/Lots 26 & 21)

Chairman Dunning advised we have some correspondence asking for this matter to be carried to the next meeting.

Attorney Mondello commented, in addition to receiving an e-mail from Ed Martin, Esq., Applicant's Attorney, he called me at my office and on my cell phone, and he indicated that he would like the meeting to be adjourned for a number of reasons. They weren't finished with the perc tests and they had not updated the plans. It didn't make sense for him to go forward and the Board didn't have any objection to that. Quite frankly, it would make no sense to hear this application if they don't update those plans as we discussed at the last meeting. If anybody is here for Agostino Properties, 18 Railroad Avenue, it is carried to the June 6, 2018 Meeting.

MOTION TO CARRY APPLICATION TO JUNE 6, 2016 MEETING: made by Member Pasznik, seconded by Member Ludwig. Voting yes were Chairman Dunning, Members Covelli, Hain, Ludwig, Levine and Pasznik.

Application #ZBA2018-01 – Kabakci, Abibe
1095 Ringwood Avenue (Block 437/Lot 3)

Attorney Mondello commented, before we get started, the Board and myself are in receipt of a letter from the Board Engineer, Christopher Nash, and he has indicated that the application at this juncture is incomplete for a number of reasons. I am going to assume this is one of your professionals that you hired. Engineer Nash do you want to sum it up as to why you believe it is incomplete from an engineering perspective?

Engineer Nash advised I cited three reasons why. First is there was no Property Survey submitted with the application. Property Surveys are required to be submitted under Municipal Land Use Law with site plan applications. There are occasions where, depending on the application, we do waive it or let it slide, if you will, but in this particular case, the proposal is to build to the side yards and to the front yard with zero offsets, so the survey is a necessary part of the whole package.

A couple of other items are the site plan that was submitted doesn't show any elevations or topography. For instance, in the rear of the property where there is parking, there is no limits of paving, there is no pavement widths, no trees shown, no edges of pavement or curb or sidewalk or anything like that. None of that information is shown. Again, that is information that the Board needs to see on an application to render an opinion. With the Agostino property, for instance, that's become a big issue with the parking lot and drainage. So again, the lack of topography leaves the Board in a bit of lurch in terms of trying to render an opinion.

This is something I would recommend, but it's not a fatal flaw, another item would be when you have the north and south elevations of the building just to see the adjacent structures behind them where the windows are relative to proposed decks and where those windows are proposed with respect to proposed mechanical equipment. Again, it is a question I know the Board would ask.

I am not asking these questions because I want to know; I am asking because I know the Board Members are going to need them and you, as a Board, are going to be asking these questions anyway. I was hoping the letter would be pre-emptive and they would not have to come tonight. Those are the items that I am pointing out that really need to be completed to have a complete application for the Board to consider.

Attorney Mondello commented your professional has a copy of that letter and I am sure that he will be able to respond to each and every one of those items that are listed in the letter. Although, I wouldn't tell you how to proceed with your application, but you are seeking a D3 Variance so it is highly unusual that an applicant doesn't have a Planner to explain to the Board why a D3 Variance is necessary, what the proofs are and how you actually prove that criteria associated with a D3 Variance, but that is up to you. So we are carrying this to the June 6, 2018 Meeting, if you can get your plans and survey, etc. submitted at least 10 days prior to that.

MOTION TO CARRY APPLICATION TO JUNE 6, 2016 MEETING: made by Member Ludwig, seconded by Member Pasznik. Motion carried by a unanimous voice vote of all Members.

Application #ZBA2017-06 – Serrano, Carmela
15 Evergreen Avenue (Block 406/Lot 12)

As the Board was discussing dismissing the application without prejudice, the Applicant arrived at 8:10pm.

Attorney Mondello commented it is my understanding that the Board is in receipt of a letter from the Zoning Official and he has indicated on February 23, 2018 that on February 1, 2018, Mrs. Serrano obtained two permits; one for the previously installed laundry room, bathroom and converted garage to bedroom; and the second one is to install an ingress/egress door in the converted bedroom. On February 7th and February 13th, all inspectors met with the homeowner/applicant and she was advised as to what needed to be done in order to pass her inspections and get final approvals. She has begun performing this work. It is his opinion that there is no reason why the Zoning Board can't proceed with the application.

Please refresh the Board's memory as to what you want to do and why you want to do it.

Ma Carmela Serrano Swing of 15 Evergreen Avenue, Haskell, NJ was sworn in to testify.

Mrs. Swing stated we needed more space in the house since we have an extended family.

Member Covelli stated last time you were here, you had an architect with you.

Mrs. Swing answered right.

Member Covelli questioned do you have any professionals with you this evening?

Mrs. Swing answered just myself.

Member Covelli stated it has been a little time since you were here and but as I recall we were hearing your application and then your application stopped because you needed to get approvals for the issue of a family member living in the garage space, and it has been reported that you have taken out the permits to convert that space to living space and you are in the process. Is this a fair summation of where we are at?

Mrs. Swing agreed and stated yes we are and it is fair.

Engineer Nash questioned if we have a survey?

Chairman Dunning commented it is only on the plan.

Attorney Mondello stated Engineer Nash said in his October 24, 2017 letter that it appears the survey was incorporated onto the architect's sheet but this is not acceptable. The survey is required to be submitted. It is up to the Board obviously.

Engineer Nash commented that improvements to the house like widening, extending or anything like that is one of those issues where this is necessary but could be waived in certain instances.

Attorney Mondello commented that the six variances are existing, non-conforming.

Attorney Mondello questioned if the garage is complete?

Mrs. Swing answered no, it is still in progress. My aunt is upstairs in my room.

Attorney Mondello commented I'll just note for the Board a comment made by the Construction Code Official in paragraph 2, "when the aunt is no longer living at the residence and within sixty days of that date, the homeowner/applicant must apply for

permits to convert the aunt's bedroom back into a garage since the Borough has an ordinance prohibiting garages being converted into space." Although I am sure the Construction Code Official's heart is in the right place, that type of condition, that type of restriction, in my opinion, would be invalid or illegal. I can cite the *Berninger vs. Board of Adjustment of Midland Park* where essentially something very similar occurred and the court went on to say that a condition attached to a variance, and this would be a condition, or exception must be reasonably calculated to achieve some legitimate land use purpose. Having the aunt stay there is not really a legitimate land use purpose; it's a personal purpose, which doesn't help the welfare, safety, master plan or that sort of thing. Therefore, a condition which limits the life of a variance to ownership by a particular individual is patently illegal as it advances no legitimate land purpose. So, if the Board were so inclined to attach such a condition, I am not sure it would be upheld, even if the applicant were to be volunteer and agree to that, I am not so sure that it would be upheld.

Member Covelli commented that most people Counselor, most of the audience and possibly the applicant, don't necessarily understand the criteria that we must use when we are hearing an application with regard to not taking a personal interest but rather, as you recorded with respect to that case, that we have to look at the physical constraints, not emotional or economic constraints of the property. Mrs. Swing, do you understand what the Counselor just read to you?

Mrs. Swing answered other than illegal, I didn't get the whole.

Member Covelli explained that as a Board we have to consider what you are asking for us tonight. There is a book of ordinances and state law on what we can and can't do to your house because of the zone of your property. You are coming before us and saying I shouldn't have to follow that because I have some extenuating circumstances, let me share them with you, and we listen and we either agree or we disagree; we grant the variance or we don't grant the variance. If we grant the variance we're giving you a permanent exemption of the local law, the ordinance. That is what you are asking us for. You are not permitted to have all of the bedrooms on the piece of property that you own, and you are saying I have extenuating circumstances that I would like the Board to hear as to why I should be granted a variance. That is why you are hear. So with that said, Counselor just read a letter from the Construction Official and he is advising us that while the Construction Official is trying to do his due diligence and his job, we may not be able to follow his recommendation, which is that if your aunt no longer lives there after you convert the garage, it has to go back to being a garage and Counselor is saying we can't necessarily consider that as part of your application. Actually, this might please you, because Counselor is saying you don't have to put it back.

Mrs. Swing stated I understand, especially the last part.

Attorney Mondello commented that what we are trying to say is that there is supposed to be other compelling reasons to convert the garage into living space other than I need it for my aunt. There should be some positive criteria, some negative criteria discussed, how does it improve the neighborhood, how does it not impair the zoning ordinance. Most folks that represent themselves say I need another three bedrooms because my wife is pregnant with twins, whatever the case may be, and more often than not, if there requests are reasonable the Board does grant those types of variances, but with this particular case the

Construction Official wants us to make you restore the garage back to the garage when your aunt leaves and quite frankly we could do that, but it would not be upheld in court. Mrs. Swing stated thank you.

Chairman Dunning questioned between the first floor and the second floor, how many bedrooms are you going to end up with?

Mrs. Swing answered we are only going to have one bedroom.

Chairman Dunning questioned in the whole house?

Mrs. Swing answered there is going to be four bedrooms, because we have three existing bedrooms. If you consider the garage, that would be the fifth.

Chairman Dunning stated forget the garage for a minute that is the basement. The first floor and the second floor in your proposed plans it shows six bedrooms.

Mrs. Swing stated I only have three existing bedrooms. The top part is the addition.

Chairman Dunning commented you are asking to expand your house. You are showing us plans of existing conditions and the proposed conditions after you expand if approved.

Member Ludwig commented it is the way the plans are drawn. It is because it's a split level basically you are seeing the two bedrooms and the garage twice.

Member Covelli stated when you look at that lower box that says "second floor proposed plan", it is as if they put the second floor over the first.

Chairman Dunning stated that explains why nothing connects to each other. So you will have four bedrooms without the garage.

Mrs. Swing answered yes.

Chairman Dunning stated I believe your earlier testimony was you needed that bedroom in the garage because your aunt can't get upstairs.

Mrs. Swing answered no. The garage wasn't even on it. It was from October when it was said that that the window was not shown on the drawing. That is why my aunt was brought up by us.

Chairman Dunning stated you needed a window for egress.

Mrs. Swing answered yes.

Engineer Nash commented because it was being used as a bedroom.

Member Hoffman stated the reason you wanted it in the garage was because it was easier for your aunt to get around.

Mrs. Swing answered yes because that is the only flat surface. She could climb up the stairs if she really needed to but not on a daily basis, but if she has to she can come up, but she can walk easier on a flat surface in and out and the back door is right there and she loves to garden and doing yard work, quality of life.

Chairman Dunning questioned would it make more sense if you put a handicap ramp in the back of the house on the deck then she could access the first floor where everything is?

Mrs. Swing answered no because she is still going to have difficulty.

Attorney Mondello commented she is living upstairs right now.

Mrs. Swing answered right now temporarily. I am sleeping in the living room.

Chairman Dunning stated we are talking about after, if this proposal is approved, as you expand the house, you will have a lot more room in the house then she can stay in that bedroom on the first floor.

Mrs. Swing stated it is a split level. She is going to have a hard time. She can do steps but not on a daily basis. Right now I have to take her to the shower, help her into the

bathroom upstairs and that bathroom has a bathtub and it is hard for her to step in. Not like what she has in the garage which is a flat surface.

Attorney Mondello: Any folks within 200' of this property have any questions? Hearing none, seeing none. Any residents have any questions? None

Chairman Dunning: Any more questions Board Members?

Member Covelli questioned in your application, and the Chairman touched on this the last time you were here, he raised the question of what do we do about the parking?

Mrs. Swing answered we have enough parking. The side of the house has the asphalt. I also can fit 6 cars in my driveway. 3 cars in the existing driveway and then I also have 1 on the side of the house and then also my front. I cut off some grass also for my driveway or parking.

Chairman Dunning stated it is not shown on the site plan.

Member Hoffman stated on the side of your house to the property line (next to what was the garage) that is paved?

Mrs. Swing answered yes. I did that so my aunt could go with her rolling walker and go in and out.

Attorney Mondello stated you could only fit a Volkswagen Bug there.

Member Covelli stated next to the garage where it is paved, the plan says there is only 9'8" between the house and your property line. It also shows that there is a concrete walk there. Is there a step between the walkway and the asphalt or is it even?

Mrs. Swing answered straight – even.

Member Ludwig questioned you park cars on the side of the garage when you have to?

Mrs. Swing answered the only stairway I have is in the front and in the back. No it is even; I don't have any steps.

Member Ludwig questioned, if need be, you could park a car to the side of the garage?

Mrs. Swing answered right to the side of the house.

Member Covelli commented not "if" she needs to; there is no question.

Member Ludwig stated she is doing it now is what she just testified. How many other houses in your neighborhood do not have a garage? Are there others that do not have garages that you noticed?

Mrs. Swing questioned built-in garage?

Member Ludwig answered any garage.

Mrs. Swing answered everybody has a garage. There is one that doesn't I know of.

Member Ludwig commented certain neighborhoods in that area don't. I am just trying to get it on the record.

Mrs. Swing stated I just don't remember how many, but some of them don't have garage.

Member Ludwig commented that is all I wanted on the tape.

Chairman Dunning questioned do you park a car alongside the house right now?

Mrs. Swing answered we only 2 cars right now.

Member Ludwig questioned, when you have company, you park there?

Mrs. Swing answered yes we park on the side so they can use the one in the front.

Member Covelli commented with all those bedrooms, you are going to have people.

Mrs. Swing stated my aunt doesn't drive.

Member Covelli stated she is the only one and in the garage. Who are in the other bedrooms?

Mrs. Swing answered my kids.

Member Covelli commented kids have a tendency of growing.

Mrs. Swing answered right and the other one is already driving and the other one is moving out for college so we have enough parking.

Chairman Dunning stated the issue would be if you parked cars on that side of the house, it becomes a fire issue. The firemen could never access that side of the house with a ladder.

Mrs. Swing stated we use that only when there is company come, when there is a gathering or something.

Chairman Dunning commented that as the children get older and they drive now you are going to have more than 2 cars, you could have 4 cars.

Mrs. Swing stated we don't need to use the side. I can still fit 4 cars. 3 in the front of the house in the driveway and 1 in the other extra parking in the front of the house so that makes 4 cars.

Member Covelli questioned when you look at the top of the color picture of the front of your house, and you see that blue car, is that what you are referring to as parking in front of the house.

Mrs. Swing answered no. There is another one on the side in front of the window.

Member Covelli questioned the picture window?

Mrs. Swing stated because in the lawn, instead of the grass, I cut some off.

Member Ludwig commented you have 4 spots.

Mrs. Swing stated yes.

Chairman Dunning commented it doesn't add up.

Member Covelli commented I am looking at the blue car and I can't figure out how you get another 2 next to it.

Chairman Dunning commented the property is only 50 feet, and you need 10 feet for each car.

Mrs. Swing stated I also did the asphalt in front of the steps.

Member Covelli commented there is an ordinance/law that says you can only cover so much of the grass or of the dirt and then you have too much impervious surface. Too much land that the water can't drain into the ground. With that said, you are paving over everything on your property so what happens is, besides it being an aesthetic problem, an eye problem for everyone else in the neighborhood, your pushing all your water on everyone else.

Mrs. Swing stated I put the drain at the bottom of it. Before they did that, I had them put the drain underneath the asphalt. A pipe underneath it so the water will go under.

Chairman Dunning questioned where does the pipe go/drain to?

Mrs. Swing answered from where there used to be the existing one, I just asked them, so I don't have that flood issue, to make the water drain go under.

Member Covelli stated the pipe brings the water to something, a tank.

Mrs. Swing stated they put same drain going to the sewer in the outside.

Member Covelli: Engineer Nash

Engineer Nash commented that it is customary to put everything on a plan.

Chairman Dunning stated correct, that is the problem here. If your plan showed where your paving is. Right now we have a somewhat of a site plan, but it doesn't give us any details to look at. It is hard to envision what is there and how this could work. That is the problem.

Member Covelli stated Mrs. Swing when you tell us there is a pipe, we don't know how much water. Your driveway seems to have expanded and you keep taking away land that could absorb water and you are putting in land that cannot absorb water. We don't know if the drainage system that you have can carry the water you are putting into it. When that system can't carry it, it means it backs up. It either backs up on your property or it goes to your neighbor's property. You are asking us to permanently waive the rules for you and if someone has a problem, they're not going to be very happy with us. Even though they might not be sitting here tonight, they have a right to their property not flooding. Because as you need parking places, you keep ripping up grass and paving it.

Mrs. Swing stated it has been like that for years now and we didn't have any problems with the flooding.

Chairman Dunning commented here is the other problem that we are not picking up on. Evergreen is only 32 feet wide. They have 10 feet or more from the edge of pavement to the edge of your property. So technically you are probably parking on the Borough's property (right-of-way), not your property.

Member Covelli advised your property doesn't end at the edge of the pavement of the road. Your property ends where the property line is.

Chairman Dunning questioned do you have a full-size survey of your property? Somebody took one and put it on the plan where it says survey. There is at least 10 feet of property that the Borough owns that they are using. That is why the parking works, but it doesn't work.

Attorney Mondello is going to make a suggestion after speaking with Engineer Nash. You are asking for a lot, but you may not think so. To convert a garage to living space is a big no/no and the Board would like to consider it and they may eventually look favorably on it because you do have some compelling reasons. You are spending a great deal of money on these renovations and paving, etc., why not get some professionals that, unfortunately, you will have to pay, to get this right and, instead of you testifying, have them testify. You look perplexed but I am trying to boil that down.

Mrs. Swing stated yes because I am really lost with all these things.

Attorney Mondello commented in that case you should absolutely, positively go back out, hire a professional to do this properly so that all of the questions that the Board has already asked and they may have more can be answered. They are finding some huge deficiencies in these plans and they have some very important questions that you are unable to answer so that would be my suggestion, but I don't know how the Board feels about it.

Member Covelli commented I think Attorney Mondello just gave you some very good advice. In other words, you have no way to know and I have no way to know, of how much water is being handled on your property or not being handled. Again, if we were to approve something and it goes bad, so you say it hasn't flooded in three years but maybe somebody else says it does or maybe tomorrow it does. If/when somebody says who approved this, why didn't anyone give you any calculations on how much water is there. Do

you understand what we are saying? You can't answer these questions because we can't answer them looking at what you have here.

Chairman Dunning stated the other thing is this, if the Borough decided to put curbs in and widen the road to their exact right-of-way, you would lose probably 10 feet of property that you are using right now which would really put a curve into your parking schematic. We need a survey that shows what is on your property right now. What is paved, what isn't paved, and where the parking is going to be. Who drew the survey?

Mrs. Swing stated I don't have the original that was the copy from when I brought the house.

Chairman Dunning agrees with what Attorney Mondello said. We need more information to really move forward on this application so that we can look at it in the right light to see what you are trying to do and make a proper decision.

Mrs. Swing questioned who is the guy I have to look for now?

Member Ludwig questioned who is the architect that you had listed?

Mrs. Swing stated the architect is Afshan Vandal.

Member Ludwig questioned is that somebody you can get in touch with?

Mrs. Swing yes.

Chairman Dunning commented she can tell you what to do. Talk to her about what you need to do to come back here with the right paperwork.

Member Covelli stated she should know what we need. Everything we need is listed on the website in terms of our application process. She can read it. Any client that she has that's going before a Board of Adjustment, we all require the same thing whether it's Wanaque, Pompton Lakes but there could be a few little slight differences, but she should know what you need.

Chairman Dunning commented we are driving you crazy, I know that. We are trying to get the right paperwork to proceed with this thing in the right direction.

Mrs. Swing said yes.

Member Ludwig commented to make the whole thing legal so you can live it.

Member Pasznik commented we are trying to help you. We are trying to get you to get the right information to get to us so we can make an informed decision either way.

Member Covelli stated you have to remember what you are asking of us. You are asking us to not follow the laws of the town for you. You have to make a case as to why we through those rules away forever because what we grant runs the life of the property, not you. You go to sell the house, somebody has a legal 4/5/6 bedroom house, whatever the number is. Your neighbors don't have the right to do that as we speak.

Chairman Dunning stated when the Board grants a variance, it runs for the life of the property, not the ownership application. It is forever. If you are there 20 years, you sell the house it goes on forever. We need good proof as to why to bend the rules. Talk to your architect. She could put you in the right direction.

Attorney Mondello questioned how much time do you think you need?

Mrs. Swing answered I don't know.

Member Covelli stated why don't we give her a month and then we can always do an extension.

MOTION TO CARRY APPLICATION TO JUNE 6, 2016 MEETING: made by Member Covelli, seconded by Member Levine. Motion carried by a unanimous voice vote of all Members.

PUBLIC DISCUSSION: None

RESOLUTIONS: None

CORRESPONDENCE: None

VOUCHERS: submitted by Boswell Engineering for Agostino Properties Application in the amount of \$495.

MOTION TO APPROVE: made by Member Ludwig, seconded by Member Pasznik. Voting yes were Chairman Dunning, Members Covelli, Hain, Ludwig, Levine and Pasznik.

VOUCHERS: submitted by Ronald Mondello, Esq. for attendance at the May 2, 2018 Meeting in the amount of \$400; and for the litigation of lawsuit of Bellante v. Zoning Board of Adjustment in the amount of \$975.

MOTION TO APPROVE: made by Member Ludwig, seconded by Member Hain. Voting yes were Chairman Dunning, Members Covelli, Hain, Ludwig, Levine and Pasznik.

MOTION TO APPROVE April 4, 2018 MINUTES: made by Member Covelli, seconded by Member Pasznik. Voting yes were Chairman Dunning, Members Covelli, Hain, Ludwig, Levine and Pasznik

ENGINEER'S REPORT: Nothing new

Attorney Mondello requested the Board go into closed session to discuss the Bellante Litigation.

MOTION TO GO INTO CLOSED SESSION: made by Member Ludwig, seconded by Member Pasznik. Voting yes were Chairman Dunning, Members Covelli, Hain, Ludwig, Levine and Pasznik.

MOTION TO COME OUT OF CLOSED SESSION AND OPEN MEETING: made by Member Levine, seconded by Member Ludwig. Motion carried by a unanimous voice vote of all Members.

Closed Session Began 8:53:14

Closed Session Ended 9:00:47

DISCUSSION: MKR Enterprises/Tree Tavern

Member Ludwig questioned the extra tables. Why are they even allowed to be there? Engineer Nash commented I am not so sure they were extra.

Member Ludwig commented but it is a potential issue. Fine you don't have a seat, but you could stand there.

Engineer Nash commented that was my point, but it does say 28 maximum customers outside. They're giving the opportunity for there to be more than that.

Chairman Dunning commented it could be if inside isn't full. We sort of touched on that. Member Hain commented that was never stated.

Member Ludwig stated take chairs from inside and bring them out.

Chairman Dunning commented no, not chairs, people. We didn't say chairs. They can have a spill over crowd from the inside go outside as long as he doesn't exceed the total number which was 90 or 91.

Engineer Nash commented it says that you can't have more than 28 patrons outside. You can't have more than that.

Chairman Dunning stated I know what it says, but we also had the discussion about total seating when we talked about the parking. That is what that was based on. So he can say that technically if I want to take 16 bar stools and move them outside I still didn't exceed the limited number of people on the property inside and out.

Member Covelli commented I also believe that the testimony was that someone may want to stand, or someone gets up from the table and walks over to the bar to get a drink and I see my buddy and we start standing at that table putting our drinks down and talking and we didn't add to the number outside.

Chairman Dunning stated let us see what happens. It may come back to us again but we can't do 14 more hearings again.

Attorney Mondello commented if it were to come back, I think the judge would want us to quantify the exact year and maybe perhaps that the zoning ordinance was passed. I saw a publication in the newspaper July 7, 1958, so that is really the date.

Chairman Dunning agreed; it goes back to the mid-fifties. There is no doubt about that. I found the ordinance from 1979 when they updated/amended that ordinance. They amended it for certain reasons. Unless you can find the original ordinance, it is almost impossible to tell when it changed. I have old books from the seventies.

Member Covelli stated the 1968 50th Anniversary Journal of the Borough of Wanaque, whatever that family name is that owned then Polly's, took an ad out in both Wanaque and Ringwood and I have seen both ads from the original books, that said serving Wanaque since 1924 continuously.

Chairman Dunning stated he found something interesting. In 1987 Mr. Hack, the owner at that time, had an application to knock the bar down and build townhouses back there.

Attorney Mondello commented there is some indication that somebody intended to abandon that use, but it never happened.

MOTION TO ADJOURN AT 9:05 PM: Motion carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary