

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DUNMORE BOROUGH ZONING HEARING BOARD

HELD:

Thursday, June 27, 2024

TIME:

7:00 P.M.

LOCATION:

DUNMORE BOROUGH BUILDING
400 South Blakely Street
Dunmore, Pennsylvania 18512

Z O N I N G B O A R D M E M B E R S :

GERARD LONGO - Chairman

TERRY MCDONNELL

PETER SABIA, JR.

ROBERT CUFF - absent

STEVE YANISKO

MOLLY DEMPSEY CLARK, Esquire, Solicitor

MICHELLE SMOLSKIS
OFFICIAL COURT REPORTER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Pledge of Allegiance.)

MR. LONGO: Mike Brazil is absent tonight, so I'm going to do the roll call. Peter Sabia?

MR. SABIA: Here.

MR. LONGO: Gerard Longo? I'm here. Steve Yanisko?

MR. YANISKO: Here.

MR. LONGO: Terry McDonnell?

MR. MCDONNELL: Here.

MR. LONGO: Bob Cuff? Absent.

MR. LONGO: Molly Clark?

ATTY. CLARK: Here.

MR. LONGO: Okay. First on the agenda is Robert Urban, 221 Sherwood Avenue, Dunmore, PA, seeking approval to construct and operate an ice cream stand at 990 East Drinker Street. Representing?

MR. MANDARANO: I'm here. John Mandarano.

MR. LONGO: Okay. Just get sworn in.

1 **JOHN MANDARANO**, having been duly
2 sworn, was examined and testified as follows:

3 *****

4
5 **MR. MANDARANO**: I don't know if
6 anybody saw this yet or not, the drawings. I
7 have copies for everybody.

8 **MR. MCDONNELL**: Are these any
9 different from the big ones?

10 **MR. MANDARANO**: No.

11 **MR. LONGO**: Same thing?

12 **MR. MANDARANO**: Same thing, yeah.
13 So, this project, I think you know where the
14 site is, the Anna Maria's, former Anna Maria's
15 site up there. They're using that site for the
16 sheds and they want to add an ice cream stand
17 and also keep the sheds. So, it'll be two
18 uses, sheds to the rear, the ice cream stand
19 will be in the front.

20 So, we came up with a plan to put
21 the parking behind the ice cream stand, the
22 proposed stand, and then the sheds would be to
23 the rear of the parking.

24 The gray area you see is all paved.
25 Pretty much the whole site has been paved when

1 it was a restaurant.

2 MR. LONGO: Okay.

3 MR. MANDARANO: And the white area
4 is kind of where the building was. So, that
5 was also impervious surface, as well. And now
6 that's just a modified stone.

7 So, they put the shed there now,
8 it's vacant, and parking would go to the rear
9 of that. So, I think on the next page it shows
10 the layout of the parking and where the sheds
11 are located.

12 So, we have a one way driveway in
13 and one way out. So, you could see the parking
14 is angled.

15 MR. LONGO: Right.

16 MR. MANDARANO: There's a couple
17 spots on the side. We have 15 spaces total,
18 one handicap.

19 The zone, it's a -- under the new
20 zone or the old one, the old zoning ordinance,
21 it's a commercial. It allows for restaurants.
22 We're looking at this as being a takeout
23 restaurant. That's the only thing kind of ice
24 cream stands fall under. And that's a
25 permitted use.

1 So, I don't even know if he needs
2 any zoning, to tell you the truth, because it's
3 an allowed use in that zone.

4 MR. LONGO: Right. Your minimum
5 width, you're required 15, you have 30. It
6 seems like that's way wider than 30.

7 MR. MANDARANO: Yes.

8 MR. LONGO: Why do you have that?

9 MR. MANDARANO: Yeah. So, we have,
10 let's see, 69 and 80 -- so we have 120, 130
11 feet.

12 MR. LONGO: I'm just looking at your
13 chart.

14 MR. MANDARANO: Chart.

15 MR. LONGO: Yeah. You have 30. So,
16 you're --

17 MR. MANDARANO: Well, let's see --

18 MR. LONGO: The way I'm looking at
19 it, you have way more than enough.

20 MR. MANDARANO: Yes, we do. But if
21 you see the proposal, they are over the
22 required.

23 MR. LONGO: No. The first one is
24 not.

25 MR. SABIA: The first one you have

1 30 feet.

2 MR. LONGO: You have 30 feet. Did
3 you mean 300? No, it can't be 300.

4 MR. MANDARANO: No. That's the
5 width. Yeah, that's a typo because the width
6 is, like, 130 feet. It's probably supposed to
7 be a one is probably missing there. It's
8 supposed to be 130 feet.

9 MR. LONGO: So, you satisfy
10 everything --

11 MR. MANDARANO: Yeah.

12 MR. LONGO: -- in my opinion, and
13 I'll check with Molly. I think we would just
14 go with a shared use and grant you a shared use
15 with the sheds.

16 MR. MANDARANO: Okay. If you look,
17 the setbacks are on there, actually. So, you
18 could --

19 MR. LONGO: Yeah.

20 MR. MANDARANO: -- see that line.
21 So, we fall within there. So, that 30 is
22 supposed to be 130.

23 MR. LONGO: Got it.

24 MR. MANDARANO: But, yeah, if it's a
25 shared use, that's fine.

1 MR. LONGO: Anybody in the audience
2 have any questions?

3 (No response.)

4 MR. LONGO: No questions. Anybody
5 on the Board?

6 ALL MEMBERS: No.

7 MR. LONGO: Okay. Do I have a
8 motion to grant a shared use with the shed and
9 a takeout ice cream -- or ice cream/takeout
10 food stand? Do I have a motion?

11 MR. YANISKO: I'll make it.

12 MR. LONGO: Okay. I have a motion.
13 A second?

14 MR. MCDONNELL: Second.

15 MR. LONGO: Okay. I have a motion
16 and a second. I'm going to do roll call.
17 Peter Sabia?

18 MR. SABIA: Yes.

19 MR. LONGO: Yes. Myself, Gerard
20 Longo, yes. Steve Yanisko?

21 MR. YANISKO: Yes.

22 MR. LONGO: Terry?

23 MR. MCDONNELL: Yes.

24 MR. LONGO: Motion passes. Good
25 luck.

1 MR. URBAN: Thank you.

2 MR. MANDARANO: See you.

3 MR. LONGO: Next on the agenda is
4 Patrick and Danielle Padula, 222 Ash Street,
5 Scranton, seeking relief for a front and side
6 yard setback to construct a new home at 207
7 Park Street, Dunmore. Representing?

8 MR. PARKER: I'm representing the
9 owners.

10 MR. LONGO: Okay.

11 MR. PARKER: My name is George W.
12 Parker. I'm a registered professional engineer
13 and a registered professional land surveyor in
14 Pennsylvania.

15 ATTY. CLARK: You have to get sworn
16 in.

17
18 **GEORGE W. PARKER**, having been duly
19 sworn, was examined and testified as follows:

20 *****

21
22 MR. PARKER: The owners are seeking
23 variances for what was just described, mainly
24 for setbacks, and what I'd like to do is give
25 you a little bit of history, short history,

1 showing you the reason for the request.

2 The parcel of land that they bought
3 was divided and deeded out over a century ago,
4 so we're talking a long time. I'd like to give
5 you a couple handouts. I don't know if we want
6 to label these as exhibits?

7 ATTY. CLARK: Sure.

8 MR. PARKER: Okay. We'll call that
9 Exhibit 1.

10 MR. LONGO: For the record, we'll
11 mark the first exhibit as Exhibit 1.

12
13 (Exhibit No. 1 was marked
14 for identification.)

15
16 MR. PARKER: The land was deeded out
17 sometime before 1900. The reason I say that is
18 if you look at the drawing I just gave to you,
19 you see the word park on it and you see a
20 little triangular piece of land right next to
21 it, that's the piece of land that we are
22 discussing.

23 For purposes of discussion tonight,
24 let's call it a triangle, even though it isn't
25 a perfect triangle. The short leg of the

1 triangle is 95 feet long, which is along Park.
2 The long leg of the triangle is 180 feet, which
3 is along what is drawn as an alley, and I'll
4 get more into that later.

5 The hypotenuse of the triangle is
6 really a curve because it is the right of way
7 line of the railroad.

8 I point these three things out to
9 you because the land is not completely adjacent
10 to another private property. It's bounded by
11 an alley, a street and the railroad right of
12 way.

13 The land was purchased as you see
14 that shape, and the current deed is the same.
15 I mention that because their hardship is not
16 something they created by subdividing a piece
17 of land and making it too small. That wasn't
18 the case. The land has always been this shape
19 and size.

20 I'm going to give you a second
21 handout. We'll call it Exhibit 2, please.

22 MR. LONGO: Is that a handout of
23 Exhibit 2?

24 MR. PARKER: Yes, sir.
25

1 (Exhibit No. 2 was marked
2 for identification.)

3
4 MR. PARKER: This exhibit shows you
5 fairly current aerial photography with tax
6 parcel lines superimposed on them. It's from a
7 program. I didn't draw them on there. That's
8 the way they actually are.

9 And I'm showing it to you for a
10 couple of reasons. If you compare it to the
11 first sketch I showed you, you can see that
12 Park Street has become a curve, which would be
13 the 95-foot piece.

14 MR. SABIA: Sand Street you're
15 talking about here?

16 MR. LONGO: Right here.

17 MR. SABIA: Yeah, one says Sand
18 Street.

19 MR. YANISKO: Yeah, one says Park,
20 one says Sand. Right.

21 MR. PARKER: I should have mentioned
22 that before, too. Different places I looked
23 for references for the streets, they had
24 different names over the years. At one point
25 it was Anterim Street.

1 Another place I found it to be Sand
2 Street. And the current address that was told
3 to me is what was mentioned in the beginning,
4 207 Park Street. So, that was why you're
5 seeing different street names on it.

6 Thank you for bringing that to my
7 attention and mentioning it.

8 The other reason I'm showing it to
9 you is even today, a hundred years later, the
10 alley showing, the 12-foot alley, the space
11 still exists; however, it is an undeveloped
12 alley. There's no -- you can't traverse it.
13 In fact, it's steep grade drop into it.

14 The other reason I'm showing it to
15 you is that Park Street, instead of going
16 straight as you saw it on the original drawing,
17 it got connected to Sand Street.

18 So, to do that, they put a curve in
19 it when it got paved and that's how you're able
20 to traverse it now. Anyone have any questions
21 on that?

22 MR. MCDONNELL: Well, correct me if
23 I'm wrong but that's a condemned alley, and I
24 could be wrong, that technically would be
25 divided and that could be given to each side.

1 MR. PARKER: You are absolutely
2 right.

3 MR. MCDONNELL: So that's, you know,
4 that's not being cared for. I'm not sure
5 exactly how it works but that would be --

6 MR. LONGO: That's correct.

7 MR. PARKER: The way you just
8 described it is the way I understand it
9 everywhere.

10 MR. MCDONNELL: Yeah.

11 MR. PARKER: Yep. If the alley were
12 to be deeded or given up by the Borough, each
13 property owner would have rights to it who
14 border it. And in this case it would be half.

15 At the turn of the century, I don't
16 know that there were any zoning ordinances, but
17 of course today there are, and this becomes the
18 dilemma for Padulas. And I'd like to make this
19 Exhibit 3.

20
21 (Exhibit No. 3 was marked
22 for identification.)

23
24 MR. PARKER: What I'm showing you
25 here is I'm showing you the extreme hardship

1 they are under in terms of trying to use the
2 property to construct a dwelling.

3 The outer black lines are the
4 property outer, and if you look at the tiny
5 little trail inside of the red dashed lines, by
6 the time you put the setbacks on the property
7 that would be by today's standards, that's all
8 the room you're left to construct. So, to try
9 to put a dwelling within that envelope is just
10 about impossible.

11 And I'm going to give you a fourth
12 handout.

13
14 (Exhibit No. 4 was marked
15 for identification.)

16
17 MR. PARKER: The Padulas would like
18 to develop the property by constructing a
19 single family dwelling. The thick black lines,
20 again, are the property boundaries which have
21 not changed since the 1800's, and the red lines
22 would be the footprint of the proposed
23 dwelling.

24 To try to alleviate some of the lack
25 of compliance with the ordinance, we have left

1 four feet on the alley side of the house.

2 MR. YANISKO: Right here?

3 MR. PARKER: Right here.

4 MR. YANISKO: That's four?

5 MR. PARKER: Right.

6 MR. YANISKO: What's that right
7 there, though, is that eight?

8 MR. PARKER: It's a four little
9 foot --

10 MR. YANISKO: Okay.

11 MR. PARKER: -- a little foot sign
12 on it.

13 MR. YANISKO: That's a four?

14 MR. PARKER: Yeah.

15 MR. YANISKO: All right.

16 MR. PARKER: And that would be,
17 again, just to the property line. But, again,
18 in terms of impact, there's still that 12-foot
19 space where the alley could conceivably be.

20 MR. YANISKO: Right.

21 MR. PARKER: Then the house would be
22 68 feet long, we'll call it, left to right, and
23 there's still a space of eight feet between the
24 rear corner, right rear corner of the house,
25 and the property line.

1 MR. LONGO: That's the narrowest?

2 MR. PARKER: Pardon me?

3 MR. LONGO: That's the narrowest
4 point?

5 MR. PARKER: The narrowest point,
6 yes.

7 MR. SABIA: Yeah, but what's the
8 frontage? You're 95? Is that what that 95 is?

9 MR. PARKER: That's the property
10 frontage.

11 MR. SABIA: Yeah, 95.

12 MR. PARKER: And the house would be
13 68.

14 MR. SABIA: Sixty-eight. Yep. How
15 close to the front are you going to be?

16 MR. PARKER: They're placing the
17 front right on the property line.

18 MR. LONGO: Right on the line.

19 MR. PARKER: Now, one thing that I
20 will point out to you, let's talk about impact.
21 I already mentioned the alley. The impact to
22 the rear of the properties along the alley,
23 there's still a buffer, so to speak, because
24 the alley isn't developed.

25 The right of way of the railroad, of

1 course, there's no impact to a person with a
2 residence because it's a railroad right of way,
3 and by virtue of the street being paved the way
4 it was, if you look at the shaded area, that's
5 where the pavement really is today. Okay? See
6 the shaded area? See the shaded area here?

7 MR. MCDONNELL: Oh, yeah, yeah,
8 yeah.

9 MR. PARKER: That's where the
10 pavement really is today.

11 MR. LONGO: So, what is here, a
12 road?

13 MR. PARKER: I guess it's
14 technically borough right of way.

15 MR. YANISKO: You really can't see
16 the street because of the trees. Most of them
17 are gone right here now. so, yeah, you're
18 pretty much --

19 MR. SABIA: You got a long way
20 before you hit the road.

21 MR. LONGO: Yeah.

22 MR. YANISKO: Correct. He's just
23 showing you that that's legally their property.

24 MR. MCDONNELL: The whole other side
25 is un-developable. You can't develop the other

1 side of the property so --

2 MR. LONGO: And this is all -- I
3 mean, it's borough land but it's all --

4 MR. PARKER: When it was developed
5 as a park, the existing property, and if you've
6 been up there recently, you can see the --

7 MR. YANISKO: The blacktop? I was
8 just showing this.

9 MR. PARKER: No, no. I'm looking
10 for the little shed.

11 MR. SABIA: I was up there today.

12 MR. PARKER: Yeah. Let's see if it
13 shows on the other drawing better, because you
14 would be familiar with that.

15 Well, you could see it vaguely on
16 here, but here's the little shed.

17 MR. MCDONNELL: Yeah.

18 MR. PARKER: It isn't even on the
19 property. So, that shed that you see there
20 when you drive by isn't even on the property.

21 MR. MCDONNELL: It was a free for
22 all back then.

23 MR. PARKER: Pardon me?

24 MR. MCDONNELL: It was a free for
25 all.

1 MR. YANISKO: Yeah. Pretty much.

2 MR. PARKER: Now, obviously they
3 have a hardship. Obviously they would like to
4 construct a dwelling. And in terms of impact
5 to other persons or property owners, the
6 impact, we do not believe, is that great for
7 some of the reasons I just mentioned.

8 The other thing is that they are
9 getting rid of what would be a blighted area to
10 the Borough. It's my understanding the park
11 has been demolished for about 20 years or more.

12 So, all of that area is going to be
13 cleaned up and beautified with a new dwelling,
14 which I would think the neighbors would be
15 happy about versus what was there before for
16 the past several years. And they're not
17 impacting anyone left or right because of the
18 points I mentioned before.

19 Does anyone have any questions for
20 me?

21 MR. LONGO: So, you're looking for
22 relief for the front yard and both side yards?

23 MR. PARKER: Correct.

24 MR. LONGO: Anybody on the Board
25 have a question?

1 MR. MCDONNELL: Yeah. Let me ask,
2 so that's a big piece of property in the back
3 there, and maybe if at some point they're going
4 to put a garage or something, that should
5 probably be included, don't you think, and he
6 would never have to come back? Or if they were
7 going to develop something in the back.

8 MR. LONGO: I mean, we could do
9 that. It wouldn't be -- it would just be both
10 side yards for the garage.

11 MR. MCDONNELL: Right.

12 MR. YANISKO: Or just one side yard
13 coming in from the alley.

14 MR. LONGO: Either one. Depending
15 on where it's put.

16 MR. MCDONNELL: Right. But this,
17 you know, at least he doesn't have to come back
18 in. We've done that before.

19 MR. LONGO: Sure.

20 MR. MCDONNELL: You know? So, if
21 you want to put something in --

22 MR. LONGO: Do you have plans to do
23 that in the future?

24 MR. PADULA: Eventually down the
25 road, yes.

1 MR. MCDONNELL: So, put the
2 dimensions or what, you know, what you're --
3 you're gonna put a garage in, I guess, and then
4 we'll include it and --

5 ATTY. CLARK: But we would need
6 that --

7 MR. LONGO: Thirty by thirty. Or do
8 you need more?

9 MR. PADULA: Thirty by thirty.

10 MR. LONGO: And you can go smaller.

11 MR. PADULA: Okay. But thirty by
12 thirty --

13 MR. LONGO: Thirty by thirty?

14 MR. PADULA: Uh-huh. Yeah. That'd
15 be great.

16 MR. LONGO: Okay.

17 ATTY. CLARK: So they're just
18 amending the --

19 MR. LONGO: We're going to amend it
20 and then let them put 30 by 30 garage in with
21 the relief from either one of both side yards.

22 ATTY. CLARK: Okay.

23 MR. LONGO: Any other questions?
24 Anybody in the audience have questions?

25 (No response.)

1 MR. LONGO: Okay. Looking for a
2 motion for relief for the house for both side
3 yards and the front yard, and we're going to
4 add a 30 by 30 garage relief with one or both
5 side yards. Do I have a motion?

6 MR. SABIA: I'll make a motion.

7 MR. LONGO: Peter. I have a motion.
8 Do I have a second?

9 MR. MCDONNELL: Second.

10 MR. LONGO: Terry's got the second.
11 Roll call. Peter?

12 MR. SABIA: Yes.

13 MR. LONGO: Yes. Gerard? Yes.
14 Steve Yanisko?

15 MR. YANISKO: Yes.

16 MR. LONGO: Yes. Terry?

17 MR. MCDONNELL: Yes.

18 MR. LONGO: Motion approved. Good
19 luck.

20 MR. PADULA: Thank you. I
21 appreciate it.

22 ALL MEMBERS: Thank you.

23 MR. PARKER: Thanks for hearing me
24 out.

25 ALL MEMBERS: Thank you.

1 MR. LONGO: Okay. Last on the
2 agenda, Andrew Fazio, 616 Jessup Street,
3 seeking side yard setback variance to construct
4 an addition to the residence. Andy.

5 ANDREW FAZIO: Yes. Dan will talk
6 about it. It's his house. It's not my house,
7 but it's his house.

8 MR. LONGO: Dan, just go right up
9 and get sworn in and tell them your name.

10

11 DANIEL FAZIO, having been duly
12 sworn, was examined and testified as follows:

13

14

15 DANIEL FAZIO: So, I'm here to get a
16 setback variance for a bedroom for my daughter
17 that was born in November. The issue being is
18 I would be building close to the line. Two
19 feet exactly. It could be less, but I put two
20 feet in just to play it safe.

21

22 I did get a letter written up and
23 signed by the neighbor that would be the
24 addition would be built on. He has no issues
25 with it. He signed it. I gave a copy to --

25

MR. LONGO: I have a copy here.

1 DANIEL FAZIO: Okay. Saying that it
2 was fine. The addition would be built up in
3 the air, so there wouldn't be an actual
4 structure on the ground. So, basically a
5 couple posts that the neighbor would
6 technically see, but I --

7 MR. LONGO: And the neighbor you're
8 talking about is Paul Kwiec?

9 DANIEL FAZIO: Paul Kwiec. Yep.
10 Yep. I talked to him and his wife and they
11 said whatever they need to do, you know, they
12 have no issues with. That's why I had him sign
13 the paper just to verify that, you know --

14 MR. LONGO: So, your addition's
15 going to be connected to your house, it's going
16 to be one story up and it's going to be like a
17 carport underneath, you could drive under it?

18 DANIEL FAZIO: No. It'll be just
19 like a walkway.

20 MR. LONGO: Okay.

21 DANIEL FAZIO: But like a carport,
22 yeah. I mean, it's just going to be open.

23 MR. LONGO: And then you're just
24 going to have posts --

25 DANIEL FAZIO: Posts on the ground.

1 MR. LONGO: -- holding it up?

2 DANIEL FAZIO: Holding it up.

3 MR. SABIA: How big of an addition?

4 DANIEL FAZIO: We don't have exact
5 sizes. I think it was off the house, it'd be
6 like eight feet in the house and maybe, like,
7 three or four feet beyond the house.

8 MR. LONGO: Okay.

9 DANIEL FAZIO: I think there was a
10 total of eight or nine feet on the side so --

11 MR. LONGO: And you're not going to
12 go no more than two feet --

13 DANIEL FAZIO: Off the property
14 line, no.

15 MR. LONGO: Okay.

16 DANIEL FAZIO: It will probably be
17 in a little bit more but --

18 MR. LONGO: In more than two feet?

19 DANIEL FAZIO: Yeah. But I just
20 wanted to play it safe so then there was no
21 issues with anyone.

22 MR. LONGO: All right. Molly, we
23 all right with this letter?

24 ATTY. CLARK: I added the
25 gentleman's name, Paul Kwiec. Is that how you

1 say his name?

2 DANIEL FAZIO: Kwiec.

3 ATTY. CLARK: At the bottom under
4 his signature. And I think we should make it
5 an exhibit. I mean, it should be notarized,
6 but we could go with his testimony, and the guy
7 didn't come so --

8 MR. LONGO: Okay. Let's do that.

9 DANIEL FAZIO: I could provide the
10 phone number if you'd like for him, also.

11 ATTY. CLARK: That's helpful.

12 DANIEL FAZIO: Okay.

13 ATTY. CLARK: And I'm just going
14 to add it to this exhibit that we'll mark
15 Exhibit 1.

16 MR. LONGO: Okay.

17
18 (Exhibit No. 1 was marked
19 for identification.)

20
21 ATTY. CLARK: And he would have been
22 given notice of the hearing tonight, right?

23 DANIEL FAZIO: Yeah.

24 ANDREW FAZIO: I had the sign in the
25 yard.

1 ATTY. CLARK: Okay.

2 ANDREW FAZIO: They're still in the
3 yard.

4 MR. YANISKO: Can you just clarify
5 this for me?

6 DANIEL FAZIO: Yeah.

7 MR. YANISKO: So, the addition goes
8 from this line to this line?

9 DANIEL FAZIO: No. The way my house
10 is built, there's a big recess in here.

11 MR. YANISKO: Right.

12 DANIEL FAZIO: So it would go that
13 way. And then there would be the property
14 lines built out like --

15 MR. SABIA: Show me, too.

16 DANIEL FAZIO: Okay.

17 MR. YANISKO: Why don't you draw it.
18 I see the existing house.

19 DANIEL FAZIO: Right. And then the
20 house is built in here.

21 MR. YANISKO: Oh, okay.

22 DANIEL FAZIO: There's, like, a
23 recess --

24 MR. YANISKO: That's the foundation
25 kind of?

1 DANIEL FAZIO: Yeah. That's the
2 outside of the house.

3 MR. YANISK0: Okay.

4 DANIEL FAZIO: But where this is,
5 it's recessed back.

6 MR. YANISK0: So, it's just right
7 here?

8 DANIEL FAZIO: Right. And then what
9 we're doing is we're building in this way.

10 MR. YANISK0: You can draw on it.

11 DANIEL FAZIO: We're building in
12 this way, because that's open right here. And
13 then we're coming out --

14 MR. YANISK0: Okay.

15 DANIEL FAZIO: -- that way.

16 MR. YANISK0: Okay.

17 DANIEL FAZIO: And this would just
18 be, like, a covered porch or whatever you want
19 to call it, and then that would be open.

20 MR. SABIA: Okay. And you're
21 building just a square right like this?

22 DANIEL FAZIO: Yep. Like a
23 rectangle.

24 MR. YANISK0: Yeah. On the second
25 floor.

1 DANIEL FAZIO: On the second floor.
2 We have to put in probably a post there, a post
3 there, whatever.

4 MR. SABIA: This was open before,
5 I'm assuming. Now it's still going to be open
6 because --

7 MR. LONGO: So, the actual part that
8 you need is going to be no more than 80 feet
9 you're saying?

10 MR. SABIA: Right here.

11 DANIEL FAZIO: Yeah, right here.

12 MR. LONGO: Just from here to there?

13 DANIEL FAZIO: Right. Because the
14 existing house is there, but there's a big,
15 like -- the way the house was built, there's an
16 opening up in here. So, like, there's nothing
17 above there. It was never used.

18 MR. YANISKO: Right. Yeah.

19 DANIEL FAZIO: So, I'm going to take
20 out that roof and we're going to build right
21 there out.

22 MR. LONGO: Got it.

23 ATTY. CLARK: Are you guys marking
24 that up? Did he write on it?

25 MR. LONGO: Yeah.

1 ATTY. CLARK: We should make that an
2 exhibit, too.

3 MR. LONGO: Okay.

4
5 (Exhibit No. 2 was marked
6 for identification.)

7
8 MR. SABIA: That's it, right?
9 This --

10 DANIEL FAZIO: I could try to show
11 you a picture of the house so you could kind of
12 understand where the --

13 MR. YANISK0: I pretty much --
14 that's probably like a Cape Cod. That roof is
15 a little bit different than the other side, so
16 you're --

17 DANIEL FAZIO: Yeah. It's down
18 instead of in the main part of the house.

19 MR. LONGO: I'm good with that. You
20 all right, Terry?

21 MR. MCDONNELL: Yeah.

22 MR. LONGO: Okay. Do I have a
23 motion to allow the construction of a bedroom
24 not to be any closer than two feet from the
25 property line, approximately eight to ten feet

1 out from your house?

2 DANIEL FAZIO: I think it's only --
3 I think when we -- we figured six and a half.

4 MR. YANISK0: Six and a half it
5 says.

6 MR. LONGO: Six and a half?

7 DANIEL FAZIO: Yeah.

8 MR. LONGO: So, not to exceed eight
9 feet.

10 DANIEL FAZIO: Correct. Yeah,
11 because I think there's only, like, eight and a
12 half feet from the house to the line.

13 MR. LONGO: Okay. So, we'll do six
14 and a half.

15 MR. YANISK0: That makes sense with
16 the map.

17 DANIEL FAZIO: Yeah. Yeah, because
18 it's two, six, eight and a half. Yeah. So,
19 I'm only coming off from the house six and a
20 half feet.

21 MR. LONGO: Okay. We're going to
22 look for an addition to the house of
23 approximately six and a half feet, no more than
24 two feet from the property line.

25 DANIEL FAZIO: Yep.

1 MR. LONGO: Off the property line.

2 DANIEL FAZIO: Uh-huh.

3 MR. LONGO: Do I have a motion?

4 MR. YANISKO: I'll make the motion.

5 MR. LONGO: And a second?

6 MR. MCDONNELL: Second.

7 MR. LONGO: Terry?

8 MR. MCDONNELL: Yes.

9 MR. LONGO: Okay. Peter?

10 MR. SABIA: Yes.

11 MR. LONGO: Gerard? Yes. Steve?

12 MR. YANISKO: Yes.

13 MR. LONGO: And Terry?

14 MR. MCDONNELL: Yes.

15 MR. LONGO: Okay. Motion approved.

16 Good luck.

17 DANIEL FAZIO: Thank you very much.

18 MR. LONGO: Motion to adjourn.

19 MR. MCDONNELL: Motion.

20

21 (Meeting adjourned.)

22

23

24

25

C E R T I F I C A T E

1
2
3 I hereby certify that the proceedings and
4 evidence are contained fully and accurately in the
5 notes taken by me of the above-cause and that this copy
6 is a correct transcript of the same to the best of my
7 ability.

8
9
10 _____
11 Michelle Smolskis
12 Official Court Reporter
13
14
15
16
17
18
19
20
21
22

23
24 (The foregoing certificate of this transcript does not
25 apply to any reproduction of the same by any means
unless under the direct control and/or supervision of
the certifying reporter.)