

BOROUGH OF WESTVILLE

Land Use Board

Meeting Minutes

Monday, July 18, 2016

The meeting was called to order by Chairman Vince DiCicco at 7:06 p.m. who read the Public Notice, followed by the Salute and Pledge of Allegiance.

Roll call was taken, with the following persons in attendance:

Solicitor Thompson, Chairman Vince DiCicco, Board Members: Raymond Berry, William Bittner, Jr., Travis Lawrence, Charles Murtaugh, applicant Rafael Ocampo and Board Planner/Engineer Candace Kanaplue.

ABSENT: John Louis, Dawn Leamy, Bruce Nordaby, George Baker and Joseph Baldwin

A motion to approve the May 2, 2016 meeting minutes was made by Board Member William Bittner and seconded by Board Member Charles Murtaugh. Motion was unanimously approved by voice vote.

OLD BUSINESS:

No old business.

NEW BUSINESS:

BULK VARIANCE APPLICATION

An application to approve a bulk variance for a 12x20 ft. shed with a side yard setback of one foot was submitted by Applicant Rafael Ocampo of 104 Poplar Avenue, Block 35, and Lot 27. Applicant Rafael Ocampo and Board Planner/Engineer Candace Kanaplue were sworn in by Solicitor Thompson to provide testimony.

Solicitor Thompson asked Mr. Ocampo if the application submitted was for a shed or a garage. Mr. Ocampo stated the structure is a garage and will be 11 ft. tall. Solicitor Thompson stated that the applicant is seeking for the proposed garage to be permitted to be one foot from the setback line, with the adjoining Block 35, Lot 27. Mr. Ocampo acknowledged that the existing two-story frame dwelling and the frame shed in the rear yard do not meet the present setback requirements for the R-1 Residential Zoning District and thereby constitute pre-existing, non-conforming structures. Solicitor Thompson explained to Mr. Ocampo that in the event the dwelling or shed are destroyed by fire or should have to be replaced, Mr. Ocampo would need to apply for variances in order to rebuild.

Board Planner/Engineer Candace Kanaplue deemed the application as complete and a motion to determine the application as complete was made by Board Member Charles

Murtaugh and seconded by Board Member William Bittner. Motion was unanimously approved by voice vote. Solicitor Thompson advised that the Board had jurisdiction to hear the application and asked Mr. Ocampo to describe the structure he would like to

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NEW BUSINESS: (continued)

build. Mr. Ocampo explained that the purpose for the garage would be to store his antique car and motorcycle. He stated he will not be conducting any commercial business out of the garage and that the garage needs to be built in the proposed location, especially for emergency situations. It cannot be built further back because it would interfere with the path leading to his home.

Candace Kanaplue, of Bach Associates, went over the review letter dated June 30th, 2016. She stated the use is permitted and that the questions that were asked had been answered by Mr. Ocampo.

PUBLIC COMMENT:

A motion to open the meeting to the public was made by Board Member William Bittner and seconded by Charles Murtaugh. Motion was unanimously approved by voice vote. There was no one in the public to comment. A motion to close the public portion was made by Board Member William Bittner and seconded by Board Member Travis Lawrence. Motion was unanimously approved by voice vote.

Solicitor Thompson advised a motion should be made to approve the bulk variance for Mr. Ocampo. A motion to approve was made by Board Member William Bittner and seconded by Board Member Travis Lawrence. Motion was unanimously approved by roll call vote.

Solicitor Thompson explained to Mr. Ocampo that at the next meeting the Board would memorialize the bulk variance approval. A publication of the approval will be advertised in the newspaper and if anyone wishes to challenge the approval, they have 45 days from the date of publication. He advised Mr. Ocampo that he is permitted to start the process of building the garage, but he may want to wait until the 45 days in case there is a legal challenge.

COMMUNICATIONS: No communications.

COMMENTS FROM BOARD MEMBERS: No comment received.

A motion to adjourn the meeting was made by Board Member Charles Murtaugh and seconded by Board Member Travis Lawrence. *Motion unanimously approved by voice vote.*

The meeting was adjourned at 7:20 p.m.

Respectively Submitted,

Nicole O'Hara