

**ZONING COMMISSION  
SPECIAL MEETING APRIL 2, 2012**

Commission Chair Joe Savarese called the meeting to order at 7:00 P.M. with the following in attendance:

**MEMBERS:**

Joe Savarese, Chair  
Diana Raczkowski, Vice Chair  
Neil Mascola  
Stanley Jaroneczyk, absent  
Richard Cool  
Sally Brouillet, alternate, absent

**OTHERS:**

Public: 0  
Wayne Zirolli, Boro Eng.  
Attorney Stephen Savarese

**SPECIAL MEETING**

1. Commission Chair Joe Savarese took attendance and noted there was a quorum. He opened the meeting with the Pledge of Allegiance.

- A. Executive Session with Attorney Stephen Savarese regarding threatened litigation- Bronko, Finlay cross-complaints.

The executive session was tabled.

2. **OLD BUSINESS:**

1. Commission Discussion and Review of January 30 Decision regarding agreement of property owners to correct conditions of zoning violation and further Decision as conditions warrant – Bronko, Finlay Properties.

Joe explained that both parties had work to be done on their respective properties and that they were there tonight to see what has been done. Joe began by asking Mr. Finlay if he would like to speak on where he is at this point in time. Mr. Finlay said he had no comment until the end of the meeting. Attorney Richard Bruno said they are waiting for the proposal by Mr. Finlay if he has an alternate solution. He said the Southwest Conservation matter should be put into effect and he should comply with it. Wayne said he took pictures and that there was a little work done to patch the gap in the berm. He took some measurements and right now the slope in the back is about 1 to 1 or 1.5 to 1. Mr. Finlay could soften the slope and make it close to 2 to 1 along with landscaping, mulch and seed to stabilize the slope. Patching the berm and making a little bit of a swale will clear up the outstanding grading issues. Joe said the back slope has some variables, so he could see where dressing out the slope would be acceptable to prevent further runoff to the rear property owner. He told Mr. Finlay that the commission had 2 requirements:

1. the minor swale that needs to be adjusted
2. the back issue, which needs to be dressed out and landscaped

Joe asked Mr. Finlay if he was in contact with Southwest Conservation or the Town Engineer. Mr. Finlay said he has been working with the Borough Engineer, Wayne Zirolli. There will be no more water issues once the berm is in place. He said he has already started it. Eileen Bronko, 34 Fairfield Court, said she is not aware that anything is different. The only thing is that it looks like grass or something was put at the back of the property, building it up again. There is a whole berm piece that is not a berm any more- it's level. Joe asked Wayne if he saw a change in the terrain. Wayne said very minor. He felt that fixing the hole in the berm will help, but there should also be a swale to redirect the water. Diana asked how high the berm should be, to be effective. Wayne said at the most a foot high along with a swale. Diana asked Mr. Finlay how long it would take him to do the berm and swale. Mr. Finlay said 4 hours. Mr. Finlay said he started the berm on Sunday. Wayne said it could be more substantial. A discussion ensued regarding a swale versus a check dam. Wayne didn't think that stone was necessary in this case. He felt that a slight change in the elevation of the yard would help keep the water on the Finlay property. Diana said the important thing is that the water needs to be diverted back to the Finlay property, so the berm needs to go around the back of the property as well. She said Roman was concerned over the long term with runoff going onto the wetlands in the back. Joe asked the Bronko's what they had done to their property. Mr. Bronko said they placed hay bales, but hadn't done any planting yet until the problem is corrected. Attorney Bruno said he is concerned about the slope that they can't plant due to rocks and not enough soil. Wayne said a little slope softening and it can be made a 2 to 1 slope. Diana said Mr. Finlay was supposed to finish the grading by 2003 and never did. He was fined for violations. In 2007, he wanted to put in a deck, but couldn't get a permit because he owed the Borough money. He agreed he would pay the fine, bring it to a 2 to 1 slope and grade, topsoil and seed the area in 30 days. He did make it a 2 to 1 slope, but then it went back to the way it is now. Diana suggested that he could put in a wall if he can't make it a 2 to 1 slope. A discussion ensued regarding the final conditions. Attorney Bruno asked that before any work is done by Mr. Finlay, the Bronko's be notified. Diana asked Wayne to touch base with them. A discussion ensued as to the prior removal of brush between the properties. Mr. Finlay showed the commission the berm which he added on Sunday in Wayne's photo of the property. Wayne said there was work done, but Mr. Bronko said it was inadequate. Mr. Finlay suggested that they blend the two property lines together. He would supply the materials and do the work. Mrs. Bronko said it would kill the trees on their property if he brought in fill and they are not interested in that. Joe asked that both parties consider the offer. Mr. Bronko said they will consider the offer, but he didn't think it was something that they

need to act on tonight. Mr. Finlay said he will have the swale and the berm done within a week.

**VOTED:** Unanimously on a motion by Diana Raczkowski and seconded by Richard Cool that by Monday May 4<sup>th</sup>, 2012, the grassy swale 6” deep that redirects all runoff from the Finlay property back onto his property and extends around the back of the property will be completed and a 1’ berm will be constructed along the area that was marked on their site walk for the berm. That would be completed by May 4<sup>th</sup>, 2012 and the commission will meet again on Monday May 7<sup>th</sup>, 2012 at 6:00 to discuss whether or not it was done to Wayne Zirolli’s satisfaction. Mr. Zirolli will inspect it by then.

**VOTED:** Unanimously on a motion by Diana Raczkowski and seconded by Richard Cool that by May 7<sup>th</sup>, 2012 the 2 parties will attempt to come to an agreement by which Mr. Finlay will provide earth materials to blend the 2 properties together eliminating the steep slopes and water runoff problems. If the 2 parties do not come to that agreement, then Mr. Finlay will bring the slope to a 2-1 slope or create a stepped wall with materials to be approved by Mr. Zirolli with plantings along the area of the wall and any part of the slope, that is not 2-1. The plants are to be approved by Mr. Zirolli and guaranteed for 2 growing seasons. Mr. Finlay would contact the zoning department and Mr. Zirolli when work begins so that it can be inspected, within 60 days of today, which would be June 4<sup>th</sup>, 2012.

**VOTED:** Unanimously on a motion by Diana Raczkowski and seconded by Richard Cool to adjourn the meeting at 8:24 PM.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary/sg