

**ZONING COMMISSION
SPECIAL MEETING JANUARY 30, 2012**

Commission Chair Joe Savarese called the meeting to order at 6:00 P.M. with the following in attendance:

MEMBERS:

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

OTHERS:

Public: 0
Steve Macary, CZEO
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 potential litigation- Bronko, Finlay properties.

The executive session was tabled.

2. **NEW BUSINESS:**

- A. Commission Discussion and Review of January 18 Decision regarding zoning violation and resultant action – Bronko, Finlay Properties.

Joe Savarese said the reason they called this special meeting was because there was more than one commissioner who thought they may not have made an accurate vote at the January 18, 2012 meeting, because they didn't understand the motion. He asked if any of the commissioners would like to identify themselves and speak up. Neil Mascola said he misunderstood the vote when he read the transcribed minutes. He thought he was voting on what was in Roman Mrozinski's report. He didn't realize that the old letters were read into the motion when there was still a question of the statute of limitations on them. Sally Brouillet said she thought she voted too quickly and didn't understand too much. She felt that she may have missed something which added to her incorrect vote. Her biggest problem was that there was no legal opinion on the statute of limitations of the letter. She thought she was voting for the Bronko's and the Finlay's to follow Roman's advice. Joe agreed with Neil and Sally that Roman's suggestions to the Bronko's and Finlay's would solve the problems. He said there is some contention as to whether or not 350 yards of fill was brought in, in small increments. He asked Wayne to comment on the amount of area and the elevations and if 350 yards is a

reasonable amount. Although Wayne didn't do any of the calculations, he felt that 350 yards was just about the right amount. Joe said it's hard to make the determination of how much fill was really brought in. A discussion ensued as to how much fill the Finlay's brought onto their property. It was determined that there is no way to exactly tell how much fill was brought in. The next topic of discussion was about Roman's report which said it would be ridiculous to rip up the rear boundary because the large boulders act as a retaining wall. Joe recalled the last time he spoke with Mr. Finlay and the Bronko's and he thought they agreed that the berm would be finished, the swale would be done and the back would be dressed out with some type of retaining wall, shrubs or plantings. Joe said technically he thought the vote put forth on January 18, 2012 was correct, however he thought there was some missing information that may not have been brought into the voting process. He thought they may want to obtain a motion for reconsideration and then discuss the situation, including all parties. Rick Cool recused himself. Joe appointed Sally as a regular voting member. Diana asked if everyone was clear that there is no statute of limitations on the letters regarding stipulations and the two to one slope. The commission shared their opinions. Neil said he couldn't believe they had to bring a lawyer in for a neighborhood dispute. He thought that Roman's report should have been the end of it. Sally agreed with Neil's opinion. She thought they should have a vote for reconsideration. Diana said they need to consider the original agreement regarding the 2 to 1 slope. She felt a wall with plantings should be considered to dress the area. The boulders could stay, but should be dressed up with plantings. She thought that would be a viable alternate to sloping it 2:1. Joe said it was up to the commission to come to a decision that's fair and reasonable for all the parties involved. Neil made a motion and Sally seconded, to take a five minute recess. When the meeting reconvened, Eileen Bronko said they appreciated Roman's input. She said they would be happy with a small wall and vegetation to make it look good. Joe asked all parties to be reasonable and stay within the current zoning regulations.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by DianaRaczkowski to reconsider the decision made on January 18, 2012.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by Neil Mascola, to **rescind** the vote of January 18, 2012, the Bronko/Finlay decision. Diana said the Finlay's must do the following:

1. Construct a swale along the Southerly Finlay/Bronko property line on the Finlay property that goes around to the back of the property per the recommendations stated by Southwest at the site walk, which are in part as follows: They must construct a 4" wide swale that is 6" deep and lined with crushed stone that has check dams at intervals to slow the flow of water and to divert it back to the Finlay property. Southwest said they would provide drawings and

specifications for Mr. Finlay to follow. This would allow it to disperse over a bigger part of the lawn rather than directly onto the Bronko property. However, if an alternative plan is recommended by Mr. Finlay and is approved by Southwest Conservation and the zoning commission that accomplishes the same goal, they would entertain that as well, but it must be submitted within 60 days.

2. He must stabilize all the exposed and eroded soils that were spotted on the site walk and in the spring, permanent stabilization will be accomplished with seeding or plantings that must be completed by the end of spring.

A discussion ensued as to how to move forward with the 2 to 1 slope along the rear property line and what is to be done with it. It was recommended that they discuss it with Roman before making a decision. Joe said he would entertain a motion on items 1 and 2. Diana reread items 1 and 2 and added the following to the motion:

The Bronko's need to do the following: They need to stabilize all the eroded soils that were spotted along their northerly property line with the Finlay's. They should do that, as well, with permanent seeding and plantings by the end of spring.

Joe asked the commissioners if they were absolutely clear what the vote is.

The motion is as follows:

1. Construct a swale along the Southerly Finlay/Bronko property line on the Finlay property that goes around to the back of the property per the recommendations stated by Southwest at the site walk, which are in part as follows: They must construct a 4" wide swale that is 6" deep and lined with crushed stone that has check dams at intervals to slow the flow of water and to divert it back to the Finlay property. Southwest said they would provide drawings and specifications for Mr. Finlay to follow. This would allow it to disperse over a bigger part of the lawn rather than directly onto the Bronko property. However, if an alternative plan is recommended by Mr. Finlay and is approved by Southwest Conservation and the zoning commission that accomplishes the same goal, they would entertain that as well, but it must be submitted within 60 days.
2. He must stabilize all the exposed and eroded soils that were spotted on the site walk and in the spring, permanent stabilization will be accomplished with seeding or plantings that must be completed by the end of spring.
3. The Bronko's need to do the following: They need to stabilize all the erode soils that were spotted along their northerly property line with

the Finlay's. They should do that, as well, with permanent seeding and plantings by the end of spring.

The commissioners agreed that it was clear. Sally asked Mr. Finlay and Mr. Bronko if they were in agreement. They both said yes. Sally asked that it be put into the record.

VOTED: Unanimously on a motion by Diana Raczkowski and seconded by Neil Mascola to **APPROVE** the motion as read by Diana Raczkowski.

Discussion continued between the commission and the Bronko's and the Finlay's regarding the motion.

B. Adjournment.

VOTED: Unanimously on a motion by Stanley Jaroneczyk and seconded by Sally Brouillet to adjourn at 7:53 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary/sg