

The regular meeting of the January 19, 2005 Board of Zoning Appeals meeting was called to order at 7:30 p.m. Present were Chairman James Bolander, Charles Cvitkovich, Genevieve Silveroli and Gregory Engelking. Also present was Secretary, Nicole Rosiu.

Mr. Bolander asked the audience to stand for the Pledge of Allegiance.

Mr. Engelking moved to approve the minutes of the December 15, 2004 meeting. Seconded by Mr. Cvitkovich. Roll call, all approved.

Jeff Nagy was sworn in representing Ryan Homes. Mr. Nagy explained that he submitted a packet, which included a letter stating the reason he would like phase 3 of Westfield Park to have decks that encroach the rear building setback line by 5 feet. Mr. Nagy stated that phases 1 and 2 already got the variance. The decks will not be on the drainage easement. Mr. Nagy said that the exhibits he has in the packets shows 2 different types of lots, ones with 22-foot setbacks and ones with 25-foot setbacks. Mr. Nagy explained that the houses with a 22-foot setback have a 14-foot easement now and they would have a 9 ½-foot with the variance and the houses with a 25-foot setback have a 15-foot easement now and they would have a 10-foot with the variance, which would still allow 5 feet from the catch basin. Mr. Nagy stated that the main thing he would like to emphasize is that with the extra 5 feet for the decks, it will still allow for the flow of water as long as the homeowner does not do any mound landscaping.

Mr. Bolander said that if the homeowners start filling in the catch basins with dirt, it would create a problem. Mr. Nagy stated that Ryan Homes does not landscape, the homeowners do. Mr. Bolander said that the homeowners should know that. Mr. Nagy stated that he has talked to the homeowners about water and drainage in that area. Mr. Engelking asked if Westfield Park has a homeowners association. Mr. Nagy said yes, they are not a part of this, but they do know about it. A resident was sworn in and asked whom the head of the homeowners association is. Mr. Nagy said he believes it is Bob Stone. The resident said that the yards against the fence are sloped down and if a deck is built and encroaches the setback lines, it will encroach the drainage easement. Mr. Cvitkovich said that it would not encroach. Tim Hargis was sworn in and stated that he is a resident of Westfield Park and that he is part of the oversight compliance committee for the development. Mr. Hargis stated to the resident that when a deck is applied for, it has to go through the homeowner's association, then through the Township to get approval.

Pete Fischer was sworn in and stated that he is a resident in Westfield Park. Mr. Fischer said that Westfield Park is a smaller development and he would like to have more land and make the value of the house better. Mr. Engelking asked if the houses on Wayside are backed up to the fence around the soccer field. Mr. Nagy said that 2 of the houses are, the rest are not. Mr. Engelking asked what is

behind the other houses on Wayside. Mr. Nagy said trees. Mr. Engelking asked how much property is there. Mr. Nagy said probably about 25 feet.

Mr. Bolander asked if the board or the audience had any questions or concerns.

Mr. Bolander moved to approve Application #20044707 as submitted. Seconded by Mr. Engelking. Roll call, all approve.

Mr. Engelking moved to adjourn. Seconded by Mr. Bolander. Roll call all approved.

Mr. Cvitkovich stated that there were to be some corrections made to the December 15, 2004 Board of Building Code Appeals minutes. In the 3rd paragraph, there are two places where cited is misspelled. Cited is also misspelled in the last paragraph. In the first paragraph on the second page, where it says "Pulte", it supposed to say "Tri-County."

Mr. Engelking moved to approve the minutes as amended. Seconded by Mr. Cvitkovich. Roll call, all approved.

Floor Discussion

Building Commissioner, Keith Foulkes made up a packet for the board containing a pamphlet to hand out to residents requesting a variance and a revised variance application. Mr. Cvitkovich stated that he presented this idea to Mr. Foulkes, to have a pamphlet on hardships and to have a place on the application for the applicant to allow the board to go on the property in question, so the board is better prepared. Mr. Cvitkovich said that on the front of the pamphlet, in the word "Board", the "O" is actually a zero. Ms. Silveroli also stated that in the "summary" section, fourth paragraph, it says, "The application deadline is the first day (business) of the month." That should be taken out because it is repetitive. Mr. Cvitkovich said in the fourth paragraph it says, "The Zoning Appeals" and it should say, "The Board of Zoning Appeals." In the second paragraph of the "summary" section, there are two semi-colons and two periods. Mr. Bolander said that in the "Appeals to the Court of Common Pleas" section, Board should be capitalized. Mr. Bolander made a suggestion to reference the Zoning Resolution. Mr. Cvitkovich stated that in the last sentence of the "summary" section, "application" and "reasons" are spelled wrong.

Mr. Bolander moved to adjourn at 8:45 p.m. Seconded by Ms. Silveroli. Roll call, all approved.

Respectfully submitted,

Nicole L. Rosiu, secretary

James Bolander

Date