

Middletown Zoning Board of Appeals



Chair	Steven Kovach	
Vice-Chair	Jonathan Pulino	
2 nd Vice-Chair	Nicholas Ficaro	
Members	Linda Reil	Kevin Brignole
	Vacant	
Alternates	David Booth	Vacant
Ex- Officio	Mayor Ben Florsheim	
Staff	Marek Kozikowski, AICP, Director of Land Use	

REGULAR MEETING MINUTES

THURSDAY, JUNE 1, 2023
Council Chambers
5:30 P.M.

The meeting was held in-person.

1. Call to Order

The meeting was called to order at 5:30pm.

2. Pledge of Allegiance

3. Roll Call

Present: Jonathan Pulino
Nicholas Ficaro
Linda Reil
Steven Kovach
Kevin Brignole

Staff: Tom Hazel, Zoning/Blight Enforcement Officer

4. Public Comment

None.

5. Approval of Minutes

5.1. Regular Meeting of May 4, 2023

Motion to approve the minutes of the May 4, 2023 meeting as presented

Moved by Pulino, Seconded by Brignole

Voting in favor: Pulino, Ficaro, Brignole Kovach and Reil,

Passed 4-0-0

6. Old Business

None.

7. New Business

None

8. Public Hearing

- 8.1. Request for a variance of section 2.3.3 for the proposed addition of a 23 ft. by 23 ft. carport within the minimum backyard setback located at 311 Westfield Street in the R-15 zone.
Applicant/Agent: Carmelo Magnano. V2023-3

The property owner (Carmelo Magnano) proposed a carport in the rear yard setback by an existing garage. The property owner stated that he had poured the slab with anchors prior to approval and wanted to continue constructing the carport. The commissioners closed the public hearing and began deliberating. Several commissioners wanted to vote yes but could not see the fact that the property owner spending money constructing the slab portion as a hardship. A commissioner looked for alternative locations it may fit. One discussed was at the end of the driveway, which would keep the structure within all setbacks. Also a proposal was considered closer to the new garage being built. That however had questions about building on or near an abandon well. Discussions were had about how the proposal was not impactful to neighbors and really had no adverse impact but to legally approve the proposal the commissioners could not find a hardship as defined. Deliberation was closed and a roll call vote was taken and the application was denied.

Motion to close the public hearing
Moved by Pulino, Seconded by Ficaro
Voting in favor: Pulino, Ficaro, Brignole, Kovach and Reil
Passed: 5-0-0

Motion to approve application V2023-3
Moved by Brignole, Seconded by Ficaro
Vote: Pulino (against), Reil (for), Ficaro (against), Brignole (against), Kovach (against)
Denied: 1-4-0

- 8.2. Request for a variance of section 2.3.3 for the proposed addition of a 5 ft. by 20 ft. screened-in porch on the front of home within the minimum front yard setback located at 164 Birchwood Drive in the R-15 zone. Applicant/Agent: Louis Rubino/DPS Builders and Remodelers, LLC.
V2023-4

The builder (Louis Rubino of DPS Builders and Remodelers LLC) working for the property owner was present to speak to the application. The dimensions of the porch structure was described and the need for a front yard setback encroachment to build the proposed front porch was presented. The property owners were wanting to build the front porch to better access the residence who like to walk the neighborhood. The property owners are older and one has medical issues that make walking the neighborhood difficult if not impossible. They enjoy socializing with the residence in the area. The public hearing was closed and the commissioners deliberated. The houses on the street being built in 1960's were built close to the street and made it difficult to add front porches. A house across the street had a similar front porch as well with an approved variance. A commissioner also noted that the medical conditions by themselves could be considered a strong hardship. Deliberations were closed.

Motion to close the public hearing
Moved by Ficaro, Seconded by Brignole
Voting in favor: Pulino, Ficaro, Brignole, Kovach and Reil
Passed 5-0-0

Motion to approve the variance
Moved by Brignole, Seconded by Ficaro
Voting in favor: Pulino, Ficaro, Brignole, Kovach and Reil
Passed: 5-0-0

1. Adjournment

Motion to adjourn
Moved by Pulino, Seconded by Ficaro
Voting in favor: Pulino, Ficaro, Brignole, Kovach and Reil
Passed 5-0-0

The meeting adjourned at 6:05PM.

Submitted,

A handwritten signature in black ink, appearing to read 'THOMAS HAZEL', written in a cursive style.

Thomas Hazel, Zoning/Blight Enforcement Officer
Department of Land Use

